

Observer Corps Report
Town of Plymouth Charter Commission
Meeting of October 17, 2022 (Hybrid – in-person and zoom)

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

Opening Remarks from Chair:

1. AG response was complimentary, with 3 non-mandatory suggestions.
2. Tonight, we will also review other edit possibilities as well as the roadmap ahead.

Edits:

Preamble – Lengthy discussion about whether to include the words “Rights of Nature” *, started by Brewster who stated that several citizens had stated that they would not vote in favor of the new charter if those words were included. Those people are concerned that the Rights of Nature may override their property rights or at least be a slippery slope in that direction. *Rights of Nature is a defined legal term whereby an ecosystem is entitled to legal personhood status and as such, has the right to defend itself in a court of law against harms, including environmental degradation caused by a specific development project or even by climate change.

Other Commissioners stated that our Preamble is similar to that of the MA Constitution. We could strike words “including the Rights of Nature” only, still preserving other words such as “harmony with and appreciation of our natural environment”. Motion made to strike Rights of Nature words, with 7 in favor and 1 abstention. Chair Abbott added that there a number of current court cases regarding the Rights of Nature, and he does not want to see Plymouth tied up in such litigation.

AG Response:

The Attorney General’s response can be found on the Plymouth Charter Commission page:
<https://www.plymouth-ma.gov/charter-commission/pages/attorney-generals-opinion-letter>

1. Reopening the Budget 2-4-1. Commissioners were unanimous to leave the wording as is even though, as they noted the same provision is in our MA Constitution.
2. Open Meeting Law and Caucus meetings. AG believes that OML does not apply to Precinct caucus meetings; Counsel for Commissioners believes that OML does apply. Town can hold Caucus Meetings to higher standard, but AG Office will not enforce it. Commissioners voted unanimously in favor of keeping words in.
3. Housing Authority. State Law has changed regarding membership. Commissioners voted unanimously to change the proposed Charter to be consistent with State Law.

Edits:

Number of Town Meetings- Unanimous to not change wording.

How to Elect Moderator at Town Meeting – discussed several choices including written paper ballot signed by TMM voting, using clicker or V-voter, rank choice voting, and when during or at end of

meeting to reveal winner, as well as need to include this information in the Transition section. Agreed to continue this discussion when discussing Transition section and no need to make any changes in moderator election section.

Use of terms Town Meeting Member (TMM) and Town Meeting Representative (TMR) both appear in the Charter. Abbott discussed his review of the charter saying that almost everywhere the words representative TMM are used. Motion to keep that wording supported 7 – 1. The few places where the Charter wording refers to TMR will be changed to TMM.

Minority Report: Peck stated his minority report has been signed by himself, Brewster, Vecchi and submitted, and that they will all work for the passage of the proposed Town Meeting Charter because they believe it is better than the current Charter even though they wish it proposed a Council form of government.

Transitional provisions: In preparation for next week meeting with Collins team to address Transition commissioners discussed the details of how the new Select Board (SB) would be elected. After lengthy discussion, maybe all SB seats should be up for reelection/election, as this past May when all TMM seats were up (after 2020 census and need to reprecinct) and several years ago when SB went from 3 to 5 seats, when many ran for the seats. The 2 highest vote getters got the 2 three-year seats, etc. Malaguti also recalled the 1981 SB election that included 10 candidates.

Public Hearing:

Pat McCarthy – Thanked Commissioners for all their work and expressed hope that their efforts to educate the public about the proposed Charter would increase interest in town government and in voting. Her concern is that there might not be enough interested citizens to run for TMM seats, especially after what happened last Saturday when so many TMM left TM early that a quorum was lost for a while. Also, she is concerned that several TMM seats up for election/reelection recently were write-ins and so she recommended that the number of TMM per precinct be decreased to seven.

Commissioner discussion included recall that 4 of the Commissioners did not support the vote for 9 TMM/precinct, that prevailed by 5 in favor. Malaguti recalled that in his many years attending TM he recalls only 1 -2 times that a quorum was not met but agreed with the need to remind all TMM of their responsibilities. Further comments included that this TM was great with many good questions and answers, and that this was the 1st TM for many new TMM so we shouldn't get discouraged. Also, it's OK to only have 7 TMM running from a precinct if they are conscientious members, and that Plymouth's number of TMM/precinct is on the low end state-wide.

Next meeting Oct 24 in Shallop Room to discuss Transition details with Collins team.

Respectfully submitted,

Martha Vautrain

LWV Observer Corps

