

ABOUT TOWN MEETING

By Cathy Salisbury, Hingham League of Women Voters

Unlike cities, where the power to make laws lies in a city council or board of aldermen, the legislative power of towns is held in the town meeting, either open or representative types.

Open town meeting is both an event and an entity. As an event, it is a gathering of a town's eligible voters and is referred to as "the Town Meeting." As an entity, it is the legislative body for most towns in Massachusetts and is referred to simply as "Town Meeting". Although a few Massachusetts towns use a town manager as their executive and a town council as their legislature, the overwhelming majority have a Board of Selectmen as the executive and a town meeting (either open or representative) as their legislature.

According to The Massachusetts Supreme Judicial Court "the essential and distinguishing characteristic of the (open) town meeting form of government is that all the qualified inhabitants meet, deliberate, act and vote in their natural and personal capacities in the exercise of their corporate powers." The seal of the Town of Danvers calls town meeting "the strongest of all citadels of civil liberty, the purest of all democracies."

In its original form The Massachusetts Constitution did not permit the establishment of representative town meetings. As towns grew, however, it became more difficult to conduct a town's affairs in open town meeting. The Second Amendment to the Massachusetts Constitution (1820) permitted representative government to be established in towns containing 12,000 people or more. A further amendment to the Constitution in 1926 lowered the population to 6,000 or more.

So, voters of a town may create a representative town meeting to act as their legislative branch. They can do this either by individual enabling acts, or by the standard form set up by the General Court. Voting precincts are then drawn and voters in each precinct select their town meeting member, as well as members at large. In representative town meetings, interested citizens may attend town meeting, but only the elected town meeting members may speak and vote.

Town Meeting decides three major things: 1) elects the town's officers, paid and unpaid, and sets the salaries for the paid positions, 2) votes to appropriate money to run the town and 3) votes on the town's local by-laws. Under the open town meeting form of government, virtually every important policy decision a town makes (other than some affecting the public school system) is made through a vote. Sometimes policies can be subject to review by either annual or special town meeting.

Although separated in time, the town election (Hingham's is held on the Saturday following the Monday when Town Meeting commences) is considered part of the annual town meeting. If a town decides to split the meeting into two meetings (one for balloting

and one for business) a single warrant will suffice if the meetings are held within 35 days of each other.

Town meeting or elections must be called pursuant to a warrant issued by the Board of Selectmen at least seven days in advance of the meeting. The warrant contains articles presented by town departments or boards, as well as articles inserted by ten or more registered voters. Typically, the warrant contains the proposed budget for the next fiscal year, proposed changes to the town's by-laws, and articles authorizing the Board of Selectmen to do some specific thing.

Assisting Town Meeting are: the elected Town Moderator, who chairs the proceedings and declares the outcome of all voice votes; the elected Town Clerk, who records all votes and takes minutes; and an appointed Town Counsel, who answers legal questions that arise. Most towns have standing legislative committees that assist town meeting: the finance committee (in Hingham referred to as the Advisory Committee); the Capital Outlay Committee; and the Personnel Committee.

A finance committee delves into the budget. An advisory committee deals with the budget as well as reviews warrant articles and make its recommendations for a yes or a no vote at town meeting. Capital Outlay Committee members formulate and recommend a rolling five year capital expenditure plan. Members of the Personnel Board administer a town's personnel by-law, and assist the Selectmen with collective bargaining agreements negotiations. Members of these standing legislative committees are appointed by the Town Moderator.

From time to time Town Meeting will authorize the formation of a special issue committee charged with a certain task, with a definite term, and an obligation to report back to Town Meeting. Members of these committees can be appointed by the Town Moderator or the Board of Selectmen, or by both. A Hingham example of a special issue committee was the Central Junior High/Library Building Committee, authorized by the 1994 Town Meeting and appointed by the Board of Selectmen to plan for the re-use of Central Junior as the Town Hall and expand the library.

Attendance at town meetings has generally declined in Massachusetts. In colonial times attendance was mandatory, and towns fined eligible citizens for not attending. Today, towns rely on their citizens' sense of civic duty to motivate attendance. Town by-laws specify that a quorum of voters be present in order for town meeting to conduct business. Hingham's quorum is 300 voters. This quorum is consistently met by voters year after year. Attending Town Meeting is a proud tradition of our Hingham citizens.

For information about membership in the Hingham League of Women Voters, please contact Christine Dietterich at 781-741-8121.