

MGL Chapter 39 -- Section 10A

[as amended by Chapter 53 of the Acts of 2020]

Recession and continuation of town meeting due to inclement weather or public safety emergency; notice

Section 10A.

(a) Notwithstanding any general or special law, charter provision or by-law to the contrary, during and for a period of 5 days after the termination of any weather-related, public safety or public health emergency, the town moderator or person designated to perform the duties of town moderator may, in consultation with local public safety or public health officials and the board of selectmen, recess and continue a town meeting previously called pursuant to a warrant issued pursuant to section 10 to a time, date and place certain; provided, however, that any such recess and continuance period shall not exceed 30 days. The moderator or person designated to perform the duties of town moderator may renew the declaration of recess and continuance period for up to 30 days at a time but not more than 30 days following the date of rescission of a state of emergency declared by the governor. If a town does not have a moderator, the board of selectmen may recess and continue town meeting in accordance with this paragraph.

A discussion to recess and continue a town meeting under this section shall not constitute a "deliberation", as defined by section 18 of chapter 30A, if the only subject of that discussion is the recess and continuance. If due to the emergency, a new meeting place may be required but cannot be then identified, the moderator may recess and continue the town meeting and the board of selectmen shall within 3 days of the declaration of recess and continuance select a meeting place and the moderator shall declare the meeting location. If due to the emergency no suitable town facility is available for a meeting place in a town that typically holds such meetings within the town limits, the board of selectmen may move the meeting location to a suitable meeting place in a contiguous municipality.

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

(b) A notice of the declaration of recess and continuance shall be prepared by the moderator and printed in a legible, easily understandable format and shall contain the date, time and place of the continued meeting, state the reason for the declaration and identify the date and time that the moderator announced the recess and continuance. If the moderator does not identify the location of the continued meeting in the notice, within 3 days of the announcement of the declaration of recess and continuance the moderator shall issue an amended notice which identifies the meeting place. Notice shall be filed with the municipal clerk as soon as practicable and then posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located. As soon as practicable, the notice of declaration of recess and continuance and the amended notice shall be directed to the constables or to some other persons, who shall post the notice in the manner otherwise prescribed by general law, charter or by-laws for the posting of notice of town meetings. One copy of the notice of declaration of recess and continuance or the amended notice shall be posted at the main entrance of the place of the town meeting as soon as is practicable. In addition, the moderator may use any electronic, broadcast or print media convenient to circulate the notice of recess and continuance and any amended notice. Those towns that have a municipal website shall post a copy of the notice of declaration of recess and continuance or amended notice on the town's municipal website as soon as practicable. Towns having a representative town meeting form of government may by by-law establish additional requirements for providing notice to representative town meeting members.

(c) *[Removed in entirety]*

(d) Within 10 days after the initial declaration of recess and continuance of a town meeting pursuant to this section, a local public safety or public health official designated by the board of selectmen shall submit a report to the attorney general providing the justification for the declaration.