

Observer Corps Report
Town of Plymouth Charter Commission
Meeting of August 29, 2022 (Hybrid – In-Person and Via Zoom)

Commissioners in Attendance: Peck, Hall, Malaguti, Pizer (via Zoom), Abbott, Keohan, Mand, Vecchi, Brewster

From the Collins Center: Michael Ward, Patricia Lloyd, Elizabeth Corbo (all via Zoom)

Chair’s Opening Remarks:

Chair Abbott opened the meeting and announced that he has heard back from Anderson Krieger, Special Counsel to the Commission, on the two matters that were submitted to them. They found that the change whereby Town Meeting Members (TMMs) elect the Town Moderator and the change adding an associate member of the Planning Board with full voting powers were consistent with State law.

Further Edits to the Charter:

Both Hall and Mand had made some minor edits to the preamble to improve the overall product. Section 3-2-6 prohibiting Select Board (SB) members from dealing with Town employees directly and requesting that they go through the Town Manager (TMgr.) precipitated a long and lively discussion as to the best wording. Some small changes were made, adding a final sentence: “Furthermore, neither the SB nor its individual members shall give direct orders to any such employee who is under the direction and supervision of the Town Mgr.”

The Big Questions:

Chair Abbott had deferred some votes on important changes until tonight when all Commissioners were expected to be present. These items had previous tie votes or were unresolved. The first big question dealt with changing the number of TMMs per precinct from nine to six. Mr. Peck feels that precincts have trouble getting enough interested candidates and that in many precincts there is not any real competition, so he supports the lower number. Chair Abbott and others feel that lowering the number of representatives per precinct is not going to solve the problem. After further discussion, the Commission voted 5-4 to keep the number at nine representatives.

The second question revolved around the SB members – how many and how should they be elected. The issues were voted separately. The Commission, on a 7-2 vote, decided to increase the number of SB members from five to seven. Then the Commission discussed the question as to whether five of the members should be at-large and two representing districts (North and South). Again, a long and lively discussion took place with those favoring the regional SB members arguing that many areas of the town feel under- or non-represented, and those opposed arguing that it is unnecessary because a SB member should represent the whole town. Ms. Hall especially felt that the district representation was too close to a town council and was afraid that this one provision was so radical a change that it could sink the whole Charter and fourteen months of hard work. At one point in the discussion, Mr. Mand recalled that he had originally proposed three at large SB members, one from the North, one from the West and one from the South, and this idea took off in the discussion. The eventual vote was 6-3 in favor of four at-large and three regional SB members. The Collins team will go through the Charter to make sure it reflects the three regional SB members where it referred to two.

The last question concerned the Enforcement Chapter, a new addition to the Charter. The Collins team had worked on this language. The Commission added an introductory paragraph drafted by Ms.

Hall stating that all persons subject to the Charter shall respect and comply with all provisions of this Charter, and they rearranged the order of some paragraphs. Also, language referring to violations was softened to “non-compliance” and the forwarding of the complaint to the TMgr. and SB was eliminated. The Periodic Charter Review (Chapter 8, Section 6) had new language designating a three-person committee (Town Moderator, one SB member and one member of the Committee of Precinct Chairs (COPC)), to appoint the Charter Review Committee but the Commission decided to go back to the original language assigning that authority to the COPC.

Mr. Peck said that he had been forwarded a copy of a warrant article introduced by the SB that would change the town election to November, every two years. Mr. Malaguti and Mr. Keohane both felt elections every two years would not work for Plymouth. The Commissioners also voiced concern that the introduction of this article was intended to “torpedo the Charter” (Mr. Abbott’s words).

Transition Provisions:

While there is recognition that the Transition Provisions may be somewhat of a work in process, Mr. Ward cautioned that there should not be any material changes between what is published in the newspaper and what is sent to the Attorney General. There will be an opportunity to make small changes after the AG reviews the Charter.

Minority Report:

David Peck plans to file a minority report. He will send a draft to the Commission for its September 12th Committee Meeting. It will not be published in the newspaper with the preliminary report since it needs to be finished and reviewed by the Commission before it can be published. It will be filed with the final Charter report on November 16, 2022.

Public Comment:

Pat McCarthy expressed her concern with deadline dates that still did not align in the latest draft of the Charter. The Commissioners listened and agreed with her and will make the necessary changes.

Virginia Davis suggested that TMMs should reach out to apathetic voters in their communities.

Miscellaneous:

The Collins team recommends that “annual town meeting” not be a defined term listed in the definitions but be dealt with instead in Section 2-4-1 on Representative Town Meeting.

Upcoming Dates of Note:

- Thursday, September 1 - Submit preliminary Draft Charter to the Old Colony Memorial for publication.
- September 12 - Next scheduled meeting of the Charter Commission
- Thursday, September 15 - Publication in this week’s edition of the Old Colony.
- Friday, September 16 - Submission of preliminary Draft Charter to the Attorney General and Department of Housing and Community Development.
- Monday, October 3 - Public Hearing on the new Charter

The latest and final or near-final draft of the Charter is available at: https://www.plymouth-ma.gov/sites/g/files/vyhlf3691/f/pages/08_29_2022b_master_working_charter_plymouth_.pdf

Respectfully submitted,

Lyle Lawrence