



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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June 15, 2023

Bridget Rodrigue, Town Clerk
Town of Bedford
10 Mudge Way
Bedford, MA 01730

Re: Bedford Annual Town Meeting of March 27, 2023 - Case # 10893
Warrant Article # 22 (Zoning)
Warrant Articles # 5 and 11 (General)

Dear Ms. Rodrigue:

Articles 5 and 22 – We approve Articles 5 and 22 voted at the March 27, 2023 Bedford Annual Town Meeting.

Article 11 – Under Article 11 the Town voted to amend its Salary Administration Plan Bylaw by deleting the existing Classification and Wage Schedule and inserting a new Classification and Wage Schedule. We take no action on Article 11 because it is amendments to the Town's personnel by-laws that are not subject to the Attorney General's review and approval pursuant to G.L. c. 40, § 32.

In G.L. c. 41, § 108A the Legislature authorized towns to adopt by-laws to establish employment classification plans but exempted such by-laws from the Attorney General's review and approval mandated by G.L. c. 40, § 32: "Any by-law adopted under the provisions of this section shall not be subject to section thirty-two of chapter forty." Similarly, in G.L. c. 41, § 108C the Legislature authorized towns to adopt consolidated personnel by-laws, including compensation provisions, but exempted such by-laws from Attorney General review and approval: "[S]uch consolidated by-law shall not be subject to the approval of the attorney general as provided in section thirty-two of chapter forty."

The Legislature has thus determined that personnel by-laws, including Classification and Wage Schedule provisions such as adopted here under Article 11, are not the type of by-laws that are subject to Attorney General review and approval. Therefore, we take no action on Article 11. The Town should consult with Town Counsel with any questions on this issue.

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
ATTORNEY GENERAL

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cc: Town Counsel George A. Hall, Jr.