

Bylaw Review Committee Minutes

December 31 2013

Attendees:

Steve Webber  
Mark Haddad  
Michael Bouchard  
Jay Prager  
Peter Cunningham

Meeting was called to order at 10:04 AM.

Minutes of September 26, 2013 were unanimously approved.

The purpose of the meeting was to review DRAFT 2 of Chapters 205 Unregistered Cars and 273 Unregistered Cars (Selectmen Regulations). This review was initially requested by the Police Chief for the purpose of enhancing enforceability. The existing bylaw is lacking in definition and enforcement powers.

Chief Palma was unable to attend due to his attendance at a funeral. He indicated his approval for the DRAFT 2 of Chapter 205.

Chapter 205 and 273 items discussed:

- Chapter 205-2 Definitions:
  - Concealed – Mr. Webber thought this definition was too restrictive. After discussion, Committee felt that it was a “tight” definition, but that specific issues could be addressed via the special permit process of the bylaw.
  - Junk Vehicle, Inoperable Vehicle and Unregistered Vehicle definitions should remain in the bylaw. Operable vehicle is not referenced and should be deleted.
- Chapter 205-3 C was reworded to include Junk and Inoperable vehicles.
- Chapter 205-4 E was mis-labelled as a second “D”.
- Chapter 205 - 5
  - Section A: Change Zoning Enforcement Officer to Building Commissioner.
  - Add Section B: Written notice of violation shall be sent by certified mail. Violations may be fined starting on the fourteenth day after mailing.
  - Add Section C, to be modelled after Chapter 198-13 D Stormwater Management Noncriminal disposition.
    - Reference Chapter 198-13: <http://ecode360.com/9078403>
    - Reference MGL C 40 Sec 21D: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/Section21D>
    - Ed. Note: Revised draft may consider other language from Chapter 198-13 for the Committee’s review.
  - Delete (former) Chapter 205-5 E: This section was originally mis-labelled. This section is also being deleted as not necessary:

“E. Any officer authorized to enforce this chapter may enter property where a vehicle is in plain view to determine if the vehicle is registered for the purpose of enforcement of this chapter only.”

- Chapter 273-1 A : delete “at least 10 days prior to the scheduled permit hearing”
- Chapter 273-1 (5): delete this clause
- Chapter 273-1 B: change “five days” to “seven days”
- Chapter 273-2: Some discussion as to the need to increase these fines (as specified in Chapter 198-13) if this bylaw using non-criminal disposition enforcement. The state statute does not specify fines. The current fines can remain.
- Chapter 273-3: Delete; not needed if using non-criminal disposition.

Water and Sewer Commissions consolidation:

Mr. Haddad reviewed the nature of the enterprise operation of each commission, and the need for separate financial treatment. However, each of the Commissions has positively considered the concept of a combined Water and Sewer Commission for management functions. It was discussed that , since a consolidation would require a charter change, that any proposal be held until other charter changes were also to be considered. Mr. Cunningham noted that DLS will be conducting a management audit of the Town in January, and that this discussion be held until that audit is completed.

Strong Fire Chief:

The Town currently has a strong fire chief, as specified in MGL Chapter 48 Section 42. A strong fire chief is responsible for the operations of the department, including final authority over appointments within the department. Final authority of appointments is different than all other town departments. It is Mr. Haddad’s recommendation that we retain a strong fire chief such that the position will be the most attractive for potential future candidates.

Meeting was adjourned at 10:55 AM.

Respectfully,

Michael Bouchard