

TOWN OF PLYMOUTH

CHARTER REVIEW COMMITTEE

MINUTES OF THE MEETING

March 26, 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 26, 2024, 6 PM, at the Plymouth Townhall, Ropewalk Meeting Room, 2nd Floor, 26 Court Street, Plymouth, MA 02360.

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

Absent: Joseph Hutchinson.

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, the alternates Steve Bolotin and Michael Hanlon were acting as full-voting members for this meeting.

Mr. Zupperoli has not yet joined the Zoom meeting.

MINUTES OF THE MEETING

Minutes of March 19, 2024

Len Levin MOTIONED to approve the Minutes, as amended, 2nd Martha Vautrain.

	YES	NO	ABSTAIN			YES	NO	ABSTAIN
Betty Cavacco			X	Martha Vautrain		X		
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	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 6-0-2

PUBLIC COMMENT – None offered.

Robert Zupperoli joined the Zoom meeting.

Discussion items:

Guest Speaker Tim Grandy, Chair of the Planning Board.

Mr. Grandy would like to see Section 3-14-4 state a definite timeframe (10 years, 15 years, etc.) for updating the Comprehensive Master Plan. Currently the Charter states the following:

3-14-4 The Planning Board shall develop and maintain a Comprehensive Master Plan (CMP) which shall be the guidance document for departmental duties under Section 3-13-2, above, and for the Board's recommendations to the representative town meeting. **The CMP shall be updated periodically** to address current issues concerning the physical, environmental, community and economic development of the town, including planning strategies for Open Space Preservation,

He offered to answer questions from the Committee.

Laurence Pizer asked if the Associate Member of the Planning Board was defined by MGL.

Steve Bolotin – Associate Member is defined by MGL but the scope of the role of the Associate Member is not. He noted that there is a bill pending legislation to expand the role of the associate member of planning boards. Mr. Bolotin explained the current role of the Associate Member.

Discussion ensued over the role of the Associate Member.

Mr. Zupperoli suggested that the role of Alternate/Associate Members of any board/committee should be somewhat uniform.

Discussion ended with Tim Grandy

Steve Bolotin presented a re-write of Section 14 – Planning Board.

The original text of Mr. Bolotin's proposal is as follows:

3-14-1 through 3-14-10

Long and hard discussion ensued over each section.

Section 14 Planning Board

3-14-1 The town shall elect a Planning Board of five (5) members for five-year (5) overlapping terms.

Notwithstanding, and subject to, the provisions of the Massachusetts General Laws, the Planning Board may appoint one (1) associate member for a term of one (1) year, subject to removal for cause by majority vote of the Planning Board. The associate member shall be permitted to participate in all Planning Board discussions and shall be permitted to vote on site plan reviews, subdivision approvals, and special permit advisory opinions.

3-14-2 The Planning Board shall serve as the executive body responsible for land use planning for the Town. The Planning Board shall exercise such powers and duties as prescribed by general law, this Charter, and applicable town by-laws.

3-14-3 The Planning Board shall serve as the long range planning body of the town with respect to the planning of the physical, environmental, community, and economic development of the town. The Planning Board shall be responsible, through the Director of Planning and Development, shall be responsible for the efficient and orderly operation of all Planning Board functions and all related activities.

3-14-4 The Planning Board shall develop and maintain a Comprehensive Master Plan (CMP) compliant with State law which shall serve as guidance for the long-range planning of the Town with respect to its physical, environmental, community, and economic development. be the guidance document for departmental duties under Section 3-13-2, above, and for the Board's recommendations to the representative town meeting. The CMP shall be updated at least every ten (10) years, periodically to address current issues concerning the physical, environmental, community and economic development of the town, including planning strategies for Open Space Preservation, Land Acquisition, Village Centers Development, Economic Development, Housing, and Historic Preservation. The Board shall report annually to the representative town meeting to inform the town of all updates to the CMP and any implementation measures that may require town meeting approval. The Planning Board's recommendations on zoning by-law amendments to the representative town meeting shall be consistent with the CMP. The Planning Board shall solicit public comment and participation throughout the Comprehensive Master Planning Process and shall adopt the CMP and/or any final CMP updates thereto only after a duly noticed public hearing.

3-14-5 The Planning Board shall report annually to the Representative Town Meeting to inform the town of any implementation measures for the CMP that may require Representative Town Meeting approval. The Planning Board shall also make recommendations on zoning by-law amendments to the Representative Town Meeting consistent with the CMP.

3-14-6 Any proposal made to any Town board, committee, commission, Representative Town Meeting, or other body with authority to make a binding decision on behalf of the Town must contain a certification, signed by the proponent, that the proposal is either consistent with the CMP, with citation(s) to the CMP or, if not, why an exception to the CMP is appropriate. The Planning Board shall make recommendations to the representative town meeting and to the Select Board on all matters concerning the planning of the physical, environmental, community, and economic development of the town as prescribed by general law, this Charter, and applicable town by laws, and specifically with reference to the consistency of such matters with the current CMP.

3-14-76 At the request of the Planning Board any town board or agency undertaking dealing with significant action which may impact public improvements relating to the physical, environmental, community or economic development of the town, shall report the status of such action plans or development to the Planning Board so that it may as to be evaluated such action and address it included in the CMP and in the Planning Board's recommendations to the Representative Town Meeting and the Select Board.

3-14-87 The Planning Board may appoint committees to assist and advise the Board in carrying out its duties under this charter such as a Master Plan committee and such other committees as the Board deems necessary to assist the Board in performing its duties. Failure of the Board to appoint such committees shall not relieve the Board of its responsibilities to fulfill all the duties enumerated under this Charter.

Move the next 2 paragraphs to the new section on Chartered Boards and Committees and they should be discussed separately

3-14-98 An Open Space Committee comprised of nine (9) persons to act in an advisory capacity to the Planning Board and the Town Meeting with respect to the preservation of natural open space shall be appointed as follows: Five (5) members shall be appointed by the Planning Board; two (2) by the Select Board and two (2) by the Conservation Commission. The Open Space Committee shall report its activities and recommendations directly to Town Meeting at least once each calendar year

3-14-10-9 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.

The following text contains the revisions made by the Committee.

Section 14 Planning Board

3-14-1 The town shall elect a Planning Board of five (5) members for five-year (5) overlapping terms. Notwithstanding, and subject to, the provisions of the Massachusetts General Laws, The Planning Board may appoint one (1) associate member for a term of one (1) year, subject to removal for cause by majority vote of the Planning Board. The associate member shall be permitted to participate in all Planning Board discussions. In the event of the absence of one or more of the elected members of the Planning Board, the associate member and shall be permitted to vote on site plan reviews, subdivision approvals, and special permit advisory opinions.

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Public Comment – Virginia Davis – agreed with Mr. Bolotin idea about creating the section of Chartered Board and Committees.

Re: Land Use and Acquisition Committee – Mr. Bolotin has been in discussion with Hampton Watkins and will be proposing new language at the next meeting.

The Chair asked for a motion to accept all the of changes to 3-14 as proposed and amended.

Steve Bolotin MOTIONED to accept all of the changes to Section 3-14, as proposed and amended, 2nd Tim Lawlor.

Noted that Betty Cavacco and Mike Hanlon left the meeting, prior to the vote.

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

Section 3-4 Town Manager: Appointment and Removal

David Golden noted that the Committee is not permitted to propose changes to composition, term or selection method of the Town Manager.

3-4-1; 3-4-2; 3-4-3; 3-4-4

Ms. Vautrain asked if the Assistant Town Manager (ATM) should be stated in the Charter.

Mr. Golden noted that appointing the ATM is the duty of the Town Manager and it is not needed.

She was also concerned if the TM was unable to serve, the acting Town Manager would be appointed by the Select Board.

Mr. Golden noted that this Committee cannot take that selection away from the Select Board.

Section 3-5 Town Manager: Powers and Duties

Mr. Golden noted that the duties contained in this current section of the Charter are why Plymouth's Town Manager is a strong TM. He suggested leaving this section as written.

Ms. Vautrain suggested reformatting the TM's duties, as outlined. She noted that the previous Charter Commission presented a redraft that she would like considered.

Mr. Golden will review the duties outlined in Section 3-5-1 a. through v.

NEW BUSINESS/OLD BUSINESS

Next meeting is April 2. No meeting will be held on April 9.

Correction noted to the upcoming meeting schedule noted on the agenda. Meetings are not April 15, 22 and 29, but rather Tuesdays April 16, 23 and 30.

Mr. Golden has had phone conversation with Legal Counsel and the Attorney General's office regarding the Moderator and the Assistant Moderator. The Committee would not be making major modifications to these 2 roles selection process, and this was supported by the AG's office based on the provision that he/she is the tie-breaking vote at town meeting.

The current provision states that the Assistant Moderator be appointed immediately following the Town Election, but subject to confirmation at the very next town meeting (perhaps the Fall town meeting). This could be a gaping hole without an Assistant Moderator. AG's office suggested following the same pattern in the charter for both the Moderator and the Assistant Moderator, because the Assistant could become the Moderator.

Mr. Golden suggested no further changes.

Mr. Pizer noted that the Committee could make a recommendation to town meeting. Not only can a Commission make such changes but also can Legislature.

Mr. Golden repeated that the AG's office suggested following the same standard for both.

The meeting adjourned at 8:20 PM

Respectfully submitted,

Michelle A. Turner

Michelle A. Turner

Minutes Approved on: April 2, 2024