

DATE: November 1, 2021

TIME: 9:39 AM

Ellen O'Brien Cushman

**Bylaw Review Committee:**

Pubic meeting, exclusively by Zoom  
March 16, 2021 at 7 PM

Member Attendees: Charles Hamann, Bob Schafer, Joe Hicks, Bob McGaw,

Other Attendees: Anne Marie Mahoney, Adriana Poole, Phil Thayer

Meeting called to order at 7:04 PM, with a quorum, delayed agenda action until all members were fully connected on Zoom

The committee reviewed the two articles proposed for insertion in the warrant for the Annual Town Meeting that recommend amendment to the General Bylaws:

**Article 8:**

**§60-805 Vehicles and Parking** proposes revising the parking restrictions at intersections and associated enforcement. Citizen petition.

Sponsor Adriana Poole Town Meeting Member Precinct 1 explained the purpose of the amendment she proposes. Those who live close to intersections where major construction is happening, such as the High School project have real safety concerns as those who are working on the site park their vehicles, often large trucks, tight up to the road intersections and even blocking the intersection, all day. These are not intermittent visitors, it's 8 hours a day every day, often weekends. Those drivers and bicyclists who approach the intersection cannot see oncoming traffic and accidents are happening. She spoke with Police Officer Garabedian (Traffic) and Chief MacIsaac about this before drafting the petition to amend. Adriana indicated that they are generally supportive of the idea. They have been conducting enforcements and are providing temporary postings and cones. Adriana worked with Bylaw Review Committee member Bob McGaw to write the article.

Bob Schafer remarked that he believes there is no reason to abandon the word "way" as it was in the original Bylaw, referring to "public ways" and the word "road" is not an adequate substitute. He also asked why only public building sites should be covered under the proposed Bylaw – aren't the hazards the same for large private construction projects? Shouldn't the proposed Bylaw apply to all large construction projects? There was general agreement among members on this point.

When asked why the Bylaw includes the requirement to post signs at every intersection, Bob McGaw stated that he understands the Town does not want an excessive number of signs for every intersection but we shouldn't assume that all drivers through and in Belmont know the local Bylaw.

Ellen reminded the committee members that when we recodified the General Bylaws in 2013 we worked hard to remove any items that were so specific and detailed that an amendments would be required every time a fee was changed, or in this case specifying the wording on each traffic sign. She suggested that we remove all language in the Bylaw specifying the wording on the sign and presume that the Belmont Traffic Regulations that currently exist, and could be updated only by vote of the Select Board, would be adequate. Belmont's Traffic Regulations, though older, already allow for the towing of vehicles that endanger the public and provides for the 20 foot no parking zone at all intersections; it's also included in the State Laws.

Charles agrees that the Bylaw as written needs some significant fine-tuning. The result of this Bylaw would require thousands of signs to be put up, at every intersection, and the associated cost to the

Town of installing and maintaining them is undesirable. Theoretically, the signs could be considered “not required” but the letter of the law, should it be followed, would indeed require sign installation. Bob Schafer – agrees with Ellen, the signage and details do not belong in the Bylaw, it’s a traffic regulation item. Bob asked if instead of permanent signs at every intersection, is there a way to have temporary signs installed only around the very large construction projects when they pop up? Adriana replied that she feels the signs are necessary because the cones the Police have put out at the High School project have been stolen and moved and the trucks are parking there anyway.

Joe Hicks - It appears that the amendment is trying to achieve two things:

1. Mandate signs
2. Increase the penalty

He asked whether the language and requirement for signs appears in the Bylaws today? The answer from members was no and if at one time there was, it was removed in recodification of the Bylaws, voted by Town Meeting in 2013.

Charles – suggested that Adriana consider targeting the problem at hand instead of changing the Bylaw this way – go to the Police for enforcement and the Select Board to expand any Traffic Regulations required to make this enforceable if the Police don’t feel it’s enforceable as is.

Charles made the motion that the Bylaw Review Committee approve the article as written as to form and placement, the standard for the committee.

Bob seconded the motion

Ellen objected to the motion and said she votes no, stating that she feels the article does not comply with the form of Belmont’s General Bylaws.

Charles asked Ellen to expand on her objection. She explained that the Bylaws are a higher level than the Regulations promulgated under the Bylaw. We as a Committee worked so hard to recodify the Bylaws and get rid of the unnecessary language to streamline them; one of our jobs as a committee is to protect the Bylaws from reverting into too much detail.

Bob Schafer agreed, adding that the form represents an inconsistency with the existing General Bylaws, the word Way versus Road, the inclusion of so much detail about a sign and specific methods of enforcement instead of indicating enforcement by the methods and agents already included in the Bylaws.

Joe remarked that although he is not all that informed about the details of the existing Bylaws, there ought to be a proper way to address a problem such as this, even without amending in the Bylaws. Charles asked what alternative those opposing would offer.

Together the Committee members worked on a Substitute Motion (see attached) that streamlines the proposed Bylaw amendment, removes the details regarding the sign, expands the Bylaw to apply to all large construction projects in Town and emphasizes that the Town will give priority to enforcement around large construction projects and areas where violations more frequently occur. There was a brief discussion about whether the substitute motion changes the content of the original. The consensus, summarized by Joe, was no, it does not.

Ellen then moved that the substitute motion (attached) be approved as to form and placement, Bob S seconded:

**Substitute Motion - The roll call vote passed unanimously, 5-0-0** : Yes 5 – Charles, Bob M, Bob S, Joe, Ellen

No – 0; Abstain - 0

Charles then made the motion that the Committee also vote on the original language of the article as included in the warrant, Bob M seconded:

The roll call vote follows: Yes – 2 Bob McGaw and Charles Hamann; No – 3 Bob S, Joe and Ellen

**Original Language (attached)- The motion is defeated by a vote of 2-3-0** the original language included in the warrant is not approved by the Committee as to form and placement. [ Only the substitute motion is approved by the Committee as to form and placement. ]

#### **Article 4:**

#### **§40-405 Capital Budget Committee proposes revising the composition of the committee, Select Board article**

Committee then turned to the article proposing an amendment to the General Bylaws (attached) for the Capital Budget Committee. It's sponsored by the Moderator and the Capital Budget Committee (CBC). Anne Marie Mahoney is Chair of the Committee and summarized the intention:

1. At this time the majority of the seats on the Committee are held by ex-officio members from other boards and committees and a minority of the seats are held by unaffiliated residents of the Town. The proposal shifts that balance.
2. The Planning Board representative has been difficult to name and retain and it seems the Planning Board has little direct interest/expertise on the broader capital budget items. The result is no continuity in the member from the Planning Board. The Planning Board overall supports the proposed amendment.

After a brief discussion by members, the only suggestion was by Bob M who asked that a comma be placed after the word "Chair" in the last instance.

The Committee voted by roll call to unanimously support the addition, Yes 5 – Charles, Bob M, Bob S, Joe, Ellen No – 0; Abstain – 0

Ellen moved that we approve the proposed amendment, as amended, for form and placement, Bob M. Seconded.

The Committee voted by roll call to unanimously approve the motion. Yes 5 – Charles, Bob M, Bob S, Joe, Ellen No – 0; Abstain – 0

**The motion was approved 5-0-0. Final text is attached.**

Committee then voted to approve minutes for the following missing meetings in 2019: October 30, April 24, March 28. Bob S moved that we approve all minutes as drafted:

The Committee voted by roll call Yes 4 – Charles, Bob M, Bob S, Ellen No – 0; Abstain – 1 Joe who was not a member in 2019.

**The motion was approved 5-0-1**

The Committee set its next meeting for April 28 at 7 PM, after the deadline for amendments; the purpose is to review any amendments filed by Town Meeting Members to the substitute motion or the original article language and to approve minutes.

Bob S moved to adjourn. The Committee voted by roll call to unanimously approved the motion. Yes 5 – Charles, Bob M, Bob S, Joe, Ellen No – 0; Abstain – 0

Motion by Bob M to adjourn, seconded by Bob S

The Committee voted by roll call to unanimously approve the motion. Yes 5 – Charles, Bob M, Bob S, Joe, Ellen No – 0; Abstain – 0

**The motion was approved 5-0-0**

Meeting adjourned at 8:35 PM

-Recorded by Ellen O'Brien Cushman, Town Clerk

## **ARTICLE 4: AMENDING GENERAL BYLAW § 40-405 A CAPITAL BUDGET COMMITTEE**

### **Final Text After Amendment, approved by Bylaw Review Committee**

#### **§ 40-405. Capital Budget Committee.**

- A. There shall be a Capital Budget Committee of seven members, consisting of the Chair of the Select Board or a member of that Board designated by its Chair, the Chair of the Warrant Committee or a member of that Committee designated by its Chair the Chair of the School Committee or a member of that Committee designated by its Chair, and four members who shall be appointed by the Moderator.

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## **ARTICLE 8 AMEND §60-805 GENERAL BYLAWS, PARKING AT TRAFFIC INTERSECTIONS AND ENFORCEMENT**

### **Substitute Motion by the Bylaw Review Committee**

Moved that Section 60-805 of the General Bylaws be amended as follows:

- A. Amend §60-805.B(3) by deleting the words “or 20 feet of an intersection with another way”.
- B. Amend §60-805.B by adding a new item (8), to read as follows:

“(8) Parking within 20 feet of an intersection with another way is prohibited; the absence of a sign prohibiting such parking shall not excuse a violation.

The Town will give priority to enforcement at intersections located within 1000 feet of large construction projects and intersections where violations more frequently occur.

- C. Amend §60-805.G to increase the penalty for multiple violations of §60-805.B(8), by inserting the following sentence after the existing second sentence in §60-805.G:

“For the second and subsequent violations of §60-805.B(8), the penalty shall be \$100 for each offense, and, in addition, the vehicle may be towed at the owner’s expense.”

### **ORIGINAL TEXT OF THE WARRANT ARTICLE AS SUBMITTED BY PETITIONERS**

To see if the Town will vote to amend §60-805 of the General Bylaws of the Town of Belmont, with the purpose of increasing traffic safety so that motorists’ views of oncoming traffic are not obstructed by illegally parked vehicles, by requiring street signs stating “No Parking Here to Corner”, and increasing fines and enforcement, by making the following changes:

- A. Amend §60-805.B(3) by deleting the words “or 20 feet of an intersection with another way”.
- B. Amend §60-805.B by adding a new item (8), to read as follows:

“(8) Parking within 20 feet of a road intersection is prohibited. The Town will install appropriate signs stating “No Parking from here to corner-Violators subject to fine and

towing at owner's expense", or words to that effect, at all intersections in the Town of Belmont to the extent practicable. The Town will give priority to installation of such signs at the intersections located within 1000 feet of the Town's construction sites, and the intersections where violations more frequently occur; however, the absence of such signs shall not excuse a violation."

- C. Amend §60-805.G to increase the penalty for multiple violations of §60-805.B(8), by inserting the following sentence after the existing second sentence in §60-805.G:

"For the second and subsequent violations of §80-805.B(8), the penalty shall be \$100 for each offence, and, in addition, the vehicle may be towed at the owner's expense."

