

# TOWN OF PLYMOUTH

## CHARTER REVIEW COMMITTEE

### MINUTES OF THE MEETING

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

In attendance: David Golden, Chair, Alan Costello, Vice-Chair (via Zoom), Len Levin, Laurence Pizer, Martha Vautrain, and Robert Zupperoli, Clerk (via Zoom)

Alternates present: Steve Bolotin.

Absent: Betty Cavacco, Joseph Hutchinson, Tim Lawlor and Alternate-Mike Hanlon

Staff assistant, Michelle Turner, was present via Zoom.

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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 several members, Alternates Steve Bolotin was as a full-voting member for this meeting.

### MINUTES OF THE MEETING

Minutes of March 26, 2024

Len Levin MOTIONED to approve the Minutes, as amended, 2<sup>nd</sup> Martha Vautrain.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Betty Cavacco				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 6-0-1**

**PUBLIC COMMENT – David Peck,**

Asked the Committee if they had authority to change the number of Town Meeting members/precinct. Mr. Peck has analyzed current vacancies in Town Meeting membership. Currently there are 12 vacancies (25 percent). Most precincts will have no-contest elections.

His recommendation is to reduce from 9 to 6 members/precinct, to encourage more competition.

**Guest Speaker – David Peck, Chair of the Building Committee**

Mr. Peck noted his recommendation as the same language proposed by the recent Charter Commission, red-lined, as follows:

Section 16 Building Committee

3-16-1 ~~The Select~~ There shall be a Building Committee composed of nine members. ~~One member shall be appointed by the Planning Board~~ shall appoint a building, and two members by the School Committee, each of which shall consist of 9 members.

~~The committee shall have among its members 1 member of the planning board, serve for one year. Six members shall be appointed by the Select Board for three year overlapping terms, of which one shall be an attorney, one shall be a registered~~

~~professional engineer or architect, an attorney, a person and one shall be employed in the construction industry or a related trade or occupation, 2 members of the school committee and 3 other residents. Members of the committee shall be appointed for 3 year overlapping terms.~~

3-16-2 Upon the request of the ~~town manager~~ Town Manager or a department head, the ~~building committee~~ Building Committee shall meet with various town departments from time to time to determine the need for additions or renovations to any existing buildings or facilities, for the construction of new buildings or facilities or for the demolition or disposal of existing buildings. The committee shall report its recommendations to the Select Board and the ~~representative~~ Representative town meeting Town Meeting and the ~~school~~

~~committee~~ School Committee when applicable. Whenever this work is authorized by the ~~representative~~ Representative town

~~meeting~~ Town Meeting, the ~~building committee~~ Building Committee shall be responsible for the oversight of all work relating thereto, including site planning, preliminary architectural drawings, final plans and the oversight of all construction.

3-16-3 Upon request of the Building Committee the ~~town manager~~ Town Manager may provide support personnel to assist the Building Committee in carrying out its duties.

Discussion ensued over the duties of the Building Committee.

Discussion ended with David Peck, Chair of the Building Committee.

**Guest Speaker - Sean Anderson, Chair of the Conservation Commission.**

For discussion purposes, Mr. Anderson read the Section 10 into the record

**Section 10 Conservation Commission**

3-10-1 The Select Board shall appoint a Conservation Commission of seven (7) members for three-year (3) overlapping terms.

3-10-2 The commission shall exercise such powers and duties as prescribed by general law, this Charter, and town by-laws.

Discussion ensued over the statutory authority of the Commission.

Another Con Comm member that was present was Walter Morrison. He was appointed last year to fill a one-year vacancy. He and Mr. Anderson stated that the Commission is currently reviewing more restrictive changes to the local bylaw. These changes would go forward to town meeting in the fall. Discussion ensued over the education offered by MA Association of Conservation Commissioners.

Discussion ended with the Conservation Commission members.

#### **Guest Speaker – Michael Main, Chair of the Zoning Board of Appeals**

##### **Section 12 Zoning Board of Appeals**

3-12-1 The Select Board shall appoint a Zoning Board of Appeals of five (5) members and two (2) associate members for three-year (3) overlapping terms.

3-12-2 The board shall exercise such powers and duties as prescribed by general law, this Charter, and town by-laws.

##### **Mr. Main did not have any changes to suggest**

He explained the authority of the ZBA what zoning regulations mean and how they judge at public hearings, setting conditions of approval that are recorded against deeds.

Discussion ended with Michael Main.

Prior to the Committee beginning their discussion of each of these Committees, Mr. Golden called for Public Comment.

Bruce Howard, 735 Long Pond Road – past Chair of the Conservation Commission for 3 years. He expressed concern with the makeup of the Commission being heavily weighted on the construction and development side. He is unsure if these members are looking out for the wetlands when they are considering proposals. He has conferred with Martha Vautrain and proposed the following changes to Section 3-10

##### **Section 10 Conservation Commission revision as proposed by Martha Vautrain**

3-10-1 There shall be a Conservation Commission composed of seven members. Three members shall be appointed by the Select Board, two appointed by the Planning Board, and two appointed by the Moderator. All members shall be appointed for three year overlapping terms and commit to completing the MA Association of Conservation Commission Fundamentals Certificate Training Program for Conservation Commissioners within the first 3 years following their appointment.

3-10-2 The Commission shall exercise such powers and duties as prescribed by MA Wetlands Protection Act, Plymouth Wetlands Bylaws, and the Commission Rules and Regulations.

Mr. Howard stated that having commissioners appointed by groups other than the Select Board was worthy of discussion. He also discussed the significance of members taking the MA Association of Conservation Commissions fundamentals courses. The cost has been funded by the Planning Department. It would be ideal if alternates members could participate in the hearing process.

Ms. Vautrain stated that a discussion at a prior meeting revealed that Conservation Commissioners must be appointed by the Select Board.

Mr. Howard suggested that perhaps the Commission could review the applications and make recommendations to the Select Board.

Mr. Bolotin cited text from Ch. 40, Section 8C

**Conservation commission; establishment; powers and duties**

..... The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having or operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen.

The Committee began their discussion of Section 3-10 (Conservation Commission) and the appointment process of the Commission. Associate membership was discussed, and Mr. Golden suggested he review this with Town Counsel.

Discussion also ensued over imposing a requirement for Conservation members to pursue certificate training with the Mass Association of Conservation Commissioners within a certain timeframe.

Laurence Pizer would like to see discussion and votes continued to another meeting.

Ms. Vautrain would like the Committee to discuss 3-10-2. Mr. Golden did not believe 3-10-2 was required in the Charter.

Laurence Pizer MOTIONED to strike 3-10-2 in its entirety, 2<sup>nd</sup> Steve Bolotin

~~3-10-2 The Commission shall exercise such powers and duties as prescribed by MA Wetlands Protection Act, Plymouth Wetlands Bylaws, and the Commission Rules and Regulations.~~

	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				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 7-0-0**

No changes were made to 3-10-1 until the Chair has a discussion with town counsel regarding Associate members and the appointment process.

Consensus supports associate membership for the conservation commission.

The Committee began discussion of the Zoning Board of Appeals (ZBA), Section 3-12-1 an 3-12-2. Michael Main, the Chair of the ZBA did not recommend any changes.

#### Section 12 Zoning Board of Appeals

3-12-1 The Select Board shall appoint a Zoning Board of Appeals of five (5) members and two (2) associate members for three-year (3) overlapping terms.

~~3-12-2 The board shall exercise such powers and duties as prescribed by general law, this Charter, and town by laws.~~

Laurence Pizer MOTIONED to strike 3-12-2 in its entirety, 2<sup>nd</sup> Steve Bolotin

	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				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 7-0-0**

The Committee began discussion of the Building Committee. The current charter language is as follows:

#### Section 16 Building Committee

3-16-1 The Select Board shall appoint a building committee which shall consist of 9 members. The committee shall have among its members 1 member of the planning board, a registered professional engineer or architect, an attorney, a person employed in the construction industry or a related trade or occupation, 2 members of the school committee and 3 other residents. Members of the committee shall be appointed for 3-year overlapping terms.

3-16-2 Upon the request of the town manager or a department head, the building committee shall meet with various town departments from time to time to determine the need for additions or renovations to any existing buildings or facilities, for the construction of new buildings or facilities or for the demolition or disposal of existing buildings. The committee shall report its recommendations to the Select Board and the representative town meeting and the school committee when applicable. Whenever this work is authorized by the representative town meeting, the building committee shall be responsible for the oversight of all work relating thereto, including site planning, preliminary architectural drawings, final plans and the oversight of all construction.

3-16-3 Upon request of the Building Committee the town manager may provide support personnel to assist the Building Committee in carrying out its duties.

Discussion ensued and the following changes will be proposed to Section 3-16-1

3-16-1 The Select Board shall appoint. There shall be a building committee which shall consist of 9 members. The Selectboard shall appoint six (6) members for three (3) year overlapping terms. The School Committee shall designate two (2) of its members for terms of one (1) year. The Planning Board shall designate one (1) of its members for a term of one (1) year. The Selectboard shall, in making appointments, seek to appoint

The committee shall have among its members 1 member of the planning board, a registered professional engineer or architect, an attorney, and a person employed in the construction industry or a related trade

or occupation, 2 members of the school committee and 3 other residents. Members of the committee shall be appointed for 3-year overlapping terms. (Voted

Len Levin MOTIONED to accept 3-16-1 as presented above, 2<sup>nd</sup> Robert Zupperoli.

	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				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 7-0-0**

Brief discussion on Section 3-16-3 – staff support. No changes were made.

Discussion ensued creating a section in the Charter to call out the Committees that should remain in force, i.e., many of the Committees that have been discussed at this meeting.

Discussion continued with 3-16-2.

3-16-2 Upon the request of the town manager or a department head, the building committee shall meet with various town departments from time to time to determine the need for additions or renovations to any existing buildings or facilities, for the construction of new buildings or facilities or for the demolition or disposal of existing buildings. The committee shall report its recommendations to the Select Board and the representative town meeting and the school committee when applicable. Whenever this work is authorized by the representative town meeting, the building committee shall monitor and advise on the progress be responsible for the oversight of all work relating thereto, including site planning, preliminary architectural drawings, final plans and the oversight of all construction.

Robert Zupperoli MOTIONED to accept 3-16-2 as proposed above, 2<sup>nd</sup> Steve Bolotin.

	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				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 7-0-0**

Discussion began on Chapter 4

## **CHAPTER 4 - ELECTED TOWN BOARDS AND OFFICERS**

### **Section 1 General Provisions**

4-1-1 Beginning with the first town election held after the effective date of this Charter, the town shall elect the following boards and offices:

a select board of five (5) members;  
a school committee of seven (7) members who shall be elected for three-year (3) overlapping terms;  
a housing authority of five (5) members, four (4) to be elected, and one (1) to be appointed in accordance with applicable law, for five-year (5) overlapping terms;  
a planning board of five (5) members;  
and a redevelopment authority of five (5) members, four (4) to be elected, and one (1) to be appointed in accordance with applicable law, for five-year (5) overlapping terms.

Laurence Pizer noted that the Housing Authority has some changes, and he suggested the Chair speak with the Town Clerk. He believes that the state is in the process of requiring one of the members to be a tenant (replacing one elected member). The School Committee has 3-year overlapping terms.

Ms. Vautrain wondered if Town Meeting Members should be included in this list.

Discussion also ensued over 4-1-1 "Beginning with the first town election held after the effective date of this Charter" ...

Mr. Golden will discuss this with town counsel.

No changes to 4-1-1, at this time.

4-1-2 The terms of office of multiple-member boards shall overlap, except as general or special law may provide otherwise. ~~Representative town meeting members shall be elected in accordance with Section 2-2-1 of this Charter.~~ Representative town meeting members shall be elected in accordance with Section 2-2-1 of this Charter.

Laurence Pizer MOTIONED to strike the last sentence, as shown above, 2<sup>nd</sup> by David Golden for discussion.

Mr. Pizer withdrew his motion in hopes of seeking an answer from the discussion between the Chair and town counsel, regarding the usefulness of 4-1-2. David Golden withdrew his second.

4-1-3 During the term for which a member is elected, and for one (1) year following expiration of such term, no member of any elected board under this Charter shall be eligible to accept any paid position under such board or in the same department.

Discussion ensued – no changes made at this time.

4-1-4 Vacancies in boards established under this chapter, except the Select Board, shall be filled by the Select Board, together with the remaining members of the appropriate board in accordance with the provisions of general law.

Discussion ensued

Laurence Pizer MOTIONED to strike 4-1-4, 2<sup>nd</sup> Martha Vautrain

	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				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 6-1-0**

## Section 2 Simultaneous Elected Offices

4-2-1 A representative town meeting member or elected town official representing the entire town shall not simultaneously hold another elected town office other than member of a charter commission. A person who holds multiple offices in violation of this section shall promptly inform the town clerk of which office that person will vacate. Election to a county, state or federal office other than a county charter commission shall be an event disqualifying an elected town official, including, but not limited to, representative town meeting member, from continuing in an elected town office beginning the day the individual is sworn in to the county, state or federal office.

Discussion ensued- no changes made.

Next meeting is April 16, 2024

The meeting adjourned at 8:16 PM

Respectfully submitted,

*Michelle A. Turner*

Michelle A. Turner

Minutes Approved on: April 16, 2024