



The Leader in Public Sector Law

**G.L. c.39, §10A Process for Continuing Town Meeting
in the Case of Inclement Weather or Public Health or Safety Emergency**
(updated April 3, 2020)

Where the warrant for Town Meeting has already been posted in accordance with G.L. c.39, §10, the Moderator may recess and continue a Town Meeting due to a weather-related, public safety or public health emergency, following the process set forth in G.L. c. 39, §10A and summarized below. If there is no Moderator, the Board of Selectmen/Selectboard may use this process to continue Town Meeting.

If the warrant has not yet been posted, the Board of Selectmen/Selectboard may simply vote to delay the date of Town Meeting, notwithstanding local charter or bylaw provisions that establish a specific date(s) for Town Meeting, and the process outlined below does not need to be followed in such circumstances.

Declaration of Recess and Continuance

- (A) The moderator is required to issue the declaration of recess and continuance as far in advance of the town meeting being continued as is practicable, in accordance with the following procedure:
- consult with local public safety or public health officials, and the board of selectmen
 - declare that voters or representative town meeting members will be unable to attend due to a weather-related, public safety or public health emergency
 - continue the meeting to a time, date and place certain (“Declaration”), for a period of up to 30 days
 - Declarations may be renewed for additional periods of no more than 30 days at a time, but no Declaration may last beyond 30 days following the termination of any state of emergency declared by the Governor.

Note that this Declaration can occur during, and even up to 5 days after the termination of, the weather-related, public safety or public health emergency.

(B) Amended Declaration and Notice

If due to the emergency it is not possible at the time the Declaration is made to identify a location for the continued town meeting, the board of selectmen may, within three days of the

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Declaration, select a meeting place. If no “suitable” town facility is available, the board of selectmen may move the meeting to a location in a contiguous municipality. This is an exception to the general rule found in G.L.c.39, §9 that town meeting must be held within the geographic boundaries of the town unless otherwise authorized by bylaw, special act or charter.

Upon the identification of the meeting place, the moderator must declare the location and issue an amended Notice subject to all of the posting requirements applicable to the original Notice.

Notice of Declaration

The moderator is required to prepare a Notice of the Declaration (“Notice”) in a legible, easy to understand format listing:

- time, date, and place of the continued meeting
- reason for the declaration
- date and time the moderator announced the recess and continuance
- if the notice does not include the place of the continued meeting as outlined in paragraph (B) above, within three days of announcement of the recess, the moderator shall issue an amended notice including the location

As soon as practicable, the Notice and any amended notice shall be filed with the town clerk and:

- be posted:
 - in a manner conspicuously visible to the public at all hours in or on the building where the clerk’s office is located
 - by a constable or other person so directed in the same manner as is required by the General Laws, charter or bylaws for the posting of town meetings
 - on the building entrance door to the original meeting location, *and*
 - on the town website, if it has one
- may be circulated by such other available electronic, broadcast or print media as may be desirable, *and*
- shall be provided to members of a representative town meeting as directed by an applicable bylaw

Notification to the Attorney General

Within 10 days of the initial Declaration, a local public safety or public health official designated by the Board of Selectmen/Selectboard (such as the Chief of Police) is required to submit a report to the Attorney General providing the justification for the Declaration.

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