

Observer Corps Report Town of Plymouth Charter Commission Meeting of November 15. 2021

Attendees: William Abbott, David Peck, Wrestling Brewster, Betsy Hall, David Malaguti, Larry Pizer, William Keohane, Frank Mand, Scott Vecchi (via Zoom).

At this meeting the Commissioners discussed specific topics in detail.

Town Meeting Size:

Larry Pizer observed that with the three new districts, each with nine members, the size of Town Meeting (TM) would grow from 135 to 162 members. He stated that the Commission needs to determine the role of the Town Meeting Member (TMM). He believes the role of the TMM is to study the issues, not necessarily speak to them at TM. Discussion can take place in the precinct caucuses. Thus, he did not see the need to reduce the number of TMMs. He pointed out that many towns our size or smaller have more TMMs.

Bill Keohane said that he agrees with Mr. Pizer. He suggested that TM is rushed, and that by allowing more time, more TMMs could speak. .

David Malaguti, however, believes that we should have a leaner TM with 5 or 6 TMMs per district.

David Peck thought that the discussion of the number of TTMs was premature given that the Commission had not yet settled on a form of government. He is for a town council or a leaner form of town meeting that meets more frequently.

Betsy Hall had a number of points:

- She would like to observe first-hand how a larger TM functions (e.g., Dartmouth has 290 TMMs.)
- Larger TMs involve more people and, presumably, more experts.
- To allow more TMMs to speak, the vote to close debate could be eliminated, as it is in the Town of Arlington.

Wrestling Brewster feels that the same people are always involved because it has been difficult to get members and get quorums. He wants a smaller TM that, he believes, will better serve the public.

Frank Mand noted that a strength of the current Charter is that it can be reviewed every 5 years. He feels that reducing the size of TM would result in even more entrenched TMMs. Thus, he is in favor of term limits on TMMs.

Bill Abbott believes that is appropriate to be considering specifics. The Commission is looking to construct a Charter that can be supported unanimously, but in the meantime, Commissioners should not dismiss specific items because they do not support the form of government those items pertain to. He also stated that the December 13th meeting would be reserved for a discussion of the role of Precinct Chairs, and that maybe the Council of Precinct Chairs (COPC) can evolve to take action between TMs. He also supports more debate during TM.

Wrestling Brewster observed that the same people speak at TM; maybe because some people are more comfortably speaking publicly. He is for more debate at TM. He also stated that there is more debate over small dollar items than million-dollar expenditures.

Betsy Hall reminded the Commissioners of her early “outside the box” idea to have a strong town manager, a council and town meeting.

Many of the Commissioners spoke to the need to get more people involved in Town Government.

Town Meeting’s Role as to Bargained Union Contracts:

At the last TM, a contract regarding COBRA provisions was introduced two days before TM. The Charter requires that TM receive such information 14 days in advance raising the question as to whether the vote was properly taken. The matter was referred through the Town Moderator to the Chair of the Finance Committee. The Finance Committee Chair contended that the COBRA contract was a supplement to a contract submitted 14 days in advance, and Town Counsel rendered an opinion that there was no violation of the Charter.

David Malaguti mentioned that contract settlements usually happen at the last minute. Nevertheless, he contended that TM should have been asked to take the matter up, and that a 2/3rds vote would have been needed. He also indicated that this issue needs to be addressed in the new Charter.

Bill Abbott noted that Town Counsel usually comes down on the side of those who hired him/her.

Several Commissioners spoke of reading other town charters that have a mechanism such as a permanent standing committee for enforcing their charter.

Wrestling Brewster reported that the COPC wanted information 14 days in advance if it is to be considered at all. He declared that “Town Meeting needs to take back Town Meeting.”

While Betsy Hall agreed with Mr. Brewster, Larry Pizer pointed out that there are lots of things that change right up to TM. It will not be easy to construct a Charter that allows for appropriate flexibility. Bill Keohane echoed Mr. Pizer’s concern asking when would a 2/3 vote be needed, and what would be allowed as supplementary.

David Peck argued that 14-day deadlines would not be an issue with a Town Council form of government.

Betsy Hall said that the Dartmouth Charter allows any ruling of the Town Moderator to be challenged, not just points of order. The role of TM is therefore stronger.

Frank Mand said that a charter enforcement committee is important to enforce the 2/3rds vote mechanism. Lack of enforcement erodes people's trust in government.

The Role and Makeup of the Finance Committee:

David Malaguti believes in a separation of powers; that the Advisory and Finance Committee only consider financial articles, and that the COPC consider other articles. He would rename it the Finance Committee. He also does not think the Town Moderator should appoint all Fin Com members.

Bill Keohane believes that TM needs to lay a larger role in the budget process, and the TMMs should be involved earlier in the budget process.

Bill Abbott delineated three points for the Charter Commission to address when dealing with the Finance Committee in the new Charter:

1. The composition
2. How are they appointed?
3. What do they do? (the role of the Fin Com)

Wrestling Brewster stated that, in his opinion, the Fin Com has too much power, and that it runs TM.

There was discussion regarding whether TMMs should/could also be on the Fin Com. No Commissioner seemed opposed to the idea.

Roz Jones, former Advisory and Finance Committee Second Chair then spoke to a memo she had sent the Commission. She wrote:

- Most of the Town budget is pretty much "baked" by the time it gets to the Fin Com.
- The Fin Com should be involved at the beginning of the budgeting process
- There is an association of town finance committee members that is helpful.
- There is no transparency in the appointment process. What is the vetting process? There is too much turnover in Fin Com members.
- 75% of the town budget is salaries and retirees; health insurance is a huge part of this category. There is reluctance to touch this.
- Fin Com needs to look at best practices such as forecasting.

While not yet posted at the time of this writing, Ms. Jones memo should be available soon at:

<https://www.plymouth-ma.gov/charter-commission/pages/public-comments-and-input>

Public Comment:

Peter Neville, Precinct 10 TMM asked the Commission to keep an open mind. He asked how ideas are captured as they arise during discussion. He urged the Commissioners to avoid redundancies in the Charter. He cited Anatole Zuckerman's letter in the 11/15 edition of the OCM, and asked the Commission to consider it. (Mr. Zuckerman presented the points covered in his letter during Public Comment at a previous Commission meeting.)

Susan Ready, Precinct 15 via Zoom made four requests of the Commissioners:

1. Share the criteria that the Commission uses to draft the Charter
2. Survey key stakeholders for their ideas
3. Put options on the ballot
4. Propose an agile and responsive form of governance.

She did her own survey of other towns about Plymouth's size and found that 85% had some form of mayor/town council government. She feels that Plymouth needs a vision and a strategy, and the the bi-annual town meeting is not nimble enough to meet 21st century needs.

Al Denardo, 46 Sunflower Way, served in TM in Saugus. He believes that city governments build political machines, leading to corruption. He likes TM where TMMs can see and control corruption.

Other Business:

The Select Board has sent an invitation to the Commission to join it at a Select Board Meeting. The Charter Commission instead decided to send each Select Board member an invitation to attend and speak at any future Commission meeting. (Note that Betty Cavacco has attended via Zoom and spoken during Public Comment. Select Board member Patrick Flaherty has also spoken on Climate and Open Space.)

Respectfully submitted,
Lyle Lawrence