

CHARTER AND BY-LAW REVIEW COMMITTEE MEETING

May 13, 2010

The Charter and By-Law Review Committee (CBRC) held a meeting on May 13, 2010 at 7:30 a.m. in the Dlott Meeting Room, Town Hall. The meeting was duly posted by Carol Gloff, Chair. Ms. Gloff called the meeting to order at 7:36 a.m.

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| Members Present: | Barbara Chinetti, Carol Gloff, Richard Sidney, Jay Ball, Karen Adelman Foster, Tony Lista (Arrived 7:39) |
| Members Absent: | Robert Healey |
| Others Present: | Erica Ball |
| Attachments: | <ul style="list-style-type: none">- E-mail from Carol Gloff regarding proposed changes to By-Laws 40 (Town Reports and Records) and 74 (Junk Dealers)- E-mail response to aforementioned e-mail from Bob Healey- Revision-marked version of By-Law 40- Revision-marked version of By-Law 74 |

MEETING MINUTES

Minutes for the meeting of April 29, 2010, presented by Ms. Adelman Foster.

Two corrections noted:

1. Att 2 is an e-mail from Paul Connolly, not John Connolly
2. The minutes of April 12 were approved by a vote of 4-0-1, instead of 5-0-0.

Motion to approve as amended put forward by Mr. Sidney, seconded by Ms. Adelman Foster. Passed 4-0-2.

DISCUSSION OF CHARTER AND BY-LAWS

By-law 40: Town Reports and Records

Ms. Gloff presented the revision-marked version of this by-law, proposing certain changes that the Committee had previously discussed, but which were inadvertently not proposed for the Spring ATM Warrant.

The Committee noted one error: There is an extra comma in the document after Town Meeting.

The Committee discussed the proposal.

The consensus of the Committee was not to take an official position, but to deliver this proposal to the Town Administrator and the Planning Board for placement on the warrant for a later Town Meeting.

By-Law 74: Junk Dealers

CHARTER AND BY-LAW REVIEW COMMITTEE MEETING

May 13, 2010

Ms. Gloff reminded the Committee that the Spring 2010 ATM voted to refer the proposed changes to this By-Law to the Town Administrator for further review.

She discussed the additional changes proposed and reported that Town Counsel had indicated that the reason fines were not required for Section 1 is that MGL deals with violations of the provisions of Section 1, and therefore the By-Law did not need to deal with these fines.

She reviewed the additional changes that she prepared for the Committee.

The Committee discussed the proposal.

Among the questions raised was whether there needed to be an additional section or by-law to cover Flea Markets.

The consensus of the Committee was not to take an official position, but to deliver this proposal, along with the questions raised by the Committee, to the Town Administrator for placement on the warrant for a later Town Meeting.

CONCLUSION AND ADJOURNMENT

Adjournment was moved by Mr. Sidney and seconded by Ms. Adelman Foster. Adjournment passed 6-0-0. Ms. Gloff adjourned the meeting at 8:06 AM.

Respectfully submitted by Richard Sidney, CBRC member

Minutes approved on June 2, 2010 by a vote of 5-0-1.

Rich Sidney

From: Carol Gloff [cagloff@comcast.net]
Sent: Wednesday, May 12, 2010 6:04 PM
To: 'Karen Adelman'; BWCHINETTI@msn.com; 'Jay Ball'; 'Bob Healey'; tonylista@comcast.net; richsidney@gmail.com
Subject: Draft revisions to By-Law Articles 40 and 74
Attachments: ART_40 draft Planning Board TM recommendations 050810.DOC; ART_74 draft revisions 050810.DOC

Good evening,

Please see my proposed revisions to the By-Law Articles 40 and 74. The major purpose of our meeting tomorrow is to review these and see what further changes, if any, CBRC members suggest. These changes, or modified versions, are expected to be submitted by others for consideration by Fall ATM.

I'll see you all (except Bob) in the morning at 7:30 AM.

Carol

Rich Sidney

From: Bob Healey [bh.ims@verizon.net]
Sent: Thursday, May 13, 2010 5:34 AM
To: cagloff@comcast.net
Cc: Adelman@kbafolio.com; JayHBall@alum.mit.edu; bwchinetti@msn.com; bh.ims@verizon.net; tonylista@aol.com; richsidney@gmail.com
Subject: Re: Draft revisions to By-Law Articles 40 and 74

Hi Carol, et al,

Had a chance to review 40 and 74 this morning before heading off. Hope someone checks their email this morning before heading over to the CBRC meeting.

#40, line three delete a second comma after the words "Town Meeting"

#74, I do not find an answer to a very basic question regarding 'renewals.' How often is a "Junk Dealer" required to renew their license? Yearly? Two years? Five Years?, etc. This needs, in my opinion, to be spelled out clearly leaving no ambiguity.

Enjoy the meeting. See most of you this evening.

Bob Healey

On May 12, 2010, **Carol Gloff** <cagloff@comcast.net> wrote:

Good evening,

Please see my proposed revisions to the By-Law Articles 40 and 74. The major purpose of our meeting tomorrow is to review these and see what further changes, if any, CBRC members suggest. These changes, or modified versions, are expected to be submitted by others for consideration by Fall ATM.

I'll see you all (except Bob) in the morning at 7:30 AM.

Carol

ARTICLE 40

TOWN REPORTS AND RECORDS

Section 6 Planning Board Report to Town Meeting

The Planning Board shall distribute its report on warrant article recommendations, as specified in Section 3-11 (b) of the Charter, to each Town Meeting Member at least ~~seven (7)~~~~ten (10)~~ seven (7) days in advance of a Town Meeting, except where compliance with this provision would defeat the purpose of a Special Town Meeting. The said recommendations shall be those of a majority of the Board, but this shall not be construed to prevent recommendations by a minority as such.

ARTICLE 74
JUNK DEALERS

Section 1 Licensing

The Selectmen shall license suitable persons to be dealers in and keepers of shops for the purchase, sale, and barter of junk, old metal and second-hand articles. ~~N~~ and no person shall be a dealer in or keeper of such a shop without a license.

A copy of this by-law will be provided to each licensee at the time of licensing or renewal.

After completion of the licensing/renewal process the Board of Selectmen shall forward a list to the police department of all licenses in good standing.

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Section 2 Inflammable Materials

No person shall use any building, enclosure or other structure for the storage, sale or keeping of rags, waste paper, stock or other inflammable material without a written license therefor from the Selectmen.

Section 3 Requirements of Licensees

Every keeper of a shop for the purchase, sale or barter of junk, old metals, or second-hand articles, within the limits of the Town, shall keep a record in the form prescribed by the police department, on which shall be written, at the time of every purchase of any such article, a description thereof, the name, age and residence of the person from whom, and the day and hour when, such purchase was made. No article shall be accepted without a showing of positive photo identification by the person offering the article for sale to the shop keeper. The shop keeper's record shall at all times be open to the inspection of the Selectmen, members of the police department and any other person authorized by the Board of Selectmen to make such inspection.

A copy of the weekly record shall be forwarded to the police department operations division at the end of each week, and any article taken into possession by the shop keeper shall be held on premises for thirty (30)~~ten~~ days before resale.

Section 4 Fines

Operating as a dealer in or keeper of a shop for the purchase, sale, and/or barter of junk, old metal and second-hand articles without this license shall be punishable by a fine as established by Massachusetts General Law Chapter 140, Section 55. ~~After completion of the licensing/renewal process the Board of Selectmen shall forward a list to the police department of all licenses in good standing.~~

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Violations of the provisions of Section 2 or Section 3 of this by-law shall be punishable by a fine of one hundred dollars (\$100.00), and each transaction in violation shall constitute a separate offense.

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~~A copy of this by law will be provided to each licensee at the time of licensing or renewal.~~