

## **Freetown By-Law Review Committee**

Minutes of Meeting Held on August 28, 2023  
Freetown Police Station Community Room,  
15 Memorial Drive, East Freetown

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**Present:** Carlos A. Lopes, Cheryl C.A. Estrella, Deborah Pettey, Paul G. Sadeck, Steven M. Tripp, Jose Ventura

**Absent:** (all present)

**Also Present:** Planning and Land Use Administrator Victoria Alfaro Duran

The meeting was called to order at 4:30pm by Town Administrator Deborah Pettey. The meeting was recorded by Mr. Sadeck. Mrs. Estrella joins the meeting late, at approximately 4:55pm.

### **Introductions**

The Committee introduces themselves. Carlos A. Lopes is representing the Board of Selectmen. Steven M. Tripp is representing the Planning Board. Deborah Pettey is the Town Administrator. Jose Ventura and Paul Sadeck are committee members representing Precincts 1 and 3, respectively.

### **Organization of the Committee**

Mr. Lopes volunteers Ms. Pettey; Ms. Pettey declines. Mr. Sadeck nominates Mr. Tripp.

Motion made by Mr. Sadeck, seconded by Mr. Lopes, to name Mr. Tripp the Chairman of the By-Law Review Committee; motion carries unanimously (Mrs. Estrella is not yet present at time of this vote)

Ms. Pettey turns the meeting over to the Chairman. Mrs. Duran suggests appointing a vice chairman; Mr. Ventura volunteers for the role.

Motion made by Mr. Lopes, seconded by Mr. Sadeck, to name Mr. Ventura Vice Chairman of the By-Law Review Committee; motion carries unanimously (Mrs. Estrella is not yet present at time of this vote)

### **Discussion on Potential By-Laws to Review**

Mrs. Duran put together this meeting with this on the agenda as a starting point, and hopes people came with ideas.

Mr. Ventura thinks we have too much in the by-laws, saying state law covers most everything and fewer by-laws would make things more digestible and easier to follow by average residents. Ms. Pettey speaks to a discussion the Board of Selectmen had recently about codifying the Town's by-laws, which would make the by-laws easier to approach. She thinks having this Committee active will be great as that is happening. Codification is an 18-24-month project. She says the published by-laws are five years out of date which is not acceptable, so we need some way to move forward. Mrs. Duran asks if it is the priority of the Office of the Town Clerk to get the bylaws up-to-date; Ms. Pettey says the Town Clerk can't seem to get them updated which is why the Town is going the codification route, and thinks we wouldn't be here on this topic if it wasn't for her speaking up. Ms. Pettey thinks the first by-law to be examined is the Personnel by-law, which she calls atrocious, and noting that she doesn't know what it even says; she can't keep up with the changes. She thinks the entire Personnel by-law should be deleted and re-written. Mr. Sadeck asks if the Town has any record of the changes; Ms. Pettey says the Town Clerk has record of what was changed and can certify the votes that made changes. Mr. Sadeck asks why the by-laws weren't updated at the time they were changed, saying you can't throw out what the people voted for. Ms. Pettey explains that in the codification process, the Clerk will be giving the 2018 by-laws

to the company, along with all the subsequent changes, and they will create a coherent product. Mr. Sadeck notes that the collective bargaining agreements are the same way, that he was never sent the new, recently completed document; Ms. Pettey will get that for Mr. Sadeck.

Mr. Sadeck wonders if this Committee will just be spinning their wheels as they wait for the codification process. Ms. Pettey thinks the Committee can highlight certain by-laws they wish to address, look at what we have now and pull together anything changed since 2018. Ms. Pettey is looking at the marijuana bylaws now, she had the Executive Assistant do that research to find changes - when she didn't find any changes, she knew what we had was still good. It's not ok for the public to be doing that. Mrs. Duran thinks we should have an updated document in the meantime if this is a two-year process. Ms. Pettey says she's been asking the Town Clerk for that for two years, it's her responsibility.

Mr. Lopes thinks the Committee should pick out the by-laws they want to address, hopefully get codification passed, and start that process. He notes that process may even find previous by-laws that were missed. It could be 2-3 years before the code is up and running, which is too long. He thinks we could review one by-law at a time, make the Clerk review it as they go, and go from there, that the Town can't just sit on its hands on this matter. He understands people are busy, but the Town needs to move forward and create the change it needs.

Ms. Pettey recommends the Committee go back and watch the discussion on codification from the August 21<sup>st</sup> meeting of the Board of Selectmen, as it is informative. Mrs. Duran speaks to how much easier it is to work with the bylaws after codification takes place. Ms. Pettey says unfortunately it's just a process that takes time.

Mr. Sadeck would like printed copies of the by-laws ahead of the Committee's next meeting. He believes we should read through them, which will take a while, but that would be a good start. Mrs. Duran notes that what they'll have is already outdated. Ms. Pettey says she will work with the Clerk to get all the changes separately, even if they can't be integrated into the document itself just yet.

Ms. Pettey says that she is not blaming the Town Clerk, she does understand that there are major issues with the document itself preventing changes being properly integrated. She also understands that before she could get around the roadblocks the document created, there are more changes to be made, but it's now become insurmountable for her and her department. She is concerned, however, that the document has to be right before it gets codified, or that someone will rely on an outdated document opening the Town up to liability. Mr. Ventura suggest getting interns to simply re-type the document; Ms. Pettey, Mr. Lopes and Mr. Sadeck agree that that is what is going to take: manually re-typing the document. Mr. Lopes asks if he can be sent the by-laws in Word format; Ms. Pettey says her Executive Assistant has made great progress in being able to convert the PDF, but she hasn't played with it herself yet.

Ms. Pettey speaks to the difference between general by-laws and zoning by-laws, that zoning by-laws require public hearings to change. Mrs. Duran says that is correct, noting that there's a specific procedure with certain types of zoning by-laws. Ms. Pettey thinks getting the printed books would be a good step, add in the subsequent additions, and go from there. She again states the Personnel by-law would be her first focus.

Town Clerk Cheryl C.A. Estrella arrives at the meeting at approximately 4:55pm. Mrs. Duran & Ms. Pettey briefly fills in Mrs. Estrella on the discussion thus far. Ms. Pettey asks how difficult it would be for Mrs. Estrella to provide the changes since 2018 as a separate document; Mrs. Estrella says that would be easy, the challenge is integrating it.

Mr. Tripp asks if the bylaws not in the document are in effect; Mrs. Estrella explains that everything goes into effect upon approval by the Attorney General's office, and the only ones pending at this time are the changes from June. She explains the approval process, where the Town Clerk sends approved changes to the AG's office, who approves or

disapproves within 90 days, and at that point, approved bylaws become effective the date of Town Meeting. Mrs. Estrella says the June changes were sent the day after Town Meeting; Ms. Pettey estimates they should have an answer on those before the next meeting of the Committee.

Mrs. Estrella will have hard copies of the by-laws for the Committee by their next meeting.

Mrs. Estrella explains a bit more about the codification process, saying it is a two-part process: the first part, to be voted on at this upcoming Town Meeting, will get the system up and running; the second part is the legal review, which can come at a later date. Mr. Sadeck says it's already been reviewed for legality by the Attorney General; Mrs. Estrella explains it's a time and date record, so while something may have been legal when it was approved at Town Meeting, the law may have changed since making something not legal now. During this legal review is when the company will identify all the by-laws that don't make sense and are not correct. Ms. Pettey did not realize the legal review was not included initially.

The Committee discusses redundancies between State law and the Town's by-laws. Mr. Ventura is interested in eliminated redundancies, saying the State law is enough. Mrs. Estrella notes that State laws are often a minimum standard and Town by-laws can be more stringent than state law if Town Meeting desires it; the example given that State Law may say you cannot park within 10 feet of a fire hydrant, but a Town bylaw can say you cannot park within 5 feet. Sometimes something that seems redundant is there for a reason.

The Committee discusses how changes are made to by-laws. Everyone understands that only Town Meeting can change by-laws. Mrs. Estrella notes that she is empowered as Town Clerk to re-number, if necessary, but there can be no textual changes. This is why citizen petitions are tricky, as those cannot be changed at all. Mrs. Estrella explains that when the codification process is completed, Town Meeting will actually have to vote to rescind all existing by-laws and replace them with the new code.

On the topic of codification, Mrs. Estrella asks where that stands; Ms. Pettey says the Board of Selectmen is going to discuss including the warrant article. Mrs. Estrella says she was not asked to submit an article yet, but she will get that article to the Board as soon as possible. Mr. Lopes agrees that the Board was interested and would certainly like to see that article submitted.

Mr. Sadeck asks what the Committee's charge is. Mrs. Duran says that's a great question and one she looked into. The Committee was set up at Town Meeting, consisting of 8 members, but the article did not contain an explicit charge or mission statement. The Committee agrees they should create one. Mr. Sadeck says if there is no charge, we should probably just start at the beginning, figure out what we think about each one, and if someone wants to discuss something we can discuss it. Mrs. Estrella says that's how the initial group was operating previously. Ms. Pettey asks about the Planning Board, who changes by-laws frequently, asking if they now need to come before the By-Law Review Committee; Mrs. Duran does not believe that is the intention, that she doesn't think zoning by-laws were even supposed to be included, but that wasn't in the article that was voted on. Mr. Sadeck thinks starting with the General by-laws would be a good start. The Committee agrees.

Discussion turns to the way bylaws evolve over time. Mrs. Estrella mentions how certain bylaws limit where the Town can go as they don't always think about tomorrow, specifically identifying the bylaw requiring a standing vote at Town Meeting. She notes that she's previously spoken to Ms. Pettey about electronic voting equipment or "clickers," but adding those would require changing by-laws to allow for their use, these are all things that need to be considered. On the topic of the clickers, Ms. Pettey thinks they should speak of those again in greater detail; other Committee members agree. The Committee discusses the value of the clickers and how it could transform our Town Meetings. Mr. Lopes is

also very concerned with by-laws not addressing tomorrow, noting the way Zoom came into our lives all of a sudden would not have been foreseen by overly restrictive bylaws.

Mrs. Estrella thinks tackling these bylaws is a daunting task. It's a particular challenge writing by-laws that the average citizen can read at a glance, in plain English, without having to figure out where to find things. Mr. Sadeck adds that the by-laws need to be fair. Mr. Lopes agrees, speaking about some issues with the zoning by-laws. Ms. Pettey notes that zoning is its own animal. She thinks addressing zoning, specifically accessory buildings and apartments, and other bylaws can help alleviate a variety of issues as it relates to tax burdens, tax relief, housing and more; she was actually planning to speak to the Planning Board about this in the near future.

On his list, Mr. Lopes would like to examine bylaws regarding animal controls, schools, noise and light ordinances, marijuana, licensing, roads and personnel. Members of the Committee agree that that is a good list. Mrs. Estrella points out that a noise bylaw sounds like a good idea on paper, but the train coming into Town makes that a real challenge; Mr. Sadeck agrees, saying something like that is completely non-enforceable, not to mention that the Town will have absolutely no say over anything involving the State.

#### Set Next Date/Decide on Meeting Schedule

After a discussion regarding what day works best for the Committee members and what meeting frequency is desired, the Committee decides they will meet on the third Thursday of each month at 4:30pm, to be held remotely or in-person in the Community Room. That would make the next meeting Thursday, September 21<sup>st</sup>. Mrs. Estrella notes she will not be able to attend, though may be able to attend remotely.

At approximately 6:10pm, motion to adjourn made by Mrs. Estrella, seconded by Mr. Sadeck; motion passes unanimously.

Respectfully submitted by:



Timothy McIntosh, Recordings Clerk

#### List of Documents Used by By-Law Review Committee in this meeting

None