

**BYLAW REVIEW COMMITTEE
MEETING MINUTES
11 MARCH 2019
1st Floor Conference Room – Wakefield Town Hall**

The meeting was called to order at 5:04 p.m. by Chairman Lieber who presided throughout.

Members present:

- Dan Lieber, Chairman
- Michelle Licciardi (arrived at 5:19 p.m. during Smith discussion; no votes had been taken)
- Brian McCoubrey
- Cindy Schatz
- Jeff Stikeman
- Bob Vincent

Members absent:

- Keith LaGraves

Members of the Public:

- Rick Smith – Wakefield Chief of Police
- Daniel Benjamin
- Eric Reid

There were no public comments.

Chief Smith met with the Committee to discuss agenda item IV.-A. “Fingerprinting” (Chapter 143). The discussion was wide ranging and covered a variety of topics and issues. Chief Smith noted that there were limits as to what the WPD could “share” from CORI reports and that, in some cases, FBI reports were used (but these only reference bank robberies).

The Committee reviewed, with the Chief, a handout that the Chief had previously submitted. A discussion ensued regarding taxis and the differences between “owners” and “operators” from a fingerprinting standpoint. It was noted that the owner is not generally going to be the problem.

It was further discussed that perhaps certain department heads and/or members of the Town Council be designated (and trained) to pull I-CORIs (which are what youth sports coaches, for example, are subject to).

A discussion centering on the elimination of “used cars” might be appropriate as websites have become a popular way to sell used cars without having a brick and mortar shop.

Mr. Benjamin asked about the impact of “bonded companies” to which the answer was “seems like not much.”

Chief Smith talked about the “suitability” of certain issues.

The Committee asked Chief Smith to revisit the previously issued Warrant Article regarding Chapter 143 §143-4 as an interim step to accomplish common goals centered on fingerprinting.

It was agreed that "...such department's own evaluation..." be changed to "...Wakefield Police Department's own evaluation...". Upon motion made by Ms. Schatz and seconded by Ms. Licciardi it was unanimously:

VOTED: To change §143-4 as discussed for purposes of a Warrant Article for Town Meeting.

Mr. Vincent pointed out that the Town Charter under Section 3.2 (e) "Licensing Authority" gives the Town Council (formerly the Board of Selectmen) specific powers regarding licensing and for this reason the Charter takes precedence over the bylaws related to licensing.

Chief Smith stated that he will be leaving on a business trip tomorrow (March 12) to the West Coast but prior to leaving he will ask Lt. Reboulet to work on two issues that remain outstanding from both the perspective of the WPD and the Committee:

1. Clarify whether the WPD can run I-CORI reports
2. Determine how many, if any, of the eight categories listed in Chapter 143-2 items 1-8 could be prudently eliminated without sacrificing safety of the public

It is expected that Chief Smith will have Lt. Reboulet's report when he returns next week and will forward such to the Committee.

The Committee thanked Chief Smith for his attendance, his comments, and his insights. Chief Smith was excused from the meeting at 6:05 p.m.

The Committee next discussed agenda item IV-C regarding the Permanent Building Committee (PBC) (Chapter 9) §9-10 ("Advisory Committee") and language drafted by Town Counsel Mullen. Mr. Lieber noted that a copy of the draft had been sent to PBC Chair Joseph Bertrand for purposes of review by the entire PBC. This was done on March 2. On March 5, the PBC discussed the draft language and on March 7 Mr. Bertrand emailed Mr. Lieber to report that "The PBC on Tuesday [March 5] voted in favor of endorsing the version presented to us in your email of 3-2-19." A subsequent email from Mr. Bertrand to Mr. Lieber stated "As I indicated the PBC endorses the changes, the only comment was that 25 people in a committee is way too many. You may want to lower that number."

The Committee discussed this last point briefly and noted that the draft merely states "Each advisory committee shall be appointed by the applicable User Agency, as that term is defined herein, and shall consist of not more than (emphasis added) 25 persons.

Upon motion made by Mr. Stikeman and seconded by Mr. Vincent it was unanimously:

VOTED: To approve the draft as written and send it to Mr. Mullen to clean up any language necessary. *

** this reference to "language" pertains to "multi-member body," "Board of Library Trustees," and "Commission on Disability Issues."*

Immediately following this vote Mr. Vincent was excused from the meeting at 6:35 p.m., as he was expected to attend the Town Council meeting on a neighborhood matter.

The Committee next addressed agenda item IV. B – Chapter 155 “Vacant Storefronts.” Mr. Lieber noted that he had sent a draft to the Wakefield Lynnfield Chamber of Commerce, the Town Council (and to Councilor Santos individually based on her expressed interest), and several citizens who had expressed an interest. Chapter 155 will be a new Bylaw if approved.

Mr. Benjamin thanked the Committee for drafting Chapter 155 as he had raised concerns about vacant storefronts during his past candidacy for election to the Board of Selectmen (now Town Council).

The discussion on Chapter 155 was very detailed. There were changes regarding gender language (i.e. “their” for “his or her,” etc.) as well as some grammatical corrections. Other changes discussed included, but not limited to:

- Deleting the word “economic” in 155-1
- Deleting an unnecessary “commercial” in 155-1
- Adding “Vacant Property” to 155-2 definition of “Vacant Building.”
 - In this same area changing 21 days to 90 days.
- Changing 7 days to 30 days in 155-3 A.
- Deleting “Town Planner” from 155-3 A.
- Changing 21 days to 90 in 155-3 B.
- Clarifying language in 155-4 by adding additional details
- Adding “Town Council” to 155-4 C.
- Changing 7 days to 30 days in 155-7 B.

Following this discussion and upon motion made by Ms. Schatz and seconded by Ms. Licciardi it was unanimously:

VOTED: To approve Chapter 155 as discussed and amended.

The minutes of the Committee meeting held February 25, 2019 were discussed. Upon motion made by Mr. Stikeman and seconded by Mr. McCoubrey it was unanimously:

VOTED: To approve the minutes as presented. Ms. Schatz and Ms. Licciardi abstained as they had not attended the meeting.

Because of the remaining work to be done, the following meeting dates were proposed:

- Monday, March 18 (Mr. LaGraves may be absent)
- Monday, March 25 (Mr. Stikeman and Ms. Licciardi will be unable to attend)

As there was no other business to come before the Committee and upon motion made by Mr. McCoubrey and seconded by Ms. Schatz, the meeting was

ADJOURNED at 8:01 p.m.

Submitted by Brian D. McCoubrey

Approved March 20, 2019