

TOWN OF PLYMOUTH

CHARTER REVIEW COMMITTEE

MINUTES OF THE MEETING

March 5, 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, March 5, 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, Joseph Hutchinson, Tim Lawlor, Len Levin, and Martha Vautrain (via Zoom)

Absent: Betty Cavacco and Laurence Pizer. Robert Zupperoli left the meeting 45 minutes from start time.

Alternates: Steve Bolotin and Mike Hanlon were full voting members for this meeting.

Staff assistant, Michelle Turner, was also present, via Zoom.

CALL TO ORDER

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

In the absence of 2 members, alternates Steve Bolotin and Michael Hanlon were full-voting members for this meeting.

MINUTES OF THE MEETING

February 20, 2024

Len Levin **MOTIONED** to approve the Minutes as presented, 2nd by Tim Lawlor.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain			X
Alan Costello	X			Robert Zupperoli			X
Joe Hutchinson	X			David Golden-CHAIR	X		
Tim Lawlor	X			Steve Bolotin	X		
Len Levin	X			Mike Hanlon			X
Larry Pizer				*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 6-0-3

No Public Comment at this time.

DISCUSSION ITEMS:

Guest Speaker – Steve Nearman, Chair Advisory & Finance Committee (A & F)

Brief introduction of himself, where he came from and his career path.

Since being elected as Chair, he has been on a steep learning curve.

He has questioned why the Town Moderator is the sole appointer of the A & F. He does not like the reason being that “it has always been done that way”.

He’s questioned why committee Chairs are not involved in the selection process of new members. He noted that two new members have joined their committee, and he has not seen either of their resumes. He has not interviewed them or know of their skill set. Are background checks performed? He does not believe committees should be filled at capacity if the skill set is not there.

Discussion ensued over the Chair having a say in Committee member selection.

Michael Hanlon noted that the Charter states that A & F has the authority to request information from any Department in order to make decisions.

Alan Costello asked where the Chair get direction from to perform the duties of the Chair. He further asked if he got his direction from the Charter.

Mr. Nearman stated that he has weekly check-ins with staff in the Finance office.

Mr. Costello asked if Mr. Nearman had suggestions for the Charter. Mr. Nearman stated, apologetically, that he had not read the Charter. Mr. Nearman stated his current goal was focused on how membership is formed.

Discussion ended with Steve Nearman.

Public Comment:

Al Denardo, Precinct 17 – Noted that many towns distinguish between a Finance Committee and an Advisory Committee. He stated that Finance Committees are established statutorily and that is the reason they are appointed by the Moderator. They do all of the detail work of town meeting. Having a strong Finance Committee is what ultimately will “shake this community”.

<7:45 PM David Golden noted that Charter member Robert Zupperoli left the meeting.>

Lorenzo Pizarro – a member of the A & F and a member of the Board of Health. He also noted he was not interviewed for either of his 2 appointments. He cautioned against call outs of committee requirements in the Charter.

Harry Helm – Precinct 6, current Select Board member and former member of the A & F. He noted that when he applied for A & F, he filed a letter with his resume and dropped it off with the Town Moderator. He supported a Chair involved in the process of committee member selection, especially for the A & F. Mr. Helm noted that the former Charter Commission recommended an Appointment Committee (for all but A & F applicants to be filtered through).

Tim Lawlor – spoke as a Finance Committee member – also supported the Chair being involved in the member selection process.

Len Levin – a larger issue is that the Town needs to utilize committees that provide a vital function in advising the Select Board.

Discussion Items:

Section 2-12 Advisory & Finance Committee

Section 12 Advisory and Finance Committee (See Steve Bolotin's rewrite voted on 3-5-24)

2-12-1 An advisory and finance committee of 15 members shall be appointed by the moderator for 3 -year overlapping terms. There shall be no more than 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 or the change in residency of that member or another, no incumbent member need be removed, and 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 moderator 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. Persons not registered to vote in the Town of Plymouth, Town of Plymouth employees, and representative town meeting members shall not be eligible for appointment to, or service on, the Advisory and Finance Committee.

Steve Bolotin – What he heard Mr. Nearman focus on was 3 things: The appointment process, who is getting appointed and what is the methods of removal.

The committee appointment process in Plymouth is through elected bodies. The elected bodies are the voice of the people because they are elected, rather than appointed people appointing other people, thereby preventing cronyism, bias, etc. Mr. Bolotin supports the appointment process by elected people, however, he hopes for a more transparent process. He noted that the MA Municipal Association (MMA) defines the Finance Committee as the single most important committee in any town format.

Appointments to A & F must be the best person for the job.

He would support a 5-member appointment committee operating as a “standing” committee called upon as needed. The appointment committee could consist of the Moderator, and representatives of the Select Board, the Planning Board and the School Committee and the COPC. Qualifications are helpful but the bigger question is the vetting process – a public process.

Mr. Bolotin rationalized that a town employee could be a qualified A & F member.

Discussion ensued.

Mr. Golden suggested that the Advisory & Finance Committee could be its own chapter in the Charter.

Mr. Bolotin proposed a rewrite of Section 12, as follows:

2-12-1 Appointment and Organization

(a) An Advisory and Finance Committee of 15 members shall be appointed for 3 -year overlapping terms. Persons not registered to vote in the Town of Plymouth and elected Town, County, or State officials, shall not be eligible for appointment to, or service on, the Advisory and Finance Committee.

Section 12 Advisory and Finance Committee

2-12-1 Appointment and Organization

(a) (a) An Advisory and Finance Committee of 15 members shall be appointed for 3 -year overlapping terms. Persons not registered to vote in the Town of Plymouth and elected Town, County, or State officials, shall not be eligible for appointment to, or service on, the Advisory and Finance Committee. A & F members who are also town employees are prohibited from voting on the budget line item for their department or agency but shall not be prohibited from voting on the overall budget appropriation.

Discussion about increasing to 18 members and whether town employees should be eligible to be an A & F member. Consensus seemed to be that conflict of interest needs to be addressed for all.

The chair called for a hand vote on whether town employees should be allowed on A & F. Consensus was that this was not supported.

Mr. Bolotin offered to support the consensus that town employees should not be allowed to be A & F members (although he did not believe this to be in the best interest of the town).

David Golden deleted the last sentence he added (shown on page 4 above beginning...A & F members who are also town employees are prohibited from voting on the budget.....

2-12-1 Appointment and Organization

(a) An Advisory and Finance Committee of 15 members shall be appointed for 3 -year overlapping terms. Persons not registered to vote in the Town of Plymouth, Town of Plymouth employees, and elected Town, County, or State officials, shall not be eligible for appointment to, or service on, the Advisory and Finance Committee.

Mr. Golden finalized 2-12-1 as shown above, including town employees prohibited from being on A & F.

Discussion continued on Steve Bolotin's proposal of Section 2-12

(b) Members of the Advisory and Finance Committee shall be appointed (or reappointed, as may be applicable) by an appointments committee which shall consist of the Moderator, who shall be chair, and one (1) appointee from each of the Select Board, Planning Board, COPC, and School Committee (the "Appointments Committee"), -at a public hearing complying with the Open Meeting Laws in which the applicants shall have the opportunity to be heard and questioned by the Appointments Committee the moderator for 3-year overlapping terms. There shall be no more than 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 or the change in residency of that member or another, no incumbent member need be removed, and 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. Consistent with the requirements of this section, the Appointments Committee The moderator 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. Persons not registered to vote in the Town of Plymouth, Town of Plymouth employees, and representative town meeting members shall not be eligible for appointment to, or service on, the Advisory and Finance Committee.

Discussion ensued.

Mr. Lawlor asked – could the appointment committee elect their own Chair (rather than the Moderator stated as Chair).

Mr. Golden noted that he is not comfortable with any Chair choosing members to be on the same board/committee they are chair. You introduce bias when allowing this to occur.

(b) Members of the Advisory and Finance Committee shall be appointed (or reappointed, as may be applicable) by an appointments committee which shall consist of the Moderator, who shall be chair, and one (1) appointee from each of the Select Board, Planning Board, COPC, and School Committee (the "Appointments Committee"), in consultation with the Chair of the A & F at a public hearing complying with the Open Meeting Laws in which the applicants shall have the opportunity to be heard and questioned by the Appointments Committee the moderator for 3-year overlapping terms. There shall be no more than 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 or the change in residency of that member or another, no incumbent member need be removed, and may serve out their respective terms. The advisory and finance committee shall choose from its members a

Mr. Bolotin proposed to add the words...in consultation with the Chair of the Advisory & Finance Committee...

Mr. Levin asked the Chair to call for a consensus vote to add the words as highlighted abovein consultation with the Chair of the Advisory & Finance Committee...

Mr. Golden recognized public comment from Al Denardo , Precinct 17.

Keep in mind that A & F is a recommending board of town meeting. He stated that some of this language puts further distance from town meeting.

Continued discussion led to the committee deleting the words"in consultation with the Chair of the Advisory & Finance Committee"

The final rewrite of Mr. Bolotin's Section 2-12 is as follows:

2-12-1 Appointment and Organization

(a) An Advisory and Finance Committee of 15 members shall be appointed for 3 -year overlapping terms. Persons not registered to vote in the Town of Plymouth, Town of Plymouth employees, and elected Town, County, or State officials, shall not be eligible for appointment to, or service on, the Advisory and Finance Committee.

(b) Members of the Advisory and Finance Committee shall be appointed (or reappointed, as may be applicable) by an appointments committee which shall consist of the Moderator, who shall be chair, and one (1) appointee from each of the Select Board, Planning Board, COPC, and School Committee (the "Appointments Committee"), at a public hearing complying with the Open Meeting Laws in which the applicants shall have the opportunity to be heard and questioned by the Appointments Committee. Consistent with the requirements of this section, the Appointments 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.

(c) The Advisory and Finance Committee shall choose from its members a chairperson and fill the other offices as it may create.

Len Levin **MOTIONED** to replace the existing Section 2-12-1 with Mr. Bolotin's proposal as shown above 2-12-1 (a) (b) (c), 2nd Mike Hanlon.

	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	X		
Larry Pizer				*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

Existing Section 2-12 is deleted.

Section 12 Advisory and Finance Committee (See Steve Bolotin's rewrite voted on 3-5-24)

~~2-12-1 An advisory and finance committee of 15 members shall be appointed by the moderator for 3 year overlapping terms. There shall be no more than 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 or the change in residency of that member or another, no incumbent member need be removed, and 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 moderator 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. Persons not registered to vote in the Town of Plymouth, Town of Plymouth employees, and representative town meeting members shall not be eligible for appointment to, or service on, the Advisory and Finance Committee.~~

The Committee next discussed Section 2-12-2

Mr. Golden read the existing text

2-12-2 (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 Town Meeting Members, 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.

Mr. Bolotin's proposed text was as follows:

2-12-2 Hearings and Reports

(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 Town Meeting Members, 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. In the event that the Advisory and Finance Committee fails to timely issue its recommendations as required by this Section, 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.

The Committee supported Section 2-12-2 (a) as written above.

Mr. Bolotin described Section 2-12-2 (b), as a fault and no-fault provision.

(b) If the Advisory and Finance Committee has failed to consider a warrant article not due to the fault of the proponent, the Town Meeting shall may consider that article unless, provided that two-thirds of the Town Meeting Members in attendance vote against to doing so. (c) If the Advisory and Finance Committee has failed to consider a warrant article because 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.

The Committee supported 2-12-2 (b)

Michael Hanlon **MOTIONED** to replace the existing Section 2-12-2 consisting of (a)(b)(c)(d) with Mr. Bolotin's proposal as shown above 2-12-2 (a) (b) , 2nd 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	X		
Len Levin	X			Mike Hanlon	X		
Larry Pizer				*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

Tim Lawlor MOTIONED to table the remaining portion of the agenda, 2nd Michael Hanlon.

	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	X		
Larry Pizer				*Alternate votes are taken but their vote is not included in the vote tally unless the alternate replaces an absent full standing member.			

MOTION did not pass 4-4-0. The meeting continued.

Noted that Mr. Hutchinson and Ms. Vautrain left the meeting and did not return.

Discussion continued

2-12-3 The Advisory and Finance Committee shall present the proposed budget to the representative town meeting.

<No changes to this section>

2-12-4 In the final month of the fiscal year, no department, commission, office or agency may expend, except for amounts previously encumbered, more than one-twelfth (1/12) of its annual appropriation, unless expenditures have been approved by the Advisory and Finance Committee.

<No changes to this section>

2-12-5 The Advisory and Finance Committee may appoint such subcommittees as it may deem advisable.

<No changes to this section>

2-12-6 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 departments of the Town shall be open to the inspection of the Advisory and Finance Committee or any of its authorized subcommittees and any person employed by it.

<No changes to this section>

Discussion ensued over situations when the A & F requests information that is not received.

Steve Bolotin MOTIONED to table the remaining agenda, Sections 2-6 and 2-7 for a future meeting, 2nd Tim Lawlor.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain			
Alan Costello	X			Robert Zupperoli			
Joe Hutchinson				David Golden-CHAIR		X	
Tim Lawlor	X			Steve Bolotin	X		
Len Levin	X			Mike Hanlon		X	
Larry Pizer				*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 4-2-0

NEW BUSINESS/OLD BUSINESS:

The chair noted that members packets contained a document presented by Laurence Pizer regarding language for a proposed "Handbook" now referred to as "User Guide".

This will be a future discussion item.

Next meeting is Tuesday, March 12, 2024.

The Chair informed members that he will be preparing a poll for their response to holding a Saturday "marathon" meeting.

The meeting adjourned at 9:20 PM

Respectfully submitted,

Michelle A. Turner

Michelle A. Turner

Minutes Approved on: March 19, 2024