

TOWN OF PLYMOUTH

CHARTER REVIEW COMMITTEE

MINUTES OF THE MEETING

September 19, 2023

*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**: In-person option: Town Hall · Great Hall - 26 Court Street · Plymouth MA 02360 Or Virtual option – a Zoom Webinar 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, September 19, 2023, 6 PM, at the Plymouth Townhall, Ropewalk Meeting Room, 2nd Floor, 26 Court Street, Plymouth, MA 02360.

In-Person attendance: Chair David Golden, , members Betty Cavacco, Timothy Lawlor, Len Levin, Laurence Pizer and Martha Vautrain.

Via Zoom attendance: Vice Chair Alan Costello, Clerk Robert Zupperoli and member Joseph Hutchinson.

In person attendance also included alternates, Steve Bolotin and Michael Hanlon.

Committee assistant, Michelle Turner, was also present.

CALL TO ORDER

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

MINUTES OF THE MEETING

- September 5, 2023 – no action taken.

PUBLIC COMMENT

Kevin Lynch – Found it difficult to explain the progress of the meeting to others, not in attendance. He referred to the September 5th meeting as a brainstorming session but wanted more “hard copy” information for the public.

Laurence Pizer – Reminded Mr. Lynch that the Minutes of the Meeting and watching meeting videos are good sources to gather more meeting information.

Mr. Lynch asked for more time for Public Comment - The chair called for a vote.

	YES	NO	ABST		YES	NO	ABST
Betty Cavacco	X				Marth Vautrain	X	
Alan Costello	X				Robert Zupperoli		X
Joe Hutchinson	X				David Golden-CHAIR	X	
Tim Lawlor	X				Steve Bolotin-ALT*	X	
Len Levin	X				Mike Hanlon-ALT*	X	
Larry Pizer	X				*Alternate votes are taken by vote is not included in the vote tally, unless the alternate replaces an absent member.		

Approved by majority.

Mr. Lynch could not locate the Minutes on the Town’s website. He suggested the Committee issue summary reports after each meeting noting all of the points discussed.

DISCUSSION ITEMS

- CHARTER PREAMBLE

Chair David Golden began the discussion with a “Committee Framework” document handed out to members. He stated goals of creating the balance of power in town government and how that is accomplished. A second goal is to reduce redundancy and make the charter more understandable to those less involved in town government. The new charter should be more proactive, solve problems, and more communicative.

Consensus was that the Committee Framework document was a good capture of the ideas shared at the previous meeting, but it was noted there may be other discussions to take place beyond the graph presented. The document is to serve as a framework for reference.

As Mr. Levin stated, the graph is in “color”, because the process is not “black and white.”



Discussion began with the Preamble. Members were reminded that the Charter shared on the Zoom screen is the “working” Charter and is the Charter represented on the Town’s website, dated January 5, 2021.

DISCUSSION TOPIC

PREAMBLE

We, the people of the ~~T~~town of Plymouth, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government, do hereby combine ourselves together into a civil body politic, for our better ordering and preservation and by virtue, hereof do enact, constitute, and frame, this home rule charter for the general good of the town.

Martha Vautrain likes the Preamble as currently stated, with similar language to the Mayflower Compact.

Mr. Costello questioned the origin of the Preamble.

Mr. Pizer surmised the Preamble was amended in 2011 to somewhat mimic the language of the Mayflower Compact – thereby connecting the history of Plymouth.

Joseph Hutchinson understood the Preamble’s nostalgic value but would like the Preamble to have more clarity. He suggested using the proposed Preamble written by the recent Charter Commission.

Mr. Hutchinson read the language from the recent “Charter Commission’s” preamble and made a motion to accept the language., 2nd Martha Vautrain. Mr. Hutchinson read as follows:

PREAMBLE

We, the people of the Town of Plymouth, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government, do hereby combine ourselves together into a civil body politic, for our better ordering and preservation and by virtue, hereof do enact, constitute, and frame, this home rule charter for the general good of the Town.

It is the mission of the government of the Town of Plymouth:

1. To promote direct and inclusive democracy for all the citizens of Plymouth, and to encourage their participation in the governance of the Town.
2. To provide its citizens with an efficient and benevolent government that supports the creation and maintenance of equitable housing, provides education and employment opportunities, ensures public health and safety and is in harmony with, balanced by and protective of our natural environment.
3. To provide the infrastructure required to support an exceptional quality of life for its citizens: including facilities, public works, parks and open space.
4. To provide for long-range planning to assess the status of the purposes above, and proactively provide for adaptations to meet those goals.

To this mission, we the people of Plymouth, assert our willingness to have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations provided for in this Charter, to live and grow in freedom, dignity and tranquility.

Discussion on the motion:

Steve Bolotin – The preamble, as read by Mr. Hutchinson, he thought contained ad nauseam lists that, although may be important to some, might not include what is important to another group. He would like to see a more flexible Preamble – one not so specific.

Len Levin – Preamble should not be so definitive, but state what the Charter (the document) is.

Timothy Lawlor – did not support the motion but wants a fresh look at everything in the Charter.

Martha Vautrain – supported the motion for the Preamble as read by Mr. Hutchinson.

Laurence Pizer – This Committee will eventually bring forth several motions to Town Meeting. Some of the changes proposed may be from the prior Charter Commission’s work.

Robert Zupperoli – The Preamble as read for this motion is too specific, too wordy, too limiting. If we choose to list items in the Preamble, then the Charter must include provisions to address those lists.

The Chair called for a roll call vote on Mr. Hutchinson’s motion.

	YES	NO	ABST		YES	NO	ABST
Betty Cavacco		X		Marth Vautrain	X		
Alan Costello		X		Robert Zupperoli		X	
Joe Hutchinson	X			David Golden-CHAIR		X	
Tim Lawlor		X		Steve Bolotin-ALT*		X	
Len Levin		X		Mike Hanlon-ALT*		X	
Larry Pizer	X			*Alternate votes are taken by vote is not included in the vote tally, unless the alternate replaces an absent member.			

The MOTION FAILED 3 -6-0

The majority consensus was to leave the Preamble as currently written. The Committee may discuss the Preamble at another time.

CHAPTER 1
POWERS OF THE TOWN
Section 1 Incorporation

1-1-1 The present Town of Plymouth, Massachusetts, within its territorial limits as now or may hereafter be established by law, is hereby continued as a body politic and corporate under the name Town of Plymouth.

Section 2 Scope of Town Powers

1-2-1 The ~~town~~-Town shall possess, exercise and enjoy all powers possible, and subject to all restrictions under the constitution and laws of the Commonwealth of Massachusetts as fully and completely as though they were expressly enumerated in this Charter.

Betty Cavacco motioned to accept Mr. Bolotin’s red line changes, 2nd by Mr. Lawlor.

Discussion:

Mr. Pizer – there are times when the State language conflicts with the Town’s language. He asked if the new language helps in the Charter.

Mr. Bolotin – this avoids the need to repeat statements in the charter, that provisions are also subject to certain to state laws.

The Chair called for a roll call vote:

	YES	NO	ABST		YES	NO	ABST
Betty Cavacco	X			Marth Vautrain		X	
Alan Costello	X			Robert Zupperoli	X		
Joe Hutchinson		X		David Golden-CHAIR	X		
Tim Lawlor	X			Steve Bolotin-ALT*	X		
Len Levin	X			Mike Hanlon-ALT*	X		
Larry Pizer	X			*Alternate votes are taken by vote is not included in the vote tally, unless the alternate replaces an absent member.			

MOTION approved 7-2-0

Section 3 Form of Government

1-3-1 This Charter provides for the representative town meeting-~~selectmen~~select board-town manager form of government.

Betty Cavacco motioned to change “selectmen” to “select board”, 2nd by Tim Lawlor.

	YES	NO	ABST		YES	NO	ABST
Betty Cavacco	X			Marth Vautrain	X		
Alan Costello	X			Robert Zupperoli	X		
Joe Hutchinson	X			David Golden-CHAIR	X		
Tim Lawlor	X			Steve Bolotin-ALT*	X		
Len Levin	X			Mike Hanlon-ALT*	X		
Larry Pizer	X			*Alternate votes are taken by vote is not included in the vote tally, unless the alternate replaces an absent member.			

MOTION approved unanimously 9-0-0

Section 4 Construction of Charter

1-4-1 The powers of the ~~town~~Town under this Charter shall be construed liberally in favor of the ~~town~~Town and the specific mention of particular powers in this Charter shall not be construed as limiting in any measure the general powers of the Town as stated in this chapter.

Section 5 Intergovernmental Relations

1-5-1 Consistent with any constitutional or statutory provision, the Town of Plymouth may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, civil divisions, subdivisions or agencies of the Commonwealth, other states, ~~or~~ the United States government.

Laurence Pizer motioned to add a comma after the word “states”, 2nd Mr. Zupperoli.

	YES	NO	ABST		YES	NO	ABST
Betty Cavacco	X			Marth Vautrain	X		
Alan Costello	X			Robert Zupperoli	X		
Joe Hutchinson	X			David Golden-CHAIR	X		
Tim Lawlor	X			Steve Bolotin-ALT*	X		
Len Levin	X			Mike Hanlon-ALT*	X		
Larry Pizer	X			*Alternate votes are taken by vote is not included in the vote tally, unless the alternate replaces an absent member.			

MOTION approved unanimously 9-0-0

Section 6 Definitions

1-6-1 Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this Charter shall have the following meanings:

- a) By-law – The word “by-law” shall mean any by-law of the Town duly adopted by the Town Meeting or continued in effect as provided hereby.
- b) Charter - The word “Charter” shall mean this Charter and any amendments to it made through any of the methods provided under article LXXXIX of the amendments to the State Constitution.
- c) Commonwealth – The word “Commonwealth” means the Commonwealth of Massachusetts.
- d) Days – The word “days”, unless otherwise provided by law, shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted. When the last day falls on a Saturday, Sunday or legal holiday the period shall be extended to the end of the next day which is not a Saturday, Sunday or legal holiday.
- e) Emergency – The word “emergency” shall mean a sudden, unexpected, unforeseen

happening,

occurrence, event or condition which necessitates immediate action.

f) Financial Interest – The words "financial interest" shall be determined pursuant to the interpretation of the term "financial interest" by the State Ethics Commission and applicable reported appellate court decisions. The "financial interest" of a Town Agency shall be defined as any particular warrant article and related motions or votes, which specifically refer to said Town Agency.

g) Majority Vote - The words "majority vote" shall mean a majority of those present and voting in any body, provided that a quorum of the body is present.

h) Multiple-Member Body - The words "multiple-member body" shall mean any board, commission or committee or subcommittee thereof consisting of two or more persons authorized to act collectively, whether elected or appointed but shall not include town meeting.

i) Precinct-The word "precinct" shall mean the areas into which the Town is divided.

j) Quorum – The word "Quorum", unless otherwise required by law or this Charter, shall mean a majority of the members of a multiple member body notwithstanding any vacancies, which might then exist.

k) Select Board – The words "Select Board" shall mean the Board of Selectmen as used for all purposes in the State Constitution, and general and special laws and in the Town by-laws and rules and regulations.

l) Select Person – the words "Select Person" shall mean a person elected to the Select Board.

m) Town - The word "Town" shall mean the Town of Plymouth.

n) Town Agency - The words "~~town~~Town agency" shall mean any board, commission, committee, department or office of the Town government, whether elected, ~~SEP~~ appointed or otherwise constituted.

o) Town Officer - The words "Town officer" shall mean an elected or appointed official of the Town who in the performance of his or her duties of office exercises some portion of the sovereign power of the Town, whether great or small. A person may be a Town officer whether or not the Town compensates that person.

p) Voters - The word "Voters" shall mean registered voters of the Town.

q) Website – The word "Website" shall mean the electronic site officially owned and maintained by the Town of Plymouth and containing information concerning Town business.

Betty Cavacco motioned to change throughout the document, capitalize the T in Town when referring to the words “Town of Plymouth” or “Town” (if the content is referred to the Town of Plymouth), 2nd Larry Pizer.

	YES	NO	ABST		YES	NO	ABST
Betty Cavacco	X				Marth Vautrain	X	
Alan Costello	X				Robert Zupperoli	X	
Joe Hutchinson	X				David Golden-CHAIR	X	
Tim Lawlor	X				Steve Bolotin-ALT*	X	
Len Levin	X				Mike Hanlon-ALT*	X	
Larry Pizer	X				*Alternate votes are taken by vote is not included in the vote tally, unless the alternate replaces an absent member.		

MOTION approved unanimously 9-0-0

Steve Bolotin – there may be other definitions added at another time.

Public Comment:

Kevin Lynch – asked if definitions should be placed at the back of the document.

Steve Bolotin – legalize defines definitions in the front of the document.

Public Comment ended.

NEW BUSINESS/OLD BUSINESS

Next meeting on October 3 will focus on Chapter 2

Public Engagement – the Chair will put together a draft for a survey for the Town’s website.

Forums will include invitations to specific groups when the Committee begins discussion on certain chapters.

Robert Zupperoli – suggested for the survey not include open ended responses and suggested that the Open Forums be marketed as listening sessions- not for debate.

Acceptance of the updated Committee Rules document, Version Date 9/14/2023.

Robert Zupperoli motioned to accept the Committee Rules, dated 9/14/2023, 2nd by Betty Cavacco.

	YES	NO	ABST		YES	NO	ABST
Betty Cavacco	X			Marth Vautrain	X		
Alan Costello	X			Robert Zupperoli	X		
Joe Hutchinson			X	David Golden-CHAIR	X		
Tim Lawlor	X			Steve Bolotin-ALT*	X		
Len Levin	X			Mike Hanlon-ALT*	X		
Larry Pizer	X			*Alternate votes are taken by vote is not included in the vote tally, unless the alternate replaces an absent member.			

MOTION approved.

8-0-1

The meeting adjourned at 7:37 PM

Respectfully submitted,

Michelle A. Turner

Michelle A. Turner

Minutes Approved on: October 3, 2023