

TOWN OF PLYMOUTH

CHARTER REVIEW COMMITTEE

MINUTES OF THE MEETING

March 12, 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 12, 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, Robert Zupperoli, Clerk, (via Zoom), , Tim Lawlor, Laurence Pizer, (via Zoom)

Absent: Betty Cavacco, Joseph Hutchinson, Len Levin and Martha Vautrain.

Alternates: Steve Bolotin and Mike Hanlon (via Zoom) were present and acting as 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, Steve Bolotin and Michael Hanlon were acting as a full-voting members for this meeting.

MINUTES OF THE MEETING

No action taken at this time, on the Minutes of March 5, 2024. Will be voted on at the next meeting.

Discussion Items

Chapter 3 Section 6 – Moderator

The Chair reported that he has confirmed with Town legal staff that the Charter Committee cannot make changes to the Moderator's position.

Section 6 Moderator

2-6-1 A Moderator shall be elected at the regular town elections for a term of three (3) years.

2-6-2 The Moderator shall have no vote unless the representative town meeting members present and voting are equally divided.

2-6-3 The Moderator shall preside at all representative town meeting sessions. ~~and shall perform such other duties as may from time to time be assigned to the office through by-law or vote of the representative town meeting.~~

Steve Bolotin **MOTIONED** to delete the words “and shall perform such other duties as may from time to time be assigned to the office through by-law or vote of the representative town meeting”. 2nd by Tim Lawlor.

	YES	NO	ABSTAIN			YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain				
Alan Costello	X			Robert Zupperoli	X			
Joe Hutchinson				David Golden-CHAIR	X			
Tim Lawlor	X			Steve Bolotin	X			
Len Levin				Mike Hanlon	X			
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 6-1-0

START HERE 12:59

2-6-4 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.

<No changes proposed>

2-6-5 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, or at such time as a vacancy occurs, 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 except in the event of the death or disability of the Moderator.

David Golden noted that in discussion with Town Counsel, it is unclear if changes can be made. Town Counsel is seeking an opinion.

<No changes proposed at this time>

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

<No changes proposed at this time>

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.~~

Mr. Hanlon gave an update on a committee formed 10 years ago to review the Conflict-of-Interest (COI) provision and make recommendations to COPC and the Town Meeting. Changes to the COI have not been supported in the past and enforcement for the COI has also not been supported.

A long discussion ensued over town employees serving as town meeting members, being exempt from the COI.

Larry Pizer MOTIONED to delete Section 2-10-1, 2nd Steve Bolotin.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain			
Alan Costello		X		Robert Zupperoli		X	
Joe Hutchinson				David Golden-CHAIR	X		
Tim Lawlor	X			Steve Bolotin	X		
Len Levin				Mike Hanlon		X	
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 4-3-0

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 the representative town meeting member, or 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's, 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.

Tim Lawlor MOTIONED to amend Section 2-10-2 as shown above, 2nd Mike Hanlon.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain			
Alan Costello	X			Robert Zupperoli		X	
Joe Hutchinson				David Golden-CHAIR	X		
Tim Lawlor	X			Steve Bolotin	X		
Len Levin				Mike Hanlon	X		
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 6-1-0

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.

Larry Pizer MOTIONED to amend Section 2-10-3 as shown above, 2nd Steve Bolotin

	YES	NO	ABSTAIN			YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain				
Alan Costello	X			Robert Zupperoli		X		
Joe Hutchinson				David Golden-CHAIR	X			
Tim Lawlor	X			Steve Bolotin	X			
Len Levin				Mike Hanlon	X			
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 6-1-0

The Chair asked for a show of hands if the Committee was interested in implementing an enforcement mechanism in the COI Sections. With only 2 hands raised in support, there was no support for discussing enforcement.

New Business/Old Business

The Chair noted that a Saturday meeting will not be scheduled.

Next meeting is Tuesday, March 19, 2024.

The meeting adjourned at 7:42 PM

Respectfully submitted,

Michelle A. Turner

Michelle A. Turner

Minutes Approved on: March 19, 2024