

Bylaw Review Committee  
Minutes  
March 1, 2019

Members present: Alisa Brewer, Patricia De Angelis, Bernie Kubiak, Evan Ross. Absent: Bob Ritchie  
Staff Present: Geoff Kravitz  
No members of the public in attendance

The meeting called to order at 8:35 by Kravitz

Minutes of February 20th

Ross moved acceptance, seconded by De Angelis. Minutes accepted 3-0, one abstention.

Election of Officers:

De Angelis moved, Ross seconded to elect Ritchie chair. Tabled vote until next week. Kubiak will serve as clerk.

Discussion as to Kravitz's presence at the meetings. There will always be staff at the meetings but Kravitz may not be given other demands on his time. Brewer strongly prefers Kravitz to be at each meeting.

Review of previous committee's work:

Kravitz offered a brief review of previous work, drafts of bylaws, other documents reviewed at the last meeting. No comments, discussion.

Work plan moving forward:

Begin with version 6, going through in order. Old bylaws have six articles which were condensed into three. Administrative section is article 1, article 2 contains general definitions and article 3 are general bylaws. Created an alphabetical table of contents. Bylaws related to town meeting were deleted.

Classification: The Town Clerk has the authority to classify the bylaws, change their order.

Must vs shall discussion: one counselor, not a committee member, objects to use of shall. Ross noted that the State's legislative drafting manual indicates the use of shall and he believes that should be sufficient. Consensus is to continue with use of shall.

Criminal complaint, non-criminal disposition: section 1.2 paragraph C -- change title to Penalties and Enforcing Personnel at Brewer's suggestion. Paragraph D is left untitled.

Interpretation guidance: included in the bylaws for future reference. This is a new section, not in previous bylaws. Limits on enforcement reflects what is in the current bylaws and can be changed in the future as circumstances warrant. May wish to include this in Article 2, definitions.

Calendar days – Brewer questions if the use of calendar days is helpful, enforceable. Goal was to set a standard. It might be preferable to adopt the civil procedure rule -- Mass Civil Procedure's Rule 6 (a), Computation. It's a standard while calendar days are not. We can bring this forward to the next meeting. Kravitz will check with the Town Clerk as to what she uses as a default.

Add "General Bylaws" into 1.3 for better understanding. The current division of articles is not useful and the bylaws should be divided into meaningful articles. That might best be taken on as an administrative task to reorganize the bylaws. Brewer suggests that we give the council the option of the current document or offering to reorganize the bylaws before presenting it. Ross thinks the council will be amenable to the offer to reorganize. Consensus is to review and then reorganize.

Ross suggests combine section 1.3 with definitions, section 2, then make section 2 section 1. Accepted by the committee. Kravitz will make changes for the next meeting.

1.4 Town fees and charges: Does the council want to have a fee schedule and how comprehensive it should be? Council will need to determine this.

1.5 Personnel Bylaw: The town attorney did indicate there was updated EEO language that should be added.

1.6 Data blocks – move to interpretive guidance.

#### Article 2: Definitions

Town Manager identified as the Chief Executive of the town

#### Article 3: General Bylaws

3.2: Special Board of Appeals – flag for later revision by council to clarify. Technically the Zoning Board of Appeals. Previous committee's report suggests this can be removed, included under Zoning Bylaws.

3.3 Human Rights: change to Human Rights and Human Rights Commission.

Flag the role of the Human Rights Commission and how it relates to open meeting law. This needs review by town attorney. Note that the bylaw does not restrict the commission to human rights violations outside of town. Need advice from town attorney regarding alleged violations by town manager or town council itself. Not well defined as to what happens with complaints.

3.4 Responsible Employee bylaw: needs review by town attorney. Refer to previous committee's report to the Council.

3.5 Community Preservation Act – general discussion of the bylaw but no changes suggested.

3.6 Affordable Housing Trust: recommendation is to take out named required reports and copy over note from the previous Bylaw Committee report.

3.7 Licenses and Permits: Denial Revocation or Suspension for Failure to Pay is currently being enforced, flagged when applications are made. Section regarding limits in the bylaw flagged for future review. Need to describe how one gets to the Town Council for appeal if denied a permit under the bylaw.

De Angelis moved, Brewer second adjournment at 10:31 AM. Unanimous consent.

Respectfully submitted,  
Bernie Kubiak, Clerk

Documents referred to: Draft 6 of the revised bylaws.