

# TOWN OF PLYMOUTH

## CHARTER REVIEW COMMITTEE

### MINUTES OF THE MEETING

October 3, 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, October 3, 2023, 6 PM, at the Plymouth Townhall, Ropewalk Meeting Room, 2nd Floor, 26 Court Street, Plymouth, MA 02360.

In-Person attendance: Chair David Golden, Vice Chair Alan Costello members Steve Bolotin (serving as a full voting member due to Mr. Levin's absence), Betty Cavacco, Timothy Lawlor, Laurence Pizer, and Martha Vautrain

Via Zoom attendance: Clerk Robert Zupperoli and members Betty Cavacco and Joseph Hutchinson.

Absent: Len Levin and Michael Hanlon

Committee assistant, Michelle Turner, was also present.

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#### I. CHAPTER 2: THE LEGISLATIVE BRANCH

- a. Section 10 Conflict of Interest
- b. Section 1 Division of the Town into Precincts
- c. Section 2 Composition, Membership, and Eligibility
- d. Section 3 Powers
- e. Section 4 Procedures
- f. Section 5 Attendance of Representative Town Meeting Members

#### II. NEW BUSINESS/OLD BUSINESS

#### III. ADJOURN

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

## **CALL TO ORDER**

David Golden, Chair called the meeting to order at 6 PM, followed by the Pledge of Allegiance. The agenda was taken out of order to allow the Guest Speaker to be heard first.

## **GUEST SPEAKER:**

Town Moderator, Steven Triffletti was guest speaker to begin the discussion of Chapter 2 – the Legislative Branch.

Moderator Triffletti began explaining the differences between the Charter and the Town Bylaw. The Charter is a framework for the form of government - he advised being cautious about the amount of detail is added to the Charter. Much of the detail may be more appropriate in the Bylaws.

Mr. Triffletti expressed his opinion that the Moderator's position should remain an elected position.

He advised against making changes based on the person/personality currently in the position, but rather for the position itself.

On Town Meeting – town meeting members have continued to increase. He thought it may be time to consider a smaller number of town meeting members.

Mr. Pizer and Mr. Bolotin stated the Review Committee cannot make changes to any Committee makeup, including Town Meeting.

Laurence Pizer – Spoke about Moderator appointing all members of the Advisory and Finance Committee. He asked Mr. Triffletti why the Moderator should continue to appoint all openings on the Advisory and Finance Committee.

Mr. Triffletti – Due to the Committee being 15 members, at minimum 5 positions become available yearly. There are many factors that allow positions to open up (family, death, etc.) . The Moderator is able to fill the positions quickly (using applications that are kept on file).

Mr. Pizer supported this position.

Steve Bolotin – Spoke about discussion on Town Meeting floor. He noted there have been instances when debate is closed on an article before the presenter speaks and he asked Mr. Triffletti if the Charter should address this.

Mr. Triffletti explained that a town meeting rule is that Town Meeting Members are called on to speak before anyone else – this might be something for the Review Committee to discuss. He is concerned about excluding non-town meeting folks from speaking on matters. He hopes discussion to be more inclusive.

Alan Costello – noted the Special Appointment Committee that selected this Charter Review Committee. Mr. Costello thought that process worked well and asked why an appointment committee couldn't also work when making appointments to the Advisory & Finance Committee. The appointment committee could also be increased from 3 to 5.

Mr. Triffletti said it works when the appointments are very task oriented and once per year. The vacancies on the A & F can occur at any time.

Joseph Hutchinson – The entire process of the A & F is very complex. He supported a singular person making the appointments to the A & F.

Mr. Triffletti also supports any ideas to increase voter turnout.

This ended the discussion with the guest speaker.

**MINUTES OF THE MEETING**

- September 5, 2023
- September 19, 2023

Laurence Pizer motioned to approve the minutes of September 5 and September 19, 2023, 2<sup>nd</sup> Timothy Lawlor. Approved unanimously. 9-0-0

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

**PUBLIC COMMENT**

Pat Adelman, Precinct 12 Town Meeting members – expressed her concern not to reduce town meeting membership.

David Golden read from Ch. 43B, Home Rule petition that a Review Committee does not have the authority to make that type of change to the charter.

Kevin Lynch – re: Open Meeting Law, commented that town meeting members can communicate back and forth via email or in person without it being a violation of the Open Meeting Law.

Laurence Pizer noted that Town Meeting Members are exempt from the Open Meeting Law. Brief discussion ensued over the Open Meeting Law.

Mr. Lynch’s second point noted since the Moderator is elected – should the assistant moderator also be elected, rather than appointed.

**DISCUSSION ITEMS:**

**CHAPTER 2: THE LEGISLATIVE BRANCH**

**a) Section 10 Conflict of Interest (COI)**

Mr. Pizer started the discussion –under attack under the COI currently is town employees. He believes attorneys making presentations at town meetings, chamber of commerce representatives making presentations, etc., have an outside interest and cause effect on town meeting decisions. What the state says, these conflicts are mitigated by the larger number of town meeting members.

At one time there were 18 town employees serving as town meeting members – not enough to cause a conflict in a town meeting vote.

Mr. Pizer MOTIONED to strike Section 10 in its entirety, from the Charter, 2<sup>nd</sup> Robert Zupperoli.

Alan Costello - Did not agree with its elimination, but rather some language change in Section 10.  
 Steve Bolotin – This Section does not address the real conflicts but does not support the elimination of Section 10.

Steve Bolotin believes that all town meeting members should be subject to the same COI as all elected positions. Betty Cavacco agreed with this statement.

Discussion ensued.

Roll call vote taken on Laurence Pizer’s motion.

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

Mr. Pizer’s MOTION failed 2-7-0

Mr. Bolotin MOTIONED to replace the entirety of Section 10 (2-10-1, 2-10-2, 2-10-3) with the following sentence, 2<sup>nd</sup> by Tim Lawlor.

*Notwithstanding any exemptions, Town Meeting Members shall comply with all state ethics laws, rules, and regulations applicable to other elected municipal officials.*

The Chair noted that member’s packets contain a summary of the State Conflict of Interest Law.

Discussion ensued.

Roll call vote taken on Steve Bolotin’s MOTION:

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

Mr. Bolotin’s MOTION failed 4-5-0

Alan Costello MOTIONED to table Section 10 Conflict of Interest for a future meeting agenda, 2<sup>nd</sup> Laurence Pizer.

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

Mr. Costello’s MOTION passed, 9-0-0

**b) Section 1 Division of the Town into Precincts**

Mr. Pizer MOTIONED to strike 2-1-1, as this is state law, 2<sup>nd</sup> Steve Bolotin.

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

Larry Pizer	X				*Alternate votes are taken but their vote is not included in the vote tally unless the alternate replaces an absent member.
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The MOTION passed. 8-1-0

Steve Bolotin MOTIONED to table Items c), d), e) and f) for a future agenda., 2<sup>nd</sup> by Laurence Pizer.

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

- c) Section 2 Composition, Membership, and Eligibility
- d) Section 3 Powers
- e) Section 4 Procedures
- f) Section 5 Attendance of Representative Town Meeting Members

Mr. Bolotin’s MOTION passed. 9-0-0

**IV. NEW BUSINESS/OLD BUSINESS**

The Chair noted that an invitation has been extended to the Town Manager to the next meeting. Due to scheduling of the Select Board meeting, the Chair asked the Committee to move the next meeting from October 17 to October 24.

Mr. Pizer made the MOTION to change the meeting date, 2<sup>nd</sup> by Mr. Bolotin.

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

The MOTION passed 9-0-0

Mr. Bolotin has discovered that the Town does not have an anti-discrimination, equal opportunity statement. He asked if this is something that should be addressed in the Charter and where does the provision belong.

Mr. Pizer stated that the answer needs to be decided if this is a sentiment (placed in the Preamble) or a controllable action.

Mr. Bolotin will complete some research.

The meeting adjourned at 7:50 PM.

Respectfully submitted,

*Michelle A. Turner*

Michelle A. Turner

Minutes Approved on: November 7, 2023