



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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February 23, 2023

Sarah B. Gmeiner, Town Clerk
Town of South Hadley
116 Main Street, M11
South Hadley, MA 01075

**Re: South Hadley Special Town Meeting of November 20, 2019 -- Case # 10821
Warrant Article # 2 (General)**

Dear Ms. Gmeiner:

Article 2 - We approve Article 2 from the November 20, 2019 South Hadley Special Town Meeting.^{1,2}

Under Article 2, the Town voted to amend the general by-laws to add a new Section 7-22, "Commission on Disability" (Commission). The new by-law is authorized by G.L. c. 40, § 8J. The purpose of the Commission is to coordinate and carry out programs "in order to bring about full and equal participation in all aspects of life" in the Town for people with disabilities. Section 7-22 (A)(2).

The by-law provides that the Commission will consist of five members appointed by the Selectboard and the majority of members shall consist of people with disabilities. Section 7-22 (C)(1). The by-law further provides that "[o]ne of the members may be a member of the immediate family of a person with a disability" (emphasis added). In appointing members to the Commission, the Town must ensure that the by-law is applied consistent with G.L. c. 40, § 8J that requires one member of the Commission to be an immediate family member of a person

¹ Article 2 was adopted at the November 20, 2019 Special Town Meeting. However, the by-law was not submitted to the Attorney General for review and approval under G.L. c. 40, § 32 until December 7, 2022. General Laws Chapter 40, Section 32 requires the Town to submit proposed by-law amendments to the Attorney General for review and approval within thirty days of the close of Town Meeting. Failure to timely submit a by-law to our Office delays the effective date of the by-law. The Town should consult with Town Counsel with any questions regarding this matter.

² We take no action on the portion of Article 2 that accepts G.L. c. 40, § 8J because votes to accept statutes are not by-law amendments and are therefore not subject to the Attorney General's review under G.L. c. 40, § 32. However, votes to accept local option statutes should be filed with the Secretary of State's office.

with a disability. See G.L. c. 40, § 8J (“A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability”).

The Town must ensure that the by-law is applied consistent with G.L. c. 40, § 8J. In addition, the Town may wish to amend the by-law at a future Town Meeting to clarify that one member of the Commission “shall” (rather than “may”) be a member of the immediate family of a person with a disability. The Town should consult with Town Counsel with any questions on this matter.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

ANDREA JOY CAMPBELL
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cc: Town Counsel Lisa Mead