

Rowe Bylaw Review Committee
February 5, 2019
6:30 P.M. at Rowe Town Hall – Meeting Room 1

Present: Chair Chuck Sokol, Secretary Paul McLatchy III, Christopher “Selmi” Hyytinen, James Lively

Audience of Citizens: None

Call to Order: Chair Sokol called the meeting to order at 6:30 P.M., with a quorum of the committee present.

Minutes: The minutes of October 23, 2018 were presented. A motion was made by Chair Sokol and seconded by Mr. McLatchy to accept the minutes as presented. The vote was 4-0-0.

Plowing: At the last meeting it was agreed that research would be done about whether a bylaw had been passed regulating the plowing of snow across a street, and if not, whether it was warranted. Mr. Hyytinen produced a picture he took after a snow storm in November where a resident had plowed across the street, leaving large swaths of snow and even a clump large enough to damage a vehicle. Though no language was adopted, there seemed to be a consensus that this issue should be addressed.

Documents: Mr. McLatchy presented two documents to the members- an updated bylaw booklet that incorporated all proposed changes, labeled “new version #1”, and a spreadsheet of all the proposed changes with wording, date the vote was taken, and what the vote was. Going forward, all references in the minutes to bylaw changes will reference the new document to avoid confusion.

Numbering: A motion was made by Chair Sokol and seconded by Mr. Hyytinen that any subsection enumeration will be letters, rather than numbers, and that there be no table of contents in any bylaw. The vote was 4-0-0 in favor.

Special Town Meeting: The town will be having an upcoming town meeting on March 5th. A motion was made by Mr. Hyytinen and seconded by Mr. McLatchy to propose to the Board of Selectmen that the amendment for Article II, §5 (Annual Town Report) be added to the warrant. The change would only require the town report to be “made available” rather than “delivered” one week prior to the annual town meeting. If the change passed at town meeting, it may be able to be submitted and approved by the Attorney General’s office before this point, saving money *this* year, rather than waiting for next year. The vote was 4-0-0 in favor.

Article I: The following items were addressed under Article I:

Section 4: A motion was made by Chair Sokol and seconded by Mr. McLatchy to move the wording “unless otherwise provided for” from the end of the section to the beginning. This will make it clear that the “unless otherwise provided for” applies to the entire section, not just the fine portion.

Rules and Regulations: A lengthy discussion ensued about proposing a new bylaw that allows for boards and committees to create rules and regulations for property and employees under their jurisdiction. Discussion points included whether public hearings should be required, the difference between an official rule/regulation and a policy, at what point should something be a rule/regulation versus a guideline, a process for reviewing complaints about policies, etc... At the end of discussion, a motion was made by Mr. McLatchy and seconded by Mr. Lively to adopt the following wording:

“Each elected board or committee shall be empowered to establish rules and regulations governing conduct on or use of town property under the jurisdiction or purview of that board or committee; or policies or procedures affecting town employees, appointees, or officials under the jurisdiction or purview of that board or committee.”

The vote was 4-0-0 in favor.

General: A motion was made by Mr. Hyytinen and seconded by Mr. McLatchy that all references to “general laws” be clarified as “Massachusetts General Laws”. The vote was 4-0-0 in favor. This may be able to be sent to the town clerk for amendment, rather than having to go through the town meeting process, as it is not a substantive change.

Article II: The following items were addressed under Article II:

Section 1: A motion was made by Mr. Hyytinen and seconded by Mr. Lively that all elected positions in Section 1 be uniform (i.e. member of [insert board/committee]). The vote was 4-0-0 in favor.

Section 17: The committee agreed to have a section on the powers of the moderator, but no wording had been adopted. After some research into state law, a motion was made to propose wording of “the moderator shall have the powers and duties as set forth in Chapter 39, §15 of the Massachusetts General Laws, and shall have the authority to declare a 2/3, 4/5, and 9/10 vote without counting.” The vote was 4-0-0 in favor.

Section 18: Though it’s covered by state law, many residents turn to the bylaws to research town meeting protocol. Therefore, a motion was made by Chair Sokol and seconded by Mr. Hyytinen to adopt wording for a new Section 18 stating “As described in Chapter 39, §15 of the Massachusetts General Laws, if a vote so declared is immediately questioned by seven or more voters, the moderator shall verify it by polling the voters or by dividing the meeting unless the town has by a previous order or by-law provided another method.” The vote was 4-0-0 in favor.

Process: The committee went over a possible timeline, and whether the changes would be best for the annual town meeting, or on its own warrant for a special town meeting. It was agreed that due to the number of changes being proposed, perhaps its own town meeting would be appropriate. In order to hold a town meeting at the end of May, give the Selectmen time to review the changes, send it off to town counsel, *and* hold a public hearing, the committee will need to finish its work

by the end of March. However, as special town meetings can be held at any time, there is no hard date, just a goal.

Next Meeting: The committee will meet every Tuesday night at 6:30 until the end of March, with the exception of March 5th, as there is a town meeting.

Adjourn: A motion was made by Mr. McLatchy and seconded by Chair Sokol to adjourn the meeting at 8:22 P.M. The vote was 4-0-0 in favor.

*Respectfully Submitted,
Paul McLatchy III, Secretary*

Approved: February 19, 2019

Chuck Sokol, Chairman

Paul McLatchy III, Secretary

Christopher "Selmi" Hyytiinen, Member

James Lively, Member