

Rowe Bylaw Review Committee
September 12, 2018
6:30 P.M. at Rowe Town Hall – Second Floor Lobby

Present: Chair Chuck Sokol, Secretary Paul McLatchy III, Christopher Hyytinen
Absent: James Lively
Other
Attendees: Jennifer Morse (briefly)

Call to Order: Chair Sokol called the meeting to order at 6:38 P.M., with a quorum of the committee present.

Minutes: The minutes of the August 7th meeting were presented. A motion was made by Chair Sokol and seconded by Mr. Hyytinen to approved the minutes as written. The vote was 3-0-0 in favor.

Article I: The following topics were discussed relating to Article I of the bylaws:

Section 3 (penalties): The bylaw lists a penalty of \$50 for each violation, but in Article VIII, there are different penalties for another bylaw. This is inconsistent. A motion was made by Mr. Hyytinen and seconded by Chair Sokol to add “unless otherwise noted” to the bylaw. The vote was 3-0-0 in favor.

Fees: A question was raised about who the fees go to in the event of a bylaw violation. It is unclear at this time. Chair Sokol will speak with town counsel on the matter, and determine if additional language might be necessary.

Section 3 (penalties): This section states that the penalties may only be levied once written notification has been received from the Board of Selectmen. As there may be a different enforcing authority depending on the infraction, a motion was made by Mr. McLatchy and seconded by Mr. Hyytinen to change the wording from “Board of Selectmen” to “enforcing authority”. The vote was 3-0-0 in favor.

Article Reordering: A motion was made by Chair Sokol and seconded by Mr. McLatchy to insert a new article between Articles I and II, renumber the subsequent articles, and to move the contents from Article VIII to the new Article II. The vote was 3-0-0 in favor.

Note: All articles referenced after this point are based on their current (old) numbering, not on the proposed change noted above.

Article II The following topics were discussed relating to Article II of the bylaws:

Section 1 (elected positions): The Tax Collector position was changed from an elected position to an appointed position by town meeting and town election vote. This just needs to be updated.

Section 5 (annual report): The committee would like to reference the appropriate Mass General Law that applies to annual reports. A motion was made by Mr. McLatchy and seconded by Mr. Hyytinen to change the wording from “shall be delivered” to “shall be made available”. This will drop the requirement that reports be mailed to all voters, many of whom probably discard it without reading it. The vote was 3-0-0 in favor.

Section 11 (permitted motions): The committee will research whether additional motions/options should be added to this bylaw.

Moderator Authorities: The committee will research which MGLs apply to the position of moderator and what authorities s/he has, and whether any new language should be added.

Section 13 (secret ballots): The current threshold for a secret ballot is 10% of voters present. This means that with 20 people in attendance, two voters can force a secret ballot on every issue. After discussing appropriate percentages, a motion was made to change the threshold from 10% to a majority of voters present. The motion was seconded by Mr. Hyytinen, and the vote was 3-0-0 in favor.

Section 14 (re-voting an article): Mr. McLatchy raised a question of how can it be proven that a person voted in the majority or not at all, but it was agreed to leave the article as is.

New Sections: A motion was made by Mr. McLatchy and seconded by Mr. Hyytinen to add two new sections- 17 and 18. The vote was 3-0-0 in favor. The new section 17 would include the powers and authorities of the moderator, and the new section 18 would include wording for allowing a counted vote at a voter’s request (via tellers).

General: A motion was made by Chair Sokol to change all pronouns in the bylaws to gender-neutral terms. The motion was seconded by Mr. McLatchy and the vote was 3-0-0 in favor. It was also agreed that a new history section would be added at the end of the document when any changes are made in the future, so that it’s clear when votes were taken by the town.

Article III: The following topics were discussed relating to Article III of the bylaws:

General: A motion was made by Chair Sokol and seconded by Mr. Hyytinen to reorganize this section’s bylaws to have subsections by the public body, rather than going randomly from committee to committee. The vote was 3-0-0 in favor.

Section 1 (property): A motion was made by Chair Sokol and seconded by Mr. Hyytinen to add the wording “the properties, including real, tangible, and intangible”. The vote was 3-0-0 in favor.

Section 2 (counsel): A question was raised about who has access to town counsel. The policy has traditionally been that the Board of Selectmen and a few designees (executive secretary, police chief, etc...) have authority to contact town counsel at will. All other officers must first request permission. Some town bodies have their own counsel and are not subject to such a policy.

Section 4 (archiving): A motion was made by Mr. McLatchy and seconded by Mr. Hyytinen to change the wording “microfilmed biannually” to “archived regularly”. Microfilming may not be the dominant archiving method in the future (and may already be obsolete), and the frequency that documents should be archived may vary year to year. The vote was 3-0-0 in favor.

Section 6 (appointments): A question was raised about what positions should be included in the appointment list, as some are hired until they are no longer employed. It was suggested that this section might be better off being scratched and starting fresh. A motion was made by Mr. McLatchy and seconded by Mr. Hyytinen to get an updated list of appointed positions. The vote was 3-0-0 in favor.

Section 7 (school committee): Mr. McLatchy will check the regional agreement to see if the person appointed as a representative to the Mohawk School Committee has to be a member of the local committee.

Section 8 (selling town property): After discussion, it was agreed to leave Section 8 as is.

Section 11 (finance committee): A motion was made by Mr. McLatchy and seconded by Chair Sokol to delete the wording “omnibus article at” from the section for clarity. The new sentence will read “...including the duty of submitting a budget for the annual town meeting”. The vote was 3-0-0 in favor.

Sections 15, 16, 17, and 18 (committees): A motion was made by Mr. McLatchy and seconded by Chair Sokol to add the number of members and terms to each of those bylaws. The vote was 3-0-0 in favor.

Sections 20 and 21 (right-to-farm and stretch code): These two sections will be left for now, but a brief discussion was held about possibly moving them to the Miscellaneous article.

Next Meeting: The next meeting will be held on Tuesday, October 2nd at 6:30.

Adjourn: A motion was made by Mr. McLatchy and seconded by Chair Sokol to adjourn the meeting at 8:57 P.M. The vote was 3-0-0 in favor.

*Respectfully Submitted,
Paul McLatchy III, Secretary*

Approved: October 2, 2018

Chuck Sokol, Chairman

Paul McLatchy III, Secretary

Christopher "Selmi" Hyytinen, Member