

**Observer Corps Report  
Town of Plymouth Charter Commission  
Meeting of April 4, 2022 (Via Zoom)**

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

Chair William Abbott opened the meeting with a brief recap of what the committee had decided to date – to proceed with a representative town meeting form of government for Plymouth.

**Invited Guest Lynn Barrett, Finance Director:**

Mr. Abbott remarked that Ms. Barrett had already spoken to the Committee at the outset of the process, and he asked her to comment on how she might see the Council of Precinct Chairs (COPC) functioning in the future and how the Advisory and Finance (A&F) function works from her perspective.

Ms. Barrett stated that she has worked in town government for the last 29-30 years; 15 of those with representative town meeting. When asked by Mr. Abbott how she saw the Town's ability to act in an emergency financial situation between town meetings, she replied the A&F can vote reserve fund transfers during the year for expenses unforeseen or unexpected. She elaborated that A&F meets the 3<sup>rd</sup> Wednesday of each month and more frequently before the spring and fall Town Meetings. At those meetings, transfers, with a cumulative limit of \$150,000/year, can be made. Was the suggestion being made that the COPC also have authority to spend, subject of course, to certain limits? Ms. Barrett said in the 15 years she has been in Plymouth the \$150,000 reserve fund has been adequate, and if a big emergency arose, they have been able to schedule it into Town Meeting.

Mr. Mand, asked what about the sewer collapse, what happened there? Ms. Barrett replied that in an emergency of that sort a declaration of a local or state emergency can be made allowing the Town to request authorization from the MA Department of Revenue to spend deficit funds without having to call a

special Town Meeting. Mr. Pizer added that for an unexpected election (not an emergency), Ms. Barrett could make a budget amendment at a Town Meeting or could use a special reserve fund. There are also end of year transfers which permit transfers from any area except the school budget as long as they are approved by A&F and the Select Board (SB). He gave the fuel budget as an example where such a transfer will be needed this year. Mr. Brewster mentioned that when the sewer collapsed the rental of pipes had to be approved by the SB who also had declared the emergency. Then A&F determined how much would be needed between the emergency and the next Town Meeting. Massachusetts General Laws Chapter 44, Section 31 permits deficit spending by a town (if an emergency is declared by the governor or a majority of the select board or 2/3 vote of city or town council), however authorization must be sought at the next Town Meeting for either borrowing or spending, otherwise the deficit amount must be automatically included in the tax rate for the coming year. Mr. Abbott pointed out that the emergency process involves A&F and the SB with no involvement from the legislative branch, asking couldn't the COPC reflect the will of the people in such an emergency?

Mr. Malaguti suggested that the COPC could act as a mini town meeting to make expenditures between Town Meetings, Ms. Barrett observed that what Mr. Malaguti was saying sounded like a council form of government. Ms. Hall disagreed saying that a council serves both legislative and executive functions whereas the COPC is strictly legislative. Mr. Malaguti also questioned whether the reserve fund was large enough. He recalled that it was \$150,000 back in 1976.

Ms. Hall suggested that the warrant motions be sent to each town resident. Ms. Barrett felt that the warrant is too general to be meaningful to which Ms. Hall responded that link to the back-up material could be provided.

### **Legal Firms and Consultants:**

RFPs to assist the Commission in writing the new Charter were sent to three firms. The first firm, **Anderson & Kreiger LLP**, made a brief presentation and

answered questions from the Commissioners as did all the other firms presenting.

The next presentation was from the **Collins Center** which was created by the Legislature and is affiliated with UMass Boston. Unlike the other two firms presenting tonight, they act more as consultants than lawyers.

The final presentation was from **Miyares and Harrington LLP**, a Wellesley-based legal firm.

### **Public Comment:**

**Charles Mathewson, News, WATD** spoke about the need to communicate to the public if the Town is to increase citizen engagement. He mentioned that the *Old Colony Memorial* used to present, in advance of Town Meeting, a two-page spread that would provide condensed information with enough detail to capture the reader's attention. In one paragraph, it would list all the routine items that did not need scrutiny. It provided information on what the effect of the budget would be on an individual's taxes. After all, that's what the public really wants to know, he said.

Mr. Mand stated that communications is key for constituents and asked how the Charter could make that happen. Mr. Pizer said that use of the internet was important because it is where people get their news and the warrant is continuously updated making a printed copy quickly obsolete. Mr. Mathewson said that the challenge was to make the information relevant and interesting to the reader. Mr. Brewster suggested the need to beef up the Town website.

### **Follow -Up:**

Mr. Abbott asked all the Commissioners to be thinking about communications between the SB and Town Meeting and the accountability of the SB to Town Meeting. He said that the Commissioners will be reviewing all minutes to come up with the list of items that need to be addressed as the Charter is drafted. He stated that some items may not be directly put in the Charter but need to be

kept for consideration.

Respectfully submitted,  
Lyle Lawrence