

# TOWN OF PLYMOUTH

## CHARTER REVIEW COMMITTEE

### MINUTES OF THE MEETING

February 20, 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, and members Betty Cavacco, Joseph Hutchinson, Tim Lawlor-via Zoom, Len Levin, Laurence Pizer, and Martha Vautrain.

Absent: Robert Zupperoli

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

Staff assistant, Michelle Turner, was also present.

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### CALL TO ORDER

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

In the absence of member Robert Zupperoli, Steve Bolotin is acting as a full-voting member for this meeting.

### MINUTES OF THE MEETING

February 6, 2024

Betty Cavacco MOTIONED to approve the Minutes, as presented. 2<sup>nd</sup> by Tim Lawlor.

	YES	NO	ABSTAIN			YES	NO	ABSTAIN
Betty Cavacco	X				Martha Vautrain	X		
Alan Costello	X				Robert Zupperoli			
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 9-0-0**

## **PUBLIC COMMENT:**

Dr. Barry Potvin, Chair of the Board of Health (BOH)

Dr. Potvin described a change in the BOH membership as a result of the last Charter Committee, with the requirement of one member being a licensed physician.

He also asked that the alternate member remain in the charter.

Public Comment ended.

## **DISCUSSION ITEMS:**

### **Guest Speaker – Kelly McElreath, Town Clerk**

One change that the Town Clerk requested be made was a change to the responsibility of posting the warrant (Section 2-2-3) Ms. McElreath did not believe it appropriate for the Town Clerk to post the warrant and recommended the warrant be posted by a constable.

Laurence Pizer explained that at one time the warrant was posted by a constable, who appeared before the town clerk, signed their name and the act was complete. Mr. Pizer described it as “ceremonial”. Town Meeting removed that provision and since then it became the responsibility of the Town Clerk to post the warrant.

Ms. McElreath noted that the Elections Division does not recommend the Town Clerk post the warrant, however, she noted it is not prohibited. It might be considered ceremonial, but it removes the Town Clerk from the process. For this reason, Ms. McElreath recommends a constable perform the duty of posting the warrant. She noted that the Clerk’s office would remain responsible for the website posting. The constable would also go to the library to complete the warrant posting at that location, as required, also. There is a constable fee for this service.

The chair read aloud the changes this committee will propose for Section 2-2-3, as follows.

2-2-3 The town clerk shall serve as clerk of the representative town meeting. The town clerk shall cause notice of all meetings to be posted in the town hall, in the town's libraries and posted on the town's website and take reasonable efforts to post to the Town's social media.

The town clerk shall mail send copies of the notice to ~~the place of residence of~~ all representative town meeting members, citing the place, date and time of the meeting.

Mr. Golden believes it to be sufficient to allow the Clerk to utilize a constable.

Laurence Pizer asked to postpone making a decision on this and ask the Town Clerk to make a formal request from the State Election Division. Ms. McElreath agreed to pose the question to the Election Division, via an email.

Mr. Hutchinson asked what the progress was of the recodification and Ms. McElreath noted it was taking longer than expected. She is hoping to receive their draft in the May/June timeframe. After receiving it she hopes the Charter Committee can review and incorporate their recommendations, as the Committee agrees with.

The Chair suggested if there was merit in the vendor pausing until this Committee completes their review. Ms. McElreath will reach out to them with this suggestion.

The discussion with guest speaker, Kelly McElreath-Town Clerk ended.

**Guest Speaker – Karen Keane, Public Health Director**

Ms. Keane spoke about MGL Part 1 - Administration of the Government, Title XVI (Public Health), Chapter 111, Section 27 – Organization of boards, appointment of physician and clerk; compensation.

*Section 27. Every such board shall organize annually by the choice of one of its number as chairman. It may make rules and regulations for its own government and for the government of its officers, agents and assistants. It may appoint a physician to the board, who shall hold his office during its pleasure, may choose a clerk, who in a city shall not be a member of the board, and may employ the necessary officers, agents and assistants to execute the health laws and its regulations. It may fix the salary or other compensation of such physician and its clerk and other agents and assistants.*

Ms. Keane noted that Plymouth has an appointed Board of Health by the Select Board, and the Department of Public Health serves as employees of the Town.

She also noted....Massachusetts has a decentralized governing structure as defined by the National Association of County and City Health Officials. Meaning that the 351 cities and towns operate independently for their local public health and autonomously from MA Dept of Public Health. To further what this means is that there are many laws to be followed and Plymouth follows them independently and not through the direction of the MA Dept of Public Health. She listed a myriad of responsibilities (trash haulers, restaurant inspections, hotel inspections, public swimming pools, housing complaints (noise, smell, trash, etc.)) of Plymouth's division of Public Health and gave examples of how the department responds to resident calls.

Ms. Keane supported Sections 3-7-1 and 3-7-2 as written.

Barry Potvin, Chair of the BOH would like to change the alternate term for more than one (1) year and possibly (3) years.

Mr. Bolotin replied that the Planning Board alternate is also one year and reappointed each year.

The BOH alternate needs to be posted each year and appointed by the Select Board.

Mr. Hutchinson asked about the use of regional health collaboratives. Ms. Keane did not believe it would be a benefit to the Town. Mr. Hutchinson thought there could be a financial benefit with a regional health collaborative.

Ms. Keane commented on the Public Health Excellence Grant allowing the department to share a yearly regional grant of \$537K.

## Section 7 Board of Health

**3-7-1** A Board of Health of five (5) members shall be appointed by the Select Board for three-year (3) overlapping terms. The Select Board shall, in making appointments, seek to appoint one member who is a duly licensed physician.

~~In addition,~~ The Select Board **may shall** appoint an alternate member for a term of one year, which alternate may act, from time to time, when designated by the Chair of the Board of Health if a regular member is unable to act as a result of absence or conflict of interest.

Alan Costello asked if the Board of Health could make their own appointments.

Ms. Keane stated that State law mandates that BOH appointments are made by the Select Board.

Discussion ensued with changing the word ..."the Select Board **may appoint**" to "shall appoint".

Mr. Bolotin cautioned that this change could result in not gaining a well-qualified Alternate to serve. If there is only one candidate applying, the Select Board must appoint them, regardless of qualifications.

Laurence Pizer **MOTIONED** to change 3-7-1 as written, above, 2<sup>nd</sup> Len Levin.

Noted that Betty Cavacco left the meeting.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain	X		
Alan Costello	X			Robert Zupperoli			
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 8-0-0**

~~3-7-2 The Board of Health shall exercise such powers and duties as prescribed by the General Laws, this Charter and town by-laws.~~

Laurence Pizer **MOTIONED** to delete Section 3-7-2, 2<sup>nd</sup> Len Levin.

	YES	NO	ABSTAIN			YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain	X			
Alan Costello	X			Robert Zupperoli				
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 7-1-0**

The discussion with guest speaker Karen Keane, Director of Public Health ended.

The agenda continued with the Discussion items:

### Section 3 Appointments

3-3-1 The Select Board shall appoint a Town Manager, town counsel, registrars of voters, election officers, constables, and members of all multiple-member boards, committees, and commissions except as otherwise provided in this Charter and/or the town by-laws.

Discussion ensued if Section 3-3-1 was needed.

The Chair stated that this was a “default” statement for committee appointments.

Ms. Vautrain asked about the process of appointment for town counsel and length of service.

The Chair stated that this is mentioned in Chapter 5. MGL states that the Select Board is the appointing authority of town counsel. The term of their contract is up to the Executive Board.

Discussion ensued over the Town’s in-house counsel.

Mr. Hutchinson asked if Section 3-3-1 allows for the Community Preservation Committee (CPC) not to be appointed by the Select Board, but rather to be elected.

The Chair noted that the CPC at-large members could become elected positions, but there would be a conflict with the Bylaws. There could be a recommendation that the 4 at-large members be elected.

Mr. Pizer suggested that if this was supported, there could be a motion for a change to the Bylaw and a change to the Charter.

No changes made to Section 3-3-1

3-4-1 The Select Board shall appoint a Town Manager by an affirmative vote of four (4) members of the Board.

This Committee has no authority to make changes to the appointment of the Town Manager.

No changes to 3-4-1

3-4-2 The Town Manager shall be appointed solely on the basis of executive and administrative qualifications. The Town Manager shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training, and previous experience in municipal administration. The Town Manager shall have had at least five (5) years of full-time paid experience as a City or Town Manager, Assistant City or Town Manager, Town Administrator or Assistant Town Administrator, or the equivalent level of experience.

The town may, from time to time, establish such additional qualifications as deemed necessary and appropriate. The Town Manager shall not be subject to a personnel by-law, if any.

In addition to other terms as set forth in this Charter generally and in this Section 4 of Chapter 3 specifically, the Town Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during the term of office, unless such action is approved in advance, in writing, by the Select Board. With the approval of the Select Board, the Town Manager may serve as the town's representative to regional boards, commissions, and the like, but the Town Manager may not receive additional compensation from the town for such services.

To the extent permitted by law, the terms of the Town Manager's employment shall be the subject of a written agreement between the parties setting forth the length of service, compensation, vacation, sick leave, benefits, and such other matters (excluding tenure) as are customarily included in an employment contract.

Discussion ensued on the amount of detail that was called out.

Tim Lawlor MOTIONED to delete Section 3-4-2, 2<sup>nd</sup> Len Levin.

Discussion continued.

It was determined that this section needed to be worked on to be streamlined. Members saw pros and cons.

The Chair agreed and asked if a 4-member subcommittee would like to work on this section for a re-write.

Steve Bolotin volunteered to oversee this edit. Martha Vautrain volunteered. Others may reach out directly to Mr. Bolotin.

Mr. Lawlor withdrew his motion, Mr. Levin agreed.

Mr. Hutchinson motioned to table the remaining Agenda items: 3-4, 3-5, 3-7 and 3-10, 2<sup>nd</sup> Laurence Pizer.

	YES	NO	ABSTAIN			YES	NO	ABSTAIN
Betty Cavacco					Martha Vautrain	X		
Alan Costello	X				Robert Zupperoli			
Joe Hutchinson	X				David Golden-CHAIR	X		
Tim Lawlor	X				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 8-0-0**

Meeting adjourned at 8:18 PM

New Business:

Mr. Levin noted that PACTV shows the Charter meetings on PAC's YouTube channel.

Respectfully submitted,

*Michelle A. Turner*

Michelle A. Turner

Minutes Approved on: March 5, 2024