



Mead, Talerman & Costa, LLC
Attorneys at Law

227 Union Street
Suite 606
New Bedford, MA 02740
www.mtclawyers.com

Newburyport Office
30 Green Street
Newburyport, MA 01950

Millis Office
730 Main Street, Suite 1F
Millis, MA 02054
Phone/Fax 508.376.8400

TO: LISA WONG, TOWN ADMINISTRATOR
SARAH GMEINER, TOWN CLERK

FROM: LISA MEAD AND KAYLA VENCKAUSKAS

RE: OPTIONS FOR ADOPTION OF A TOWN CHARTER

DATE: MARCH 31, 2026

Reference is made to the above captioned matter. In that connection, we have been requested to outline the options for adoption of a local charter. There are two such methods available to the Town of South Hadley (the “Town”): the Home Rule Method or Special Act.

I. Home Rule Method

The Home Rule Method allows the Town to create and adopt its own charter through a locally driven, voter-based process. The following is a high-level overview of the phases involved in adoption via the Home Rule Method in accordance with Mass. Const. Amend. Art. 89 and M.G.L. c. 43B, §§ 2-9, 11-12 & 15:

- **Phase 1: Petition and Ballot Placement**
 - Petitioners gather signatures equal to at least 15% of registered voters.
 - Registrars certify signatures.
 - The Select Board orders the question to be placed on the ballot for the next regular municipal election (must be at least 60 days after order is given).
 - The following question is placed on the ballot: “Shall a commission be elected to frame a charter for South Hadley?”
 - Practically speaking, this process should begin at least 3-4 months before an election.
- **Phase 2: First Election**
 - Voters decide whether to form a charter commission.
 - At the same election, voters elect nine charter commission members.
 - Since the votes will occur at the same election, candidates should begin circulating nomination papers around the same time as the charter petition.
 - If the question passes and members are elected, the Town Clerk must notify the Executive Office of Housing and Livable Communities (“EOHLC”) who will provide the charter commission with dates for submission of reports.
- **Phase 3: Charter Commission Work**
 - The commission organizes its membership by electing officers and holds a series of public hearings to gather input.
 - The commission prepares a preliminary report for submission to the EOHLC and Attorney General.
 - After receiving a written opinion from the Attorney General, the commission prepares a final report for submission to both agencies.
- **Phase 4: Second Election Preparation**
 - The final charter must be placed on the ballot for the next municipal election held at least 2 months after submission of the final report.

- The following question is placed on the ballot: “Shall this town approve the new charter recommended by the charter commission summarized below?”
 - At least 2 weeks before the election, the Select Board must distribute a copy of the final report to all households with registered voters and make copies publicly available.
- **Phase 5: Second Election**
 - Voters approve or reject the charter.

Given the legally required order of events, community involvement, and timing of municipal elections, this can be a lengthy process. Missing a deadline or failing to obtain the requisite signatures or votes during any phase can set the process back months.

II. Special Act

Creation and adoption of a charter through a Special Act is a more streamlined process and allows government officials and the charter committee more control over the content of the charter, subject to legislative and voter approval. The following is a high-level overview of the phases involved in adoption via Special Act in accordance with Mass. Const. Amend. Art. 89:

- **Phase 1: Local Approval**
 - Town officials work on a draft charter. If public bodies, such as the Selectboard, participate in the drafting, this must be done during public meetings. The Selectboard may choose to appoint a committee to undertake this work, or they may do it themselves.
 - Town Meeting votes to approve the charter and also at the same time request the legislature approve a special act based on the draft charter.
- **Phase 2: Legislative Approval**
 - A state legislator must file the bill requesting passage of the special act.
 - The bill then goes through the legislative process: committee review, House and Senate Approval, signed by the Governor. The bill may be amended by the Legislature or Governor at any point in this process.
- **Phase 3: Local Acceptance (If Required)**
 - The special act may require local acceptance via a vote by the Town if its own terms require such acceptance. The main reason for including this requirement is to ensure local control over the adopted charter since the bill may be amended during the process.
- **Phase 4: Effective Date**
 - If the terms of the special act require local acceptance, it will typically be placed on the ballot for the next municipal election, unless another process is required by the special act.
 - If local acceptance is not required, the special act will take thirty days after passage or on an effective date specified therein.

Adoption through Special Act is often a quicker process allowing for more local control but is still dependent on the legislative calendar and priorities. Additionally, however, the Special Act has the force of a statute and therefore will control notwithstanding any conflict with other statutes in effect.