



TOWN OF WINTHROP ORDINANCE REVIEW COMMITTEE

Joseph A. Boncore, Esq. Chair

Heather A. Engman, Esq. Vice Chair

Karin Chavis

Jason Deeb

Michael Power

Thomas Reilly

David Stasio, Esq.

Paul Varone

Carla Vitale

Minutes Tuesday, November 10, 2015

Chair Joseph Boncore opened the meeting at 7:08pm in the **Harvey Room – Winthrop Town Hall** and welcomed Committee Members. called the roll, a quorum was established by the following:

Chair Boncore – Present
Vice Chair Engman- Present
Karin Chavis – Present
Jason Deeb- Present
Michael Power-Present
Tom Reilly- Present
David Stasio- Present
Councilor Varone- Present
Carla Vitale- Absent Excused

I. Minutes of October 27, 2015

Minutes were presented by the chair and there was discussion that under Title V there was no action taken under the Sea Worm license or fee.

Motion by Heather Engman to accept the minutes of October 27, 2015 meeting with amendments. Seconded by David Stasio. Voted 7-0. Unanimous, so ordered.

II. CORRESPONDENCE

- Joanne Schisler – follow up to duck hunting ban – thanked Carla Vitale for responding
- Ronald Wayland - requested the committee consider a side yard parking ordinance. Wants to prevent citizens from parking on their lawns.
 - Attached some model language for the ordinance.

III. PUBLIC COMMENTS

None

1. OLD BUSINESS

- Chairman Boncore reported back that the Committee's Charter proposals had all (4) passed and were effective since the votes were certified
- Board of Health will look into when its regulations and rules/ordinances will be reviewed (Health & Safety Regulation – Board of Health will review)
- Tom Reilly inquired as to Article Two and thought it should be reconsidered
 - Charter gives utilization over Town Attorney to the Town Council which is not the common practice
 - Chairman Boncore says (Article 2 will be discussed on February 26, 2016)

2. NEW BUSINESS

- Title 6 (Animal Control) - report of Karin Chavis
 - No Recommended Changes
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- Title 13 (Public Services) - report of Karin Chavis
 - No Recommended Changes
 - Heather Engman discussed that Board of Health reviewed some controls on animals (chickens and bee hives) which had been adopted by the Town Council in 2009.
 - Keeping chickens (50' feet from humans, 50' from abutters)

Heather Engman suggestions on the Board of Health's recommendations

Karin Chavis – what is the difference between 6.02 and 6.04 ?

- 6.02 only for specific animals / farm animals (chickens)
- 6.04 only for domestic animals (dogs)

Motion to Table

Animal ordinances 6.02 Honey Bees

Mike Power 1st, Heather Engman 2nd - Motion to Table until the January 12, 2016 meeting when the Board of Health will be present.

- Karin Chavis discussion on Vicious Dogs Complaints - Usually Animal Control Officer makes complaint and whether or not there should be a compliant form for citizens
 - How to help a citizen file a complaint against a vicious dog?
 - **MOTION by David Stasio to remand a complaint form or minimal complaint requirement** – 2nd by Paul Varone for discussion
 - David Stasio withdrew his motion and Paul Varone withdrew his 2nd
- Chairman Boncore - Each Board member should be prepared at each meeting having read the ordinances that are online at the muncode - Our Committee Books previously handed out are irrelevant on some of the ordinances.
 - made a suggestion that committee members adhere to the ordinances online – not in our ordinance book provided

Tom Reilly

- (sub-divisions) Planning Board - “put a strategy Authenticity Clause” in front of each Ordinance so that everyone knows which board has the authority to oversee. (If a particular board issue regulations then that statutory authority paragraph) line
 - Heather Engman agrees – (Boards can do regulations but not ordinances ? Might make more sense to allow statutory authority)

Paul Varone

Get towns Attorney to suggest which statutes grant which boards regulating authority and spelled out that Ordinance supersede regulations of a board.

Michael Power gave the comparison that like the Code of Mass. Regulations are regulations to give advisory opinions and set regulations on some of the Mass. General Laws. The CMR is always superseded by M.G.L

Chair Boncore suggested that although there may have been statutory Authority explaining which Town boards had regulating authority in the Town's By-laws (pre-2005). That after the new form of Government was convened and the By-Law review committee met and recommended, and Town Council adopted by-laws and regulations as one set of ordinances that they are all ordinances now and regulating authority of boards is moot and probably should be removed from specific ordinances.

Tom Reilly agreed to speak with Town Attorney for an opinion

Next Meetings – November 24, 2015 - Tom Reilly will Report on Titles 9 and title 16

Carla’s changes. The vicious dogs complaint procedure– chapter 9 and 16

Motion to Adjourn by Tom Riley, 8:35pm Karin Chavis 2nd (7-0)

Respectfully Submitted.

Joseph A. Boncore, Chair.