

BYLAW REVIEW COMMITTEE

Town of Becket
557 Main Street
Becket, MA 01223

Minutes February 21, 2024

PRESENT: Chuck Garman (CG), Bob Gross (BG), Vickie DeLorenzo (VD), Robin Mathiesen
Town Clerk (Ex-Officio Member) Ethan Klepetar Moderator (Ex-Officio Member)
PUBLIC: Destin Heilman, Laura Fredricks, Rich Fredricks, William Elovirta, Lei Anne Ellis, Mary
Alarie, Bob Alarie, Ann Jon, Meredyth Babcock, Greg Regan, Fred Zemer, Dave Johnson, Nick
Pietranero
ZOOM: Kathe Warden, Kathy Dickinson

Chuck Garman (CG) called to order at 10:04 am.

Meeting agenda

Presentation from Dark Skies group of their proposed bylaw
Discussion with Dave Johnson regarding the Conservation Commission
Approval of meeting minutes from February 9, 2024
Discussion of the bylaw additions/amendments for the ATM
Any other business to come before the Committee
Adjournment

Introductions

Presentation from Dark Skies group of their proposed bylaw

Destin Heilman made a presentation on behalf of the dark skies group. The group would like to put forth a dark skies bylaw to be voted on at the upcoming May ATM. Destin discussed the issues caused by LED lights and their impact on sleep cycles and ecosystems. He emphasized the need for responsible lighting practices and suggested using shielded lights to reduce light pollution, glare, and wasted energy. He also mentioned legislation and guidelines being implemented in various towns to address the issue.

Chuck informed the group that it would be impossible for the Bylaws Committee to help craft a final draft and put forth the Dark Skies Bylaw at the upcoming ATM due to timing constraints. However, Chuck noted that it may be possible to include a paired down version of the current proposal and suggested the group go to the Massachusetts Dark Skies website and peruse the online template.

Discussion with Dave Johnson regarding the Conservation Commission

Dave discussed several topics related to the Conservation Commission and real estate transactions. He addressed issues such as the inclusion of fees associated with the Conservation Commission in the General Bylaws, concerns about Real Estate buyers' lack of understanding of the Commission's role, and the suggestion of creating an informational document for real estate agents and buyers.

Ethan K, Ex-Officio Bylaws Committee member and real estate lawyer, expressed doubt about the enforceability of a bylaw requiring real estate agents to inform buyers of Conservation Commission requirements, and advised against amending the bylaws to address the issue. The conversation concluded with the suggestion of creating a welcome package or informational booklet for homeowners separate from the Bylaws.

Approval of meeting minutes from February 9, 2024

Chuck G. made a motion to approve the minutes from January 17th. Motion seconded by Bob Gross. Minutes approved.

Discussion of the bylaw additions/amendments for the ATM

The discussion revolved around the review and incorporation of changes into the Bylaws document and deliverables for the ATM. There was uncertainty regarding whether the approved amendments from 2017 to 2023 were sent to the Attorney General's office for final approval. The previous Town Clerk would have been responsible for seeking the final approval from the AG's office. It was mentioned that there is a website where the final document approved by the AG can be reviewed. There are plans to meet with Town Council to clarify any issues and seek input on proposed gender/grammatical changes. The committee will send a list of proposed gender/grammatical changes to Kathe to review with Council.

If advised by Town Council, the gender/grammatical changes will be incorporated into one Article and be shown as a comprehensive list (below). It's possible that Council will advise that some or all of these fixes can be made without being included as an Article on the Warrant. Kathe will also seek advice on fixing the numbering typo on the Town Betterment Article 17; Section "22" as it appears twice; second appearance should be Section "23".

1. Replace "he" with "he/she"
2. Replace "his" with "his/her"
3. Replace "himself" with "themselves"
4. Make all "sections" all upper case
5. Make descriptions/titles of each section initial caps, no period
6. Replace "By-laws" with "Bylaws"
7. Change initial cap permit to lower case unless it is a specific permit
8. Change initial cap variance to lower case
9. Change "act" to upper case but revisit to determine if act is appropriate or if it refers to an Article
10. Change all lower-case Town Meeting(s) to initial caps
11. Change words in all caps that were meant for emphasis to lower case
12. Remove bold text and different font colors
13. Put in page numbers as footers
14. Change Chairman and Vice-Chairman to Chair and Vice-Chair

15. Collector of Taxes should be changed to Tax Collector
16. Revisit the entire document for consistency of enumerations, e.g. a, b, c; 1, 2, 3; bullet points, etc.
17. Regarding Article 2B, Section 2; leave the strike lines through Treasurer and Tax Collector, leave the parentheses with amended date but drop chapter reference

There was considerable discussion concerning the time it may take to finalize the Warrant and the potential approval process involved. Chuck prepared and reviewed a timeline (below). Kathe expressed concern that the Public Meeting/Hearing appeared too late on the proposed calendar and that there would not be time to make changes to the Warrant if issues came up. Chuck noted that the Public Meeting/Hearing was meant to “discuss and clarify” issues around the Warrant (according to the Bylaws) not change them.

It was discussed and determined that there is no need to print copies of the current Bylaws and highlight every change. The Committee will prepare the Warrant to show language from the current Bylaw followed by the proposed new language. Bob will prepare the document that shows the proposed language changes and new amendments.

Bylaw Review Committee Schedule for the May 2024 ATM

3/6 & 3/20

- Review and modify proposed changes to the GB's that will be articles on the warrant for the ATM
- Review and modify the printable version of the GB's for the ATM

3/21

- Get proposed Articles to Kathe and updated General Bylaws to Kathe & Robin

3/29

- Bylaws Committee submits final language for new and amended Bylaws to Kathe no later than noon

4/3

- Kathe sends Warrant to Select Board

4/17:

- Advertise in local paper for Public Meeting/Hearing on 5/1 (Cancel 4/17 meeting if nothing on the agenda)

4/18

- Select Board signs off on Warrant

4/24

- Advertise in local paper for Public Meeting/Hearing on 5/1

5/1

- Public Meeting/Hearing to discuss/review proposed Articles to modify GB's (10:00 am)

Any other business to come before the Committee

There is a Plastic Bag Bylaw that Robin will publish.

A question was raised by Dave Johnson about the authority of the Conservation Commission to impose fees. There is nothing in the Town Bylaws which address this authority to set fees.

Adjournment

CG made a motion to adjourn the meeting. Motion seconded by BG. Meeting adjourned at 11:40 pm.


Respectfully submitted by Vickie DeLorenzo, Secretary


Approved by Chuck Garman, Chair


Chuck Garman

Next Steps:


 Robin will determine whether MA AG approved Bylaw changes made from 2017-2023.

 Kathe will seek advice from Town Council on whether proposed gender/grammatical changes need to be included in the Warrant.

 Kathe to seek advice from Town Council on fixing the numbering typo on the Town Betterment Article 17; Section "22" as it appears twice; second appearance should be Section "23".

 Robin will publish the Plastic Bag Bylaw.

 Chuck to prepare final timeline and forward it to Committee and stakeholders.

 Bob will prepare the document that shows the proposed language changes and new amendments that will be forwarded to Kathe no later than noon on March 29th, for inclusion in the Warrant.

 Bob will keep and manage General Bylaws document to be available digitally at the ATM