

12-30-2024

S. Cummings Legal Opinion re: Agresta Proposal 402(G)

I read through the Agresta proposal and have some suggestions for effectuating the identified goals for Section 402(G).

I recommend the below language. For reference, the bold underlined language comes from Agresta's proposal and the bold italicized language is my proposal.

The Board of Selectmen shall call and hold a joint meeting of all land use commissions and all land use officials **during the month of January in each calendar year** to consider those items which the Board of Selectmen and the chairmen of the land use commissions have caused to be included on the agenda for that joint meeting. ***This January joint meeting shall be considered a regular meeting of the Board of Selectmen.*** The Board of Selectman may call and hold ***additional joint meetings of all land use commissions and all land use officials as the Board of Selectmen determines necessary. Such additional meeting(s) shall be to consider those items which the Board of Selectmen and the chairmen of the land use commissions have caused to be included on the agenda for the additional joint meeting. Additional joint meetings shall be considered special meetings of the Board of Selectmen.***

I don't recommend the 10 day notice provision as it creates a whole new notice scheme that the BOS would need to adhere to. The language proposed would provide notice in accordance with the standard procedure and since the January meeting would be a regularly scheduled meeting, it would be published at the same time all other meetings are published. This should provide ample time.