

Bylaw Review Committee
Minutes of April 3, 2019

Members Present: Alisa Brewer, Bernie Kubiak, Bob Ritchie (Chair), Evan Ross.

Members Absent: Patricia De Angelis

Staff Present: Geoff Kravitz

No members of the public present

Meeting convened at 9:07 AM.

De Angelis and Ritchie will be on the April 19th edition of Rosenberg's interview program on ACTV.

Bylaws identified for attorney review sent to KP Law by Kravitz, Ritchie will follow up with a request to prioritize the list.

General discussion regarding sign bylaws and a current challenge in another community.

Minutes of March 19, 2019 – Decision: minute approved.

Meeting schedule: April 17 at 8:30 AM; May 1, 8:30 AM.

Bylaw Review:

3.28 Unlawful_Noise: Ritchie noted that Amherst's noise bylaw is frequently cited as a model.

Discussion of paragraph one regarding listing only entertainment devices, need to expand the category to include other devices. Decision: identify this bylaw for future revision that better describes what constitutes inappropriate noise, simplify the bylaw, following discussion with police chief as to enforcement issues. Ritchie will attempt to have a draft revision for next meeting.

Schedule review of conduct on public ways, noise bylaw revisions for the May 1st meeting.

3.29, 3.30 Tobacco and cigarettes: previous committee was informed by the health agent that this bylaw is not used given Board of Health regulations. Discussion regarding how and who enforces tobacco related activities. Kravitz will discuss the matter with the health director and the police chief regarding the utility of the bylaws and report back to the committee. Committee is looking toward recommending deletion of these.

3.31 Keg bylaw: Decision: remove severability clause. Unnecessary due to a general severability clause in the bylaws.

3.32 Nuisance House: Question need to define the terms legal guardian and parent when those terms are defined by law. Decision: remove the definitions. Section G concerning the town seeking payment of response costs, by default falls only to criminal enforcement.

3.33 EPS Foam bylaw. No change from previous committee recommendation.

3.34 Single Use Plastic Bags. Decisions: remove purpose and findings sections. Section B (2) removed following discussion on purpose and enforceability. Health Department had raised concerns regarding deferments as temporary and sustainability (encouraging thicker plastic bags). Decision: remove word "the" before "1 year extension" to remove question about renewing deferments.

3.35 Consumption of Marijuana and THC. No changes.

3.36 Disturbing High Surface. Example where two bylaws were combined by previous committee. No changes recommended.

Fines and Limitations bylaw (1939). Moved to general interpretive guidance. Brewer questioned if the language can't be updated to be more understandable. Ritchie noted that the enforceability of bylaws is covered by the MGL.

Meeting adjourned at 10:55 AM.

Respectfully Submitted,
Bernie Kubiak, Clerk

Documents referred to: Version 6 of draft bylaws