

CHARTER & BY-LAW REVIEW COMMITTEE MEETING
Friday August 21, 2009
FINAL

The Charter and By-Law Review Committee (CBRC) held a duly posted meeting on August 21, 2009 in the Retirement Board Meeting Room in Town Hall. Ms. Gloff, the Chair, called the meeting to order at 10:07 AM.

Members present: Ms. Karen Adelman Foster, Ms. Carol Gloff (Chair), Mr. Jay Ball and Mr. Robert Healey.

Members absent: Mrs. Barbara Chinetti, Mr. Anthony Lista and Mr. Richard Sidney

Others present: Ms. Martha White (Town Administrator)

Attachments: none

APPROVAL OF MINUTES

No prior meeting minutes were approved.

DISCUSSION OF BY-LAWS

BY-LAW 11
TOWN CLERK

Because there will be a Fall Town Meeting Article addressing the subject of an appointed (versus an elected) Town Clerk, the committee's consensus was to withhold further discussion of B11 at this time, but to plan to discuss it further and possibly submit a Warrant Article for the Spring Town Meeting.

BY-LAW 20
TOWN ADMINISTRATOR

Section 1: Ms. White proposed amended the wording of this section to read as follows:

Section 1 Appointments

The Town Administrator shall appoint the multiple member bodies listed in the table entitled "Multiple-Member Body Appointments Made by the Town Administrator", which table is incorporated into this section by reference, as well as department heads, officers, subordinates and employees as provided in Article 4, Section 4-2 of the Charter.

Ms. White further proposed to amend the above-referenced table to read thusly:

Multiple-Member Body Appointments Made by the Town Administrator

Name	Citation
Insurance Advisory Committee	(B) Art. 24, s. 1
Personnel Board	
Safety Committee	
Town Report Committee	
Commission on Disability	
Golf Course Advisory Committee	

Moved by Mr. Healey, seconded by Ms. Foster. Voted 4-0-0.

BY-LAW 40
TOWN REPORTS AND RECORDS

Section 3: Ms. Adelman-Foster proposed amendments to Section 3; the proposed new language, which incorporates minor modifications offered by CBRC members, would read as follows:

Section 3 Minutes of Proceedings

In carrying out the provisions of Section 7-9(b) of the Charter, each Town Board, Commission, Committee and Sub-Committee shall record the minutes of its proceedings within a reasonable time. The minutes shall contain therein the body's official name, date, time of opening and adjournment, members present, minutes of previous meetings corrected or approved, motions voted thereon as approved or denied, and that the meeting was duly posted as required by law with the Town Clerk. The minutes shall be attested by the Clerk or Secretary, or by the Chair or the Chair's designee.

Henceforth, each Town Board, Commission, Committee and Sub-Committee shall file its minutes with the Town Clerk, who will make the minutes available as public records.

Moved by Mr. Healey, seconded by Mr. Ball. Voted 4-0-0.

BY-LAW 42
LICENSES

Revised wording for this article, as presented by the following tracked changes, was proposed by the Town Administrator.

Section 1 – Fuel Oils

The storage of gasoline, petroleum products, or flammable fluids, including fuel oils over (volume to be determined) gallons, requires an initial (one-time) license and annual registration with the Board of Selectmen. Storage of such fluids for sale shall be subject to the following fee schedule;

Deleted: License and Registration fees for storage of gasoline, petroleum products, or inflammable fluids, including fuel oils,

Deleted: and for other than the applicant's own use,

Deleted: as follows

Initial (one-time) Licenses Fees

(1) Not over 2,000 gallons	\$ 35.00
(2) Each additional 1,000 gallons or part thereof	5.00
(3) Maximum license fees	150.00

Annual Registration Fees

Deleted: f

one-half (1/2) of the initial license fees

Section 2 – Transient Vendors

Every person before commencing business in the Town as a transient vendor, whether as principal or agent, shall make written application under oath, for a Town license to the Board of Selectmen and upon payment of a license fee fixed by it in compliance with Chapter 101 of the Massachusetts General Laws, shall be issued a license, provided, however, that said transient vendor comply with the regulations of the Board of Selectmen.

Moved by Mr. Healey, seconded by Ms. Foster to put forth the above tracked changes in a warrant article. Voted 4-0-0.

BY-LAW 50
POLICE REGULATIONS

Section 14: In a memo, Town Counsel suggested that Section 14 be amended by adding a Section 14b to read as follows:

14b. Public Consumption Or Use Of Marihuana Or Tetrahydrocannabinol

1. No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, § 1, as amended) while in or upon any public place, including but not limited to, any public street, public sidewalk, public way, public footway, public passageway, public stairs, public bridge, public park, public playground,

public beach, public recreation area, public boat landing, public building, public school building, public school grounds, public cemetery, public parking lot; or in or upon any area owned by or under the control of the Town of Natick, or any place to which the public has a right of access as invitees or licensees.

2. Any marihuana or tetrahydrocannabinol smoked, ingested, or otherwise used or consumed in violation of this bylaw shall be seized, held, and disposed of in accordance with M.G.L. c. 94C, § 47 A.

3. Whoever is found in violation of this bylaw shall, when requested by an official authorized to enforce this bylaw, state his true name and address to said official.

4. This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 40, § 21, or by non-criminal disposition pursuant to M.G.L. c. 40, § 21D, by the Board of Selectmen or the Town Administrator, or any duly authorized agent of the Board of Selectmen or the Town Administrator, or any police officer.

5. The fine for a violation of this bylaw shall be Three Hundred dollars (\$300.00) for each offense. A penalty imposed under this bylaw shall be in addition to any civil penalty imposed under M.G.L. c. 94C, § 32L.

6. If any provision of this by-law is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.

After discussion, a motion was made to reduce the fine in 14b-5 to \$150.00

With the amendment, moved by Ms. Foster, seconded by Mr. Healey. Voted 4-0-0.

Section 16.7: In a memo, Town Counsel suggested deleting the last sentence [JHB: actually, two sentences] of Section 16.7 and inserting in its place the following:

In addition to the foregoing fines, pursuant to Chapter 140, Sections 147 A and 173 of the Massachusetts General Laws, a dog owner shall license his or her dogs in the Town of Natick annually by March 1, and shall pay the required license fee. Any dog owner who fails to do so shall pay to the Town of Natick a fine in the amount of twenty five dollars per dog in addition to the annual license fee.

In addition to the foregoing fines, pursuant to Chapter 140, Sections 147 A and 173 of the Massachusetts General Laws, a kennel owner shall license his or her kennel in the Town of Natick annually by March 1, and shall pay the required license fee. Any kennel owner who fails to do so shall pay to the Town of Natick a fine in the amount of twenty five dollars in addition to the annual license fee.

Moved by Mr. Healey, seconded by Ms. Foster. Voted 4-0-0.

Section 16.15: Town Counsel also recommended changing Section 16.15 to read:

16.15 Dog License and Kennel License Fees and Fines

a. License Fees

Unneutered Male and Unspayed Female	\$15.00 per dog
Neutered Male and Spayed Female Kennels	\$10.00 per dog
Kennels	
4-9 dogs	\$50.00
10-24 dogs	\$75.00
25 or more dogs	\$100.00

Moved by Ms. Foster, seconded by Mr. Healey. Voted 4-0-0.

Section 22.2: Community Development Director Patrick Reffett suggested replacing the second paragraph (indented verbiage) in Section 22.2 with a table presenting the following information:

Total Parking Spaces	Handicapped Spaces	
	Minimum %	Minimum Number
15-25	--	1
26-40	5.0%	2
41-100	4.0%	3
101-200	3.0%	4
201-500	2.0%	6
501-1000	1.5%	10
1001-5000	1.0%	15
2001-5000	.75%	20
5001-	.5%	30

All percentages to be rounded up to nearest whole number.

Moved by Mr. Healey, seconded by Ms. Adelman-Foster. Voted 4-0.

Section 22.3: Additionally, Mr. Reffet suggested that the following changes be made to Section 22.3 to bring it into closer compliance with applicable State law:

Change "... twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them." to "... thirteen feet wide or one eight-foot wide area with an adjacent five-foot wide cross hatched area."

To the last sentence of this section (Section 22.3) insert the phrase "shall be located no more than ten feet away, and" between the words "This sign" and shall be located at a height...." so that the last sentence reads as follows: "This sign shall be located no more than ten (10) feet away, and shall be located at a height of not less than five (5) feet nor more than eight (8) feet to the top of the sign."

Moved by Mr. Healey, seconded by Ms. Adelman-Foster. Voted 4-0-0.

DISCUSSION OF CHARTER

CHARTER ARTICLE 5
FISCAL PROCEDURES

Section 2b: As presented by Ms. Adelman Foster, School Counsel suggested two changes as tracked in the paragraph below:

(b) **Public Hearing** - At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of ~~the~~ proposed budget. This notice shall also indicate the times and places at which copies of the ~~proposed~~ budget are available for public examination, and the date, time and place, not less than seven days following such publication, when a public hearing will be held by the school committee on the proposed budget.

Deleted: its

Deleted: superintendent of schools' proposed

Moved by Mr. Healey, seconded by Ms. Foster. Voted 4-0-0.

Upon a unanimous vote, the meeting was adjourned at 11:14AM.

Respectfully submitted by Jay H. Ball, Clerk *pro tem*

Minutes approved on December 14, 2009 by a vote of 3-0-1.