

CHARTER AND BYLAW REVIEW COMMITTEE MEETING

April 29, 2010

The Charter and By-law Review Committee (CBRC) held a meeting on April 29th at 6:45 p.m. in the Pupil Services Conference Room, Wilson Middle School. The meeting was duly posted by Carol Gloff, Chair. Ms. Gloff called the meeting to order at 6:50 p.m.

Members Present: Jay Ball, Karen Adelman Foster, Carol Gloff, Robert Healey, Richard Sidney

Members Absent: Barbara Chinetti, Tony Lista

Others Present: James White, Director of Public Health (Arrived 6:55)
John Magee, Town Meeting Member (Arrived 6:55)

ATTACHMENTS

Att 1: Email from John Magee to Carol Gloff, 4.29.10

Att 2: Email from Paul Connolly to Carol Gloff, 4.29.10

APPROVAL OF MINUTES

Mr. Sidney moved approval of the minutes of April 12, 2010. Mr. Healey seconded, and the minutes were approved 4-0-1, with Mr. Ball abstaining.

DISCUSSION OF NON-SUBSTANTIVE CHANGES IN WARRANT ARTICLES

Ms. Gloff and Mr. Sidney presented the CBRC with several non substantive changes in Warrant Article 37 as suggested either during the committee's final proofing of the warrant articles or by the Finance Committee. Most of the tweaks were included in the Finance Committee Recommendation Book. Mr. Sidney moved that the CBRC recommend favorable action on the new version. Mr. Healey seconded, and the motion carried 5-0-0.

Mr. White and Mr. Magee arrived at the meeting.

Ms. Gloff and Mr. Sidney presented the CBRC with several non substantive changes in Warrant Article 42 as suggested either during the committee's final proofing of the warrant articles or by the Finance Committee. Most of the tweaks were included in the Finance Committee Recommendation Book. Mr. Sidney moved that the CBRC recommend favorable action on the new version. Mr. Healey seconded, and the motion carried 5-0-0.

DISCUSSION OF WARRANT ARTICLE 42 (BY-LAW ARTICLE 83)

Mr. White told the CBRC that he had been in communication with Mr Magee, who had asked for some changes in the proposed by-law to eliminate duplication with MGL and increase clarity. Mr. White had conferred with the Board of Health, and all had come to a consensus that it would be best if the matter were referred to the Board of Health. Mr. Sidney moved that the

CBRC recommend referral of Warrant Article 42. Mr. Healey seconded, and the motion carried 5-0-0. Mr. Magee provided additional explanation of why he thought referral was best. Mr. White left the meeting.

DISCUSSION OF WARRANT ARTICLE 39

Ms. Gloff reported that Town Meeting Member Mr. Paul Connolly had sent her an email regarding potential changes in By-Law Article 74; the Town Moderator had ruled such changes out of scope, except for one instance in which Mr. Connolly suggested the replacement of one particular comma with the word "or." The CBRC discussed the issue briefly, and determined no action was necessary.

CONCLUSION AND ADJOURNMENT

Adjournment was moved by Mr. Sidney and seconded by Mr. Healey. The motion carried 5-0-0. Ms. Gloff adjourned the meeting at 7:15 p.m.

Respectfully submitted by Karen Adelman Foster, CBRC member

Minutes approved on May 13, 2010 by a vote of 4-0-2.

Attachment 1

From: John Magee [abceagle@gmail.com]
Sent: Thursday, April 29, 2010 9:47 AM
To: Carol Gloff
Cc: BWCHINETTI@msn.com; Karen Adelman; Jay Ball; Bob Healey; tonylista@comcast.net; richsidney@gmail.com; White, Jim
Subject: Re: FW: Smoking bylaw article

Carol,

I will propose the following amendment to town meeting. Ideally this would get voted up or down before we debate changes to text that I propose to delete. I'm not sure if I will be able to be early tonight but I will try to make it, thank you for inviting me.

Move to amend the main motion as follows:

Delete sections 2-5, 8-10

Renumber section 6 as section 2

Delete subsections 7a and 7b, renumber section 7 as section 3

If this amendment passes, the amended main motion would be:

Move to replace the entire text of Article 83 of the Town By-Laws with the following:

“ARTICLE 83 NO SMOKING IN PUBLIC PLACES

Section 1 Smoking in Public Places

It is hereby declared that smoking in public places is a public nuisance, dangerous and hazardous to the public health, and violates the rights of non-smokers to breathe air free of smoke contamination.

Section 2 Retail Tobacco Stores

- a. Smoking shall not be permitted within any indoor enclosed portion of a retail tobacco store in the Town of Natick.
- b. Smoking bars shall not be permitted in the Town of Natick.

Section 3 Enforcement

The Natick Board of Health, the Department of Public Health, other authorized local municipal government agencies or agents within the Town of Natick, or the Alcoholic Beverage Commission shall enforce this By-Law."

Best,
-John Magee

On Wed, Apr 28, 2010 at 10:34 PM, Carol Gloff <cagloff@comcast.net> wrote:

I am forwarding this to the CBRC at Rich's suggestion, in case the committee wants to discuss any of the suggestions below during our 6:45 PM meeting tomorrow, prior to the 7:30 PM TM session. Jim and John, if you could join us in the Pupil Services conference room at Wilson Middle School at 6:45 PM, that would be great.

I'll see you all tomorrow evening.

Carol

Attachment 2

From: Connolly [connolly70@verizon.net]
Sent: Thursday, April 29, 2010 1:03 AM
To: cagloff@comcast.net
Subject: Suggestions for Articles 41 and 42

Carol,

I suggest a perfecting amendment for Article 41. In Section 11 Appeals, "building, occupancy permits" would be clearer as "building or occupancy permits" instead of being perhaps misread as "building occupancy permits" (i.e., one type of permit).

I suggest a correcting amendment for Article 42. In Section 7 Enforcement, I believe the name of the commission is "Alcoholic Beverages Control Commission" (plural; insert word).

Paul

Paul E. Connolly
TMM, Pct 6