

WHO HOLDS THE POWER IN HINGHAM? By Cathy Salisbury

Hingham's three selectmen are the executive branch of town government, and they oversee the \$60 million dollar municipal budget. Massachusetts General Laws grant this executive power to the Selectmen, and if not expressly delegated elsewhere by statute or charter, it remains with the Board to exercise a general power of superintendence over town affairs.

The Selectmen have many statutory administrative duties: prepare Hingham's boundary markers every five years; make sure a census is taken every 10 years; prepare the annual town report, notice of the Annual Town Meeting and call a Special Town Meeting when appropriate; prepare an annual budget; supervise town personnel; issue liquor licenses; and, appoint the town's officers, department heads and members of various town boards and committees. The Town Administrator and a professional staff assist the Board of Selectmen.

Selectmen are frequently referred to as the "town agents." They may bring or defend legal actions involving the town, purchase or sell real estate, exercise eminent domain powers, contract on behalf of the town, summon witnesses to attend and testify, and produce documents for hearings the Board holds on matters within their authority.

Other elected positions included in Hingham's executive branch of government are: Town Clerk; Treasurer-Collector; Board of Assessors; Board of Health; Municipal Light Board; Housing Authority; School Committee; Planning Board; Sewer Commission, and Recreation Commission. Some of these boards are statutorily mandated, for example, Town Clerk, Treasurer, Board of Selectmen, Board of Assessors and Board of Health.

Some Boards are responsible for administering and enforcing a specific state law or regulation. For example, the Planning Board administers the Subdivision Control Law, the Conservation Commission administers the state Wetlands Protection Act, and the Board of Health enforces the State Sanitary Code. These Boards' functions are quasi-judicial, and their decisions can be, and have been, challenged in court, or appealed to the appropriate state agency.

Members of the Planning Board and Board of Health are elected. Members of the Conservation Commission and the Zoning Board of Appeals are appointed by the Selectmen. However, state statutes mandate that these members are independent in their deliberations and decision-making. These so-called land-use boards are assisted by professional staff -- a conservation agent, planning aide, executive health officer and zoning administrator.

In addition, land-use boards have responsibilities under our local by-laws. The Planning Board makes detailed studies and plans of the resources and needs of the town, such as the recently completed Master Plan, and recommends additions and changes to the Zoning By-Law. The Conservation Commission administers our local Wetlands Protection Act. The Zoning Board of Appeals hears appeals and grants Special Permits under the Hingham Zoning By-Law. The Board of Health administers the town's rules and regulations governing on-site septic systems, oversees tobacco control regulations that prohibit sales to minors and smoking in public places, and massage parlor regulations.

Some committees have specific responsibilities set up by town meeting vote or under the by-laws. For example, the Recreation Commission provides residents with a wide variety of sports, fitness and health programs. The Historic Districts Commission is charged with preserving Hingham's historical and architectural legacy by reviewing the appropriateness of all proposed exterior alterations and renovations of historic properties within historic districts.

Hingham has several study committees that report either to the Selectmen or to annual town meeting. Depending on its charter, members of a study committee are appointed either by the Selectmen or by the town Moderator. An example is the Community Preservation Committee (CPC). It was established by town meeting vote and appointed by the Selectmen. At each annual town meeting, CPC members recommend ways to spend the Community Preservation Fund, by acquiring and preserving open spaces, on historic resources, or low and moderate income housing. The Water Supply Committee monitors water supply-related matters and leads planning efforts to assume long-term water sufficiency; it also works in conjunction with privately-owned Aquarian Water Company.

The easiest way to familiarize yourself with Hingham's many town departments, boards and committees is to read their summaries in the annual report. These handy, informative books are available in the town clerk's office at the town hall. The report includes a complete list of elected officials and appointed board and committee members, as well as records of births, deaths and marriages of Hingham residents during the previous year. A transcript of the prior year's annual town meeting and any special town meetings is included, as well as returns for state and local elections. You will also find the town's comprehensive annual financial report detailing revenues, expenditures and changes in fund balances. The report provides a clear and complete picture of what the town is doing, how it is spending its money, and its financial health.

Having many town boards means that Hingham's executive branch is dispersed. On one hand, this may reduce efficiency in delivering services to town citizens. On the other hand, this system gives citizens the chance to participate in exercising governmental power. It brings government close to the people and gives it credibility. The person exercising power over your life is not some distant politician or bureaucrat. It is your fellow citizen. You have access to those who govern both informally as a neighbor and formally by attending annual town meeting --at which each registered voter can attend and vote--and at public hearings of the boards. (Hingham has an open form of annual town meeting; by contrast, some towns have representative annual town meeting, where town meeting members are elected, and only they may vote.)

In future columns we will explore how land-use permitting boards make decisions, and describe the authority of the School Committee, Hingham Light Plant Board, and the South Shore Country Club Committee.

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