

Structure of Government

A municipal government in Massachusetts is generally structured in either a town form of government or a city form of government. The difference between a city form of government and a town form of government is that in cities, the legislative power is vested in either a City Council, Board of Aldermen or bicameral legislative body; whereas in towns, generally, the authority in Massachusetts is vested in the Town Meeting. There may be a decision made in the town to have a representative town meeting instead of a general town meeting, but the majority of towns in Massachusetts employ a general town meeting.

The executive authority in municipalities is vested for cities in a Mayor or a City Manager, but in towns in a Board of Selectmen or a Town Manager. If a community does not have a charter, the power is automatically vested in the Board of Selectmen. In Williamstown, there is a charter, which was adopted in 1956, which places the executive authority primarily in the office of the Town Manager.

Municipal charters in Massachusetts are the structure of how the community operates. Municipalities are special corporations and therefore, their charter, like any other corporation, sets forth the structure of how this entity is to behave. Before the amendment of the Massachusetts Constitution by amended Article 2, charters required a Special Act and thus have the status of state statute. The Williamstown Charter is Chapter 55 of the Acts and Resolves of 1956. It has the full force of a state statute and, further, was also approved by the voters of Williamstown and adopted as its form of government. It had also been approved by the voters in the form of a petition which was sent to the legislature. Subsequent to the amendment of the State Constitution, it became possible for municipalities to adopt Home Rule charters pursuant to Chapter 43B, but that is an extremely cumbersome process which requires petitions signed by a significant number of voters and the approval at election of a Charter Commission and, subsequent to that, the approval at an election of the charter by the community.

As a charter is a state law, its purpose is to amend the general structure of government. In Massachusetts, the Selectmen are generally the executive officers, they make appointments, approve warrants and oversee the general management of the town. The decision by the Town of Williamstown to create the office of Town Manager removed those responsibilities from the Selectmen and gave the appointing authority, budget preparation, approval of warrants and general supervision of the day-to-day management of the town to the Town Manager and not the Selectmen. The Selectmen's primary powers as allocated by the Charter are to make the appointment of the Town Manager and the Register of Voters. Clearly, it is implicit that the Selectmen are the policy setting board, and they retain those powers, such as the preparation of the annual meeting warrant, the calling of town meetings and other items which have not been specifically removed from them. Among the duties of the Town Manager is to report to the Selectmen all of the activities under his supervision as may be required by the Selectmen and to keep the Selectmen fully advised as to the needs of the town and to recommend to the Selectmen the adoption of such measures requiring action by them or by the town as the Town Manager deems necessary or expedient.

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Clearly, the anticipated relationship is that the Town Manager is the Chief Executive Officer and, in a sense, the Board of Selectmen is the Board of Directors and its responsibility is to set the policy and to oversee the Town Manager's performance.

Any attempt to restructure the relationship between the Selectmen and the Town Manager would require an amendment to the Charter. There are two ways to amend a charter, one of which is through the previously mentioned Charter Commission, and the other way would be by petition of the town by the inhabitants to the legislature for a Special Act. As the relationship in the Charter of Williamstown is structured as a state statute, which must be as it amends existing state laws by reference, any amendment to it must also be done either as a state law, that is, a Special Act, or through the existing state statutory process as set forth in Chapter 43B of the General Laws.

The Williamstown Charter establishes a strong Town Manager form of government, and gives the Town Manager control over the appointment of officers for the town as well as their removal and over all the general financial affairs of the town, but clearly anticipates a close working relationship between the Town Manager and the Selectmen in the sense that the Town Manager will give the necessary information for the Selectmen to evaluate the Town Manager's performance in that office.