

**Town of Becket  
Board of Selectmen &  
Bylaw Review Committee Joint Meeting  
January 11, 2018  
9:00 a.m.  
Town Hall  
557 Main Street, Becket**

Attendees:

Board of Selectmen: William (“Bill”) Elovirta, *Chair*; Nicole Ledoux, *Vice-Chair*  
Michael Lavery, *Clerk*

Staff: Beverly Gilbert, *Recording Secretary*

Bylaw Review Committee: Jeanne W. Pryor, *Chair (remote participation)*  
Ann Krawet, *Vice-Chair*; Maria Wallington  
ex officio non-voting members: Bruce Garlow & George Roberts

**1. Call to Order**

BOS Chair Bill Elovirta called the meeting to order at 9 a.m. and indicated that the BOS is recording the meeting. Bylaw Review Committee Vice-Chair Ann Krawet called the meeting to order at 9 a.m. Ann announced that Jeanne Pryor, due to geographic location, will participate remotely and only roll call votes will occur.

**2. Review, discussion and possible vote on BOS recommendations for changes to the Bylaw Review Committee Proposed Amendments to Article 17 Section 21.**

The Bylaw Review Committee and BOS discussed Town Counsel’s review of Proposed Amendments to Article 17 Section 21.

- 1) Bruce pointed out Town Counsel’s language had cited M.G.L. Chapter 94C, Section 21N. However, 21N does not exist and we will need the correct citation. Michael indicated that 21 is an easy typo for 32 and 32N is likely the correct section since it discusses the non-criminal disposition, enforcement and seizure of marijuana.
- 2) Bruce recommended changing the last two words of the last paragraph from these regulations to this bylaw.
- 3) Bruce stated that the format of Massachusetts General Laws citations should be uniform within town bylaws so that we will have a common frame of reference and that the Bylaw Review Committee had agreed at a prior meeting that the format would be as follows:

- Massachusetts General Laws: MGL (no periods)
- Chapter and Section will be capitalized and spelled out. Section will not have the symbol §.

Ann moved, contingent upon Town Counsel’s approval, to modify the wording of Town Counsel’s document listing Proposed Amendments to Article 17 Section 21 as follows:

- M.G.L. Chapter 94C, Section 21N and M.G.L. Chapter 40, Section 21D will change to:  
MGL Chapter 94C, Section 32N and MGL Chapter 40, Section 21D

- The last two words of the last paragraph will change from: “these regulations.” to “this bylaw.”
  - other places that reads M.G.L. will be changed to MGL
- Bill seconded. Roll call vote: Ann Krawet (Yes), Maria Wallington (Yes), Jeanne Pryor (Yes), Bill Elovirta (Yes), Nicole Ledoux (Yes) & Michael Lavery (Yes). Motion carried unanimously.

Jeanne suggested that when this bylaw appears on the warrant, we should include the original wording of the bylaw with only the changes we approved so that it is clear. Jeanne stated that the town will need to submit a copy of the original bylaw along with a copy of the new bylaw that shows any changes the town proposes, to the Attorney General.

Ann read, and those present agreed upon the new version (bold denotes the additions, cross-outs denotes deletions to the original bylaw):

Proposed Amendments to Article 17 Town Betterment Bylaws SECTION 21.

No person shall **(a) drink or possess in an open or partially consumed container any alcoholic beverages as defined in MGL Chapter 138, § Section 1, or (b) smoke, vaporize, ingest, or otherwise use or consume marijuana (marihuana) or tetrahydrocannabinol, as those terms are defined in MGL Chapters 94C and 94G, Section 1, as amended,** while on, in or upon any public way or place any way to which the public has a right of access, ~~excluding premises licensed under said chapter 138, or in, on or upon private lands without the consent of the owner or person in control thereof.~~ **or any area owned by or under the control of the Town of Becket, or any place to which members of the public have a right of access.** ~~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, which shall be kept by him and destroyed upon adjudication or returned to the person entitled to lawful possession.~~ **This bylaw shall not apply to persons or businesses which have been issued a valid one-day or other temporary license for consumption of alcoholic beverages or marijuana on any Town owned property in accordance with Town Policy. This bylaw shall also not be construed to limit the medical use of marijuana. The penalty for any violation of this bylaw shall be a fine not exceeding fifty dollars (\$50.00) for each offense.**

~~The provisions~~ **Violations** of this section may be ~~penalized~~ **enforced through any lawful means in law or in equity including, but not limited to,** by indictment or on complaint brought in the district court or by non-criminal disposition as provided in **MGL Chapter 94C, Section 32N and M.G.L. MGL Chapter 40, Section 21D,** by **any police officer.** The penalty for any violation of this bylaw shall be a fine not exceeding fifty dollars (\$50.00) for each offense.

**In the event that any provision, section or clause of this bylaw is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of this bylaw.**

During discussion of the above, it was decided that the only enforcers will be police officers (not Selectmen nor their duly authorized agents). Maria moved to approve and submit the below wording of Proposed Amendments to Article 17 Town Betterment Bylaws SECTION 21 for Town Counsel's review:

Violations of this section may be enforced through any lawful means in law or in equity including, but not limited to, by indictment or on complaint brought in the district court or by non-criminal disposition as provided in MGL Chapter 94C, Section 32N and MGL Chapter 40, Section 21D, by any police officer.

Jeanne seconded. Roll call vote: Ann Krawet (Yes), Maria Wallington (Yes), Jeanne Pryor (Yes), Bill Elovirta (Yes), Nicole Ledoux (Yes) & Michael Lavery (Yes). Motion carried unanimously.

Bill moved to approve all the modifications generated during today's meeting re: proposed changes to Article 17 Town Betterment Bylaws SECTION 21 subject to Town Counsel's approval. Maria seconded. Roll call vote: Ann Krawet (Yes), Maria Wallington (Yes), Jeanne Pryor (Yes), Bill Elovirta (Yes), Nicole Ledoux (Yes) & Michael Lavery (Yes). Motion carried unanimously.

The BOS will ask the Interim Town Administrator to check with Town Counsel if a public hearing is required for Proposed Amendments to Article 17 Section 21. If so, the BOS will host this public hearing.

### **3. Discussion of Revolving Fund Bylaw that had been recommended by the Town Administrator**

During discussion of this agenda item, George Roberts joined the meeting.

The Bylaw Review Committee and BOS discussed the Selectmen's proposed Revolving Fund Bylaw. Bill stated that a vote at today's meeting is not required on this proposed bylaw. Salient points of discussion include:

- The BOS agreed with Bruce's suggestion that Massachusetts General Law citations will conform to the format described earlier in this meeting.
- George advised that the last article within the Town of Becket Bylaws is ARTICLE 21 – COMMUNITY PRESERVATION COMMITTEE and the Revolving Fund Bylaw may be numbered ARTICLE 22.
- The BOS will clarify with the Interim Town Administrator/Town Counsel if the spending limit portion of the article that lists the Program or Purpose and spending limits will be part of the bylaw.

The BOS will conduct a public hearing on February 7, 2017 at 7:15 p.m. in the Becket Town Hall for discussion of proposed Revolving Fund Bylaw.

### **4. Any other business that comes before the Board of Selectmen and Bylaw Review Committee**

Bruce stated that he favors scheduling Bylaw Review Committee discussion of Town Clerk George Robert's recommendation to create a bylaw to authorize the Town Clerk to correct formatting issues, numbering conflicts, and scrivener's errors to the town's bylaws.

The Bylaw Review Committee will review the formatting of the latest version of the Town of Becket Bylaws (George had provided).


Bruce advised that Mercedes Gallagher had recently passed away. For many years, she had organized the weed management (chemical free) program at the Center Pond Beach. Bruce reported that Amy Perlmutter approached him about this, and he had suggested for their group to contact the Interim Town Administrator to arrange for continued town funding toward weed containment of Center Pond. He also had recommended that they consider applying to Berkshire Taconic Foundation (BTF) for a grant toward this effort. Bruce advised that he resigned as a delegate of the BTF and that Ethan Klepetar is now a delegate of the BTF.

Beverly mentioned that the town will be upgrading its website, and she presented a photograph of the keystone arch bridge located in Becket and Middlefield to be considered for the background of the homepage. Upon suggestion, the BOS specified that they would want to first see this image with the individual standing at the top of the bridge edited out of the picture so that the focus would be on the bridge and scenery.

**5. Board of Selectmen and Bylaw Review Committee to adjourn the meeting**

Ann moved to adjourn. Maria seconded. Roll Call: Ann Krawet (Yes), Maria Wallington (Yes), Jeanne Pryor (Yes). Motion carried unanimously. Bill moved to adjourn. Michael seconded. Roll call vote: Bill Elovirta (Yes), Nicole Ledoux (Yes) & Michael Lavery (Yes). Motion carried unanimously. The Board of Selectmen and Bylaw Review Committee joint meeting ended at 10:35 PM a.m.

Respectfully submitted,  
Beverly Gilbert, *Recording Secretary*

  
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William Elovirta, *Chairperson*  
Board of Selectmen

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Jeanne Pryor, *Chairperson*  
Bylaw Review Committee