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October 22, 2020

Peter Carlson, Chair
Grafton Select Board
30 Providence Road
Grafton MA 01519

Dear Chair:


You have asked for our opinion concerning the appropriate process to follow at the October 31, 2020 Town Meeting given the recent resignation of the Moderator.

Pursuant to Grafton's Charter, Section 2-2, the Moderator shall preside at all sessions of the Town Meeting. It is our understanding that the Moderator has resigned on October 21, 2020. Although the Moderator has the authority to appoint a Deputy Moderator, our understanding is that no such appointment has been made. Under section 3-5 of the Charter, in the absence of a Moderator or Deputy Moderator, the Town Clerk shall serve as the presiding officer "pending the election of a temporary town moderator." As stated, the Clerk is on leave. Although Grafton has an Assistant Town Clerk, that position is not recognized in the Charter. Thus, it is necessary to look to the General Laws to determine the appropriate procedure.

Pursuant to G.L. c. 39 § 14, which pertains specifically to moderators, "At every town meeting until a moderator or temporary moderator is elected, the clerk of the town shall preside; but if he is absent or if there is no clerk, the chairman of the selectmen" shall preside. "Such presiding officer shall have the powers and perform the duties of a moderator." Thus, as current Chair of the Select Board, we are of the opinion that you should serve as the presiding officer at the October 31, 2020 Town Meeting. As you will have all of the powers and duties of the Moderator, you will have the authority to appoint a Deputy Moderator. Thus, we advise that you call the meeting to order, preside over preliminary matters as you deem appropriate, and then appoint a Deputy Moderator to run the remainder of the meeting. Such Deputy shall be subject to ratification by the Town Meeting by majority vote.

Please let me know if you have any questions or would like to discuss this matter further.

Very truly yours,


Ginny S. Kremer, Esq.
Town Counsel