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TOWN OF BURLINGTON

Meeting Minutes

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DEPT./BOARD: General Bylaw Review Committee

DATE: June 8, 2021

TIME: 6:30 p.m.

PLACE: Virtual via Zoom

MEMBERS IN ATTENDANCE: Chair Scott Martin; Vice Chair Phyllis Neufeld; David Miller; Sandra MacKay; Wendy Guthro

Minutes

Chair Scott Martin called the meeting to order at 6:36 p.m.

Transportation Advisory Committee

Scott reported that he spoke with Dave Van Camp of the Transportation Advisory Committee, who had been invited to this meeting to discuss a draft Article to make the Transportation Advisory Committee a standing committee. However, Scott reported that Dave said the Town Moderator told this ad hoc Advisory Committee to disband, as they had fulfilled the function for which they were created – to present a transportation report to Town Meeting. Scott said that some members of the Transportation Advisory Committee would continue to meet unofficially as private citizens to draft a proposed Bylaw for the September Town Meeting that would create a standing committee focused on transportation.

Conflict of Interest

Scott reported that he spoke with Barbara L'Heureux, who had been invited to this meeting to discuss a possible Conflict of Interest bylaw which she had discussed at a previous meeting. He said that Barbara was told by Town Counsel that there was not much that could be done legally on this topic; Barbara will not pursue this.

Stormwater Article

Scott reported that the Stormwater Article, which had been approved by Town Meeting, had a numbering error in it and would therefore have to be submitted again to Town Meeting. He said that Eileen Coleman, Assistant Conservation Administrator, would correct the numbering and resubmit it.





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Committee Name Change Article

Scott reported that the Article to change the name of this committee - from the Bylaw Review Committee to the General Bylaw Review Committee - which had been approved by Town Meeting, has not passed review by the State Legislature. Changes will have to be made before resubmitting to Town Meeting; specifically, the wording that would give the Town Clerk the authority to insert the new name of this committee name wherever necessary in documents, communications, etc.

Scott expressed frustration that the wording of this Article, specifically the wording that was apparently the reason the Article was not approved, had been written and suggested by Town Counsel. He said that as a result, he had doubts about the quality of the legal advice the Town is receiving. Committee members also expressed their dismay at having this “article which should have been a very simple matter” disapproved by the State because of incorrect legal advice from Town Counsel. Wendy suggested that the Committee write a letter to the Select Board to notify them of the situation. She said that having Articles rejected due to incorrect legal advice, and having to rewrite them and submit again, “devalues our time as volunteers.” Phyllis offered to draft the letter to the Select Board, and will forward it to Scott.

90-Day timeline for proposed Bylaw Articles

Phyllis shared a draft of a Bylaw change that would increase the deadline to submit new or amended Bylaws, from 45 to 90 days. (Article II, Section 1.2), as the committee has discussed at previous meetings. Members noted that with limited time and number of members, 45 days was not sufficient time to review proposed or amended Bylaws. The draft wording is based on the 90-day deadline that is specified in the Bylaws for proposals to the Zoning Bylaw Review Committee. After discussion, committee members voted to approve this addition to the Bylaws. The vote was unanimous, 5-0-0. Text of the Bylaw addition:

The date by which the [Board of Selectmen] shall receive General By-law articles, by petition or otherwise, for inclusion in the warrant for Town Meeting shall be no later than ninety (90) days before the meeting notwithstanding the provisions of Chapter 686 of the Acts of 1970, Section 12(a) relating to Special Town Meetings. The Board of Selectmen is not prohibited from inserting in the warrant, after that date, articles which, in the Board's opinion, are of such importance to the welfare of the Town as to make their consideration at such meeting necessary or desirable.

During this discussion, members noticed that the last sentence of Article II, Section 1.2 seemed to be a sentence that would appear on the warrant, but should not be part of the Bylaw. Scott will ask the Town Clerk to determine whether this was a scrivener's error and so be able to be deleted without a vote at Town Meeting. The committee members voted to approve the deletion of this sentence in whichever way is appropriate. The vote was unanimous, 5-0-0.

Committee membership

Scott noted that Sandra would be leaving the committee after the July meeting, due to her move out of Burlington. Committee members wished her well and thanked her for her efforts and expertise, particularly with





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wording and grammar. Wendy will be re-appointed and sworn in by the Town Moderator. Scott said that at least two new members will be appointed by the Town Moderator.

Process of submitting a proposed new or amended Bylaw

The members continued their discussion regarding a defined process for anyone who would like to propose or amend a Bylaw. Sandra created a preliminary draft of a flow chart. The consensus was that there should be two flow charts, one for proposing a new Bylaw and one for additions or amendments to existing Bylaws.

Sandra said it was her understanding that Shari Ellis of the Zoning Bylaw Review Committee would like this committee to coordinate efforts/presentation of information with the Zoning Bylaw Review Committee. Scott said he would contact Shari to ask about her suggestion/expectations.

Sandra said that creating the process/flow chart/information would be done most effectively by a small group meeting personally to work out the details, and committee members agreed with this suggestion. Scott said he would ask the Town IT department for help with graphics/software program assistance in creating a flow chart. Discussion to be continued at the next meeting.

Feedback about Bylaw on Curbside Material Pickup Hours

Dave reported that the Bylaw which he had proposed and which had been approved by Town Meeting, regarding Construction Hours, had some limitations in actual practice regarding enforcement. He said that when the Police are called on violators, the officers are not certain which projects are being done by commercial entities and which projects are being done by homeowners. Dave said he planned to speak with the Chief of Police to learn more about the barriers to enforcement and to discuss possible solutions.

Approval of minutes

Upon a motion by Phyllis, seconded by Sandra, the minutes of the May 18, 2021 meeting were approved unanimously, 5-0-0.

Committee meetings – third Tuesday of each month

The committee decided to continue meeting on the third Tuesday of each month. The next meeting will be on July 20, 2021 at 6:30 p.m. The committee will continue to meet virtually until notified otherwise.

Adjournment

Upon a motion by Phyllis, seconded by Dave, the committee voted unanimously, 5-0-0, to adjourn the meeting at 8:30 p.m.

