

Observer Corps Report Town of Plymouth Charter Commission Meeting of January 24, 2022

Attendees: William Abbott, David Peck, Wrestling Brewster, Betsy Hall, David Malaguti, Larry Pizer, William Keohan, Frank Mand

Invited Guest Edward (Sandy) Gadsby, former Town Moderator for Brookline:

Mr. Gadsby described the many features of Brookline town government. With a population about the same as Plymouth, Brookline, too, has representative town meeting.

14 days before Town Meeting (TMtg), Town Meeting Members (TMMs) receive a report on the warrant from the Select Board (SB) and the Advisory and Finance Committee (FC).

Amendments regarding financial articles must be provided 5 working days ahead of TM; non-financial amendments 48 hours.

The LWV of Brookline sponsors a discussion of the warrant articles before town meeting.

Town Meeting has written rules, and there is a handbook for TMMs

There are time limits (3 minutes) for speakers. A TMM can call the question. People sign up in advance to speak so the Town Moderator can set up the order of the speakers. (Mr.

Gadsby liked to alternate pro and con speakers.)

TMtg meets 2 times a year, but each meeting may have many sessions.

There are 20-30 standing committees that meet 30-40 times throughout the year. Most members of the standing committees are appointed by the SB. There are generally 5-6 members/committee, usually about half are TMMs.

Mr. Gadsby likes the idea of hybrid town meeting, both on-line and in-person. He reported better attendance during the pandemic when meetings were on-line than when they were only in-person.

Brookline TMtg considers 30-40 articles/meeting.

The Town Moderator appoints all FC members and Mr. Gadsby considers it hard to find FC members because of the time commitment required.

Mr. Gadsby views any role by the SB in appointing FC members as a conflict of interest.

The Brookline SB has no term limits.

There are no formal requirements of precinct meetings.

As in Plymouth, the SB can call a special meeting.

There are no residency requirements for town employees.

Brookline employs 4-5 in-house legal counsels as opposed to using an outside firm. The budget for this is in the mid-to high six figures.

There are 250 TMM.

Discussion of Various forms of Government:

Over the next few meetings various forms of government will be proposed and discussed.

David Peck submitted an outline of a Town Council form of government. Below is his submission.

**A Proposed Town Council for Plymouth, Massachusetts
A Representative Body with competitive elections, frequent meetings and accountability**

Draft December 31, 2021

1. Size and Composition: 13 Members

- 9 District representatives: (2 precincts per district)
- 4 at Large
- Note: at each census, if added population requires, create 1 more district of 2 precincts, meaning one more district representative; at same time, drop one At Large to keep 13 Member Council
- Three year overlapping terms
- Term limit of three terms
- No Town employee may serve on Town Council until at least 12 months after leaving Council

2. Council meets twice a month September through June; once a month July and August unless special meetings needed.

3. Council elects Council President and Council Vice President. One-year term. Council appoints:

Town Administrator: Three year contract. Hiring or firing requires 9 of 13 votes of Council
Planning Board: 5 members plus 2 alternates. 3 year overlapping term
Zoning Board of Appeals: 5 members plus 2 alternates. 3 year overlapping term
Finance Committee: 13 members. 3 year term. 3 year overlapping term
Board of Health: 5 members plus 2 alternates. 3 year overlapping term
Licensing Board: 3 members 3 year term. 3 year overlapping term

4. Town Elects:

School Committee. 6 members at large, three year overlapping terms. Council President is voting member, making 7 members
Conservation Committee. 6 members at large, three year overlapping terms. One Council member ex officio.

Town Meeting versus Town Council: A Comparison

Plymouth Town Meeting:

- 162 members (if 9 per precinct)
- Many seats uncontested or barely contested
- Meets 2x a year, sometimes 3
- Deliberates 12 hours per year
- Deliberates 1x per article
- Town employees can be Town Meeting Members
- Finance Committee appointed by one person (Moderator)
- School Committee totally separate from Select Board

- 4 of 5 Select Board members can hire and fire Town Manager
- Select Board all elected at large
- Town-wide at large elections for Select Board can be expensive
- Elections in May

A Plymouth Town Council:

- 13 members, 9 from districts, 4 at large • Fewer seats mean more competition
- Meets 22x a year or more Deliberates 44 to 66 hours per year
- Deliberates minimum 2x per article
- Town employees cannot be Councilors
- Finance Committee appointed by Council (13 people)
- Council President can be voting member of School Committee
- 9 Councilors required to hire and fire Town Administrator (2/3 vote of 13)
- Councilor elections based in part on districts, providing representation across the Town
- District wide Council elections likely to cost less than Town-wide
- Elections in November

Ms. Hall asked what makes the Council form better, and Mr. Peck replied that there is more deliberation, more consideration, but also quicker action.

Mr. Abbott asked what happens to the 100+ citizens who currently volunteer for committees which he thinks is a strength of the current form of government. Mr. Peck said that the current committees do not necessarily go away.

Mr. Pizer mentioned that choice of form has to do with one’s philosophy as to the role of government and the trade-off between democracy and efficiency.

Mr. Brewster observed that the Committee of Precinct Chairs is getting stronger and “beginning to flex its muscles”

The observation was made that by Massachusetts State law town elections cannot be on the same date as a state election so a November election date could be problematic.

Mr. Keohan stated that he was worried about developers using campaign contributions to influence elected conservation commissioners. There was a general discussion among the Charter Commissioners as to how much money it currently costs to run a campaign for certain town positions.

Ms. Hall likes that TMtg controls development by-laws. Mr. Keohan agreed with Ms. Hall.

Mr. Pizer reminded the commissioners to keep in mind the difference between legislative and executive functions.

Public Comment:

Mr. Ken Christofori , Precinct 13, had submitted a proposal for a hybrid form of town government that was published with the meeting agenda. Here is his suggestion:

**Hybrid form of Town Government based on Form 2 of the Document titled
“Forms of Local Government Commonwealth of Massachusetts” (Council/Manager)**

Town Manager

1. Appointed by Council Members and must not be a registered Town voter or own property in the Town such that there will be no conflict of interest in decision making
2. Town Manger should be a “strong” manager such that he or she does not answer to the will of the Council Members
3. Town Manager appoints an assistant Town manger pending the approval of the Council Members.
4. Town Manager can appoint, discipline, or remove Town Department Heads
5. Town Manager could consider a non-scheduled pay raise for a Town Department Head if the Town Council recommends one in order retain his or her services. This would also have to be within approved “contingency monies” to stay within the approved budget for that year.

Council Members (Formerly the Selectboard)

1. One Council Member shall be elected from each of the Town villages for a total of five Council Members.
2. Council Members appoint the Town Manager and have the capacity to recommend his or her removal pending the agreement of Precinct Representatives and a Town Meeting vote.
3. Council Members, their spouses, or their siblings, cannot be or have been employed by the town to reduce conflict of interest concerns
4. Council Members are subject to term limits
5. Council Members shall make policy subject to the approval of the Town Manager and Town Legal Counsel.
6. Council Members along with Town Meeting approve or disapprove the Town Budget
7. Council Members do not have any authority over the Town Manager concerning his or her oversight of Town Department Heads or how the departments are organized.
8. Council Members do not have the authority to authorize raises for Town Department Heads, however they can make recommendations to the Town Manager for raises to retain a Department Head that may be considering employment elsewhere or to recommend a person within that department to either take over or act as an interim department head.

Precinct Representative

1. One (or no more than three) Precinct Representative shall be elected from each Precinct

2. Each Precinct Representative holds Precinct Meetings in his or her Precinct regarding issues on warrants that will be presented to Town Meeting. This will gauge what the people of that precinct want and to make comments on these warrants. i.e.: If a majority of meeting members approve of the warrant, then the Precinct Representative attends the Town Meeting and casts a vote in favor of the warrant on behalf of the people of his or her precinct. Once all the Precinct Representatives cast their vote on a particular warrant and a majority vote has occurred, the warrant is moved onto Town Meeting and Town meeting members will then vote on the approved warrants.
- 3) Monthly Precinct Caucus Meetings to listen to and answer questions from citizens
- 4) Precinct Representatives should explore ways to get citizens to engage in Town Government such that voting numbers will increase and younger people will be more inclined to run for town offices, committees etc.

Town Meeting

1. Town Meeting shall maintain the same responsibilities under the current Charter
2. Town Meeting Members, their spouses, or their siblings, cannot be or have been employed by the town to reduce conflict of interest concerns
3. Town Meeting Members are subject to term limits.
4. If possible, the quantity of Town Meeting Members from each Precinct needs to be reduced and should be an odd number. Nine members from each precinct for a total of 123 members based on the current fifteen precincts is too large to enable debate on warrants.

Mr. Christofori also submitted lengthy written comments with the following points:

1. He disagrees with the SB putting three non-binding questions on the next election ballot and asked if it wasn't the Charter Commissions job to make that recommendation.
2. The Commission needs to be given the time to perform their task without undue pressure from the SB.
3. In his "hybrid" proposal stated above, he reflects what he has heard from others regarding what they would like to see in a new Plymouth government.

Mr. Kevin Lynch asked if there would be a public meeting or hearing, and Mr. Abbott responded that there will be in September when there is a draft to discuss.

Mr. Peter Neville praised the outside speaker, Mr. Gadsby, and liked David Peck's presentation as well. He suggested the Charter Commission do a press release or direct mailing as to what they have been doing.

Under New Business it was suggested that Bernie Lynch, who conducted the search for Plymouth's new Town Manager be invited to speak as he has experience with many other towns.

Respectfully submitted,
Lyle Lawrence