

## Observer Corps Report

Town of Plymouth Charter Commission  
Meeting of April 25, 2022 (Hybrid – In-Person and Via Zoom)

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

Following up on the decision at the last meeting to engage The Collins Center for Public Management for assistance with drafting the new Charter, Chair William Abbott welcomed the group that will be assisting Plymouth to the meeting. In attendance (via Zoom) were Michael Ward, Director, Elizabeth (Libby) Corbo, and Patricia (Patty) Lloyd. The agreement with The Collins Center (TCC) calls for an upfront payment of \$6,000 with the remainder payable in the next fiscal year upon the conclusion of the agreement (expected to be around November).

Mr. Abbott stated that since the last Charter Review Committee had proceeded through the Charter line-by-line, paying close attention to grammar and construction, he wanted to take a different approach with this drafting. Mr. Ward walked through the four-step process that TCC plans to use that culminates in the actual drafting of a new Charter.

### **Focus on the Committee of Precinct Chairs (COPC)**

Mr. Abbott referred to a list of items of possible functions for the COPC that he had provided to TCC. (Please see attachment) Mr. Ward observed that there is not a lot out there on this topic and it would be challenging. Of 31 towns, only 4 have a legislative committee consisting of precinct chairs. For example, Dedham has a COPC, but it functions to review the rules and procedures of town meeting and may hold “mini” town meetings in their district. The Town of Redding has a Rules Committee made up of precinct chairs, and Stoughton has a Committee on Rules made up of the Town Moderator and the precinct chairs that comes up with the town meeting rules. Plymouth is proposing a unique legislative committee. In another town, each precinct had one person who was appointed to the Advisory Committee.

The first item discussed was giving the COPC accountability and oversight to follow up on items passed by Town Meeting (TMtg) and reporting back to TMtg on the items it passed. The idea is to have some continuity to the legislative branch between TMtgs. Mr. Brewster asked if there was a way for the legislative branch to be more involved year around; he felt that the COPC could be the voice of TMtg between town meetings and noted that Town Meeting Members (TMM) were sometimes frustrated that items they had enacted were not carried out. He views the COPC as “the voice of town meeting.” Mr. Ward suggested that TCC put together a statement on the role, function and mission of the COPC that incorporated four things that he was hearing: follow-up and oversight; continuity of the legislative branch; facilitating TMtg rules and procedures; and reviewing the by-laws. Mr. Mand added that the COPC needs authority, translating to authority to be heard, especially, he added, by the Select Board (SB).

At the suggestion of Larry Pizer, a brief discussion ensued as to enforcement of the charter provisions. Mr. Ward remarked that many towns are grappling with the issue of charter enforcement. In some towns, the SB or Town Manager are supposed to enforce the charter. In Orleans, ten voters

may raise the issue of enforcement and ask the SB to ask Town Counsel if the charter is being followed. He also cautioned that some issues are temporary “political” issues that should not/cannot be solved through a charter. Ms. Corbo said it was important to differentiate between not following up on warrant articles and general charter enforcement which might be a personnel problem. Ms. Hall suggested that perhaps the COPC could function like the ten voters in Orleans and ask the SB to ask Town Counsel about issues with charter enforcement.

Mr. Peck raised the issue of conflict of interest. Mr. Ward stated that most towns rely on state law and do not have specifics in their charters. Some towns have the Town Moderator handle conflict of interests. Other towns feel that simple disclosure of the conflict is adequate. A discussion ensued regarding oversight, and some Commissioners said that maybe the COPC was not the best place for the oversight function. Mr. Mand suggested that perhaps an independent committee with enforcement powers was the answer.

TCC agreed to draft a mission statement for the COPC and explore potential responsibilities and powers. They will bring it to the next meeting.

**Public Comment:**

**Joseph Hutchinson** observed that the COPC was a group that might have significant powers and that it was important the individuals have the skills and depth of experience to carry out their responsibilities. He pointed out that he is having an issue filling out the roster for his precinct.

Respectfully submitted,  
Lyle Lawrence

## Plymouth Charter Commission - Committee of Precinct Chairs

wabbott1@aol.com <wabbott1@aol.com>

Wed 4/20/2022 11:19 AM

To: michael.ward@umb.edu <michael.ward@umb.edu>

Cc: Charter Commission <chartercommission@plymouth-ma.gov>; dogd@aol.com <dogd@aol.com>; William Keohan <billkeohan@gmail.com>; Ann Pizer <lapizer@gmail.com>; Betsy Hall <bh2746@yahoo.com>; ww@bpcs.us <ww@bpcs.us>; davidbpeck@aol.com <davidbpeck@aol.com>; davidfmalaguti@gmail.com <davidfmalaguti@gmail.com>; scott.vecchi@gmail.com <scott.vecchi@gmail.com>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Mike . . . as we discussed, here are notes on what the Commission would like to do with respect to the Committee of Precinct Chairs (COPC).

The COPC was added to our Charter in the mid-2000's as per Sections 2-11-4 and 2-3-4. Section 2-3-4 was edited in 2017 by a 5-year Charter Review Committee (CRC).

"2-11-4: The precinct chairpersons shall meet together within forty-five (45) days following each town election and shall organize as a Committee of Precinct Chairs, electing a Chairperson and a Clerk."

"2-3-4: The Committee of Precinct Chairs described in Section 2-11-4 may from time to time appoint subcommittees of itself or committees of Town Meeting members to review town by-laws, town meeting rules, the status of past town meeting actions[O1] , and for such other purposes as they shall deem appropriate and shall make recommendations to the representative town meeting and/or the moderator at least annually. The committee also may perform other duties designated to facilitate the business of town meeting. In addition to any other powers conferred upon it by the representative town meeting, the Committee of Precinct Chairs shall periodically review the rules of procedure that govern the conduct of the representative town meeting and report its finding to the representative town meeting at least annually."

---

*[O1]2-3-4: On 12/07/17 the CRC agreed to alter 2-3-4 by adding the wording, "...the status of past town meeting actions..." in response to feedback and discussion around whether or not past town meeting actions were implemented.*

The current Commission has discussed clarifying COPC's existing powers and adding new powers to the COPC which are in line with its role as a key committee functioning within the legislative branch as a creature of Town Meeting. They include:

A. Enforcement of Charter provisions. Many Charter provisions currently are not being observed or followed such as, e.g., the failure of the Planning Board and Planning Department to make planning decisions and implement zoning changes that are consistent with the Town's Master Plan; failure of the Select Board to act through the Town Manager with respect to the operation of Town agencies; compliance with the conflict of interest Charter provisions; failure of Town financial decisions being made in accordance with Charter provisions, etc.

B. Making of recommendations to Town Meeting with respect to Warrant Articles not involving financial matters, and restricting Finance Committee to advise only on Articles with a primary financial element.

C. Providing legislative follow-up (i.e., accountability) and oversight with respect to past actions of Town Meeting and reporting re same to Town Meeting.

D. Joining in making of appointments to Finance Committee and other selected boards and committees.

E. Providing for actions on behalf of Town Meeting in between regular Town Meeting such as authorizing expenditure of funds to a certain limit in the event of an emergency called by Select Board or by COPC, or in the event of an opportunity that arises that reasonably requires action on behalf of Town Meeting until the next regularly scheduled Town Meeting.

F. Recommending with a 2/3 vote of COPC to the Select Board to call a Special Town Meeting within 30 days.

G. Increased interaction with Finance Committee including at least one joint meeting of COPC and Finance Committee at least 14 days prior to Town Meeting.

H. Other powers as suggested by Charter Commissioners to be discussed.

Note: The a major issue of our local government is, can the Town operate more efficiently with a council form rather than the town meeting form and not lose the inherent democracy of a well-prepared town meeting. Our Commission is intrigued with the idea that COPC can perform many of the functions of a council form and yet still work with the town Meeting form. That would be the impetus of adding to the powers of COPC.