DEPT./BOARD: Bylaw Review Committee
DATE: Thursday, March 22, 2018
TIME: 6:45 PM
PLACE: Town Hall – Basement Lounge

Meeting Posting
Notice of Public Meeting – (As required by G.L. c. 30 A, c. §18-25)

Rescheduled meeting from 5/13 Snow Cancellation

- Review & approve prior meeting minutes
- Construction Noise
- Renumbering Bylaws
- Any other business
- Adjourn
DATE: March 22, 2018
PLACE: Town Hall – Basement Lounge

Minutes

Committee Members:
Present: David Miller, Adam Tigges, Larry Warfield  
Absent: Wendy Guthro, Sandra MacKay
Other Attendees: Larry Way

Topics
1. Review and approval of minutes February 2018 Meeting

2. Construction Hours
   • Member Miller recounted problems he and his neighbors were experiencing with getting authorities to enforce Planning Board conditions on a non-compliant developer.
   • Police are either unaware or cannot enforce the Planning Board decision document. Numerous warnings have been issued.
   • Planning Board position is that once it has made its decision the responsibility for enforcement of its decision restrictions transfers to the Building Inspector.
   • Art. XIV § 4.5 Construction could possibly apply to this situation but there are issues with it
     o References “commercial construction” - it is unclear if this means construction by commercial builders or construction of commercial buildings
     o The hours are quite broad and there are no restrictions on weekend construction. For weekends wouldn’t it make sense to enforce a later start and an earlier end time?
     o We would need to consider the impact on homeowners doing their own construction during those times.
     o Should emergency construction provisions also be extended to those securing their residences after a natural disaster, fire, etc.?
   • The committee recommended that member Miller
     o Investigate other towns’ bylaws to understand how they address construction,
     o Draft language for the committee to consider,
     o Investigate whether the bylaw could / should contain language to allow the Planning Board to revoke / suspend a builder’s permit for violation of its decision restrictions.
     o Check with the Planning Staff to understand if these conditions in the decision document are boilerplate across projects or unique to each one.
   • We also need to understand the weight of a Planning Board decision and the ability for police to enforce it. Even if the police can, this does raise the question about how would they know of the restrictions?
3. Responsibilities of Elected Officials
   - Mr. Way raised a concern at a prior meeting that several offices do not have defined responsibilities and authorities for that position in our bylaws.
   - The committee has begun investigating Library Trustee as a sample.
   - Chairman Tigges communicated that
     - The office of Library Trustee is defined in Massachusetts General Law (MGL).
     - With the assistance of the Town Clerk he has received samples of how other towns handle Library Trustees within their bylaws. The Clerk also communicated the results of a discussion she had with Town Counsel, who strongly advises that we do not restate MGL within our bylaws.
     - The handling of Library Trustee from other towns ranges from: no mention, to references to MGL, to a brief description of its role with an additional reference to MGL, to restatements of MGL or other independent descriptions. Some communities do have some unique responsibilities for trustees. For example, one town has to vote to accept monies from a trust dedicated to the library to fund its operation.
   - Member Warfield recounted that when the BRC recently was reactivated many of its first warrants brought forward were to remove the detailed restatement of MGL from within our bylaws and replacing it with a reference to the corresponding section of MGL. Because we had restated MGL sometimes our bylaws were too restrictive or did not inherit additional changes subsequently made to MGL after our bylaw was adopted by the town. His recommendation was that if we need to include a description within our bylaws to help citizens understand the role that it be minimal and primarily contain the references to the relevant portions of MGL.

New Business
4. Enumeration
   - The research into the definition of Library Trustee responsibilities highlighted another issue. To insert a definition of trustee responsibilities in the most logical place within the bylaws would cause a massive renumbering of subsequent sections.
   - The question was raised whether it would be possible to pass a bylaw that allows the clerk to make numbering changes to avoid massive warrant articles which would be confusing to Town Meeting Members. While such a warrant article might contain a relatively minor new text, it might have to contain a substantial amount of text just for the numbering changes. We recently experienced the confusion and discussion that even relative to a minor housekeeping numbering change that makes no substantive changes causes town meeting.

5. Treasurer / Collector – The Government Review Committee has mentioned making this an appointed position, in light of Brian Curtin’s announced retirement. We’ll need to look at the bylaw implications if that is proposed.
6. Ombudsman – There was a side conversation at the end of the meeting about wouldn’t it make sense to have a position in town that works with citizens and constituents to help resolve cross departmental issues such as those raised about the construction topic.

7. Adjourn (3-0-0)