

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

Minutes
July 12, 2017

PRESENT: Bylaw Review Committee: Jeanne Pryor, Chair; Ann Krawet; Bruce Garlow; George Roberts
ABSENT: Mark Karlberg
PUBLIC: none

The meeting was called to order at 10:04 a.m. by the Chair.

Review minutes of the December 14, 2016, March 22, 2017 and June 21, 2017 meetings

The minutes of the December 14, 2016 and March 22, 2017 meetings were reviewed and approved on motion of A. Krawet, second of J. Pryor. The minutes of the June 21, 2017 meeting were reviewed and approved as amended on motion of A. Krawet, second of J. Pryor.

Review draft Outdoor Lighting Bylaw

The draft dated 7/7/17 was reviewed and Section 8 was revised as follows:

This bylaw shall be enforced by the Building Inspector of the Town. The Building Inspector shall have the authority and the duty to periodically **visually inspect** properties for compliance with this article, respond to complaints, and issue **warnings and/or** citations for any violations. Failure to comply with this bylaw **after receipt of a warning or citation** shall subject the offending property owner to a fine not exceeding twenty-five dollars (\$25.00) per day. In addition to any other means of enforcement available to the Building Inspector, the Building Inspector may enforce this article by means of noncriminal enforcement pursuant to MGL chapter 40, section 21D.

The draft will be sent to the Building Inspector for his comments. It was moved by A. Krawet, second by J. Pryor and voted to schedule a public hearing for August 10 at 7 p.m. in the Berkshire Room. The example of lighting illustration page was discussed and it was agreed to include it without changes. George will seek permission to use the illustration and Jeanne will contact the Town Administrator regarding the following wording in Section 2, "Although this bylaw does not address street lighting, we encourage the Town to pursue other means of bringing those lights into conformance."

Town Counsel comments regarding changes to Dog Control Bylaw

The Committee discussed how to present our comments to Town Counsel. It was agreed that the list of our comments and a clean copy of the Bylaw noting the comments by Town Counsel that were agreed to by the Committee would be sent to Town Counsel with a letter explaining the Committee's reasoning for including some of the MGL language such as the new definitions.

Review/Discuss Selectmen's Proposed Amendments to Article 17 Town Betterment Bylaws, SECTION 21

Bruce provided suggested changes to the draft and definitions for the Committee's information. The Committee discussed the town's liability regarding incidents that could occur on Town property noting that the current bylaw does not allow alcohol on Town property but one day liquor licenses have been approved by the Selectmen for events on Town property. The Town Administrator joined the discussion about allowing alcohol on Town property. Contracts would be needed if Town property was rented. Ed will follow up with Town Counsel for further information on procedures used in other towns who issue alcohol permits on Town property.

George proposed adding a sentence that "the Selectmen may waive the requirements of this section by issuing a one-day or other permit for consumption on any Town owned property in accordance with one day licensing procedures". Bruce will work on such language.

The Committee reviewed the changes below as proposed by Bruce:

No person shall **(a)** drink or possess in an open or partially consumed container any alcoholic beverages as defined in MGL Chapter 138, **§ section1, or (b) smoke, ingest, or otherwise use or consume marijuana (marihuana) or tetrahydrocannabinol as defined in MGL Chapter 94C, section 1, as amended**, while on, in or upon any ~~public way, or place to which the public has a right to access,~~ **town property** excluding **public ways and sidewalks**, premises licensed under said ~~chapter~~ **Chapters 138 and 94C**, or in, on or upon private lands without the consent of the owner or person in control thereof.

~~A police officer may arrest without a warrant any person who commits a violation of this bylaw in his presence and may seize the alcoholic beverages, marijuana or tetrahydrocannabinol, which shall be kept by him and destroyed upon adjudication or returned to the person entitled to lawful possession.~~ The penalty for any violation hereof shall be a fine not exceeding fifty dollars (\$50.00) for each offense. The provisions of this section may be penalized by indictment or on complaint brought in the district court or by non-criminal disposition as provided in M.G.L. Chapter 40, Section 21D. (Adopted 5/13/06 & effective 7/29/06)

The Committee will request copies of all Selectmen policies and discussed having such policies included on the Town website.

Any other business to come before the Committee per G.L. c. 30A, § 20(b)

A certified return receipt letter was sent to Mark on 7/11/17.

The Vacant Properties Bylaw has been submitted to the AG's Office for approval.

The Committee asked the Chair to contact the Selectman and request that an agenda item be included on their August 2 meeting concerning the possible appointment of a member to the Bylaw Review Committee if Mark does not respond to our letter and with a request that the position be advertised.

Next meeting date and adjournment

The next meeting was scheduled for August 10, 2017 at 5:30 p.m. By motion of A. Krawet, second of J. Pryor, the meeting was adjourned at 11:39 a.m.

List of documents discussed and/or distributed at meeting:

Minutes of the December 14, 2016, March 22, 2017 and June 21, 2017 Bylaw Review Committee meetings

Draft Article 17, Section 23 - Outdoor Lighting Bylaw draft rev. 7/7/17

Town Counsel comments regarding changes to Dog Control Bylaw

Proposed Amendments to Article 17 Town Betterment Bylaws, SECTION 21 with B. Garlow's suggested changes in red

Certified mail receipt dated 7/11/2017

7/10/17 email from Town Clerk re submission of Vacant Properties Bylaw to AG

Respectfully submitted by Jeanne Pryor

Approved by Jeanne Pryor, Chair

