

CHARTER TRANSITION COMMITTEE
ISSUE(S) NUMBER 001

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Sent: Tuesday, June 11, 2019 9:09 AM

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Cc: Deb Kohl; Chris Sweet; Donald Bates; Anthony Rianldi

Subject: Questions from last night's meeting

Let me again thank the eighteen of you who took time out of your busy schedules to attend one or both of the information sessions the Charter Transition Committee conducted to assist you with gaining insight of the various state and local laws, rules regulations, policies and guidelines so that you can be better prepared serving as a member of the Town's first Town Council and allow for the smoothest transition as possible, into our new form of government.

Last night there seemed to be a little confusion about measures and non-measures and votes required to change Town By-Laws and Zoning By-Laws, as well as when "Right to Postpone" can be used I will try to give my understanding of these matters and add some clarity to your thinking, as you proceed.

The Charter defines "Measure" as a by-law, order, resolution or other vote proceeding adopted, or which may be adopted by the Town Council

Section 2-6. MEASURES; EMERGENCY MEASURES; CHARTER OBJECTION

(a) Bylaws and Other Measures: Proposed by laws and other measures shall be introduced in writing in the form necessary for final adoption. A proposed bylaw to amend or repeal a portion of any general or zoning bylaw shall set out in full the portion to be amended or repealed, or shall have such portion attached thereto. Any proposed bylaw, except an emergency measure, shall be posted for no less than 14 days prior to final passage on the Town website and in a manner required by the Open Meeting Law for posting of meeting notices. Prior to final passage, each proposed bylaw shall be read at 2 separate Council meetings, except as provided of Emergency Measures.

The affirmative Voted of a majority of the full Town Council shall be necessary for the final passage of any bylaw, except in the event a higher quantum of vote is required by general laws or this Charter.

I would take this to mean that the requirement of 2 readings applies only to By-Law or Zoning By-Law changes, not other items.

(c) Right to Postpone: On the first occasion that the question on adoption of a non-emergency measure is put to the Town Council, if a single member present objects to the taking of the vote, a so-called "Charter privilege", the vote shall be postponed until the next meeting of the Town Council, whether regular or special."

Right to Postpone can be used on any measure before the council, not just measures dealing with by-laws.

In relation to Zoning By-Laws, Massachusetts General Law (MGL) Chapter 40A, Section 5 requires that any changes of Zoning By-Laws must pass by a two-thirds majority of the Town Council.

There is a lot for ALL of us to absorb. It is confusing at times to ALL of us and we may not be able to provide immediate accurate answers. Sound practice is to take the time to research answers that are not crystal clear in our minds.

This is my interpretation of the Charter and the applicable state law. Obviously, once the Council is elected, it may choose to seek a more formal opinion from the Town Attorney. As always, please do not hesitate to contact me, or any of the members of the transition team prior to or after the election. We are here to serve and assist you in becoming the best Town Council possible and to provide the smoothest transition possible.