



Town of Palmer

“Bondsville, Depot Village, Thorndike & Three Rivers”

Town Council

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Barbara A. Barry
President

Michael R. Magiera
Vice President

John L. Sasur
Council Clerk

George A. Backus

John B. Dinuovo

Matthew J. Lovell

Peter E. Pappas

Keith M. Parent

Richard L. Fitzgerald
Town Manager

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February 7, 2007

Sponsor: Town Manager

TOWN ORDINANCE 2007-009

AMENDMENT TO THE CODE OF ORDINANCES OF THE TOWN OF PALMER

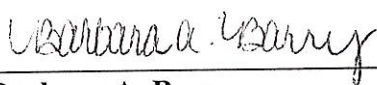
BE IT ENACTED BY THE PALMER TOWN COUNCIL

That the Town Council of the Town of Palmer adopts Massachusetts General Law Chapter 39, Section 23D – Ad judicatory hearings; attendance by municipal board, committee and commission members; voting disqualification.

M.G.L. Chapter 39, Section 23D (effective August 10, 2006) reads as follows:

Section 23D. (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for one or more types of ad judicatory hearings, a member of any municipal board, committee or commission when holding an ad judicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee and commission hearings under this session.



Barbara A. Barry,
Town Council President



Richard L. Fitzgerald,
Town Manager

Adoption History:

Agenda item and first reading at regular Town Council meeting held on January 3, 2007

Public Hearing was warned in Palmer Journal Register on January 18, 2007

Public Hearing was held at 6:50 PM on February 7, 2007

Agenda Item and Second Reading at Regular Town Council Meeting held on February 7, 2007 and entered into the minutes of this meeting which were approved on March 7, 2007.

Posted in Public Places on February 9, 2007

Notice of adoption published in Palmer Journal Register on February 15, 2007.

Effective Date – March 7, 2007

The General Laws of Massachusetts

[Search the Laws](#)**PART I. ADMINISTRATION OF THE GOVERNMENT****TITLE VII. CITIES, TOWNS AND DISTRICTS****CHAPTER 39. MUNICIPAL GOVERNMENT****TOWN MEETINGS****Chapter 39: Section 23D. Adjudicatory hearings; attendance by municipal board, committee and commission members; voting disqualification**

[Text of section added by 2006, 79 effective August 10, 2006.]

Section 23D. (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.

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