

SENATE No. 967

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the powers of town moderators.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---------------------------|----------------------------|
| Michael J. Rodrigues | First Bristol and Plymouth |
| Steven S. Howitt | 4th Bristol |
| Richard T. Moore | Worcester and Norfolk |
| James M. Cantwell | 4th Plymouth |
| James Arciero | 2nd Middlesex |
| David T. Vieira | 3rd Barnstable |
| F. Jay Barrows | 1st Bristol |
| Frank I. Smizik | 15th Norfolk |
| Susan Williams Gifford | 2nd Plymouth |
| Louis L. Kafka | 8th Norfolk |
| Sarah K. Peake | 4th Barnstable |
| Tom Sannicandro | 7th Middlesex |
| Peter J. Durant | 6th Worcester |
| Thomas M. McGee | Third Essex |
| William Smitty Pignatelli | 4th Berkshire |
| Bradford Hill | 4th Essex |
| Jennifer L. Flanagan | Worcester and Middlesex |
| Matthew A. Beaton | 11th Worcester |

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|----------------------------|----------------------------------|
| <i>James E. Timilty</i> | <i>Bristol and Norfolk</i> |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> |
| <i>Stephen Kulik</i> | <i>1st Franklin</i> |
| <i>Kate Hogan</i> | <i>3rd Middlesex</i> |
| <i>Alice Hanlon Peisch</i> | <i>14th Norfolk</i> |
| <i>Ryan C. Fattman</i> | <i>18th Worcester</i> |

SENATE No. 967

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 967) of Michael J. Rodrigues, Steven S. Howitt, Richard T. Moore, James M. Cantwell and other members of the General Court for legislation relative to the powers of town moderators. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the powers of town moderators.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith permit a town moderator under certain conditions to announce a declaration of recess and continuance, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1 SECTION 1. Chapter 39 of the General Laws is hereby amended by inserting after
2 section 10 the 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 because of an emergency as it is defined by section 18 of chapter 30A, he
6 shall consult with local public safety officials, members of the board of selectman, and then,
7 upon his own declaration, the moderator shall recess and continue the meeting to a time, date and
8 place certain. If due to an emergency a new meeting place might be required but cannot be then
9 identified, the moderator may recess and continue the meeting, and shall within three days of the
10 declaration of recess and continuance also declare the meeting location. If due to the emergency
11 no suitable town facility is available for a meeting place, the moderator may as part of the
12 declaration move the place of meeting to a suitable meeting place located in any contiguous
13 municipality.

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

17 (b) A notice of the declaration of recess and continuance shall be printed in a legible,
18 easily understandable format and shall contain the date, time and place of the continued meeting,
19 state the reason for the declaration, and identify the time and date that the moderator announced
20 the declaration. If the moderator does not identify the place of the continued meeting in the
21 notice, within three days of the announcement of recess and continuance the moderator shall
22 issue an amending notice which identifies the meeting place. Any notice shall be filed with the
23 municipal clerk as soon as practicable and then posted in a manner conspicuously visible to the
24 public at all hours in or on the municipal building in which the clerk's office is located. As soon
25 as practicable, the notice of declaration of recess and continuance and any notice of amendment
26 thereto shall be directed to the constables or to some other persons, who shall forthwith post the
27 notice in the manner otherwise prescribed by general law, charter or by-laws for the posting of
28 notice of town meetings. One copy of the notice of declaration of recess and continuance or
29 amendment thereto shall be posted at the main entrance of the place of the town meeting as soon
30 as is practicable. The moderator also may use any electronic, broadcast or print media
31 convenient to circulate the notice of recess and continuance and any amendment thereto. Towns
32 having a representative town meeting form of government may by by-law establish additional
33 requirements for providing notice to representative town meeting members.

34 (c) The town meeting session recessed by the declaration of recess and continuance shall
35 be convened by the moderator not later than 14 days following the time and date of the
36 moderator's original announcement of the declaration of recess and continuance, so that places
37 and facilities are available which can safely accommodate the voters, or in a town having a
38 representative town meeting form of government, the town meeting members, and which enable
39 them to participate safely.