

SENATE No. 2121

Text of the Senate (Senator Rodrigues) amendment to Senate bill further regulating town meeting notices (Senate, No. 975).

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Fourteen
—————

An Act further regulating town meeting notices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 39 of the General Laws is hereby amended by inserting after section 10 the
2 following section:

3 Section 10A. (a) Whenever the moderator determines that voters, or in a town having a
4 representative town meeting form of government, the town meeting members, may be unable to
5 attend a town meeting, called pursuant to a warrant issued under section 10, because of a
6 weather-related or public safety emergency, the moderator shall consult with local public safety
7 officials and members of the board of selectmen and then, upon the moderator’s own declaration,
8 the moderator shall recess and continue the town meeting to a time, date and place certain. A
9 discussion to recess and continue a town meeting under this section shall not constitute a
10 “deliberation”, as defined by section 18 of chapter 30A, if the only subject of that discussion is
11 the recess and continuance. If due to the emergency, a new meeting place may be required but
12 cannot be then identified, the moderator may recess and continue the town meeting and the board
13 of selectmen shall within 3 days of the declaration of recess and continuance select a meeting
14 place and the moderator shall declare the meeting location. If due to the emergency no suitable
15 town facility is available for a meeting place in a town that typically holds such meetings within
16 the town limits, the board of selectmen may move the meeting location to a suitable meeting
17 place in a contiguous municipality.

18 The moderator need not appear at the place of the town meeting to announce a
19 declaration of recess and continuance. The moderator shall announce the declaration of recess
20 and continuance as far in advance of the town meeting being continued as is practicable.

21 (b) A notice of the declaration of recess and continuance shall be prepared by the
22 moderator and printed in a legible, easily understandable format and shall contain the date, time

23 and place of the continued meeting, state the reason for the declaration and identify the date and
24 time that the moderator announced the recess and continuance. If the moderator does not
25 identify the location of the continued meeting in the notice, within 3 days of the announcement
26 of the declaration of recess and continuance the moderator shall issue an amended notice which
27 identifies the meeting place. Notice shall be filed with the municipal clerk as soon as practicable
28 and then posted in a manner conspicuously visible to the public at all hours in or on the
29 municipal building in which the clerk's office is located. As soon as practicable, the notice of
30 declaration of recess and continuance and the amended notice shall be directed to the constables
31 or to some other persons, who shall post the notice in the manner otherwise prescribed by
32 general law, charter or by-laws for the posting of notice of town meetings. One copy of the
33 notice of declaration of recess and continuance or the amended notice shall be posted at the main
34 entrance of the place of the town meeting as soon as is practicable. In addition, the moderator
35 may use any electronic, broadcast or print media convenient to circulate the notice of recess and
36 continuance and any amended notice. Those towns that have a municipal website shall post a
37 copy of the notice of declaration of recess and continuance or amended notice on the town's
38 municipal website as soon as practicable. Towns having a representative town meeting form of
39 government may by by-law establish additional requirements for providing notice to
40 representative town meeting members.

41 (c) The town meeting session recessed by the declaration of recess and continuance shall
42 be convened by the moderator not later than 30 days following the date and time of the
43 moderator's original announcement of the declaration of recess and continuance.