

TOWN COUNCIL MINUTES
Ordinance Committee
Town Hall Council Chambers
June 4, 2015, Thursday

Present: Kenneth DiFazio, Chairman
Michael Smart, Vice Chairman
Arthur Mathews, Councilor

Not Present: Jane Hackett, Councilor
Patrick O'Connor, Councilor

Also Present: Walter Flynn, Chair, CPC

Recording Secretary: Mary Barker

Chairman Ken DiFazio called the meeting to order at 6:03 PM.

Issue: Board of Health Regulation #33 (Bodyworks Regulation)

Chairman DiFazio reported that this issue was referred to the Ordinance Committee on January 5, 2015. The committee met on March 30, 2015. The chairman talked with the Town Solicitor who was unable to be at the meeting, and he summarized Mr. Lane's recommendation. (The attached memorandum and accompanying documentation from Solicitor Lane-dated June 18, 2015, was voted by the Ordinance Committee on September 14, 2015 to be included herein). There exists a Health Regulation that addresses this issue, it would have to be replaced with an ordinance with the exact same language. He also indicated the current regulation is stronger than an ordinance. Chairman DiFazio noted to the committee that it is not necessary for them to take a vote but do need to report their findings back to the full Town Council. Mr. Montgomery Thomas has drafted language for the ordinance. Vice Chairman Smart asked if Mr. Lane gave a reason that the Health Regulation is stronger than an ordinance with the same language. Chairman DiFazio responded that Mr. Lane did not indicate.

Councilor Mathews suggested he would prefer to leave the discussion in committee until Mr. Lane is available to respond. He noted that Mr. Montgomery Thomas has brought up a valid point, and although the administration went a different route, he is not opposed to dismissing it, but would like to get clarification from the Solicitor first.

Mr. Montgomery Thomas was present and asked to speak. Chairman DiFazio responded that he could submit his questions to Diane Hachey and they would be addressed by the administration prior to the next meeting. Chairman DiFazio will schedule another meeting of the committee before June 30, 2015.

15 013-Requested Change to Zoning Ordinance - Section 120-22.8

Chairman DiFazio reported that this measure was referred to the Ordinance Committee on March 16, 2015. The committee met on March 30, 2015. A joint public hearing was held with the Planning Board on May 4, 2015. The Planning Board issued its recommendation on May 20, 2015. Planning Board Chairman Walter Flynn was invited to review the Planning Board's recommendation. Mr. Flynn reported that the board felt the argument was unchanged from the decision made on measure 14 201. The articles on landscaping, etc. are already there and not needed to add. It limits the number of uses in the HT zone. The zoning change allows reasonable expansion without expanding it greatly. The Planning Board held a brief discussion and a unanimous vote.

A motion was made by Vice Chairman Smart to forward the full Town Council with a recommendation for unfavorable action and was seconded by Councilor Mathews.
UNANIMOUSLY VOTED.

15 031-Parking Fines Amendment to Code of Ordinances-Section 12-103(q)

Chairman DiFazio reported that this measure was referred to the Ordinance Committee on April 6, 2015. A public hearing was held on June 1, 2015.

Sgt. Brendan Fogarty was invited to the table. He recently took over the traffic division. The sergeant reviewed the process: the department reviews the fines about every 5-6 years before reordering ticket books. The following changes were recommended:

- Increase Handicapped parking fines from \$100 to \$200
- Increase fine for blocking Handicapped access by \$100
- Increase fire lane parking fine from \$50 to \$100- The department noted a large volume of these violations when responding to calls at larger businesses (Walmart, Shaw's, etc.)
- Increase fine for uninspected vehicle from \$25 to \$50 (same as parking fine)
- \$50 for unauthorized parking on municipal property (dawn to dusk parking prohibited in parks, etc.) to discourage kids congregating in parks at night.

Sgt. Fogarty also noted that Quincy hasn't updated their fine schedules and still have \$5 fines for some violations.

Vice Chairman Smart asked when the fines were last updated. Sgt. Fogarty responded six years ago.

A motion was made by Vice Chairman Smart to forward 15 031 to the full Town Council with a recommendation for favorable action and was seconded by Councilor Mathews.
UNANIMOUSLY VOTED. Chairman DiFazio requested Sgt. Fogarty return when Town Council deliberates to review it for the full Council.

15 006-Ordinance Amendment –Chapter 7

Chairman DiFazio reported that this measure was referred to the Ordinance Committee on January 20, 2015. The committee deliberated on March 30, 2015. A public hearing scheduled for June 1, 2015 was postponed while amendments proposed by the two proponents (Councilors Lacey and Haugh) are under discussion with the administration. Based on that, Chairman DiFazio suggested postponing further discussion until a more finished product is available for the committee's review. Councilor Mathews suggested the committee could review the revisions before the public hearing and he would like Solicitor Lane's input also.

ADJOURNMENT

At 6:23 PM, there being no further business, a motion was made by Vice Chairman Smart to adjourn and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Chairman Kenneth DiFazio
Approved by Town Council on 21 September 2015

Attachments