



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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May 26, 2015

Chatham Board of Selectmen
549 Main Street
Chatham, MA 02633

**Re: Chatham Annual Town Meeting of May 11, 2015 - Case # 7538
Article 26 (Charter Amendments)**

Dear Members of the Board:

Article 26 - Pursuant to the provisions of General Laws Chapter 43B, Section 10, we have reviewed the vote taken under Article 26 at the May 11, 2015, Chatham Annual Town Meeting. General Laws Chapter 43B, Section 10 (c), requires the Attorney General to furnish “a written opinion setting forth any conflict between the proposed amendment and the constitution and laws of the commonwealth.” We do not find any conflict between the Charter amendments proposed under Article 26 and the Constitution or laws of the Commonwealth. We remind the Town that our review is confined to the proposed Charter amendments submitted to us for review, and does not include a review of the existing text in the Town’s Charter. Our comments on Article 26 are provided below.

Article 26 proposes to submit to the voters a number of miscellaneous charter amendments that amend various sections in the Town’s Charter. We find no conflict between these amendments and state law. However, G.L. c. 43B, § 11, requires the ballot questions presented to the voters to include a summary of each charter amendment. The summary is prepared by Town Counsel and must distinguish each amendment from any other amendments or revisions to be considered at the same election. Because the vote under Article 26 includes miscellaneous changes to many sections in the Town’s Charter, the Town must ensure that it complies with the requirements of G.L. c. 43B, § 11. We suggest that the Town discuss this issue with Town Counsel.

Finally, we recommend that the Town consult with Town Counsel to ensure compliance with the charter filing requirements of G.L. c. 43B, § 12, which states in relevant part:

Section 12. Certificates in quadruplicate shall be prepared setting forth any charter that has been adopted or revised and any charter amendments approved and shall be signed by the city or town clerk. One such certificate shall be deposited in the office of the state secretary and shall be kept under the custody of the archivist of the commonwealth, one shall be deposited in the office of the director of housing and community development, one shall be deposited in the office of the attorney general and the other shall be recorded in the records of the city or town and deposited in its archives.

Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

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cc: Town Counsel Patrick J. Costello
Town Clerk Julie Smith