

1. HISTORY OF TOWN MEETING & THE ROLE OF THE FINANCE COMMITTEE

This three-part overview explains the function of town meeting, who is responsible for what, and generally how the process works. First we look at the history and start with the Finance Committee (FinCom). Why history you ask? Well, the past has a funny way of repeating itself. Therefore, knowing how town meeting worked way-back-when can help us understand how it works today. So too, knowing the role of the meeting in the whole town government helps us follow the rules. First and foremost town meeting is not town government. It is only one **part** of it: the legislative branch. The executives administer the laws but town meeting, a municipal legislature, passes them. And those who remember 8th grade civics know that the separation of powers (executive, legislative, and judicial) was one of the cardinal issues during the Revolutionary era. So where exactly did this thing we call "town meeting" come from?

It has been vital to local government in New England for hundreds of years. The first Massachusetts town meetings were in the early 1600s and the process was formally recognized in 1641. In those days towns were no more than clusters of homes and it was considered an obligation to attend the meetings. In fact, back then people in Ipswich were fined a shilling for **not** going. By the early laws under the Province Charter, towns could levy taxes to support schools, the poor, and to pay other charges. By the late 1770s Massachusetts had become sovereign but with no real framework and still under the control of the Crown. Five years after the 1780 Massachusetts Constitution, the State passed a law that "the inhabitants of every town within this government are hereby declared to be a body politic and corporate." Of course Ipswich had been a village for about 150 years and already had meetings.

Of the 351 Massachusetts cities and towns today, the vast majority are towns and use either open or representative town meeting as their legislative body. In days-of-old, town meeting was for much more than it is today. It was where people did everything from electing politicians to picking jurors; from authorizing apprehension of felons to providing support, maintenance, and employment for the poor; from issuing liquor licenses to adjudging dilapidated buildings a nuisance. By 1854 Chief Justice Lemuel Shaw had described it as the place where "all the qualified inhabitants meet, deliberate, act and vote in their natural and personal capacities in the exercise of their corporate powers." A municipal legislature, today it has an agenda (the warrant) and an advisor (usually called the Warrant or Finance Committee). The year 2015 will mark the 300th anniversary of a law setting the basic rules for Massachusetts town meetings; many parts of that statute are still in place. Here's how the meeting takes form today and how we get our advice on the floor of the meeting.

Any Massachusetts town meeting has four minimum requirements: a warrant, a quorum, a Clerk, and a Moderator. Without any one of those four there can be no meeting. The foundation of any town meeting, the warrant (technically, a warning) is a list of topics called articles. Today it takes a couple months to put together and it becomes the agenda for the meeting. Under each article one of the members of the meeting, often but not necessarily a Selectman, makes a motion (that is, suggests the Town do something). The motion need not – and often **is not** – the same as the article. But the motion must be within the scope, or four corners, of the article; that's why the wording the Selectmen use when writing the articles is critical. Until it is posted the warrant is controlled by the Selectmen and the Ipswich by-laws allow them to add any article they want before posting the warrant for the spring meeting. Since 1715 private citizens too can not only request but require the Selectmen include an article

on the warrant. Known as “citizens petitions” they may or may not be binding; that is, we’ll certainly vote on them at town meeting but they may be legally defective and therefore nonbinding.

Finance Committee reports first show up in the Ipswich archives in 1910. That was the year state law first allowed towns to establish “advisory or finance committees” to “consider any and all municipal questions” and report to the town. Until the 1960s ours, like many, were all appointed by the Moderator. Today three are appointed by the Moderator, three by the Selectmen, and three by the spring meeting. Formerly called the Prudence Committee, the Finance Committee are the official advisors to town meeting – much like the Committee on Ways & Means is to the State Legislature. Appointed for three-year terms they report to and answer to no one else but town meeting. In other states they carry far more power: in Connecticut a meeting cannot appropriate an amount other than what the finance board recommends; in New Hampshire it can’t be more than an additional ten percent of what FinCom recommends.

In Massachusetts, however, a FinCom is purely advisory. In fact, the current version of the law authorizing a FinCom describes them as either the “appropriation, advisory or finance committee” and still requires that they “consider any or all municipal questions” so it can report and make recommendations to the town. Our by-law reads that FinCom are responsible for investigating costs, maintenance, and expenditures of the Town departments. All articles on the warrant, except those for the election of Town officers, are to be referred to them. That means that FinCom are to weigh in on anything, not just the budget, which might come before the meeting. Knowing how to read spreadsheets certainly makes for a good FinCom member but being able to scrutinize any matter that comes before the meeting makes for a much better one.

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