

Name:

Date:

Board of Selectmen: Overview

Adapted from the following website:

<https://www.wbrookfield.com/?SEC=143B3658-4432-4588-B5BB-EF8542DD149A>

After reading the article, answer the questions that follow.

History of the Office of Selectmen

Early in the history of the Commonwealth, towns had no regularly elected town officials. Town meetings would periodically “select” prominent citizens to perform the business of the town between town meetings. Gradually, town functions became involved enough to require more consistent supervision. Borrowing the concept of councils from their English heritage, the colonists began to elect between three and nine “selectmen, or “townsmen,” to serve for fixed terms. Beginning with Dorchester in 1633, towns in Massachusetts quickly adopted this unique form of government.

Initially, the powers and duties of selectmen differed from town to town. In general, selectmen were required to carry out and enforce the votes of the town meeting, but were granted additional authority over specific administrative areas of town government. During the late 17th century, the Massachusetts General Court began passing laws that shaped the character of the office. Selectmen were given significant authority over town finances, care of the poor, schools, admission of new residents into the town, roads and other public works, land regulation, local defense, and appointment of other town officials not elected by the town meeting. Selectmen were almost solely responsible for the content of warrant articles until 1715, when the General Court passed a law requiring them to accept articles on the petition of ten or more property owners.

In colonial times, when the concerns of towns were simple and their populations small, most “executive” business of the towns was conducted by their boards of selectmen. As Massachusetts grew, the activities of towns expanded and became increasingly sophisticated. This development was accompanied by the assignment of greater responsibilities and authority to the selectmen, on one hand, and by the proliferation of new elected officers and boards, on the other, entrusted with specialized functions, administered by them, independent of selectmanic control. Consequently, no single executive presided with comprehensive control of all “executive branch” agencies of towns.

Generally, the selectmen in each town (or a professional administrator named by that board) have charge of all public safety agencies of the town (civil defense, the fire department, the police department, and the inspection department). The town counsel, the board of registrars of voters, board of appeals, the conservation commission, and veterans' services officials are usually appointed by the selectmen, or by the professional administrator. Frequently, the selectmen control one or more of the public works functions organized as separate departments, or as parts of a consolidated department. In the great majority of towns, the selectmen appoint a town accountant.

In addition to the school committee, which is commonly the biggest spending agency in a town, there are other independent elected bodies and officers. Among the more important are the town clerk, town treasurer, town collector or tax collector, board of assessors, planning board or board of survey, housing authority, library trustees, park commission, board of health, and one or more agencies with specialized public utility or public works functions (municipal light boards, and street, water, sewer or cemetery commissions).

Historically, the senior administrative body in each town (the board of selectmen) is that community's principal elected executive board, and serves as the town's titular chief executive, within a very limited frame of reference. This status is recognized by the Constitution of the Commonwealth and by statutes enacted over the years.

Currently, the Massachusetts General Laws authorize towns to elect boards of three or five selectmen, on an at-large basis, for terms of one or three years, as determined by the vote of the town, or local home rule charter provisions. In most towns, selectmen are elected annually for overlapping three-year terms. In one town, Saugus, the selectmen are elected biennially for two-year terms. In a majority (186 of the 304 towns), the board has three members, with five-member boards of selectmen elected in the 118 other towns. For the most part, five-member boards of selectmen are found in the more populous towns in Massachusetts.

Massachusetts towns have either "weak" or "strong" selectmanic systems of executive branch organizations, according to the extent to which their boards of selectmen control town administrative activities. A "weak" selectmanic system is characterized by a long local ballot for the election of many town administrative officers and boards which are responsible directly to the local voters, and are, therefore, independent of selectmanic supervision. In "strong" selectmanic towns, the selectmen, the school committee, and possibly a few other executive officers and boards are

elected by the voters, while most major administrative officials are appointed by the board of selectmen, or by the town's professional administrator.

Executive Function

Most people think of selectmen as the all powerful political leaders of the town, at the top of the governmental pyramid. This is far from the truth. Selectmen have less authority in their towns than the governor does in the Commonwealth, or the president does in the federal government, to say nothing of executives in the business world. While selectmen are the principal administrative officers of the town, other boards, including the school committee, the planning board, and the board of health, may wield at least as much authority over certain aspects of town government. Very often, the board of selectmen does not have the only word, or even the last word, on what gets done in town. As an individual member of a board, authority is even more circumscribed. Town government in New England is largely government by committee, and the legal authority of selectmen is limited to actions taken by the board as a whole. This structure, so different from what most people have experienced in their professional and social lives, is often a difficult adjustment for new selectmen.

If a board member wants to accomplish specific objectives, the member must find a way to work with the other members of the board and with other boards in town. This may be very difficult for a new board member who ran "against the board," but an effective selectman must become an expert in the political arts of courtesy and compromise.

A board member must also consider a re-election strategy, if he or she plans to serve more than one term. There may be a need to build bridges to those who have not been supportive in elections, or it may be necessary to concentrate on retaining existing support. Moreover, a selectman may have to decide if he or she should follow the wishes of the majority of the citizens on issues, or do what he or she believes is right.

Legal Authority

The board of selectmen's formal, legal responsibilities are scattered throughout hundreds of statutes and in a town's bylaws, home rule charter, and in the special laws (special acts) enacted by the Legislature for a particular town. Boards of selectmen have general supervision over all matters that are not specifically delegated by law, or by vote of the town, to another office or board.

While the specific role of the selectman is broad, it varies from town to town. Generally, boards of selectmen have at least several important responsibilities under

state law: the power to prepare the town meeting warrant; the power to make appointments to town boards and offices; the power to employ professional administrative staff and town counsel; the power to sign warrants for the payment of all town bills; and the authority to grant licenses and permits.

The Power to Prepare the Town Meeting Warrant

By law, the selectmen are charged with calling town elections and town meetings and with publishing the warrants for them. In towns that have finance, or advisory, committee, that body makes recommendations to the town meeting on warrant articles. In all towns, however, the selectmen govern what appears in the warrant, as well as the order of the articles. While State law gives petitioners the right to demand a town meeting and to submit warrant articles, the selectmen actually issue the call, establish the date, time, and place, and in general organize matters up to the point that the moderator calls the gathering to order.

The Power to Make Appointments to Town Boards and Offices

The selectmen's appointing authority may be vast or limited, depending on how the town is organized. Other elected boards and committees, the town meeting moderator, and the professional administrator (if the town has one) all have some appointment responsibility. In most cases, however, the selectmen have the power to appoint more local officials than does any other person or group.

Again, this responsibility can be an enormous one; for example, it can extend beyond hiring the police chief to the entire police force. With so many other obligations, selectmen must necessarily delegate some of this power to department heads. It is important, however, that selectmen retain sufficient control to ensure that the appointment process is always open, fair, and properly implemented.

The Power to Employ Town Counsel

A town's legal representatives must be designated by the board of selectmen, unless a charter provides otherwise. This power to appoint town counsel is, in effect, the power to direct all legal affairs of the town. No town official can be defended, nor can he or she bring suit through the town counsel's office, without the selectmen's approval. In most cases, documents that would bind the town legally must be approved by the town counsel. Regulating the use of town counsel by other town boards and officials is a delicate matter that requires good judgment and political skill.\

The Power to Employ Professional Administrative Staff

For most towns, the complexity of running town government demands that there be a professional administrator to assist the board of selectmen, whether it be an administrative assistant, executive secretary, town administrator, or town manager. While these positions must be authorized by charter or town meeting, it is the board who does the hiring. This responsibility must be taken very seriously. Depending on the responsibility vested in the position, the professional administrator can have a significant impact both on the ability of the selectmen to do their job and on how the town is run. In the early 1970s, there were only 40 to 45 professional administrative positions (managers, administrators, executive secretaries) in Massachusetts; in 1998, there are more than 200 such positions.

The Power to Sign Warrants for the Payment of All Town Bills

The town treasurer may not issue a check unless a majority of the board of selectmen signs a warrant of authorization. This affects the town's payroll, as well as every provider of goods and services. Other boards, committees, department heads, and town officials may approve whatever payrolls and bills they wish, and certainly they should be required to do so before the warrants come to the selectmen, but the bills cannot be paid until the selectmen sign off on them.

Because of the enormity of this task, selectmen should rely on department heads to monitor day-to-day spending and make recommendations. However, the power to delay or veto expenditures gives the board of selectmen an important role in overseeing the operation of the town. Under home rule charters and special acts of the Legislature, certain towns have authorized town managers to approve warrants for payments.

Questions:

1. How did the office of selectmen originate? How has it changed over time?
2. How does the word "selectmanic" make you feel?
3. Describe the executive function of the selectmen.
4. Describe the legal authority of the selectmen. (All five, please).
5. Consider one of the "cons" of town meetings- some people think professionals should be in charge. Do you think the same "con" applies to selectmen? Explain.