

**\*From the Handbook for Massachusetts Selectmen  
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Massachusetts Municipal Association**

**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 17<sup>th</sup> 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 of 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.

#### *The Authority to Grant Licenses and Permits*

In most towns, the board of selectmen is the local licensing authority, with the ability to issue licenses and permits for a broad range of activities, such as sale of alcoholic beverages, entertainment provide by an innholder, lodging houses, blasting operations, automobile dealers, junk dealers, pawnbrokers, parking lots, storage and sale of gasoline, theatrical events, restaurants, and many other purposes.

### **Coordination and Strategic Responsibilities**

Apart from strict legal responsibilities, the board of selectmen can and should be the group in town that sets policy and strategic direction, coordinates the activities of other boards, and hears appeals and resolves problems that have not been settled at lower levels. If there is a professional administrator, the selectmen should work through him or her, or in smaller towns, through department heads. All too often, boards of selectmen confuse this broad policy role with meddling in the details of town government. They overstep their bounds by getting involved in the daily operations of a department; they fail to set sound written policies or do any long-range planning; or they are too quick to try to solve problems that should be handled by the administrator, or another board, or by a town employee.

There is more than enough for selectmen to do without getting bogged down in matters that are better delegated to someone else. The board's time will be much better spent if members concentrate on making the whole of town government work. Some suggestions for reaching this goal include:

*Ask each town official to develop an action agenda for the year that can be shared in a group forum.*

*Hold regular meetings of all town officials, so that everyone can keep current on what others are doing.*

*Bring together town officials, department heads, and citizens' groups for organized discussions, when major problems arise.*

*Invite the State senator and representative to meet with the board and town organizations every few months for a give-and-take discussion.*

### **Leadership Responsibilities**

An effective selectman has the ability to take the patchwork of laws and bylaws that comprise the board's authority and turn it into an action agenda which can be summed up in a single word: leadership. Leadership is the most important, yet the least understood, role of a selectman. It involves both personal leadership and, perhaps more important, leadership by the board, as a team.

Leadership may be best understood by describing what good leaders do. Effective leaders take up-front, visible roles. They make decisions based on facts, data and logic, even when these decisions are unpopular. They lead by example, not by words, raw power, or manipulation. They solve problems by looking for the root cause. Most important, they recognize the difference between the right to take action and the wisdom, on occasion, not to. Most boards are made up of citizens whose philosophies, priorities, and personal ambitions differ markedly. The effective board devises ways to work cooperatively, not necessarily unanimously, toward broad common goals. Teamwork can be developed if individual selectmen understand that effectiveness is not achieved by individual action, but by a board of selectmen acting in concert.

A board's behavior sets a tone for the town. A board which is constantly bickering, trying to embarrass each other, or frequently stymied by disagreements, loses credibility with the public, other town officials, and town employees. If, on the other hand, members are consistently trying to overcome differences and seeking to take new initiative, it is far more likely that their lead will be followed.

### **Assuming the Office of Selectmen**

Once elected, the first order of business is to make arrangements to be sworn in. First, the selectman must make an appointment with the town clerk for the swearing-in ceremony. The next step is to become familiar with town government, meet town employees, and learn the logistic of serving as a selectman.

A number of resource materials should be gathered. A selectman should have a copy of the town's charter (if any), a copy of the town bylaws, the zoning bylaw, a

copy of the open meeting law, a list of key town officials and their telephone numbers, the telephone number of each board member, a table of organization of the town, written procedures that the board of selectmen may have previously adopted, the current year's budget, and a copy of the most recent town report.

Selectmen should become familiar with the services offered by the Massachusetts Municipal Association, the Massachusetts Department of Revenue, and the Massachusetts Department of Housing and Community Development.

Each new selectman should plan how he or she will relate to fellow board members, while recognizing that other board members will be formulating plans of their own. Some new members may want to sit back and listen for a while, especially if there are several veteran board members; others may wish to establish their philosophy and role early.

### **Leaving Office**

A selectman either terminates town service voluntarily, or fails to be re-elected when the current term expires. Occasionally, a selectman may be recalled. If a selectman chooses to leave office for any reason, he or she must submit a resignation to the town clerk for it to become official.