

Bylaw Review Meeting Minutes
May 1, 2019

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

Meeting convened at 8:36 AM

De Angelis and Ritchie appeared on Rosenberg's Amherst Community Access Television program, no air date at present.

Ritchie sent committee members an announcement of Open Meeting Law training being held at Jones Library.

Holyoke sign decision/ACLU letter sent by Ritchie to committee members and Planning Department.

Minutes of April 17, 2019 meeting: approved by unanimous consent.

Screenshot of SharePoint distributed by the Chair. Agendas and minutes are posted on the Town website as well as SharePoint. Minutes and documents used in reporting to town council will be in the Reports to Council section and not duplicated. Ritchie will check with town attorney if drafts can be posted ahead of the meeting with the understanding that there will be no comments made until the meeting.

Tobacco bylaws (free cigarettes and advertising): Kravitz reports that neither the police nor the board of health use or rely on them. Decision: delete these bylaws from the revised document (3.29, 3.30)

Unlawful Noise Bylaw: redlined version distributed. "Allowed to continue" language applies to someone who can control the situation, not a bystander. Use of the term "neighborhood" – there is precedent in zoning, land use but this is a law enforcement situation. No metric to define neighborhood. Decision: use the term "area" instead of neighborhood. Hours of 11:00 PM to 7:00 AM serves to punctuate the importance of those hours. Decision: add "special sensitivity" before those hours, so as not to suggest this behavior is appropriate at other times. Decision: Add section for mechanically generated noises. Discussion of "lawfully authorized" events exemption resulted in a Decision: include that language.

Town Council Goals Document: Pat reviewed the goals for the Committee, which does not include a public review of the Committee's work product. Brewer proposes having that review occur as part of a council meeting to ensure public participation and give the entire council an opportunity to hear the public comment. This would be distinct from the public hearing prior to voting on the bylaws. The committee is not likely to get feedback from the town attorney until August. Challenge is to figure out how the bylaw revisions are presented; the charter requires a 14 day posting and discussion with voting after a second meeting. Ritchie suggests following Roberts: the entire document is placed before the council, discussed and voted for each section, then a final vote on the entire document. Sections waiting on town attorney comments could be deferred to a later meeting. Does this go to Governance, Organization and Legislation Committee (GOL) first? Ross suggests that there may not be any utility in this, would prefer that the council decide the question of GOL review. There could be a presentation to

the GOL and ask it to bring it forward to the council as a whole. The council can then vote to adopt, with any particular pieces referred back to GOL for possible revision. Need to modify the suggested activities section of the Goals document to allow for presentation and public comment, rather than identification of items for further review. Suggest separating zoning bylaws from the process, presents a timing challenge given the Planning Board's progress on their revisions. Zoning changes are being contemplated that may be before the council before the general bylaws are completed. The Planning Board could include the changes recommended by the previous bylaw committee. Brewer suggests that the Planning Board be told that Bylaw review will bring forward only the changes already proposed. Any further changes to the zoning bylaws be made after the council votes on the revisions proposed by the Bylaw Review Committee. Ross suggests taking up the previous revisions to the Zoning bylaws, reviewing them, then send a final zoning product to the council for their approval. Discussion relative to the Planning Board's action in issuing a report. Kravitz will check if a report was issued. To ensure process is followed, Ross suggests that the committee take its recommendations to Community Resources Committee and GOL with a letter explaining that these are technical changes and ask that they approve the revisions and forward it to the council as a whole.

Next meetings: May 10th, 8:30 AM; Tuesdays mornings will be the default day, 8:30 AM will be the standard starting time, beginning June 11th, schedule every other week though the month of August. Additional May meetings: 15th at 8:30 – 10:30 AM, 29th 8:30 – 10:30 AM.

Planning staff will be invited to the next meeting for a brief discussion.

Meeting adjourned at 10:32 AM

Respectfully submitted,
Bernie Kubiak, Clerk

Documents referred to:
SharePoint screen print
Draft of revised Unlawful Noise Bylaw
Council Goals document