

TOWN OF PLYMOUTH

CHARTER REVIEW COMMITTEE

MINUTES OF THE MEETING

February 6, 2024

*Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18 and further updates, this meeting was conducted in a **Hybrid format**. A Zoom Meeting link was provided.*

These minutes are not verbatim – they are the recording secretary's interpretation of what took place at the meeting, per Open Meeting Law, G.L. C 30A, § 22.

The Charter Review Committee held a scheduled meeting on Tuesday, February 6, 2024, 6 PM, at the Plymouth Townhall, Ropewalk Meeting Room, 2nd Floor, 26 Court Street, Plymouth, MA 02360.

In attendance: Chair David Golden, Vice Chair Alan Costello, Clerk Robert Zupperoli (via Zoom) and members Betty Cavacco (via Zoom), Joseph Hutchinson, Tim Lawlor, Len Levin, Laurence Pizer, and Martha Vautrain.

Alternates: Steve Bolotin was in attendance and Mike Hanlon was absent.

Staff assistant, Michelle Turner, was also present.

CALL TO ORDER

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

MINUTES OF THE MEETING

January 23, 2024

Len Levin MOTIONED to approve the Minutes, as presented. 2nd by Betty Cavacco.

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

MOTION PASSED 8-1-0

PUBLIC COMMENT: No public comment was given.

DISCUSSION ITEMS:

David Golden left the meeting for a short period at 6:05 pm and he noted he would return. Alan Costello assumed the Chair in Mr. Golden's absence.

Guest Speaker Lee Hartmann, Director Planning & Development.

Mr. Hartmann began with a brief overview of the Department of 12 employees. They provide staff to the Planning Board, Zoning Board of Appeals, Historic District Commission, Conservation Commission, Affordable Housing Trust, Open Space Committee, Land Use & Acquisition Committee, 5 Village Centers Committees, Visitor Services Board, Master Plan Committee, Regional Plymouth Economic Development Foundation, Old Colony Planning Council, et, al.

He noted that prior Charter Committees/Commissions have been focused on the Master Plan and how it relates to private development. He believes it should be the opposite, the Master Plan should be described with the parameters of what your zoning is. The Town will begin a complete review of the Master Plan this week. The Master Plan is helpful when a Board makes a decision, but a Zoning Board of Appeals special permit decision needs to be based on standards set by the State.

One of the most important parts of the Master Plan is how the community makes decisions.

Another charter discussion could be a change to the Planning Board Alternate member. Currently the Alternate can only vote on Special Permits issued by the Planning Board. It would be helpful to have the alternate member's vote expanded, i.e., subdivision approvals and site plan reviews.

With eighteen precincts, we need to find ways to streamline the Town Meeting Caucus processes. So many caucus meetings. His thought was to have the COPC host two informational caucuses (one at Plymouth North and one at Plymouth South). Nine posted precinct meetings are posted at each location. Presentations are made, caucuses then break out into individual classrooms to meet.

He noted that Section 3-11 Development and Industrial Commission should be eliminated from the Charter. It no longer exists.

Questions:

Joe Hutchinson – He noted "special permit" communities in southern portion of Town, due to services required in the northern part of Town. He noted that southern part of Town provides its own sewer and water services and most funding for these go to the North.

Mr. Hutchinson withdrew his question to reserve it for a Master Plan discussion.

Joe Hutchinson – asked how enforcement is handled.

Lee Hartmann - A second planner's position reviews permit compliance. It is better than ever but still difficult. The tools used are bond money is held in escrow, permits and occupancy can be withheld.

Laurence Pizer – asked if there is something in the Charter that is unnecessary. Specifically, he asked if the Charter should call out the functions/duties of the Department and the Director.
Lee Hartmann – could not answer the question. It could be a legal question.

Steve Bolotin stated that this Committee would like to see the Charter assign responsibility, rather than dictating methodology. He would like to see a Section for the Department, with a description and the Planning Director's position stated.

Mr. Hartmann agreed that the charter might not need to be as specific as it is for duties, because things change and then there is non-compliance with the Charter.

Tim Lawlor – He noted that the position of Planning Director is appointed by the Town Manager and reports to the Town Manager. Can things be made more effective for the position.
Lee Hartmann – has never felt political pressures to make decisions.

Laurence Pizer – He noted that the Committee has discussed a handbook for how the government works. What is in the charter might not be useful there, but useful in a handbook.

The discussion with Mr. Hartmann ended.

The Chair, David Golden returned to the meeting at 6:30 pm.

Guest Speaker: Hampton Watkins, member of the Land Use and Acquisition Committee. The Committee was recently approached by the Town Manager in evaluating a piece of land adjacent to the public library. He noted that this Committee's mandate under the Charter (Section 3-14-9) is Chapter 61 land.

The Committee has discussed how to go about expanding their purview and presented a re-draft of Section 3-14-9 for the Charter Committee to consider.

Current Town Charter language describing the LUAC scope

3-14-9 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.

Proposed change to the language expanding the LUAC scope

3-14-9 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, **and in other instances as requested by the Town Manager or the Select Board,** 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.

Steve Bolotin – Suggested the following:

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 requests by the Town Manager or the Select Board.

Mr. Watkins noted that Ch. 61 has strict timelines associated with it.

David Golden stated the section as written requires them to review all Ch. 61 lands, and striking that text could eliminate that review. Mr. Golden stated another suggestion as follows, but asked if the Committee wanted to review all acquisitions.:

3-14-9 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.

Discussion ensued about how LUAC was formed, disbanded and has been renewed.

David Golden explained the meaning of Ch. 61 land.

Robert Zupperoli – If the Committee is advisory to the Select Board, how does their review work aide in purchasing property? Further asked if Ch. 61 donated land could be accepted by the Select Board?

Mr. Golden – Donated land would still require Town Meeting approval, unless language in the Charter was changed.

Martha Vautrain – asked why the Town Manager went to LUAC rather than the Open Space Committee (OSC) with his request.

Hampton Watkins – explained how the Committee was approached with the review.

Martha Vautrain – Has LUAC approached the OSC with this request.

Hampton Watkins – OSC has been focused on evaluating Tax Title property. He attends many OSC meetings, and both Committees work together.

Hampton Watkins would like a member of LUAC to have experience as an appraiser or title examiner.

David Golden – Expressed that the Charter Committee would like to work with LUAC to expand their purview, etc.

Joe Hutchinson mentioned that there is talk in Town about a land bank that would entail all of this.

Steve Bolotin volunteered to work with Mr. Watkins to develop language.

Discussion ended with Hampton Watkins and Ginny Davis of the Land Use & Acquisition Committee.

No changes were approved at this time to Section 3-14-9.

It was noted that member Tim Lawlor left the meeting.

Alternate Steve Bolotin became a voting member for the remainder of the meeting.

Discussion continued with the agenda items.

Section 3-11 Development and Industrial Commission

Laurence Pizer MOTIONED to strike Section 3-11, 2nd Joseph Hutchinson

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

MOTION PASSED 9-0-0

Discussion began with the new proposed Section 3-8, presented by David Golden.

If new Section 3-8 were approved it would replace in its entirety the existing Section 3-8, 3-9, 3-13 and 3-15.

NEW Section 3-8 – Administrative Organization (Replaces Sections 3-6, 3-8, 3-9, 3-13, and 3-15)

The Town Manager may, with Select Board approval and subject to applicable provisions of the general or special laws, re-organize, consolidate, or abolish town agencies in whole or in part, **or** provide for new town agencies. **When** incident to any such re-organization; with the approval of the Advisory and Finance Committee, **the Town Manager shall direct the** transfer all or a portion of the appropriation made for one town agency to another.

Discussion ensued over the language....”with the approval of the Advisory and Finance Committee”.

Mr. Golden noted that he worked with the Town Manager, Derek Brindisi, to re-write Section 3-8.

Mr. Zupperoli MOTIONED to accept the new language of Section 3-8, with an amendment to include Section 3-6, also to be stricken.

Ms. Cavacco maintained her 2nd, for discussion.

Martha Vautrain wanted to confirm that all of the language of the current Sections is proposed to be deleted.

Mr. Golden confirmed this.

He continued that the intent of the new Section 3-8 is that the Charter should not dictate what the Director of Finance looks and sounds like, what their credentials are, etc., that is the role of the Human Resources director.

Mr. Pizer suggested that a semicolon was needed after the words "to any such re-organization;"

Ms. Vautrain stated that striking these Departments from the Charter would be a big change. She also asked why Section 3-6 Department of Public Works was not included to be stricken.

The Chair agreed that Section 3-6 should also be included as part of the discussion.

It was noted that not all Departments are mentioned in the Charter.

Len Levin – agreed that many of the duties described in these Departments do not impact how the government operates. As an example in the DPW, it is stated that one task is to remove snow. He noted that this and other duties are not necessary in the Charter.

Discussion ensued.

Betty Cavacco – Stated that any type of Department changes or reduction in workforce would need Select Board approval.

She also suggested that the duties of the Town Manager as described in the Charter should also be eliminated.

Ms. Cavacco asked what would happen if the Advisory & Finance Committee does not approve the Town Manager/Select Board's action? She would like to strike the text "with the approval of the Advisory & Finance Committee".

Mr. Zupperoli (MOTIONED) and Ms. Cavacco (2nd) continued to maintain their motions, for discussion, with the above changes noted in red for the new Section 3-8.

Discussion continued over Ms. Cavacco's statement.

Ms. Cavacco asked for Mr. Bolotin's legal opinion of the language "with the approval of the Advisory and Finance Committee", if the action was not approved by them, what would occur.

Mr. Bolotin noted that the requested dept reorg/abolishment of the Town Manager could still happen until the money in the budget was exhausted. Abolishing an agency could still occur, as the money advocated for that agency would sit there unused. In the case of transferring employees from one dept to another, if salaries are not transferred and there is no money in the new dept budget to cover the salaries, that would create a problem, as people have to get paid. Mr. Golden stated that there could be an end-of-year transfer.

Discussion ended and the chair called for a vote.

NEW Section 3-8 – Administrative Organization (Replaces Sections ~~3-6~~, 3-8, 3-9, 3-13, and 3-15)

The Town Manager may, with Select Board approval and subject to applicable provisions of the general or special laws, re-organize, consolidate, or abolish town agencies in whole or in part, ~~or~~ provide for new town agencies. ~~When incident to any such re-organization;~~ with the approval of the Advisory and Finance Committee, ~~the Town Manager shall direct the~~ transfer of all or a portion of the appropriation made for one town agency to another.

Mr. Zupperoli MOTIONED to approve the new Section 3-8 as written, 2nd Betty Cavacco.

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

MOTIONED PASSED 6-3-0

The following Sections were stricken from the Charter.

~~Section 6 Department of Public Works~~

~~3-6-1 The Director of the Department of Public Works shall be appointed by the Town Manager.~~

~~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.~~

~~3-6-2 The department of public works shall be responsible for:~~

~~(a) the design, construction, maintenance, repair and cleaning of roads, sidewalks, storm drains, bridges and other public way related structures;~~

~~(b) the maintenance, repair and cleaning and custodial services of all buildings and grounds~~

~~owned or leased by the town;~~

~~(c) the development and maintenance of all cemeteries, parks and recreation facilities;~~

~~(d) snow and ice removal;~~

~~(e) providing for and supervising the collection and disposal of garbage and other refuse and the maintenance and operation of all facilities for the disposal of the same;~~

~~(f) the supervision, care and replacement of trees;~~

~~(g) the design, construction, operation and maintenance of all water and sewer facilities;~~

~~(h) other functions as the town manager assigns; and~~

~~(i) the master planning of all infrastructure elements under their jurisdiction including, but not limited to, public roadways, sidewalks, stormdrains, bridges, cemeteries, parks and recreation facilities, solid waste and waste water facilities all of which shall be coordinated and consistent with the comprehensive master plan provided for in section 14-4 of chapter 3.~~

~~Section 8 Establishment and Scope of the Department of Finance~~

~~3-8-1 There shall be a Department of Finance responsible for the fiscal and financial affairs of the town and for the coordination and overall supervision of all fiscal and financial activities of all town government agencies except the School Department. The Department of Finance shall include the functions of Accountant, Treasurer, Collector, Assessors and Director of Data Processing.~~

~~3-8-2 The Department of Finance shall be responsible for, and shall include, the following functions:~~

~~coordination of all financial services and activities of town government;~~

~~maintenance of all accounting records and other financial statements for all town government offices and agencies;~~

~~payment of all financial obligations on behalf of the town;~~

~~investment of town funds and management of debt;~~

~~receipt of all funds due to the town from any source;~~

~~maintenance of the system of property valuation;~~

~~rendering of advice, assistance, guidance and recommendations to all other town offices and agencies in any financial or fiscal affairs;~~

~~monitoring throughout the fiscal year of the expenditure of funds by town offices and agencies;~~

~~general supervision of the purchase of all goods, services, materials and supplies by the town;~~
~~and~~
~~general supervision of all data processing functions, activities and equipment of town~~
~~government offices and agencies.~~

~~Section 9 Director of Finance~~

~~3-9-1 The Town Manager shall appoint a Director of Finance. The Director of Finance shall be especially fitted by education, training, and experience to perform the duties of the office.~~

~~3-9-2 At the discretion of the Town Manager, the Director of Finance may serve as the head of any division within the department. The Town Manager also may designate a person to serve as head of more than one (1) division within the department.~~

~~3-9-3 The Director of Finance shall be responsible to the Town Manager for the effective operation of the Department of Finance and all fiscal and financial activities of town government. The Director shall coordinate and provide overall supervision for all activities of the department and, in consultation with the division head and the Town Manager, shall have the authority to direct and assign all personnel serving in that department.~~

~~3-9-4 The Director of Finance shall be responsible to the Town Manager and shall have the following specific powers and duties, subject to the direction of the Town Manager:~~
~~coordination of the financial functions of all departments and agencies and supervision of the following functions: accounting, treasury, tax collections, assessing, data processing, budgeting and procurement; ensure that each function is operating efficiently and in accordance with the applicable statute, by law, code and/or accepted practice;~~
~~accountability for planning, organizing and providing administrative direction for all financial functions;~~

~~working with the Town Manager and the Select Board in developing strategic financial plans and policies;~~

~~compilation and submission of an annual operating budget and an annual capital improvement plan to the Town Manager. The Director shall receive all requests made for the expenditure of town funds from every town office and agency and shall assemble all such requests into a form deemed to be best suited to show a complete financial plan for all town funds and activities for the ensuing fiscal year. The proposed budget shall show in detail all estimated income from the~~

~~proposed property tax levy and from every other source by category; and
general oversight, throughout the year, of the expenditure of all town funds pursuant to such
budgets and expenditures as authorized by the representative town meeting.~~

Section 13 Establishment and Scope of the Department of Planning and Development

~~3-13-1 There shall be a Department of Planning and Development responsible for the planning of
the land use, environmental, community planning, and economic planning and development
functions of the town. The Department of Planning and Development shall supervise and
coordinate all planning and development activities of all town government offices and agencies.
The Department of Planning and Development shall include the functions of comprehensive
planning, subdivision control, zoning appeals, preservation of natural open space, community
development, economic development, design review, redevelopment, and planning of new
buildings and facilities.~~

~~3-13-2 The Department of Planning and Development shall be responsible for, and shall have,
the following specific duties:
development and maintenance of a Comprehensive Master Plan
coordination of all land use planning and development activities of town government;
administration of subdivision control rules and regulations;
preservation of natural open space, and land acquisition and management;
conservation administration and enforcement;
redevelopment, revitalization and rehabilitation activities;
administration of design review, historic district review, and zoning board of appeals, review and
planning of affordable housing;
administration of economic development;
maintenance of all land use planning, development, and related records and reports for all town
government offices and agencies;
rendering of advice, assistance, guidance, and recommendations to all other town offices and
agencies on land use, environmental, community and economic planning, and development
matters; and
cooperation with, and participation in, regional area planning.~~

Section 15-Director of Planning and Development

~~3-15-1 There shall be a Director of Planning and Development appointed by the Town Manager with veto authority by the Planning Board as delineated in Chapter 3. The Director shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education and training. The Director of Planning and Development shall have had at least five (5) years of full-time paid experience in community planning and development.~~

~~3-15-2 At the discretion of the Town Manager, the Director of Planning and Development may serve as the head of any division within the Department of Planning and Development. The Town Manager may also designate one person to serve as the head of more than one division within the Department.~~

~~3-15-3 The Director of Planning and Development shall be responsible to the Planning Board for the effective operation of all Planning Board functions and all related activities. The Director shall coordinate and provide overall supervision of all activities of the Department of Planning and Development, and shall have, in consultation with the division head and the Town Manager, the authority to direct and assign all personnel serving in the Department of Planning and Development.~~

~~3-15-4 The Director of Planning and Development shall be responsible for, and shall have, the following specific duties:~~

~~coordination of the land use, environmental, community, and economic planning and development functions of all town departments and agencies;~~

~~supervision of the following functions: planning, preservation of natural open space, land acquisition, community development, economic development, design review, subdivision control, affordable housing, and zoning appeals;~~

~~assuring that each function is operating efficiently and in accordance with the applicable statute, by law, code, and/or accepted practice;~~

~~accountability for long-range planning and organizing;~~

~~provision of administrative direction for all functions of the Department of Planning and Development; and~~

~~working with the Planning Board, Town Manager, and Select Board in developing strategic plans and policies.~~

Steve Bolotin MOTIONED to table Section 3-3 for another meeting, 2nd Robert Zupperoli.

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

MOTION PASSED 8-1-0

The Chair updated the Committee regarding last meeting's discussion on a change of the Salary of Select Board members, per General Law, Town Meeting must approve the salaries every year , therefore , this change cannot be part of this Committee's proposed Charter changes.

Mr. Pizer informed the Committee that the Handbook matter language (Section 2-5-3) would be brought forward soon.

Next Hybrid Meeting is Tuesday, February 13, 2024.

The Chair, David Golden, is working on a draft Charter, incorporating all of the changes to date.

Meeting adjourned at 8:25 PM

Respectfully submitted,

Michelle A. Turner

Michelle A. Turner

Minutes Approved on: February 20, 2024