

## CHARTER REVIEW COMMITTEE MEETING

**October 3, 2023 Plymouth Town Hall Ropewalk Room 6PM In-person and Zoom**

**Committee Members Present:** David Golden, Chair; Alan Costello, Vice Chair; Robert Zupperoli, Clerk (via Zoom); Betty Cavacco (via Zoom), Joseph Hutchinson (via Zoom), Timothy Lawlor (via Zoom), Laurence Pizer, Martha Vautrain, Steve Bolotin (alternate).

Chair Golden announced that in the absence of Mr. Levy, Mr. Bolotin would be participating as a full voting member of the Committee this evening.

### **Guest Speaker:**

Steven Triffletti, Town Moderator, addressed the role of the Town Moderator and said that he wants no change to the Moderator's powers. He feels that his power to appoint all the members of the Advisory and Finance Committee (A&F) gives him the ability to react quickly when there is a resignation. He has a list of qualified individuals, he stated, that he can draw on when there is a vacancy. Mr. Pizer agreed with his statements.

A discussion with Mr. Triffletti ensued. Mr. Bolotin suggested making the Charter more framework and less rule oriented. He pointed out that the motion to close debate is sometimes invoked before the opposition has even spoken, and asked how to be sure that things are more even. Town Meeting rules say that Town Meeting Members (TMM) are called on before others. Mr. Triffletti thinks that maybe the Committee should rethink this matter. It seemed all present were in agreement with the statement that two-thirds of the TMM should be able to close debate.

Mr. Costello reminded the Committee that the recent Charter Commission had added an Appointment Advisory Committee and wondered about using that to source members for A&F. Mr. Triffletti believes that Town Meeting, in effect, goes on all year through the Committee of Precinct Chairs (COPC), precinct meetings, etc. He attends COPC meetings both before and after Town Meeting to help with understanding the Warrant and the process. Mr. Triffletti also raised the role of the Assistant Town Moderator. While it used to be more of an honorary title, the Assistant Town Moderator is becoming a much more important position. Rather than be appointed, as is current practice, he suggested that maybe it should become an elected position.

Mr. Zupperoli inquired about the possibility of going to the State to ask for a change to the date of Plymouth Town elections, but Mr. Triffletti suggested that the Town might want to work to increase turnout instead.

### **Public Comment:**

Pat Adelman, Precinct 12, said that she does not want to see a change in the number of TMM, but is now hearing that the Committee does not have that power.

Kevin Lynch asked how the Open Meeting Law (OML) works with Town Meeting. Mr. Pizer replied that the OML does not apply to Town Meeting but noted that our current Charter says precinct caucuses must observe the OML.

Mr. Lynch wanted to be sure that TMM know that they can talk to one another, and he wants that stated in the Charter, but Chair Golden said that he is reluctant to do so and feels that inclusion is a question for Town Counsel or the Attorney General. Mr. Bolotin added that certain parts of the OML should be applied to the COPC and precinct caucuses, specifically posting meeting times and places, posting the agenda and making the minutes available in a timely fashion.

### **Chapter 2 – The Legislative Branch:**

Chair Golden put Section 10 of Chapter 2, Conflict of Interest (COI), as the first item to tackle, and a lively discussion began. Mr. Pizer thinks the wording in the current Charter is an attack on town employees because it singles them out with a specific conflict provision. Historically, the State exempted TMM from COI laws because COIs are mitigated by the large number of TMM, he explained, and suggested that the entire COI section be eliminated. Mr. Costello disagreed stating that he does not vote on anything that his business might bid on, and Mr. Bolotin pointed out that appearances are important. It was also noted that there was no enforcement of COI currently. Mr. Bolotin continued that it did not seem right to say that no ethics were needed for a group that spends \$285 million a year, and further, that our current Charter language does not get at the real COIs such as a lawyer rezoning land so that his client can benefit. Mr. Pizer observed that if ethics are needed for TMM, then the State should deal with it because it should apply to all towns. Ms. Vautrain inquired whether any other towns had COI laws for their legislatures. No one seemed to have an answer. When she pointed out that Town employees were treated differently and unable to vote on a line item, Mr. Pizer countered that “that’s not the way the budget is voted.” Ms. Cavacco added that transparency is a big word today, and that TMM should be held to the same standards as other elected officials. Mr. Bolotin then said that Town Meeting should regulate the behavior of TMM. Mr. Pizer motioned that Section 10, the COI section of the Charter, be eliminated but the motion was defeated 7-to-2 with only Mr. Pizer and Mr. Hutchinson voting yes.

Mr. Bolotin proposed to make TMM subject to the same rules as every other elected official. Mr. Pizer asked how this would be enforced, and Mr. Costello thought that the COPC should enforce. Mr. Costello then added that COI rules are “the third rail” of town politics. He related that he served on an 18-month town group that grappled with the COI issue and could not come to a conclusion. Mr. Costello then made a motion that the Committee keep the language of Section 10 as is or change it slightly. That motion was also defeated on a 5-to-4 vote.

The next meeting will be held on October 24th to allow for the Town Manager to attend.

Mr. Bolotin ended the meeting by observing that we do not have a town-wide statement on discrimination. He will try to draft language to deal with discrimination for the Preamble to the Charter .

Respectfully submitted,  
Lyle Lawrence

*When the minutes of this meeting have been approved, they will be available at [plymouth-ma.gov](http://plymouth-ma.gov) website. Go to the Government tab, click Agendas and Minutes, scroll down to and click Charter Review Committee, look to the right and click the minutes icon.*