

TOWN OF PLYMOUTH

CHARTER REVIEW COMMITTEE

MINUTES OF THE MEETING

August 9, 2023

*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**: In-person option: Town Hall · Great Hall - 26 Court Street · Plymouth MA 02360 Or Virtual option – a Zoom Webinar 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 Wednesday, August 9, 2023, 6 PM, at the Plymouth Townhall, Shallop Room, 4th Floor, Town Hall, 26 Court Street, Plymouth, MA 02360.

In-Person attendance: Chair David Golden, Clerk Robert Zupperoli and members Betty Cavacco, Joseph Hutchinson, Timothy Lawlor, Len Levin, Laurence Pizer and Martha Vautrain.

In person attendance also included alternates, Steve Bolotin and Michael Hanlon.

Via Zoom attendance: Vice Chair Alan Costello.

And Committee assistant, Michelle Turner was also present.

CALL TO ORDER

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

STATE REPRESENTATIVE MATT MURATORE

State Representative Muratore stated the difference between the Charter Commission and the Charter Committee. The Committee can make recommendations to Town Meeting for their approval. After Town Meeting approval, the changes go to State Legislature as a Home Rule Petition to Town Meeting for approval. Duties will be to review the charter, conduct public meetings, listen to citizens and guests. The final document will go to the Select Board and then to Town Meeting for approval.

The focus should be to make the Charter a more effective document. Changes to positions, terms, committee composition cannot be altered. You can make things clearer.

Steve Bolotin – Stated that the form of govt cannot change, length of term of any elected official cannot change. A position cannot be eliminated, but positions can be added.

Joe Hutchinson asked what the role of the Attorney General was during the process.

Rep Muratore – not aware of a statutory requirement to present the document to the AG.

A petition could be filed with the AG if something was to be challenged statutorily.

TOWN CLERK KELLY MCELREATH

The Town Clerk began with the Open Meeting Law (OML) and showed the document that was emailed for her office to each member.

She warned the Committee about emails back and forth among members and the possibility of violating the OML. The only exemption from full email participation is meeting scheduling.

The Clerk then notified the Committee that codification of the Charter would soon commence. This includes a full review of the Charter and the Town Bylaws. They look for any conflicting statements, relevancy, duplication, consistent with state law and make recommendations for updates. She said the vendor is General Code.

The project will take approximately 5 months to complete.

The Clerk suggested that a subcommittee of the Review Committee be formed to review the Recommendations and present them to the Committee.

Joseph Hutchinson and Laurence Pizer supported this project by the Clerk.

Laurence Pizer talked about double references between the Charter and the Bylaws. This Committee should also decide if that kind of redundancy is necessary.

PUBLIC COMMENT

Steve Lydon – asked if Public Comment would also be allowed after discussion items.

The Chair agreed that Public Comment typically occurs after agenda items.

No other Public Comment.

DISCUSSION TOPICS

COMMITTEE RULES

A handout was provided by the Chair for Committee Rules and the Chair summarized points as needed. Text of the Rules are below:

- 1. All committee members are encouraged to state their opinions, offer suggestions, or pose questions for further consideration by the CRC. Members may be recognized by the chair during discussion periods by raising their hand to indicate their intent to speak.*
- 2. Opportunity for members of the public to make comments will be allowed during each meeting. Such comments will be accepted during the posted comment period of the agenda but may also be allowed for specific agenda items after CRC members engage in discussion. Public comment will be time-limited so that all present*

members of the public will have the opportunity to speak. On the motion of any member, and having received a second, the CRC may vote to extend the time of a member of the public appearing for comment. This time restriction does not apply to presentations made by guests invited to provide information on agenda items, nor will it apply to town staff or board members who are recognized by the chair during a discussion period.

- a. Discussion: What is the length of public comment?*
- 3. All members must exercise caution in discussing CRC business with one another in public forums, including, but not limited to, in the course of other public meetings and on social media.*
- 4. When speaking on CRC business as an individual citizen, members must make clear that comments about CRC business represent a personal opinion and do not reflect the collective opinion of the CRC.*
- 5. Members are permitted and encouraged to share information with their fellow colleagues on the CRC. Handouts that are to be distributed in a meeting must be forwarded to the chair and our town-provided support staff member no later than 24 hours prior to the meeting.*
- 6. Any requests for an opinion from Town Counsel must be made through the chair.*
- 7. Discussion: additional rules.*

MOTION: Betty Cavacco motioned to hold public comment to three (3) minutes, 2nd by Joseph Hutchinson.

DISCUSSION:

Michael Hanlon asked if 3 minutes of public speaking was standard. Consensus was that 3-minutes per person was standard.

Role Call vote was taken by the 9-voting members – Motion was unanimous.

Public Comment time was set at three minutes/person.

Public Comment – Steve Lydon – will the Committee allow added time if they agreed.

The Chair agreed.

Steve Bolotin – noted that any changes made to the Charter be voted on by the Committee.

The Committee was in full agreement.

ROLE OF ALTERNATES

Timothy Lawlor opened the discussion to allow the two alternates to have voting privileges.

Betty Cavacco reminded the Committee that the Moderator stated it was the decision of the Committee to determine the role of the alternates.

MOTION: Betty Cavacco motioned to expand the role of the alternates as full voting members.
2nd Timothy Lawlor.

DISCUSSION:

Laurence Pizer – What is being asked is to create an 11-member committee and he did not believe that was the proposal.

Timothy Lawlor – we are asking the alternates to put in the same amount of time as all of the members and therefore should also be allowed to vote.

Martha Vautrain – agreed with the knowledge and longevity of the 2 alternates – and they would be allowed to express their opinions during discussion. But she did not believe it was even a part of the Appointing Committee to have alternates. She supports continuing with the 9-member appointed committee.

Robert Zupperoli – The question has been asked and responded to several times. He thinks the role of the alternate goes beyond the authority of the Committee. There are several boards/committees that have alternates and the roles vary. Mr. Zupperoli himself is an alternate on a committee and is aware of alternates being appointed as liaisons to committees. He is also aware of alternates with voting privileges and alternates without voting privileges. His point was that there is not a clear role of alternates – which is the larger discussion.

David Golden, Chair shared a written legal opinion issued by Town Counsel, Kate McKay. The Chair met with Atty. McKay recently and asked the question about the Charter Committee giving the alternates the same privileges as other members. He noted that it is the opinion of Town Counsel that only the Appointment Committee can elevate them to full membership. The Chair does not support going against the opinion of the Town Counsel. The Committee, however, can request the change through the Appointment Committee.

Timothy Lawlor recognized the opinion of Town Counsel as “just an opinion”. The alternates will put in just as much time and effort as all members.

Len Levin also noted that the Appointing Committee did not hold to the rule of not more than one member from any one precinct. He stated support of the alternates as full members and agreed the Committee should make the request to the Appointment Committee needs to be brought in.

Michael Hanlon said the “opinion” was clear and agreed that the Appointment Committee needs to make the decision.

Betty Cavacco stated that the Moderator was asked to reconvene, and he had said they would not reconvene, and the Committee was free to do what they saw fit, under their purview.

The Chair noted that if the Moderator stated that, he did not have the benefit of seeing the opinion of counsel.

Betty Cavacco **AMENDED THE MOTION** to bring the request back to the Moderator and the Appointment Committee with the recommendation that the alternates become full voting members.

Timothy Lawlor 2nd the AMENDED MOTION.

Laurence Pizer – confirmed that this motion was for an 11-member Committee. A NO vote on the motion should be made if we are not in agreement to elevate the 2 alternates.

Joseph Hutchinson – As a point to be made, Mr. Hutchinson thought Al Denardo and Steve Lydon should also be appointed to the Committee.

Alan Costello – asked which attorney gave the opinion.

The Chair noted it was Kate McKay.

Mr. Costello suggested KP Law issue an opinion. He also asked if/when an alternate could vote.

The Chair noted that counsel said the Committee could determine that role – i.e., when a full member was not in attendance.

Robert Zupperoli thinks asking another Counsel is a disservice to the Committee. Kate McKay has been appointed to assist the Charter Committee.

Martha Vautrain- She is not confused about the role of an alternate and she knows of no alternate that has voting privileges.

The Chair clarified that the motion is not to give voting privilege to an alternate but to recommend to the Appointment Committee that the alternates be permanent members.

Roll Call Taken:

Len Levin – yes, Tim Lawlor-yes, Betty Cavacco – yes, Martha Vautrain – no, Joe Hutchinson – no,

Larry Pizer – no, Robert Zupperoli – yes, Alan Costello – yes and David Golden – yes.

6 Yes and 3 No.

The motion passed.

The Chair suggested the role of the alternates be determined if the Appointment Committee does not act in favor of the recommendation. The Chair will contact the Moderator.

PUBLIC COMMENT:

Al Denardo, Precinct 17 – a legal opinion from Town Counsel is legal standing. He also asked if alternates voted that could be challenged in court.

Steve Lydon – apologized that it was his suggestion to the Appointment Committee that the Charter Committee also include alternates.

Betty Cavacco disagreed with Mr. Denardo's statement, but rather if the 2 members were elevated as permanent members, she did agree it could be challenged legally.

FUNDING FOR ADMINISTRATIVE SUPPORT

The Chair reported that the Finance Department would include an increase in Overtime (Article 2A) in the amount of \$8,834 for 165 hours through June 30, 2024.

COMMUNICATION WITH THE PUBLIC

The Website would be the best source of information.

Martha Vautrain – suggested that social media link to the new page.

Use of PACTV's public service bulletin board for meeting notices.

Len Levin – register for e-subscribe.

Alan Costello – suggested a dedicated Facebook page. Chair offered to speak with the Town Manager's office.

Mr. Costello also suggested the possible use of the reverse 911 or a notice in a water/tax bill .

Discussion ensued that use of the Reverse 911 for committee business would not be pursued, but a notice in a water/tax bill could be utilized.

Betty Cavacco suggested a short survey on the Town's page asking folks for their ideas for improvements to the Charter .

Larry Pizer – Give caucuses advance notice about Committee discussions.

The Chair noted that the Committee would attend caucuses upon completion of the task.

The Chair suggested progress updates to the COPC. Alan Costello supported the communication with COPC. Joseph Hutchinson also agreed.

Michael Hanlon – if the goal is to make the government better – than the Committee needs to invite other committees, boards, department heads, steering committees, sooner than later to meetings.

TIMELINE FOR COMPLETION

The Chair suggested the following timeline for the project completion, all subject to discussion.

CHARTER REVIEW COMMITTEE TIMELINE			
Stage	Month	Milestone	Number of Pages
GETTING ORGANIZED AND ORIENTED	July 2023	Select Leadership	
	August 2023	Establish Committee Rules Explore Scope of Authority Learn about Rights and Responsibilities Identify Priorities Diagnose Major Problems to be Addressed	
REVIEWING THE CHARTER	September 2023	Preamble Chapter 1: Powers of the Town	<1 2
	October 2023	Chapter 2: Legislative Branch	9
	November 2023	Chapter 2: Legislative Branch	9
	December 2023	Chapter 3: Executive Branch	12
	January 2024	Chapter 3: Executive Branch	12
	February 2024	Chapter 4: Elected Town Boards and Officers Chapter 5: Elections	2 5
	March 2024	Chapter 6: Town Boards, Commissions, Committees, and Department and Division Heads Chapter 7: General Provisions Hold Public Hearing	<1 1
	April 2024	Full Review of Changes	
PRESENTING THE CASE	May 2024	Draft the Report Draft a Presentation	
	June 2024	Present to Select Board	

		Present to COPC Hold an Open Forum	
FINALIZING THE CHARTER	July 2024	Draft Articles	
	August 2024	Submit Articles	
	September 2024	Present Articles to the Advisory and Finance Committee Present Articles to the Select Board	
	October 2024	Attend Caucuses Attend Town Meeting	

Discussion ensued over how the Clerk’s codification project would be considered.

Mr. Pizer did not see there would be an issue.

Betty Cavacco –Would like to identify the good points in the recent Charter Commission’s proposal.

NEW BUSINESS/OLD BUSINESS/MEETING SCHEDULE

Minutes of July 24, 2023, will be voted at the next meeting.

The Chair will email committee members’ choice of day of the week and times for future meeting planning.

PUBLIC COMMENT:

Lyle Lawrence of the League of Women Voters introduced herself. She is a member of the “Observer Corp” for the League and will attend meetings in person or via zoom, taking notes and reporting back to the LWV.

ADJOURN

The meeting adjourned at 7:50 PM

Respectfully submitted,

Michelle A. Turner

Michelle A. Turner

Minutes Approved on: September 5, 2023