

Charter Review Summary of Recommendations

Overall recommendations made:

- Significant reorganization of Charter Chapters and Sections, as evidenced in the Table of Contents, in an effort to make information easier for citizens to find. But note that the Black, Blue, and Red strikethrough system was NOT applied to the Table of Contents.
- General clean-up for consistency and clarification of definitions, consistency of capitalization, punctuation, grammatical corrections, etc.
- Removal of references to Massachusetts General Law (MGL) because it was felt that they are unnecessary and redundant. Also, it is argued, a change in MGL could make the Charter reference outdated and unclear.
- Removal of certain Town Departments (Finance, Planning and Development, Public Works) and their associated responsibilities from the Charter because (a) the Town Manager has the power/responsibility to “establish, reorganize, consolidate or abolish any department or position” (with the approval of the Select Board), and (b) the description of responsibilities is considered a Human Resources function. Note that departments and positions are not being eliminated by this Charter change.

Proposed Recommendations by Chapter:

ARTICLE 19 – CHARTER AMENDMENT: FORMAT

- The Legislative Branch: Representative Town Meeting, Chapter 2 in the current Charter has been moved from Chapter 2 to new Chapter 3.
- The Executive Branch: The Select Board, The Town Manager and Planning Board has been changed significantly so there would no longer an Executive Branch Chapter. The former Chapter 3 has been combined with the former Chapter 4, Elected Town Boards and Officers, has been retitled Town-Wide Elected Boards and Officeholders, and has been moved to new Chapter 2.
- The Town Manager section has been moved to Chapter 5 Town Administration

ARTICLE 20 – CHARTER AMENDMENT: CHAPTER 1 – POWERS OF THE TOWN

- **Section 6 (o)** - New definition of Town Meeting to distinguish the actual meeting from the body of Representative Town Meeting Members.

ARTICLE 21 - CHARTER AMENDMENT: CHAPTER 2 – TOWN WIDE ELECTED BOARDS AND OFFICEHOLDERS

As mentioned above, this section combines what was previously Chapter 3 and Chapter 4, with some significant modifications, including the new title.

- The section on the Moderator (known familiarly as the Town Moderator) has been moved from previous Section 2 (Legislative) to the new Section 2 because the position is elected town-wide.

- Sections dealing with vacancies in town-wide elected boards and vacancies in the select Board have been deleted because the procedures to fill those positions are covered by MGL.
- Sections dealing with the Town Manager have been moved to a new Chapter 5, Town Administration
- **Section 3 - The Planning Board**
 - The Planning Board would have the power to appoint an associate member for one year. This member may participate in discussions but can only vote if (a) an elected Planning board member is absent and (b) the vote pertains to site plan reviews, subdivision approvals, and special permit advisory opinions.
 - The Planning Board would now serve as “the executive body responsible for land use planning.” The Planning Board’s responsibilities would be guided by the Comprehensive Master Plan (CMP). The description of the Planning Board would change from being the “long-range planning body of the town with respect to the planning of the physical, environmental, community, and economic development of the town” to developing and maintaining the Comprehensive Master Plan (CMP) that shall serve as guidance for the “long-range planning of the Town with respect to its physical, environmental, community, and economic development.”
 - The CMP would now be updated at least every ten years rather than “periodically.”
 - Because there are not annual updates to the CMP, the Planning Board no longer would have annually to report updates of the CMP to Town Meeting, but would still inform Town Meeting of any implementation measures for the CMP that may require Representative Town Meeting Member approval.
 - A new addition to the Charter would require “any proposal made to Town Meeting or to any Town Board, committee, commission, or any other body with authority to make a binding decision on behalf of the Town must contain a certification, signed by the proponent, that the proposal is either consistent with the CMP, with citation(s) to the CMP or, if not, why an exception to the CMP is appropriate.”
 - The Department of Public Works, the Department of Finance, the Department of Planning and Development would be removed from the Charter. (see above)
- **Section 4 – The School Committee**
 - The School Committee would no longer have “general charge and superintendence of all school buildings and grounds” and would lose the sole authority to furnish all school buildings with proper fixtures, furniture and equipment.

ARTICLE 22 – CHARTER AMENDMENT: CHAPTER 3 – THE LEGISLATIVE BRANCH: REPRESENTATIVE TOWN MEETING

This Chapter has been moved to follow Chapter 2 Town-Wide Elected Boards and Officeholders.

- **Section 2 – Responsibilities of the Town Clerk Regarding Town Meeting**
 - Following the conclusion of Town Meeting, the Town Clerk must publish the voting record (new) as well as the attendance of all Representative Town Meeting Members (RTMMs).

- **Section 3 - Powers**
-RTMM's powers have been defined, consistent with state law, to acting upon matters that appear on the Town Warrant.
- **Section 4 – Town Meeting Procedures**
- A roll call vote, electronic *or otherwise*, is required for all motions.
- **Section 5 – Compulsory Attendance**
-All department heads and any other staff designated by the Town Manager, as well as the Town Manager, are required to attend Town Meeting.
-The Chairs and/or their designated representative of the Select Board, the Planning Board, the School Committee, and the Advisory and Finance Committee must attend also.
- **Section 6 – Conflict of Interest**
-The provision forbidding an RTMM who is also a town employee from voting on budget articles concerning his/her department has been removed.
- **Section 8 – Caucuses**
- Precincts must hold an additional two meetings each year.

ARTICLE 23 – CHARTER AMENDMENT: CHAPTER 4 – ELECTIONS

- **Section 1 – Town Elections**
-The phrase Candidate for Re-election will no longer be on the ballot.
- **Section 3 – Time of Taking Office**
-Elected RTMMs must now take the Oath of Office within 20 days, not 30.
- **Section 5 - Recall of Town-Wide Elected Officeholders and Recall of RTMMs**
-The number of signatures needed on an initial petition to recall an officeholder has been reduced from 500 to 250, with no more that 25 names (rather than 50) per precinct; however, the number of votes needed to remove has not changed-Those seeking to recall an officeholder now have 30 calendar days, rather than 20 business days, to gather signatures on the recall petition.
-There is no longer a requirement that at least 20% of the registered voters participate in the recall.
-Town-wide elected officeholders and RTMMs would be subject to recall at any time (new); rather than only during the period between 180 days from the start or end of their term of service.
- The number of signatures on an initial petition to recall a RTMM has been reduced from 125 to 100; however, the number of votes needed to remove has not changed.

ARTICLE 24 – CHARTER AMENDMENT: CHAPTER 5 – TOWN ADMINISTRATION

- **Section 1 – Town Manager**
-*Specific Job qualifications for this position had been eliminated, but the Select Board at their 9/10/24 meeting wanted them restored before they were prepared to recommend this Article.*
-The Town Manager's powers and duties have been reordered and reorganized into categories.

- The Town Manager has one new responsibility to prepare and issue a public user guide to Town operations. That guide would, at a minimum, cover town government structure, Town departments, and redress/assistance procedures.

ARTICLE 25 – CHARTER AMENDMENT: CHAPTER 6 – STATUTORILY REQUIRED PUBLIC BODIES

This is a new Chapter that holds all the boards and committees required by state statute

- **Section 1 – Advisory and Finance Committee (A&F)**

- Members of A&F were previously appointed by the Town Moderator, but it is being proposed that members of A&F would be appointed by a committee consisting of the Moderator (who would be Chair), and one appointee from each of the Select Board, Planning Board, Committee of Precinct Chairs and School Committee. These appointments would occur at a meeting open to the public where application for the A&F committee can be heard and questioned. *At the 9/5/24 Meeting of the Advisory and Finance Committee, a motion was made to strike language regarding the appointment committee and restore the Moderator as the sole appointer of the A&F members, and to do so in a public forum. That motion passed unanimously. The Committee then voted to approve Article 26 as amended. There was some disagreement between the Committee and Mr. Bolotin, representing the Charter Review Committee, as to whether A&F could amend the Article or could only recommend the Amendment to Town Meeting.*

ARTICLE 26 – CHARTER AMENDMENT: CHAPTER 7 – CHARTER CREATED PUBLIC BODIES

This is a new Chapter that houses committees and Boards created by the Town Charter.

- **Section 1 – Committee of Precinct Chairs (COPC)**

Composition and Terms

- Precinct Vice Chairs may sit in for precinct Chairs but may not vote. *At the 9/5/24 meeting of the A&F Committee, they voted to recommend Article 26 with an amendment to this article giving Vice Chairs voting power when they are standing in for the Chair. Again, as above, there was disagreement as to procedure.*

General Powers and Duties

- This section really fleshes out the COPC giving it more responsibility. Annually, the COPC will have to report to Town Meeting on updates to legislative oversight efforts, the work of subcommittees, appointments made and other notable accomplishments. The COPC shall host a presentation to preview articles before Town Meetings.

Appointments

- The COPC is required to appoint subcommittees to review, discuss and make suggestions for technical corrections to articles on the town warrant. The Chair of the COPC would delegate article review to the subcommittees.
- These subcommittees may have RTMMs as members as well as COPC members.

- The COPC would also be able to appoint other subcommittees with RTMMs and Plymouth residents to review by-laws or other purposes necessary to carry out recommendations to Town Meeting.
- **Section 3 – Open Space Committee**
 - The Open Space Committee’s mission would be expanded to include “to protect the environment and ensure appropriate access to public lands.” The committee would now act in an advisory capacity to the Select Board as well as the Planning Board and Town Meeting.
- **Section 4 – Land Use and Acquisition Committee**
 - The committee would act in an advisory capacity not only for property acquisition, but also for its conveyance and disposition.
 - There would be a small change to the committee’s appointment. Acting upon a recommendation from the Land Use and Acquisition Committee, and with the agreement of the Conservation Committee, the Conservation Commission would make one appointment rather than two, and the Agricultural Commission would now make one appointment.
- **Section 5 – Building Committee**
 - Under the current Charter, the Select Board appoints all nine members, two of whom must be from the School Board and one from the Planning Board. The proposed charter would give the Select Board six appointments for three year overlapping terms. The School Board would designate two of its members for terms of one year each, and the Planning Board would designate one of its members for a one-year term.
- **Section 6 - Precinct Advisory Committee**
 - This is a new committee created to help advise the Select Board in drawing new precincts after the decennial census is available.
- **Section 7 - Charter Review Committee**
 - The committee that would appoint the nine-member Charter Review Committee would now be a 5-member committee and also include a member of the planning board and a member of the school committee.
 - The appointing committee could also appoint two associate members who would act in the absence or recusal of a regular member.

ARTICLE 27 – CHARTER AMENDMENT: CHAPTER 8 – OPERATION OF TOWN BOARDS, COMMISSIONS, AND COMMITTEES

- **Section 1 – General Provisions**
 - A deadline of 30 days after the annual election to organize has been put on all town boards, commissions and committees.
 - Attendance requirements would be increased so that attendance below 70% (rather than 50%) can be deemed, by a majority vote of the full membership, as a resignation. *Note that the 70% read originally as 30% due to confusion as to wording. The intent is clear when reviewing the video.*
 - Removal of an appointee for cause has been standardized. Appointing authorities can remove an appointee for cause by a majority vote.

ARTICLE 28 – CHARTER AMENDMENT: CHAPTER 9 – GENERAL PROVISIONS

-No significant changes.

ARTICLE 28 – CHARTER AMENDMENT:– RENUMBERING

-The Charter would be renumbered in accordance with changes adopted at Town Meeting.