

BYLAW REVIEW COMMITTEE
Town of Becket
557 Main Street
Becket, MA 01223

Meeting Minutes for September 14, 2016

PRESENT: Bylaw Review Committee: Jeanne Pryor (Chair), Ann Krawet, George Roberts, Bruce Garlow
ABSENT: Mark Karlberg
PUBLIC: Michael Fudge, Patricia Fudge, Madelaine Elovirta, Andrew Fudge, Robert Ronzio,
Howard Lerner, Ed Gibson (Town Administrator)

The meeting was called to order by Mrs. Pryor at 10:00 AM. Mr. Ronzio indicated he was recording the meeting.

PUBLIC HEARING

At 10:01 AM Mrs. Pryor opened the public hearing and read the public notice for a proposed addition to the Town's Betterment Bylaws and changes/additions to the Dog Control Bylaw as posted in the Country Journal.

The first matter was a proposed addition to Article 17-Town Betterment Bylaw, Section 22 - Vacant Properties. She and Mr. Roberts both said they had received calls from property owners who had concerns about the proposal. Mr. Roberts said the call he received was in regard to "seasonal occupancies" and noted that in the definition of Vacant property that is temporarily vacant due to the owner(s)' seasonal absences is exempted. Once he explained the concept the caller withdrew her objections.

Mr. Lerner asked that the term "blight" be defined and asked if it referred only to vacant buildings. Mr. Roberts said that the term was not defined in the bylaw and Mrs. Krawet read from a definition she found in an online dictionary. Mr. Roberts noted that if a property had an old couch and three refrigerators on the lawn that would be considered blight. The committee agreed to take under advisement the suggestion that blight be defined.

Michael Fudge expressed concern about his property where he is doing a cleanup and Mr. Roberts noted that the work is being done under a building permit and, therefore, it would not be in violation. Mrs. Pryor said the purpose of the bylaw is to track vacant properties and Mr. Roberts said that the bylaw should be explicit that work under a valid building permit would be exempt. Mr. Ronzio said that the Fudge property could fit the definition of blight prior to the Fudge's acquisition and that the Board of Health never took action.

Mr. Lerner asked for the definition of "seasonal"- one month a year, six months a year? How about if a home is turned into a B & B? He noted further that some properties had been vacant for 15-20 years and Mrs. Pryor said that's why the bylaw has been proposed, in order to avoid that scenario. Mr. Lerner asked if someone is not aware of the bylaw and Mr. Roberts replied that there would be an appeal process. He said that the bylaw was more of a way of looking forward by creating a database and preventing problems before they occur. In that way the Town would have a better chance of contacting the owner of a blighted property. Mr. Roberts noted the problem of chasing property owners not paying their taxes and that the Town routinely appropriates money for demolition of blighted properties for which the owners cannot be found.

Mr. Lerner asked if the commissioner would be riding around looking for blighted properties or only respond to a letter of complaint. Mrs. Pryor said that the building commissioner may visually inspect properties and Mr. Lerner said that currently the commissioner only responds to written complaints. He said that a town in the eastern part of the state, perhaps Sudbury, had considered passing a similar bylaw and that banks said they would refuse to lend money for new homes there for fear that they would be stuck with blighted properties. He said the bylaw was subsequently defeated because of that threat and Mrs. Pryor said that the committee had not encountered that issue in its research. Mr. Roberts said it was not a bad idea to have banks and other corporate entities register with the Town and, in response to a question from Mr. Garlow, Mr. Lerner said he would do further research on the subject.

Mr. Ronzio gave specific examples of problem properties at Sherwood Forest, noting that the building inspector requires a written complaint, but that the Conservation Commission does not. He noted that when complaints must be in writing that people are afraid of retaliation from the property owner. Mr. Roberts said the committee would look at that.

Mr. Ronzio expressed concern about the requirement that utilities be shut off at properties vacant for six months or more and the provision that only a street address may be used for an owner registering a property, rather than a postal box. Mr. Roberts said that the committee would consider changing that provision.

Andrew Fudge noted that the definition of “local” was 20 miles and that the committee should do a better job than a six-month limit for vacant properties before one would be in violation. Mr. Roberts said the committee could look at this again and Mr. Ronzio stated that banks own lots of properties and that a requirement to cut the power after 6-12 months of being vacant could make it difficult to sell them. Mrs. Pryor said that the purpose of the bylaw is to be corrective, not punitive, and Mr. Ronzio asked about notification to the property owner and whether it would be by certified mail and cited an instance in Gt. Barrington where a man homeless by choice has a house on which he’s current with the property taxes. Mr. Garlow said he didn’t believe in that instance the home was blighted.

Mr. Lerner said he thought the bylaw was great in concept, but expressed concern about the possibility of subjective enforcement. Mr. Ronzio agreed and discussed a property on Rte. 20 where the house is unoccupied and there are purportedly cans of oil buried next to Walker Brook. Mrs. Pryor noted that that circumstance, even if true, had nothing to do with the matter at hand.

Michael Fudge expressed concern with the power being turned off if there is a sump pump running in the basement and Mrs. Fudge asked about the fee for registering the property. Mrs. Pryor replied that it would be \$25.00.

At 10:52 the discussion on vacant properties was closed and the discussion turned to changes in the animal control bylaw.

Mrs. Pryor presented a statement on the proposed changes/additions to the Dog Control Bylaw and said that comments, as noted below, were received via email from resident Sandi Jarvis:

Article 20, Section 2

3. page 3 and Subsection (d) on page 4

“No person owning or keeping a dog shall leave a dog chained or tethered outside for longer than 24 consecutive hours.”

I am not sure how often an owner can leave a dog tethered for a 24-hour period? If the owner brings the dog inside for 10 minutes does the clock start over for another 24 hours? Is there a maximum number of days that a dog can be tethered outside, for example in a one-week period?

5. page 5

“The owner/keeper of said dog shall have a period of time, not to exceed 10 7 days, within which to recover said dog.”

I prefer the previous 10 days to the revised 7 days. Many property owners in Becket are not full time residents. The 10 days would allow all owners, both part-time and full-time residents, more time to connect with a lost pet.

I would like to see a provision that any dog held be checked for a tattoo or microchip; followed by attempts to contact the owner of record.

Section 11 Animal Control Officer page 12

“and to euthanize or cause to be euthanized each such dog not licensed, collared or harnessed, or tagged after being detained by or for the officer for a period of 7 days per M.G.L. c. 140 s. 151A(b). The Animal Control Officer may make available for adoption any dog found free of disease.”

*Again I would prefer the dog be detained for 10 days as opposed to 7 but this stipulation appears to part of the Massachusetts General Law. As stated above, I would like to see a provision that the dog is checked for a tattoo or microchip before being adopted or euthanized. Every attempt to have the dog adopted **should** be made not “may make available.”*

Euthanasia should be the very last resort.

The Committee agreed to consider all of Ms. Jarvis's concerns.

Mr. Lerner said that there would be the same problem in getting the animal control officer to act as with the building inspector, that a written complaint would be required. Mr. Roberts explained how the animal control officer responds and Mrs. Krawet said she had called the officer with a complaint and he had responded and did not need a written complaint.

Mr. Ronzio asked if the bylaw covers other animals, such as domesticated llamas, which have been seen roaming on town roads and Mr. Roberts said that the police are usually called in such instances. Mr. Garlow said that in Richmond where he used to work the Town annually appointed a field driver to deal with such animals and Mr. Gibson said that Becket does not appoint such a Town officer.

Mr. Ronzio noted that in the vacant property bylaw the definitions are at the beginning and in the animal control bylaw the definitions are at the end and Mr. Roberts said that could be addressed when the committee finalizes the bylaw changes. Mr. Lerner brought up the issue of pet pigs and the discussion turned to the difference between an animal control bylaw and the laws relating to agriculture.

At 11:15 AM Mrs. Pryor moved, Mrs. Krawet seconded and the committee voted to close the public hearing.

Mrs. Elovirta discussed with the committee a neighborhood nuisance she and her neighbors had been enduring and Mr. Ronzio said the Planning board has been addressing the issue of nuisances in general. Mrs. Pryor told Mrs. Elovirta that the committee would take her concerns under consideration as bylaws are developed.

MINUTES OF THE AUGUST 10, 2016 MEETING

Mrs. Pryor moved, Mrs. Krawet seconded and the committee voted to defer consideration of the minutes until the next meeting when Committee Clerk Mark Karlberg is present.

STATUS OF CHARTER CHANGE LEGISLATION REGARDING PARKS AND RECREATION COMMITTEE (S 2224)

This legislation has been passed to be engrossed by both the state Senate and House of Representatives and needs only to be enacted and signed by the governor.

STATUS OF AG APPROVAL OF 2016 ATM BYLAW REVISIONS

Mr. Roberts said the Town was still waiting to hear from the attorney general.

GENERAL REVIEW OF TOWN BYLAWS (ARTICLE 2 THRU ARTICLE 2B)

The committee will consider this matter at its next meeting.

ADJOURNMENT AND NEXT MEETING

At 11:35 AM Mrs. Krawet moved, Mrs. Pryor seconded and the meeting was adjourned. The next meeting will be Wednesday, October 19 at 10:00 AM, where the vacant property and animal control bylaws will be reviewed and revised and discussion will begin on the general review of Article 2 thru Article 2B of the bylaws.

List of documents discussed and/or distributed at meeting:

Final drafts of Town Bylaws changes: Vacant Properties and Animal Control

Respectfully Submitted by Bruce Garlow

Approved by Jeanne Pryor, Chair

