



ADVISORY & FINANCE COMMITTEE

The following meeting of the Advisory & Finance Committee has been posted and will be held

At: Plymouth Town Hall
Mayflower II Meeting Room
11 Lincoln Street
Plymouth, MA 02360

On: Thursday, September 3, 2015 at 6:30PM

Items on the agenda will include but are not limited to the following.

Other discussion may include items that were not reasonably anticipated by the Chairman 48-hours in advance of the meeting posting.

AGENDA ITEMS:

TOWN MEETING ARTICLES:

- | | |
|---|---|
| ➤ 18: Charter Review – Conflict of Interest | Michael Lincoln & Karen Keane
Charter Review Committee |
| ➤ 19: Charter Review – DPW Director | “ |
| ➤ 20: Charter Review – Roll Call Vote | “ |
| ➤ 21: Charter Review – Development Commission | “ |
| ➤ 22: Charter Review – May Election Date | “ |
| ➤ 24: Charter Review – Elect ZBA | “ |
| ➤ 25: Charter Review – Multiple Offices | “ |
| ➤ 26: Charter Review – Time Taking Office | “ |

Public Comment

Old/New/Other Business

- Sub-Committee & Committee Liaison Updates

Meeting Minutes

None

Next Meeting: Wednesday, September 9 at 6:30PM, Mayflower II Meeting Room – Town Hall

Plymouth Charter Review Committee 2015

Articles for the October, 2015 Town Meeting

ARTICLE 18: To see if the Town will vote to delete in its entirety, Chapter 2, Section 10, 10-1, 10-2, and 10-3, of the Town Charter as follows:

Chapter 2: ~~Section 10 Conflict of Interest~~

~~2-10-1 Notwithstanding any general or special law to the contrary, any representative town meeting member who also holds a position of employment by the town shall be prohibited from voting on any town meeting article in which such employee, or such employee's department, has a financial interest. Such representative town meeting member shall notify the Town Clerk, in writing, prior to the representative town meeting session or during such session at such time as such member becomes so aware, as to any articles giving rise to such financial interest. This section shall apply to the annual budget article, or any later amendment thereto, as follows: The representative town meeting member is prohibited from voting on the budget line item for his or her department or agency, but shall not be prohibited from voting on any other line item, or from voting on the overall budget appropriation.~~

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~~2-10-2 Notwithstanding any general or special law to the contrary, no representative town meeting member shall vote on any town meeting article in which an immediate family member, or any business or organization in which the representative town meeting member serves as an officer, director, partner, or employee, or has a financial interest. For purposes of this section, "immediate family member" shall be defined as the representative town meeting member, his or her spouse and each of their parents, children, brothers, and sisters. Any such representative town meeting member shall notify the Town Clerk, in writing prior to the representative town meeting session, as to any articles giving rise to such financial interest.~~

Plymouth Charter Review Committee 2015

~~2-10-3 For the purposes of Section 10 of Chapter 2 of this Charter, the "financial interest" of a representative town meeting member shall be determined pursuant to the interpretation of the term "financial interest" by the State Ethics Commission and applicable reported appellate court decisions, which are hereby incorporated by reference. The "financial interest" of a department shall be defined as any particular warrant article and related motions or votes which specifically refer to said department.~~

The Committee voted 7-2 to recommend that town meeting delete the section in its entirety.

There is existing Massachusetts law governing the conduct of town meeting representatives with respect to conflict of interest.

The current charter sections appear redundant in relation to state law, questionable enforcement provisions, and confusing to many representatives.

The consensus among the seven committee members who voted to remove this section (from the Charter) is this matter belongs before town meeting, and the representatives should vote on this section.

The committee recommends a roll call vote, recorded and published.

CHARTER REVIEW COMMITTEE 2015

Plymouth Charter Review Committee 2015

ARTICLE 19: To see if the Town will vote to amend Chapter 3, Section 6, of the Town Charter as follows:

3-6-1 The Director of the Department of Public Works shall be appointed by the Town Manager. ~~and shall be a civil engineer or any other combination of experience and education including a Masters Degree in a related field.~~ The Director of the Department of Public Works shall be qualified by education and experience *including a Master's Degree in a related field* for the duties of the office.

This may be an obsolete requirement, presently the town has several engineers on staff.

The change will allow the Town Manager to appoint an individual with management and or project management experience. A person with experience overseeing multiple projects and delivering them to completion.

CHARTER REVIEW COMMITTEE 2015

Plymouth Charter Review Committee 2015

ARTICLE 20: To see if the Town will vote to amend Chapter 2, Section 4-6, of the Town Charter as follows:

Chapter 2-4-6

~~Except in the case of a unanimous voice vote as declared by the Moderator, a.~~ A roll call vote shall be required for all final main motions *on every warrant article and on any matters* with respect to the following subject matters: 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 determines to be near unanimous, the Moderator may elect to take a roll call of only those voting in the minority.

The intent of this change is to simply require that a roll call vote be taken for every warrant article that comes before Town Meeting.

This article does not stipulate electronic voting, but as with recent Town Meetings, an electronic vote can be used as a roll call. However, if electronic voting becomes unavailable, this change will require a traditional roll call.

This article does not require roll call voting for any procedural votes, such as a motion to adjourn, a motion to take articles out of order, a motion to call the vote, a motion to extend time, a motion to amend, etc.

This change comes at the request of those who asked for more accountability from Town Meeting members, as the roll call votes will become a permanent record for how each member votes on each article and will be recorded in the minutes.

CHARTER REVIEW COMMITTEE 2015

Plymouth Charter Review Committee 2015

ARTICLE 21: To see if the Town will vote to delete Chapter 3, Section 11, in its entirety, of the Town Charter as follows:

~~Section 11 Development and Industrial Commission 3-11-1 The Town Manager shall appoint a Development and Industrial Commission of nine (9) members for five year (5) overlapping terms. 3-11-2 The Commission shall exercise such powers and duties as prescribed by general law, this Charter, and town by laws. Section 12 Zoning Board of Appeals~~

The Development and Industrial Commission no longer exists. Therefore it should be removed from the Charter.

CHARTER REVIEW COMMITTEE 2015

Plymouth Charter Review Committee 2015

ARTICLE 22: To see if the Town will vote to amend Chapter 5-1-1 of the Town Charter as follows: The regular election for all town offices shall be by official ballot held on the ~~second~~ *third* Saturday of May of each year.

Approval of this article will simply move the annual town election from the second to the third Saturday in May.

The intent of the article is to increase voter turnout by not conflicting with Mother's Day or Memorial Day weekends.

This change will continue to keep the election after Spring Town Meeting, but well before the start of the July 1 fiscal year.

CHARTER REVIEW COMMITTEE 2015

Plymouth Charter Review Committee 2015

ARTICLE 24: To see if the Town will vote to amend Chapter 3-12-1 as follows:

3-12-1 The ~~Board of Selectmen~~ Town of Plymouth shall ~~appoint~~ elect a Zoning Board of Appeals of five (5) members and two (2) associate members for three-year (3) overlapping terms.

CHARTER REVIEW COMMITTEE 2015

Plymouth Charter Review Committee 2015

ARTICLE 25: To see if the Town will vote to amend Chapter 4-2-1 as follows: No representative town meeting member or elected town official representing the entire town shall hold simultaneously any other elected town office other than member of a charter commission. Any person who holds multiple offices in violation of this section shall promptly inform the town clerk as to which office that person will vacate. Election to any county, state or federal office other than county charter commission shall be an event disqualifying an elected town official, including, but not limited to, representative town meeting member, from continuing in an elected town *office beginning the day s/he is sworn in to the county, state, or federal office.*

The intent of this change is to avoid the situation when an elected town official, is elected to a state or federal office, as presently written that person is immediately ineligible to continue in their current role, despite the fact it can be many weeks before that person assumes their new office.

For example, in the last election, then Selectman Muratore was not allowed to continue as Selectman immediately upon election, although it was several weeks before he was sworn in as State Representative. It created confusion and could impact the town's ability to conduct business.

This change will allow the town to continue to conduct business until the swearing in date of the person in the newly elected position.

It can also allow the town time to implement the process to fill the soon to be vacated seat.

CHARTER REVIEW COMMITTEE 2015

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ARTICLE 26: To see if the Town will vote to amend Chapter 5-3-1 by adding language as follows:

Section 3 **Time of Taking Office**

5-3-1 Any person duly elected to any office or board shall take up the duties of the office immediately upon certification, provided that such person shall first have been sworn to the faithful performance of the duties of that office by the Town Clerk *within 30 days from Date of Election.*

Presently, the Town Clerk does not have a means to require newly elected person to appear to be sworn in. This change will allow the Town Clerk to communicate to a newly elected person the date upon which they must appear to be sworn in.

CHARTER REVIEW COMMITTEE 2015

Plymouth Charter Review Committee 2015

Plymouth CHARTER REVIEW COMMITTEE 2015:

- Tom Baratka
- Tiffany Cessero
- Tim Grandy
- Karen Keane, Committee Clerk
- Mike Lincoln, Committee Chair
- Douglas O’Roak, Committee Vice Chair
- Anita M. Rocheteau
- Crag Sander
- Scott Stephenson