

Observer Corps Report
Town of Plymouth Charter Commission
Meeting of August 23, 2022 (Hybrid – In-Person and Via Zoom)

Commissioners in Attendance: Peck, Hall, Malaguti, Pizer, Abbott, Keohan (Zoom), Mand
From the Collins Center: Pat Lloyd (via Zoom)

Now available on the Charter Commission website is the latest August 23, 2022 draft.

[https://www.plymouth-ma.gov/sites/g/files/vyhlf3691/f/pages/08_23_2022_master_working_charter_plymouth .pdf](https://www.plymouth-ma.gov/sites/g/files/vyhlf3691/f/pages/08_23_2022_master_working_charter_plymouth.pdf)

This draft was posted after the August 23rd Commission meeting; references in this report pertain to the August 22, 2022 (B) draft.

Chair’s Opening Remarks:

After calling the meeting to order, Chair Abbott stressed that time was growing short to finish the draft in time for publication, and tonight’s meeting would be all business. He referred to the three “big questions” that will be deferred to Monday, August 29th when full attendance is expected and the decision can represent the entire commission. Those questions are:

1. The number of Select Board (SB) members. Should the Town go from five to seven members?
2. The addition of regional members to the SB. If there is a decision to have seven members, should the Town have some of those members elected not at-large, but instead by region?
3. When there is a Charter violation, to whom should the complaint and response be sent?

Chair Abbott also remarked that he is waiting for a legal opinion from Town Counsel regarding the new Chapter 2, Section 8, Subsection 1 [2-8-1]¹ electing the Town Moderator (TMod) at Town Meeting (TMtg.) rather than at a town-wide election, and whether the TMod is subject to State campaign finance laws etc.

Walk Through the August 22, 2022 (B) Draft:

Chair Abbott started with the new preamble to the Charter and asked if it met the criteria that the members had laid out. He asked Mr. Mand, specifically, if he wanted the term “Rights of Nature” capitalized to which Mr. Mand replied that yes, Rights of Nature is an accepted legal theory. In [1-6-1], members wrestled with what to call the now up to three town meetings since Annual Town Meeting is defined by State law to occur in February, March, April, May or June. Chair Abbott thought this decision should be moved to next Monday’s meeting. In [2-6-3], he pointed out the addition of the position of a Vice-Chair in each precinct caucus. When he came to the TMod in [2-6-1], he referred those in attendance to [5-5-2], a new section added to permit the Council of Precinct Chairs (COPC) to provide a forum for all TMod candidates to share campaign platforms.

In [2-9-1], Compulsory Attendance, Mr. Mand pointed out that not all Planning Board members were invited to participate in virtual Town Meetings. It was felt that this might be due to technical

¹ Hereinafter references to parts of the Charter will be designated by three numbers, the Chapter, the Section, and the Sub-section or two numbers if referring to all sub-sections.

limitations. In 2-13, the new Warrant Article Oversight Committee designed to track the status of articles passed by TMtg., will make two reports rather than the initial three originally proposed. The report due 60 days after TMtg. has been eliminated. The much-discussed Conflict of Interest (COI) section [2.11.1] arose again. Mr. Pizer repeated again that the State's Conflict of Interest Laws do not cover TMtg. Members (TMMs) so they should not be required to complete the State COI training. Chair Abbott pointed out that that's why Plymouth has chosen over the years to write a COI section that does pertain to TMMs, and Ms. Hall suggested that the TMM Handbook might contain Plymouth-specific training. The appointment of a Town Manager (TMgr.) will now take five votes, reflecting the new seven-member draft. (Of course, if the Commission votes to go back to five SB members, this will revert to four to appoint.). Mr. Pizer suggested that the Assistant Town Clerk and Justices of the Peace be added to the officers that are able to swear-in any duly elected person (see [5-3-1]).

Once again, the Commission returned to the Charter Enforcement Section [8-5]. Members seemed to think that most problems are procedural in nature - a department or individual might submit something a few days late or some similar infraction - but agreed that there were sometimes more serious violations such as when SB members did not follow the Charter. Mr. Peck felt there needed to be some other way to deal with these more serious matters. He wanted an enforcement mechanism that would work but would not be abused, and wanted a more public view of these matters. Chair Abbott stated that this issue was not settled. He asked the Collins team to make some suggestions for Monday's meeting.

Public Comment:

Joseph Hutchinson spoke to his proposed Communications and Engagement (C&E) proposal that came from the Model Cities Charter. He wants to see a department head appointed to lead C&E rather than just having the Town Manager handle it as is currently in the Charter. Chair Abbott replied that the Transition Provisions at the end of the Charter would charge the TMgr. to come up with a plan for the implementation of Chapter 7, Communications and Public Engagement, and encouraged Mr. Hutchinson to work with Mr. Brindisi, the Town Manager.

Respectfully submitted,
Lyle Lawrence