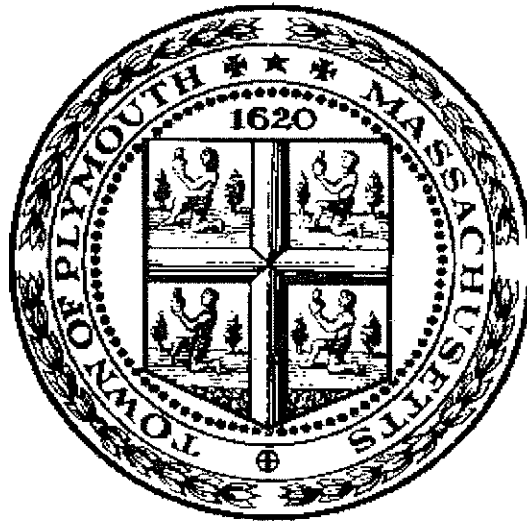


TOWN OF PLYMOUTH

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SUPPLEMENT I  
TO THE  
REPORT  
& RECOMMENDATIONS  
OF THE  
ADVISORY AND FINANCE  
COMMITTEE



Presented at the  
October 20, 2018

FALL  
TOWN MEETING

# REPORT & RECOMMENDATIONS

**ARTICLE 20:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee in its report entitled, "Town of Plymouth Proposed Charter Amendments 2018 Fall STM," dated October, 2018, on file with the Town Clerk; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

**RECOMMENDATION:**

**Please see the recommendations by section on the following pages**

## ARTICLE 20

### **a Make the following changes to Chapter 2: The Legislative Branch: Representative Town Meeting:**

2-2-3	Add "social media" to list of official locations Town Clerk posts notice of all meetings
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The Town Clerk shall serve as clerk of the Town Meeting. The Town Clerk shall cause notice of all meetings to be posted in the Town hall, in the Town's libraries, posted on the Town's website and take reasonable efforts to post to the Town's social media. The Town Clerk shall mail copies of the notice to the place of residence of all Town Meeting Members, citing the place, date and time of the meeting.

**RECOMMENDATION: Approval (Unanimous, 13-0-0)**

The Advisory & Finance Committee felt this was a useful housekeeping item that would improve the information for Town Meeting Members.

2-2-6	Add "...designated by appropriate signage..." to ensure that all Town Meeting members deliberate and vote in the area reserved for them while in session
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Town Meeting Members shall occupy sections assigned to them by the Town Clerk in a section of the hall, designated by appropriate signage, which has been reserved exclusively for them.

**RECOMMENDATION: Not Approve (4-9-0)**

The Advisory & Finance Committee recommends Town Meeting not change this section of the Charter. During the presentation and discussion of this Charter change, Town Clerk, Larry Pizer, said that seating at Town Meeting is not a problem that requires signage or a charter change. Town Moderator, Steve Triffletti, added that it is the presiding Moderator's responsibility to keep Town Meeting Members in the reserved area while in session and doesn't warrant a charter change. Advisory & Finance agreed with the Town Clerk and Moderator.

2-2-7	Add a requirement for Town Meeting members to provide the Town Clerk with written or electronic notice when they are going to be absent from any Town Meeting session
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Town Meeting Member who is unable to attend a Town Meeting session shall provide written or electronic notice of his or her anticipated absence, and the expected duration of the absence, to the Town Clerk prior to such session.

**RECOMMENDATION: Approval (Unanimous, 13-0-0)**

The Advisory & Finance Committee felt this benefits the Town Meeting process.

2-2-8	Add a new requirement for the Town Clerk to post a complete attendance record using the Town's various approved media outlets
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After the final adjournment of every Town Meeting, the Town Clerk shall post a complete attendance record on the bulletin board at Town Hall, in the Town's libraries, on the Town's website, and on the Town's social media.

**RECOMMENDATION: Approval (Unanimous, 13-0-0)**

The Advisory & Finance Committee felt this allows interested parties to see who was in attendance and who was not at Town Meeting.

2-2-9	Add a new requirement regarding the publishing of Town Meeting Member contact information and receipt of the printed copy of Advisory & Finance report.
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The Town Clerk shall publish the contact information provided by all Town Meeting Members, including: address, phone number, eMail address and whether or not the Town Meeting Member wants to receive a printed copy of the Advisory and Finance Committee report during their term of office; provided statutory authority for withholding any of the information shall not be affected by this section.

**RECOMMENDATION: Approval (8-4-0)**

The Advisory & Finance Committee felt this helps interest parties find the contact information for Town Meeting representatives.

2-4-2	Add wording from MA Gen Laws c.43A s.5 pertaining to the timing of Town Meeting adjournment
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The quorum necessary for the conduct of Town Meeting business shall be two-thirds (2/3) of the total number of elected Town Meeting Members. A majority of those present may adjourn any meeting forthwith to a stated date, time, and place but no Town Meeting shall adjourn over the date of an election of Town Meeting Members.

**RECOMMENDATION: Approval (11-0-1)**

The Advisory & Finance Committee felt that adding the timing of Town Meeting adjournment to the Charter made sense.

2-4-6	Set default method of roll call votes to electronic for all final motions
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An electronic roll call vote shall be required for all final main motions on every warrant article and on any matters with respect to the following subjects: adoption or amendment of zoning by-laws; adoption or amendment of general by-laws; and fiscal matters which are defined as any appropriation, borrowing, fund transfer or the creation of or re-authorization of such enterprise or revolving funds as may be authorized by state law; provided, however, that in the event of a vote which the Moderator reasonably believes is likely to be near unanimous, the Moderator may elect to take a verbal roll call of only those voting in the minority. In the event that the electronic voting system is unavailable, or determined in the Moderator's sole discretion to be malfunctioning, the Moderator may provide for a manual roll call vote in place of an electronic roll call.

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee felt that changing the Charter to use electronic roll call voting for each main motion would speed up the process and provide detailed voting information while still allowing the Moderator to call for a verbal vote when he feels the vote will be near unanimous.

2-4-7	Set default method of roll call votes to electronic for all motions to end debate
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An electronic roll call vote shall be required for all motions to close debate; provided however, that in the event of a vote which the Moderator reasonably believes is likely to be near unanimous, the Moderator may elect to take a verbal roll call of only those voting in the minority. In the event that the electronic voting system is unavailable, or determined in the Moderator's sole discretion to be malfunctioning, the Moderator may provide for a manual roll call vote in place of an electronic roll call.

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee felt that changing the Charter to use electronic roll call voting for all motions to end debate would speed up the process and provide detailed voting information while still allowing the Moderator to call for a verbal vote when he feels the vote will be near unanimous.

2-5-2	Remove "...and the Moderator shall take roll on at least one occasion after commencement of the session and a quorum has been reached" because electronic voting is, by definition, a roll call vote
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During each Town Meeting session, the Town Clerk shall cause the attendance to be taken prior to the commencement of the session. A record of those in attendance shall be kept open until the end of each Town Meeting session to enable latecomers to be recorded as present. The attendance record shall be public and be made part of the Town Meeting proceedings.

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee feels that removal of this phrase makes sense because electronic voting is a roll call vote.

2-7-1	Add "...subject to such procedural rules as the Moderator may impose."
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Residents and taxpayers of the Town may speak on any article in a warrant subject to such procedural rules as the Moderator may impose.

**RECOMMENDATION: Approval (12-0-1)**

The Advisory & Finance Committee feels that this item falls under the purview of the Town Moderator's responsibilities.

**b Make the following changes:**

2-3-4	Add "...the status of past town meeting actions..." to the list of things that the Committee of Precinct Chairs may review
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The Committee of Precinct Chairs may from time to time appoint subcommittees of itself or committees of Town Meeting Members to review Town by-laws, Town Meeting rules, the status of past Town Meeting actions, and for such other purposes as they shall deem appropriate and shall make recommendations to the Town Meeting and/or the moderator at least annually. The committee also may perform other duties designated to facilitate the business of Town Meeting. In addition to any other powers conferred upon it by the Town Meeting, the Committee of Precinct Chairs shall periodically review the rules of procedure that govern the conduct of the Town Meeting and report its findings to the Town Meeting at least annually.

**RECOMMENDATION: Approval (Unanimous, 12-0-0)**

The Advisory & Finance Committee felt that the Committee of the Precinct Chairs should be able to check on the status of articles voted at previous Town Meetings.

2-3-5	Add a new item to the section to set the timing of the Committee of Precinct Chairs reorganization
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The precinct chairpersons shall meet together within thirty (30) days following each Town election, and shall organize as a Committee of Precinct Chairs, electing a Chairperson and a Clerk.

**RECOMMENDATION: Approval (Unanimous, 12-0-0)**

The Advisory & Finance Committee felt that requiring reorganization 30 days after an election was logical.

2-4-1 P2	Remove "...or may be reopened by an affirmative vote of a majority of the members of the Board of Selectmen" because its covered under G.L. c.39, §10
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The budget, as adopted at the spring annual Town Meeting, may be reopened by a citizen-petitioned article pursuant to G.L. c.39, § 10, or by any other applicable law.

**RECOMMENDATION: Approval (Unanimous, 12-0-0)**

The Advisory & Finance Committee felt that this recommendation streamlines the Charter because this topic is already covered under MGL.

2-4-1 P3	Add language from G.L. c.39, §10 detailing the Select Board's ability to call a Special Town Meeting;
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As provided by G.L. c.39, § 10, (i) the Select Board may, at any time upon at least fourteen days prior notice, call a special town meeting, and (ii) the Select Board shall call a special town meeting upon the request in writing of two hundred registered voters, such meeting to be held not later than forty-five days after receipt of such request, and the Select Board shall insert in the warrant therefor all subjects the insertion of which shall be requested by said petition.

**RECOMMENDATION: Approval (Unanimous, 12-0-0)**

The Advisory & Finance Committee felt that adding detail to the Board of Selectmen's ability to call a Special Town Meeting was a good idea.

2-6-4	Add new item: "Following the raising of a point of order at any Town Meeting, a motion to appeal the ruling on such point of order shall be allowed by the Moderator and shall be decided by a two-thirds (2/3) vote of the Town Meeting"
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Following the raising of a point of order at any Town Meeting, a motion to appeal the ruling on such point of order shall be allowed by the Moderator and shall be decided by a two-thirds (2/3) vote of the Town Meeting.

**RECOMMENDATION: Not Approve (Unanimous, 0-12-0)**

The Advisory & Finance Committee recommends Town Meeting not change this section of the Charter. During discussion of this Charter change, it was noted that the Moderator's primary responsibility is to facilitate Town Meeting. He has the legal knowledge and knowledge of precedents to make informed rulings and adding an appeal process to his rulings would harm Town Meeting. He is elected by the entire town to do this job.

2-6-5	Specify the timing for the appointment of the Assistant Moderator: "...at the first Town Meeting following such annual election..."
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Promptly following the annual Town election, the Moderator shall appoint an Assistant Moderator for a term commencing at the first Town Meeting following such annual election, and ending on the date of the annual Town election in the following year. Such appointment shall be subject to the approval of such Town Meeting. The Assistant Moderator shall substitute for the Moderator in the event that the Moderator is absent from a Town Meeting session or at the discretion and request of the Moderator, and shall carry out the duties of the Moderator excluding any exercise of appointing authority. In the event that the Moderator cannot carry out the duties of his office by reason of death or disability, then the Assistant Moderator shall carry out all of the duties of the office of Moderator. The Assistant Moderator position shall be uncompensated.

**RECOMMENDATION: Approval with amendment (Unanimous, 12-0-0)**

The Advisory & Finance Committee approved this change to the Charter with an amendment to the language by adding "or at such time as a vacancy occurs" at the end of the first sentence. This was a request that the Moderator had made. The Advisory & Finance Committee agreed that this amended language change is warranted to cover the situation when vacancies occur at other times of the year.

2-6-6	Add new item: "The Town Manager shall provide support personnel to assist the Moderator in carrying out the Moderator's assigned duties."
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The Town Manager shall provide support personnel to assist the Moderator in carrying out the Moderator's assigned duties.

**RECOMMENDATION: Approval (Unanimous, 12-0-0)**

The Advisory & Finance Committee felt that this recommendation was appropriate.



5-6-2	Modify the referendum process in response to an affirmative vote of Town Meeting
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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)?"

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee felt that modify the referendum process in response to an affirmative vote was suitable.

5-6-3 & 5-6-4	Define a non-binding public opinion referendum process as defined in MA General Law
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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.

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

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee felt that this was a housekeeping which further defined the non-binding public opinion referendum process.

5-7-1 thru 5-7-11	Update recall of elective town-wide officeholders based on feedback from Town Counsel
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5-7-1 Voters may recall any elected townwide officeholder as herein provided.

5-7-2 Five hundred (500) registered voters of the Town may file 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 fifty (50) names shall be counted 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.

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 (20) business days after 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.

5-7-5 The Town Clerk shall submit the recall petition to the board of registrars of voters within one (1) business day of receipt. The registrars of voters shall certify thereon the number of signatures which represent registered voters within seven (7) business days.

5-7-6 If the recall petition is certified by the board of registrars of voters as sufficient, the Town Clerk shall submit the same with a certificate so stating to the Select Board. Within three (3) business days of receipt of the certificate of sufficiency, the Select Board shall give written notice of the receipt of the certificate to the officeholder sought to be recalled.

5-7-7 If the officeholder does not resign within five (5) business days after the date the notice is given, the Select Board shall order a special election to be held on a date fixed by them, which shall be not less than 64 days from the date of the Select Board's vote to call for the election nor more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient recall petition has been filed; provided, however, that if any other Town election is to occur within one hundred (100) days after the date of the certificate, the Select Board shall postpone the holding of the special election to the date of such other election and the question of recall shall appear on the ballot at such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed.

5-7-8 An officeholder sought to be removed may be a candidate at the recall election and, unless such officeholder requests otherwise in writing, the Town Clerk shall place the officeholder's name on the ballot without nomination. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of general law relating to elections unless otherwise provided herein.

5-7-9 The incumbent shall continue to perform the duties of office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term or sooner vacating the office. An incumbent having successfully survived a recall election shall not again be subject to recall during the same term of office. If recalled, the incumbent shall be deemed removed upon the qualification of the successor who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within ten (10) business days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

5-7-10 The form of the question to be voted upon shall be substantially as follows: "Shall (here insert the name and title of the elective officeholder whose recall is sought) be recalled?" The action of the voters to recall shall require a majority vote, but shall not be effective unless the total of those voting for and against recall exceed twenty (20) percent of the registered voters of the Town as of the date of the last annual election. If the question of recall is not approved as provided in this section, the votes for candidates shall not be counted.

5-7-11 No person, having been removed from office by recall or having resigned from office following certification of names on an initial petition filed under section 5-7-2, shall be appointed to any town office within two (2) years following said removal or resignation.

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee felt that updating the recall process was in order.

6-2-2	Update wording for removal from an appointed position "...Any person whose cumulative attendance at meetings falls below 50 percent, in a 12 month period, and such attendance record has been duly certified to the Town Clerk by a majority vote of such board or committee, shall upon such certification be deemed to have resigned from the appointed position..."
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All multi-member board and committee appointments made under this Charter shall be for a specific term. Any person whose cumulative attendance at meetings falls below 50 percent, in a 12 month period, and such attendance record has been duly certified to the Town Clerk by a majority vote of such board or committee, shall upon such certification be deemed to have resigned from the appointed position. Thereafter, the position shall be considered vacant for all purposes.

**RECOMMENDATION: Not Approve (Unanimous, 0-11-0)**

The Advisory & Finance Committee recommends that Town Meeting not make this change to the Charter. Attendance is noted in the meeting minutes, so an additional attendance record is not necessary. The Advisory & Finance Committee has a policy regarding attendance and other committees may also have their own policies. There was also discussion regarding illnesses and approved absences versus unapproved absences. It is better that this issue be handled on a case by case and committee by committee basis. In a case where a committee, through absenteeism, cannot form a quorum, it cannot certify its attendance and therefore cannot correct the problem. This change defeats the purpose of this section.

**c Add new items pertaining to Town Meeting members by:**

2-10-3	Add new item for conflict of interest online training currently detailed in the Town Meeting Handbook chapter on Ethics
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Town Meeting Members must complete a conflict of interest law online training program provided by the MA State Ethics Commission. Newly elected members must complete this training within thirty (30) days of the beginning of their term of office. Town Meeting Members shall not be required to receive such training more than once, unless they are otherwise required to do so as special municipal employees under the provisions of G.L. c. 268A.

**RECOMMENDATION: Approval (6-5-0)**

The Advisory & Finance Committee felt that conflict of interest training raises awareness of the topic.

2-10-4	Add new item directing Moderator to provide a brief review of the Charter's Conflict of Interest section
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At the beginning of every Town Meeting the Moderator will provide a brief review of the Charter's Conflict of Interest section.

**RECOMMENDATION: Approval (6-5-0)**

The Advisory & Finance Committee felt that this reminder would be beneficial to Town Meeting.

2-11-2	Add "The lead article petitioner shall be notified by the Chairman of the Committee of Precinct Chairs, of the dates of the Caucus meetings and be allowed to speak on their article if they, or their representatives, so desire."
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Each precinct delegation shall hold a caucus meeting for the purpose of reviewing the subject matter of the upcoming Town Meeting. The lead article petitioner shall be notified by the Chairman of the Committee of Precinct Chairs, of the dates of the Caucus meetings and be allowed to speak on their articles if they, or their representatives, so desire. Caucus meetings may be held in conjunction with other precinct delegations.

**RECOMMENDATION: Not Approve (5-7-0)**

The Advisory & Finance Committee recommends Town Meeting not approve this change to the Charter. The Committee felt the agenda and list of invited speakers for a precinct's caucus should be up to the Precinct Chair and not regulated by the Charter.

2-12-2	Change the means of delivery for the Advisory and Finance report to electronic posting and US mail to those that request that method
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(a) The Advisory and Finance Committee shall conduct 1 or more public hearings on the proposed operating and capital budget and shall issue its recommendations in a detailed written report that shall be electronically posted to the Town's website, and mailed by US mail to those Town Meeting Members requesting a mailed copy, in both cases no later than fourteen (14) days prior to the scheduled date of the Town Meeting. In preparing its report, the committee may require any town department, board or office to furnish it with appropriate financial reports and budgetary information. (b) If the advisory and finance committee has failed to consider a warrant article, the Town Meeting may consider that article, provided that two-thirds of the Town Meeting Members in attendance vote to do so. (c) If the article proponent has not appeared at a meeting of the Advisory and Finance Committee to explain their article and answer reasonable questions with respect thereto, or with the permission of the Chair of the Committee, instead submitted a written explanation, the Town Meeting may act on that article, provided that two-thirds of the Town Meeting Members in attendance vote to do so. (d) In the event that the Advisory and Finance Committee fails to timely issue its recommendations as required by 2-12-2(a), the scheduled Town Meeting shall convene and then adjourn to a date that would allow the Advisory and Finance Committee to electronically post copies of its detailed written report no later than 14 days prior thereto; provided, however, that two-thirds of the Town Meeting Members in attendance may instead vote to waive the 14-day posting requirement and proceed with the scheduled Town Meeting.

**RECOMMENDATION: Approval (7-6-0)**

The Advisory & Finance Committee felt that this item gave Town Meeting Members the ability to choose their method of receiving the Advisory & Finance Committee's Book of Recommendations.

2-12-3	Update language regarding the Advisory and Finance Committee's its written report on the warrant to the Town Meeting
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2-12-3 The Advisory and Finance Committee shall present its written report on the warrant to the Town Meeting including both the majority and minority reports.

**RECOMMENDATION: Not Approve (Unanimous, 0-11-0)**

The Advisory & Finance Committee recommends Town Meeting not approve this change to the Charter. The Committee felt that this Charter change would create an unnecessary burden on the committee. Advisory & Finance Committee meetings are telecast live, available on YouTube on demand, and minutes are available online so opinions of members on each article are no secret. The committee also works hard, in the case of close votes, to include the opinions of those voting in the minority in its recommendation already.

Note: The Advisory and Finance Committee received the following revised 2-12-3 language but voted to not reconsider this section thus the original vote on the original language remains: *The Advisory and Finance Committee shall present its written recommendations on the Warrant to the Town Meeting, and in the event that the Committee believes that there are substantial differences of opinion among the members of the Advisory and Finance Committee on any warrant article such written report in the judgment of the Chairman may also include a statement of the minority opinion regarding such warrant article.*

2-12-5	Add new item from 9-9 of Town by-law concerning creation of subcommittees
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The Advisory and Finance Committee may appoint such subcommittees as it may deem advisable.

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee felt this addition to the Charter suited their needs.

2-12-6	Add new item from 9-10 of Town bylaw concerning the Advisory and Finance Committee's investigatory authority
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The Advisory and Finance Committee shall have authority at any time to investigate the Town's accounts and management, and the books, records and accounts of all the departments of the Town shall be open to the inspections of the Advisory and Finance Committee or any of its authorized subcommittees and any person employed by it.

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee felt that adding its investigatory authority to the Charter made sense.

4-3-1 thru 4-3-3	Add a new section on the general powers and duties of the School Committee
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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 by 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.

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee felt that adding a new section to the Charter on the general powers and duties of the School Committee was needed.

5-3-2	Add the item: "Elected Town Meeting Members shall present themselves within 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."
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Elected Town Meeting Members shall present themselves within 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.

**RECOMMENDATION: Approval (Unanimous, 11-0-0)**

The Advisory & Finance Committee felt this housekeeping item established a deadline which would be helpful to all parties involved.

5-4-1	Add reference to G.L. c.43A, §6 for clarification of nomination process.
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The nomination of a candidate for election or reelection as 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.

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee felt that clarifying the nomination process was helpful.

**d Make the following changes to Chapter 3 The Executive Branch:**

3-2-5	Add "...and may designate one (1) Select Person to participate in the negotiating of collective bargaining agreements."
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The Select Board shall have the power to approve all collective bargaining agreements to which the Town is the contracting agency and may designate one (1) Select Person to participate in the negotiating of collective bargaining agreements.

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee felt that adding this provision gave the Selectmen the ability to participate without obligation in the negotiations.

3-2-8	Increase the minimum number of Select Board joint meetings with other elected boards in a year from one (1) to two (2).
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The Select Board shall meet jointly with the School Committee, Planning Board and all other elected boards of the Town for the purpose of sharing information. The Select Board shall schedule the joint meeting(s), which shall be held no less that twice (2) a year.

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee felt this proposed change would help with communication between the elected boards.

3-5-1d	Replace "may", which conflicts with the "shall" already in effect for the section, with "establish, reorganize, consolidate or abolish any department or position under the Town Manager's direction and supervision with the approval of the Select Board"
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(d) establish, reorganize, consolidate or abolish any department or position under the Town Manager's direction and supervision with the approval of the Select Board;

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee felt this housekeeping item was appropriate.

3-5-1n	Add "disposal" of property to list of actions concerning Town property and add the qualification "...after consultation with the Select Board..."
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(n) have full jurisdiction over the lease, rental, disposal and use of all Town property, except schools, after consultation with the Select Board, and shall be responsible for the maintenance and repair of all Town property;

**RECOMMENDATION: Not Approve (1-9-0)**

The Advisory & Finance Committee recommends Town Meeting not approve this proposed change to the Charter. The committee felt that the Town Manager should be allowed to make decisions about one-time rentals of a property for an event without the need to consult the Board of Selectmen. There was discussion that in the case of lease or disposal "after consultation with" the Selectmen should have instead been "with the approval of". Ultimately the committee felt that disposal of property is a responsibility of Town Meeting and should remain that way.



3-12-1	Add language to qualify the makeup of the Zoning Board of Appeals by adding: "...When reasonably possible the committee shall have among its members one (1) attorney, one (1) registered professional engineer or architect, one (1) person employed in the construction industry or a related trade or occupation, one (1) active proponent of the environment, and one (1) other resident."
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The Select Board shall appoint a Zoning Board of Appeals of five (5) members and two (2) associate members for three-year (3) overlapping terms. When reasonably possible the committee shall have among its members one (1) attorney, one (1) registered professional engineer or architect, one (1) person employed in the construction industry or a related trade or occupation, one (1) active proponent of the environment, and one (1) other resident.

**RECOMMENDATION: Not Approve (5-6-0, with Chair voting to break the tie)**

The Advisory & Finance Committee recommends Town Meeting not approve this proposed change to the Charter. There was the sense that this language would somewhat bind the Selectmen with their appointments. It is exclusionary so that some residents who may be good candidates would be excluded or would have to wait too long for an "other resident" position to open up. Selectmen currently have a policy in appointing a diverse committee similar to this, so this does not need to be added to the Charter. Some were uncomfortable with ambiguity in the phrase "proponent of the environment". This language more properly belongs in the bylaws where it may be overridden by a 2/3 vote of the Select Board in the event an ideal slate of candidates does not exist. Other members felt that this change to the Charter would be positive, that it would articulate the ideal of a balanced Zoning Board of Appeals which benefits the town. Adding this language to the Charter would help guide future Board of Selectmen in appointing a balanced board.

3-14-7	Remove reference to a Land Use and Acquisition Committee because it is now defined in 3-14-9
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The Planning Board may appoint committees to assist and advise the Board in carrying out its duties under this charter such as a Master Plan committee and such other committees as the Board deems necessary to assist the Board in performing its duties. Failure of the Board to appoint such committees shall not relieve the Board of its responsibilities to fulfill all the duties enumerated under this charter.

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee felt that by approving 3-14-9 allowed for the removal of this reference from this section.

3-14-8	Clarify how the Open Space Committee is appointed
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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 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.

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee felt that clarification on the appointment process was justified because existing language had been garbled through various edits over the years.

3-14-9	Define a Land Use and Acquisition Committee and its appointment
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A Land Use and Acquisition Committee comprised of seven (7) members to act in an advisory capacity to the Select Board with respect to the acquisition of real estate by the Town pursuant to the provisions of Chapter 61 of the General Laws, shall be appointed as follows: Two (2) members shall be appointed by the Select Board, two (2) by the Planning Board, two (2) by the Conservation Commission, and one (1) by the Open Space Committee.

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee felt that this addition defines a Land Use and Acquisition Committee with a specific purpose to address Chapter 61, a helpful addition to the Charter.

- e Rebrand the Board of Selectmen to Select Board. The words "Select Board" shall mean the Board of Selectmen as used in the Charter, in general law, in special laws and in the Town by-laws and rules and regulations.**

*As used in the definitions section, as well as a word substitute throughout the Charter.*

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 20 Item "e". Approval of this item will rebrand the "Board of Selectmen" to "Select Board" in the definitions section of the Charter and as a word replacement throughout the Charter. About 1/3 of towns with similar governments have already made this change and many towns are currently considering making this change as well.

- f Increase the number of scheduled yearly Town Meetings from 2 to 3 in 2-4-1 – Paragraph 1.**

2-4-1 The Town Meeting shall meet at least three (2) times in each calendar year. The first such meeting, the spring annual Town Meeting, shall be convened during the period of March through April, at a time fixed by by-law. The spring annual Town Meeting shall be concerned primarily with the determination of all matters that concern raising, appropriating, or transferring funds, including, but not limited to the adoption of an annual operating budget covering all Town agencies. The second such meeting shall be held at a time fixed by by-law. The third such meeting shall be held during the last four calendar months, at a time fixed by by-law.

**RECOMMENDATION: Not Approve (Unanimous, 0-10-0, 0-11-0 with the Chair requesting his vote be recorded)**

The Advisory & Finance Committee recommends Town Meeting NOT approve Article 20 Item "f". This item would add a required third Town Meeting each year. This is completely unnecessary as the Board of Selectmen may call a Special Town Meeting whenever it is needed. An additional required Town Meeting would place a burden on boards, committees and staff. Being in a perpetual Town Meeting cycle is not sustainable and the managing of the town will suffer as a result. The calendar would be out of balance squeezing the third town meeting between spring and fall and into summer when many are busy and traveling and may not be available for weekly meetings. The presentation focused on a need for it due to Town Meeting being rushed and providing the ability to better load balance the warrants. Discussion covered the fact that there are adjourned sessions scheduled every Monday, Tuesday and Wednesday following a Saturday Town Meeting so there is no need to rush and it is the Town Meeting Members themselves that determine the pace of the meeting. It was also pointed out that there is no way to load-balance the Town Meeting warrants because all articles received by the deadline must be included in the warrant. In fact, adding a third required Town Meeting may expand the total number of articles and even dilute the quality of articles. This proposed change failed by a resounding unanimous vote.

**g Establish an appointing committee to appoint the Advisory and Finance Committee members in 2-12-1 – paragraph 1.**

2-12-1 p.1 An Advisory and Finance Committee of fifteen (15) members shall be appointed by an appointing committee for 3-year overlapping terms. There shall be no more than three (3) members from each precinct of the Town; provided, however, that in the event that the number of incumbent members from a particular precinct increases due to redistricting of the change in residency of that member or another, no incumbent member need be removed, and Members may serve out their respective terms. The Advisory and Finance Committee shall choose from its members a chairperson and fill the other offices as it may create. The three (3) member appointing committee shall consist of the Moderator, who will serve as Chairman, one (1) member of the Committee of Precinct Chairs and one (1) member of the Advisory and Finance Committee. The appointing committee may fill any vacancy by appointment and the term of that appointment shall be for the remainder of the unexpired term of the person causing the vacancy.

**RECOMMENDATION: Not Approve (2-8-0)**

The Advisory & Finance Committee recommends Town Meeting NOT approve Article 20 Item “g”. This change would create a committee to appoint Advisory & Finance Committee members. Most of the committee felt that the current system, with the Moderator making the appointments, is working well and is responsive. The Moderator is elected by the entire town every three years to act as the head of the legislative branch and by design has the appointing authority for that branch. The town can vote the Moderator out of office or even hold a recall if they feel he is not doing a good job. The appointees work very publicly so everyone can witness the job that they do. This, by design, is a system of transparency and checks and balances. Adding an Advisory & Finance Committee member to an appointing committee would open the door to the potential for abuse by giving them the ability to appoint someone who they feel will vote like them. The Advisory & Finance Committee is independent and deliberates and advises without bringing in politics. If the appointments become political then there is the potential for abuse. Adding a committee would harm responsiveness as well. Last winter there were 4 members that resigned, and the Moderator was able to quickly appoint replacements before budget meetings began in January. The committee would have struggled to reach a quorum and fill its budget sub-committees if those positions had not been filled quickly. The committee felt very strongly that it was important to stick with what works considering all the potential for problems that proposed change would introduce. Those in favor of the change felt that there was no guarantee that a future Moderator would have the same experience, judgement or ethics as the current Moderator and this addition would put a preemptive system of checks and balances in place. They also liked the idea of stakeholders, the Advisory & Finance Committee and Committee of Precinct Chairs, having input on the appointments.

**h Establish a committee to appoint the members of the Charter Review Committee in 7-6-1.**

7-6-1 At least once every 5 years, a Charter Review Committee shall review this Charter and make a report, with recommendations, to the Town Meeting concerning any proposed amendments which the Committee may determine to be necessary or desirable. The members of the Charter Review Committee shall be appointed by a special committee consisting of the Moderator, who will serve as Chairman, one member of the Select Board and one (1) member of the Committee of Precinct Chairs.

**RECOMMENDATION: Not Approve (4-6-0)**

The Advisory & Finance Committee recommends Town Meeting NOT approve Article 20 Item "h". This change would create a committee to appoint Charter Review Committee members. The majority of the committee felt that the current system, with the Moderator making the appointments, is working well. The Moderator is elected by the entire town every three years to act as the head of the legislative branch and by design has the appointing authority for that branch. The town can vote the Moderator out of office or even hold a recall if they feel he is not doing a good job. The appointees work very publicly so everyone can witness the job that they do. This, by design, is a system of transparency and checks and balances. They felt the proposed composition of the committee was problematic because it would be less likely to ever see a change to the form of government proposed. They also felt that giving the executive branch authority over the legislative branch was not a good idea. The committee wanted to stick with what works. Those in favor of the change felt that there was no guarantee that a future Moderator would have the same experience, judgement or ethics as the current Moderator and this addition would put a preemptive system of checks and balances in place. They also felt that Selectmen should have a voice in the future government of the town.

**i Change 2-12-1 – paragraph 2 to allow Town Employees and Town Meeting Members to serve on the Advisory and Finance Committee**

2-12-1 p.2 No Town officer, except for Town Meeting Members, or anyone who is not a registered voter of the Town shall be eligible for appointment to, or service on, the Advisory and Finance Committee.

**RECOMMENDATION: Not Approve (Unanimous, 0-10-0)**

The Advisory & Finance Committee recommends Town Meeting NOT approve Article 20 Item "i". This change would allow Town Employees and Town Meeting Members to serve on the Advisory & Finance Committee. Advisory & Finance is an independent body which gives advice to Town Meeting. To populate this committee with Town Meeting Members and Town Employees who will give advice to Town Meeting will impair the independence of the Advisory & Finance Committee. This committee must be neutral, independent and not in the pocket of Town Meeting and Town Employees. There was concern that Town Meeting Members serving on Advisory & Finance may feel their first responsibility is to their precinct and their second to the town. They would in effect get two votes on each article. They would influence Town Meeting Members separately from how Advisory & Finance currently influences Town Meeting Members. Town Employees may be unable to separate their personal interests from that of the Town. The conflict of interest is clear. The committee wanted to stick with what works and not introduce these potential problems to the Charter.

j Make the following general changes to the document's physical structure and updates to Chapter 1: Powers of the Town:		
1		Change the Charter's physical structure by: recreating the Charter's cover page; creating a table of contents; standardizing font type and style usage; standardizing the use of capitalization; updating charter section references as well as outdated legal references, removing redacted text and improving general readability
2		Preamble — acknowledge Plymouth's long history by incorporating language from the Mayflower Compact

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.

3	1-6-1	Add common definitions used throughout the Charter
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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 word “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 of 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 agency” shall mean any board, commission, committee, department or office of the Town government, whether elected, 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 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.

**RECOMMENDATION: Approval (Unanimous, 10-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 20 Item “j”. Approval of this item will improve the Charter’s appearance and readability. It will recreate the cover page, create a table of contents, standardize font types and use of capitalization, update section and legal references, remove redacted text, add common definitions, and highlight our town’s uniqueness by incorporating some language from the Mayflower Compact into the preamble.

# ROLL CALL VOTING CHARTS



# ADVISORY & FINANCE COMMITTEE - ROLL CALL VOTING CHART

Y - For

N - Against

A - Abstain

X - Absent

Ch - Chair did not vote

## ARTICLE 20 - CHARTER

		Andrew Burgess	Kevin Canty	Beth Davis	Brian Dunn	Harry Helm	Roz Jones	Stephen Karam	Ethan Kusmin	John Moody	Harry Salerno	Ashley Shaw	Sheila Sheridan	Marc Sirrico	Scott Stephenson	Evelyn Strawn	VOTE TOTAL FOR-AGAINST-ABSTAIN
a	2-2-3	Y	Y	X	Y	Y	Y	Y	Y	Ch	Y	Y	Y	Y	Y		13-0-0
	2-2-6	N	N	X	Y	N	N	N	Y	Ch	N	Y	N	N	Y		4-9-0
	2-2-7	Y	Y	X	Y	Y	Y	Y	Y	Ch	Y	Y	Y	Y	Y		13-0-0
	2-2-8	Y	Y	X	Y	Y	Y	Y	Y	Ch	Y	Y	Y	Y	Y		13-0-0
	2-2-9	N	N	Y	X	Y	Y	Y	N	Ch	X	Y	N	Y	Y		8-4-0
	2-4-2	Y	Y	X	Y	Y	Y	A	Y	Ch	Y	Y	Y	X	Y		11-0-1
	2-4-6	Y	Y	X	X	Y	Y	Y	X	Ch	Y	Y	X	Y	Y		10-0-0
	2-4-7	Y	Y	X	X	Y	Y	Y	X	Ch	Y	Y	X	Y	Y		10-0-0
	2-5-2	Y	Y	X	X	Y	Y	Y	X	Ch	Y	Y	X	Y	Y		10-0-0
	2-7-1	Y	Y	X	Y	Y	Y	Y	A	Ch	Y	Y	Y	Y	Y		12-0-1
b	2-3-4	Y	Y	Y	Y	Y	Y	X	Y	Ch	X	Y	Y	Y	Y		12-0-0
	2-3-5	Y	Y	Y	Y	Y	Y	X	Y	Ch	X	Y	Y	Y	Y		12-0-0
	2-4-1 P2	Y	Y	Y	Y	Y	Y	X	Y	Ch	X	Y	Y	Y	Y		12-0-0
	2-4-1 P3	Y	Y	Y	Y	Y	Y	X	Y	Ch	X	Y	Y	Y	Y		12-0-0
	2-6-4	N	N	N	N	N	N	X	N	Ch	X	N	N	N	N		0-12-0
	2-6-5	Y	Y	Y	Y	Y	Y	X	Y	Ch	X	Y	Y	Y	Y		12-0-0
	2-6-6	Y	Y	Y	Y	Y	Y	X	Y	Ch	X	Y	Y	Y	Y		12-0-0
	5-6-2	Y	Y	X	X	Y	Y	Y	X	Ch	Y	Y	X	Y	Y		10-0-0
	5-6-3 & 5-6-4	Y	Y	X	X	Y	Y	Y	X	Ch	Y	Y	X	Y	Y		10-0-0
	5-7-1 thru 5-7-11	Y	Y	X	X	Y	Y	Y	X	Ch	Y	Y	Y	Y	Y		11-0-0
	6-2-2	N	N	X	X	N	N	N	X	Ch	N	N	N	N	N		0-11-0
c	2-10-3	Y	N	X	X	Y	N	N	X	Ch	N	Y	N	Y	Y		6-5-0
	2-10-4	Y	N	X	X	N	Y	Y	X	Ch	N	Y	Y	N	Y		6-5-0
	2-11-2	N	N	Y	X	N	N	Y	Y	Ch	X	Y	N	N	Y		5-7-0
	2-12-2	Y	N	Y	X	N	N	Y	N	Y*	X	Y	N	Y	Y		7-6-0
	2-12-3	N	N	X	X	N	N	N	X	Ch	N	N	N	N	N		0-11-0
	2-12-5	Y	Y	X	X	Y	Y	Y	X	Ch	Y	Y	Y	Y	Y		11-0-0
	2-12-6	Y	Y	X	X	Y	Y	Y	X	Ch	Y	Y	Y	Y	Y		11-0-0
	4-3-1 thru 4-3-3	Y	Y	X	X	Y	Y	Y	X	Ch	Y	Y	Y	Y	Y		11-0-0
	5-3-2	Y	Y	X	X	Y	Y	Y	X	Ch	Y	Y	Y	Y	Y		11-0-0
	5-4-1	Y	Y	X	X	X	Y	Y	X	Ch	Y	Y	Y	Y	Y		10-0-0
d	3-2-5	X	Y	Y	Y	Y	Y	Y	X	Ch	X	Y	Y	X	Y		10-0-0
	3-2-8	X	Y	Y	Y	Y	Y	Y	X	Ch	X	Y	Y	X	Y		10-0-0
	3-5-1d	X	Y	Y	Y	Y	Y	Y	X	Ch	X	Y	Y	X	Y		10-0-0
	3-5-1n	X	N	N	N	N	N	N	X	Ch	X	Y	N	X	N		1-9-0
	3-12-1	X	N	Y	Y	Y	N	N	X	N*	X	Y	N	X	Y		5-6-0
	3-14-7	X	Y	Y	Y	Y	Y	Y	X	Ch	X	Y	Y	X	Y		10-0-0
	3-14-8	X	Y	Y	Y	Y	Y	Y	X	Ch	X	Y	Y	X	Y		10-0-0
	3-14-9	X	Y	Y	Y	Y	Y	Y	X	Ch	X	Y	Y	X	Y		10-0-0
e		X	Y	Y	Y	Y	Y	Y	X	Ch	X	Y	Y	X	Y		10-0-0
f		X	N	N	N	N	N	N	X	Ch	X	N	N	X	N		0-10-0
g		X	N	N	Y	Y	N	N	X	Ch	X	N	N	X	N		2-8-0
h		X	N	N	Y	N	Y	Y	X	Ch	X	N	N	X	Y		4-6-0
i		X	N	N	N	N	N	N	X	Ch	X	N	N	X	N		0-10-0
j		X	Y	Y	Y	Y	Y	2	X	Ch	X	Y	Y	X	Y		10-0-0

\* Chair may vote to break tie

# ARTICLE SUPPORTING DOCUMENTATION

" DRAFT "

**ARTICLE 20:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee in its report entitled, "Town of Plymouth Proposed Charter Amendments 2018 Fall STM," dated October ##, 2018, on file with the Town Clerk; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto.

**CHARTER REVIEW COMMITTEE**

**(a) Improve government transparency by making the following changes to Chapter 2:  
The Legislative Branch: Representative Town Meeting:**

- 1) 2-2-3 – add "social media " to the list of official locations for the Town Clerk to post notice of all meetings;
- 2) 2-2-6 – add "...designated by appropriate signage..." to ensure that all Town Meeting members deliberate and vote in the area reserved for them while in session;
- 3) 2-2-7 – add a requirement for Town Meeting members to provide the Town Clerk with written or electronic notice when they are going to be absent from any Town Meeting session;
- 4) 2-2-8 – add a new requirement for the Town Clerk to post a complete attendance record using the Town's various approved media outlets;
- 5) 2-2-9 – add a new requirement stating: The Town Clerk shall publish the contact information provided by all Town Meeting Members, including: address, phone number, occupation, eMail address and whether or not the Town Meeting Member wants to receive a printed copy of the Advisory and Finance Committee report during their term of office; provided statutory authority for withholding any of the information shall not be affected by this section;
- 6) 2-4-2 – add wording from MA Gen Laws c.43A s.5 pertaining to the timing of Town Meeting adjournment;
- 7) 2-4-6 – sets default method of roll call votes to electronic for all final motions;
- 8) 2-4-7 – sets default method of roll call votes to electronic for all motions to end debate;
- 9) 2-5-2 - remove: "...and the Moderator shall take roll on at least one occasion after commencement of the session and a quorum has been reached" because electronic voting is, by definition, a roll call vote;
- 10) 2-7-1 – add, "...subject to such procedural rules as the Moderator may impose.";
- 11) 2-8-1 – clarify that Town officers can neither make motions or vote at Town Meeting.

**(b) Improve government responsiveness by making the following changes:**

- 1) 2-3-4 – add “... the status of past town meeting actions...” to the list of things that the Committee of Precinct Chairs may review;
- 2) 2-3-5 – add a new item to the section to set the timing of the Committee of Precinct Chairs reorganization;
- 3) 2-4-1 – Paragraph 2 – remove “...or may be reopened by an affirmative vote of a majority of the members of the Board of Selectmen.” Because its covered under G.L. c.39, §10;
- 4) ~~2-4-1~~ – Paragraph ~~3~~ – add language from G.L. c.39, §10 detailing the Select Board’s ability to call a Special Town Meeting;
- 5) 2-6-4 – add a new item: “Following the raising of a point of order at any Town Meeting, a motion to appeal the ruling on such point of order shall be allowed by the Moderator and shall be decided by a two-thirds (2/3) vote of the Town Meeting”;
- 6) 2-6-5 – Clarified the timing for the appointment of the Assistant Moderator: “... at the first Town Meeting following such annual election...”;
- 7) 2-6-6 – add new item: “Upon request of the Moderator the Town Manager may provide support personnel to assist the Moderator in carrying out his assigned duties.”
- 8) 5-6-2 – clarification of referendum process in response to an affirmative vote of Town Meeting;
- 9) 5-6-3 and 5-6-4 defines a non-binding public opinion referendum process as defined in MA General Law.
- 10) ~~5-7-1 through 5-7-11~~ – updates the recall of elective townwide officeholders based on feedback from Town Counsel
- 11) 6-2-2 – updated wording for removal from an appointed position “... Any person whose cumulative attendance at meetings falls below 50 percent, in a 12 month period, and such attendance record has been duly certified to the Town Clerk by a majority vote of such board or committee, shall upon such certification be deemed to have resigned from the appointed position...”

**(c) Improve the availability and quality of information provided to Town Meeting members by:**

- 1) ~~2-10-3~~ – add new item for conflict of interest online training currently detailed in the Town Meeting Handbook chapter on Ethics;
- 2) 2-10-4 – add new item directing Moderator to provide a brief review of the Charter’s Conflict of Interest section;
- 3) ~~2-11-2~~ – add the following wording “Article proponents shall be notified by the Chairman of the Committee of Precinct Chairs, of the dates of the Caucus meetings and be allowed to speak on their articles if they, or their representatives, so desire.”;
- 4) 2-12-2 – change the means of delivery for the Advisory and Finance report to electronic posting instead of US mail;

- 5) 2-12-3 – update language to reflect that the Advisory and Finance Committee shall present its written report on the warrant to the Town Meeting including both the majority and minority reports;
- 6) 2-12-6 – add new item from 9-9 of Town by-law concerning creation of subcommittees;
- 7) 2-12-7 – add new item from 9-10 of Town bylaw concerning the Advisory and Finance Committee's investigatory authority;
- 8) 4-3-1 through 4-3-3 add a new section on the general powers and duties of the School Committee
- 9) 5-3-2 – add the item: "Elected Town Meeting Members shall present themselves within 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."
- 10) 5-4-1 – add reference to G.L. c.43A, §6 for clarification of nomination process.

**(d) Make the following changes to Chapter 3 The Executive Branch:**

- 1) 3-2-5 – add "...and may designate one (1) Select Person to participate in the negotiating of collective bargaining agreements.";
- 2) 3-2-8 – increase the minimum number of Select Board joint meetings with other elected boards in a year from one (1) to two (2).
- 3) 3-5-1d – replace "may", which conflicts with the "shall" already in effect for the section, with "establish, reorganize, consolidate or abolish any department or position under the Town Manager's direction and supervision with the approval of the Select Board";
- 4) 3-5-1n – adds "disposal" of property to list of actions concerning Town property and adds the qualification "...after consultation with the Select Board..."
- 5) 3-12-1 - add language to qualify the makeup of the Zoning Board of Appeals by adding: "... When reasonably possible the committee shall have among its members one (1) attorney, one (1) registered professional engineer or architect, one (1) person employed in the construction industry or a related trade or occupation, one (1) active proponent of the environment, and one (1) other resident."
- 6) 3-14-7 – removed reference to a Land Use and Acquisition Committee because it is now defined in 3-14-9
- 7) 3-14-8 – Clarification of how the Open Space Committee is appointed
- 8) 3-14-9 – define a Land Use and Acquisition Committee comprised of seven (7) members to act in an advisory capacity to the Select Board with respect to the acquisition of real estate by the Town pursuant to the provisions of Chapter 61 of the General Laws, shall be appointed as follows: Two (2) members shall be appointed by the Select Board, two (2) by the Planning Board, two (2) by the Conservation Commission, and one (1) by the Open Space Committee.

- (e) Rebrand the Board of Selectmen to Select Board. The words "Select Board" shall mean the Board of Selectmen as used in the Constitution, in general law, in special laws and in the Town by-laws and rules and regulations.
- (f) Improve government responsiveness by increasing the number of scheduled yearly Town Meetings from 2 to 3 in 2-4-1 – Paragraph 1. Allow the time for the new meeting to be set by Town by-law.
- (g) Improve government transparency by establishing an appointing committee to appoint the Advisory and Finance Committee members in 2-12-1 – paragraph 1. This new committee will consist of the Moderator, who will serve as the chairman, and two (2) members of the Committee of Precinct Chairs. The appointing committee may fill any vacancy by appointment and the term of that appointment shall be for the remainder of the unexpired term of the person causing the vacancy.
- (h) Improve government transparency by establishing a committee to appoint the members of the Charter Review Committee in 7-6-1. The members of the Charter Review Committee shall be appointed by a special committee consisting of the Moderator, who will serve as Chairman, one member of the Select Board and one (1) member of the Committee of Precinct Chairs.
- (i) Improve citizen participation in government by changing 2-12-1 – paragraph 2 to the wording of by-law 9-2 which allows Town Employees to serve on the Advisory and Finance Committee
- (j) Improve the overall readability and maintainability of the Charter by making the following general changes to the document's physical structure and updates to Chapter 1: Powers of the Town:
  - 1) Change the Charter's physical structure by: recreating the Charter's cover page; creating a table of contents; standardizing font type and style usage; standardizing the use of capitalization; updating charter section references as well as outdated legal references, removing redacted text and improving general readability;
  - 2) Preamble - acknowledge Plymouth's long history by incorporating language from the Mayflower Compact;
  - 3) 1-6-1 – add common definitions used throughout the Charter.

## **Amendments made by the Charter Review Committee on September 6, 2018**

### **Section 2-6-5:**

Correction of misplaced comma to a period. Wording is now "...of such Town ***Meeting. The*** Assistant Moderator..."

### **Section 2-6-6:**

After review with FINCOM and the Moderator the Charter Review Committee agreed to change the recommended wording from; "Upon request of the Moderator the Town Manager may provide support personnel to assist the Moderator in carrying out his assigned duties."

to; ***"The Town Manager shall provide support personnel to assist the Moderator in carrying out the Moderator's assigned duties."***

### **Section 2-11-2:**

After review with FINCOM the Charter Review Committee agreed to change the wording of the recommendation from "...Article proponents shall..." to ***"...The lead article petitioner shall..."***.

### **Section 2-12-3:**

After review with FINCOM the CRC agreed to change the wording of the recommendation from: "The Advisory and Finance Committee shall present it's written report on the warrant to the Town Meeting including both the majority and minority reports."

to ***"2-12-3 The Advisory and Finance Committee shall present its written recommendations on the Warrant to the Town Meeting, and in the event that the Committee believes that there are substantial differences of opinion among the members of the Advisory and Finance Committee on any warrant article such written report in the judgment of the Chairman may also include a statement of the minority opinion regarding such warrant article."***

## Amendments made by the Charter Review Committee on August 23<sup>rd</sup>, 2018

### Section 2-2-9:

The Charter Review Committee voted unanimously to remove the word “Occupation” from its recommendation. New recommendation reads as:

*“The Town Clerk shall publish the contact information provided by all Town Meeting Members, including: address, phone number, eMail address and whether or not the Town Meeting Member wants to receive a printed copy of the Advisory and Finance Committee report during their term of office; provided statutory authority for withholding any of the information shall not be affected by this section.”*

### Section 2-4-6:

The Charter Review Committee has unanimously voted to change the wording of this section to:

*“An electronic roll call vote shall be required for all final main motions on every warrant article and on any matters with respect to the following subjects: adoption or amendment of zoning by-laws; adoption or amendment of general by-laws; and fiscal matters which are defined as any appropriation, borrowing, fund transfer or the creation of or re-authorization of such enterprise or revolving funds as may be authorized by state law; provided, however, **that in the event of a vote which the Moderator reasonably believes is likely to be near unanimous, the Moderator may elect to take a verbal roll call of only those voting in the minority.** In the event that the electronic voting system is unavailable, or determined in the Moderator's sole discretion to be malfunctioning, the Moderator may provide for a manual roll call vote in place of an electronic roll call.”*

### Section 2-4-7:

The Charter Review Committee has unanimously voted to change the wording of this section to:

*“An electronic roll call vote shall be required for all motions to close debate; provided, however, **that in the event of a vote which the Moderator reasonably believes is likely to be near unanimous, the Moderator may elect to take a verbal roll call of only those voting in the minority.** In the event that the electronic voting system is unavailable, or determined in the Moderator's sole discretion to be malfunctioning, the Moderator may provide for a manual roll call vote in place of an electronic roll call.”*

### Section 2-8-1:

The Charter Review Committee has unanimously voted to **remove** the phrase “...neither make motions or...” from the section. The proposal now reads:



*"All Town Officers, the Town Manager, the Town Engineer, Chairpersons of boards, commissions and the Advisory and Finance Committee, and all department heads or those officials designated representatives, shall attend all Town Meeting sessions. They shall have all the privileges of Town Meeting Members, except the power to vote, unless they have been elected to the office of Town Meeting Member. The absence of any such person shall not invalidate the actions of Town Meeting"*

### **Section 2-12-2 (a):**

The Charter Review Committee voted unanimously to add wording to allow delivery of the written report by both electronic and US Mail. The new recommendation reads as:

*"(a) The Advisory and Finance Committee shall conduct 1 or more public hearings on the proposed operating and capital budget **and shall issue its recommendations in a detailed written report that shall be electronically posted to the Town's website, and mailed by US mail to those Town Meeting Members requesting a mailed copy, in both cases no later than fourteen (14) days prior to the scheduled date of the Town Meeting.** In preparing its report, the committee may require any town department, board or office to furnish it with appropriate financial reports and budgetary information. (b) If the advisory and finance committee has failed to consider a warrant article, the Town Meeting may consider that article, provided that two-thirds of the Town Meeting Members in attendance vote to do so. (c) If the article proponent has not appeared at a meeting of the Advisory and Finance Committee to explain their article and answer reasonable questions with respect thereto or, with the permission of the Chair of the Committee, instead submitted a written explanation, the Town Meeting may act on that article, provided that two-thirds of the Town Meeting Members in attendance vote to do so. (d) In the event that the Advisory and Finance Committee fails to timely issue its recommendations as required by 2-12-2(a), the scheduled Town Meeting shall convene and then adjourn to a date that would allow the Advisory and Finance Committee to electronically post copies of its detailed written report no later than 14 days prior thereto; provided, however, that two-thirds of the Town Meeting Members in attendance may instead vote to waive the 14-day posting requirement and proceed with the scheduled Town Meeting."*