DATE: Dec 11, 2018
PLACE: Town Hall Annex – Meeting Room B

Committee Members:
Present: Wendy Guthro, Sandra MacKay, David Miller, Adam Tigges, Larry Warfield  Absent: None
Other Attendees: Stavan Shah, Ricky Vittum, Amy Warfield

Topics
1. Review & approve prior meeting minutes
   Motion: To approve the minutes as submitted (Move: Miller, Second: Tigges, 4-0-0)

2. Regulation of Retail Checkout Bags
   • The proponents have not changed the final version submitted for last Town Meeting, but are focusing on addressing issues raised and submitting the final version prior to the deadline to avoid confusion experienced at the last Town Meeting
   • The committee identified some minor issues and asked them to incorporate into their final submission. These included
     - 2.15.3 & 4 - one of these needs to cover the case of a bag 3 mils thick
     - 2.15.2.6 – rather than developing our own definition of a non-profit organization shouldn’t we just reference MGL Ch. 80
     - To be consistent with our style guide all references to bylaw should be changed to Bylaw. The preferred format for referencing MGL is Massachusetts General Laws Chapter 180
   • While some members of the committee provided advice and identified issues that the proponents need to address to prevail at Town Meeting, we also provided them the opportunity to ask any questions.
   • Since there was no substantive change from the previous version, the committee did not take a new vote, but let the prior recommendation stand.

3. Two Thirds voting
   • The committee discussed the issues raised at last Town Meeting. The main concern of Town Meeting was how to prevent a moderator from potentially abusing their privilege to determine a 2/3 result without a count.
   • The primary purpose for the proposed changed is to prevent problems for the town in a situation where though there was a clear two-thirds majority, but not a unanimous vote, and forgot to count the votes which would open the possibility of the Attorney General or an opponent to deny / challenge the legality of such a vote.
   • We discussed the minutia of the process with the Town Clerk and tried to identify procedural changes to avoid a bylaw change. All the proposed ideas were flawed because the backstop had varying levels of probability of catching a problem.
   • We enhanced our prior proposal to highlight the ability of Town Meeting to challenge the result and identified that a standing vote would be a less onerous solution than forcing a roll call to determine if there were sufficient votes for the motion to carry.
   • It was recommended that the Rules Committee ask that during Article 1, Reports, that Town Counsel identify the articles requiring a two-thirds majority so that Town Meeting Members will also be aware in advance and can monitor the situation.
   • Since we were making changes to this section, the committee took the opportunity to revise and simplify other language in to make the intent of the section clear.
   Motion: To submit the Bylaw modification as revised. Given the last hour, the final version will be distributed to the committee. If anyone identifies an issue prior to 1PM Thursday, they will alert only member Warfield, who will be authorized to make the decision whether to incorporate and submit or to defer submitting the article until May Town Meeting
   (Move: Warfield, Second: MacKay, 5-0-0)

4. Adjourn (5-0-0)