

Massachusetts House of Representatives Bill Summary

Bill #: H.4192

Title: An Act relative to the election and composition of the conservation commission within the town of Southwick

Sponsor: Rep. Nicholas Boldyga and Sen. Paul Mark (by request)

Committee: Municipalities and Regional Government

Hearing Date: June 24, 2025

Prior History: H.4506 (2023-2024) reported favorably from committee

Current Law: MGL Chapter 40, Section 8C authorizes a city or town to establish a conservation commission and lists their powers and duties. Such commissions shall consist of not less than 3, nor more than 7 members, to serve staggered terms of 3 years each. In towns the commissions are either appointed by the board of selectmen (select board) or the town manager, depending upon the form of government.

In the town of Southwick, the conservation commission currently consists of 7 members who are appointed by the select board to serve 3-year terms.

Summary: Section 1 of the bill would exempt the town from contrary provisions of Section 8C of Chapter 40 by providing for the conservation commission to consist of 7 members, four of whom would be appointed by the select board, and 3 elected by the voters at the annual town election.

All members would need to be residents of Southwick and be registered voters.

Each member would serve a 3-year term, or until they no longer serve on the commission, whichever is earlier.

If any of the commissions, boards or authorities having appointing authority under this act are no longer in existence for any reason, then the position previously appointed shall henceforth be elected by the voters.

The select board may remove any member of the commission for cause after a hearing, and any vacancy would be filled for the remainder of the unexpired term by the select board, with such appointment being made not less than 21 days following notice of such vacancy.

A vacancy in one of the positions elected by the voters would be filled by appointment by the select board until the position can be filled by the voters at the next annual town election. The person so elected would serve the remaining balance of the unexpired term, if any, otherwise for the new term of office.

Section 2 establishes the staggered terms of office for the 3 elected members by having 1 person serve a 1-year term, 1 person serve a 2-year term, and 1 person serve a 3-year term. (see note below)

Section 3 provides for this act to take effect upon its passage.

Notes:

Approved as Article 7 at the December 5, 2023 Special Town Meeting, declared passed by majority vote.

Although the bill does not specify the procedure, typically the person receiving the highest number of votes at the initial election serves the 3-year term of office, the person receiving the second-highest votes serves 2 years, and the person receiving the third-highest number of votes serves for 1 year.