

Forms of Town Government

Town council

Council has all powers of legislative and governing body. There is no town meeting. Council is empowered to address all matters that general law requires to be addressed at town meetings. “All procedural requirements prescribed by law relative to the actions of a city shall also apply to the actions of a town council.”

Council has up to 15 members. Charter shall specify at-large or district representation, manner of filling vacancies, powers of appointment, attendance and quorum requirements, domicile or eligibility requirements, budget procedures, bond authorization procedures, annual municipal election date, bonding and audit requirements.

Other matters may include, but are not limited to, conflict of interest provisions, citizen powers of initiative and referendum, adoption of an administrative code, merit personnel system, purchasing system, town investment policy, and tax cap provisions.

Examples of towns with town council form: Derry, Durham.

Official ballot town council

Provides for voting by official ballot on “some or all matters that general law requires to be addressed at the annual or a special meeting of a town.” Town council has authority over all matters not voted on by official ballot.

Charter may allow both budget and non-budget items to be placed on the official ballot. If budget is to be voted on by official ballot, charter must specify the process for preparation of the budget, hearings, amendments, and transfer of funds, and applicability of official ballot process to special meetings.

Examples of towns with official ballot town council form: Hooksett, Londonderry, Merrimack, Newmarket. The Hooksett and Londonderry charters refer to a “budgetary town meeting,” but the meeting is by official ballot. Thus, their form of government is technically official ballot town council (because, under the statute, a “budgetary town meeting” means an open town meeting). In all four towns, the only matter voted on by official ballot is the budget. The town council has authority over all other matters.

Budgetary town meeting

This is described as “a variation on the open town meeting,” but the town meeting’s only authority is to vote on the budget, including bond issues. The town council has authority over all other matters. This form differs from the official ballot town council form in that

(1) the town meeting is an open meeting, as opposed to official ballot, and (2) only budget matters, including bond issues, may be voted on at the town meeting.

Example of town with budgetary town meeting: Bedford.

Official ballot town meeting

Also described as a variation on the open town meeting, which provides for voting on some or all warrant articles by official ballot. All other matters are voted on by the open town meeting. Thus, it retains the essential selectmen-town meeting form of government, and the only difference is that some (or all) of the town meeting articles are voted on by official ballot. "The provisions of general law relative to town meetings, their warning, the right for petitioned articles at such meetings, and the conduct of such meetings shall apply to the official ballot and open town meeting in all respects."

This is very similar to the so-called SB 2 form, except that the town can, through its charter, adopt its own rules for certain matters, such as deciding which items are voted on at an open meeting and which go on the official ballot; whether to use a default budget, and how to define it; and the process for budget preparation and hearings.

Examples of towns with official ballot town meeting: Peterborough, Salem (previously). In 2012, Salem adopted SB 2, thus abandoning its charter.

Representative town meeting

A variation on the open town meeting, with legislative authority vested in a group of individuals elected to represent districts within the town. All procedural requirements under general law relative to actions of a town meeting will apply to actions of a representative town meeting.

Governing body remains the board of selectmen, with the same powers and duties as in a town with traditional town meeting.

Charter shall specify the manner of district representation, manner of filling vacancies, powers of appointment, attendance and quorum requirements, domicile or eligibility requirements, budget procedures, bond authorization procedures, annual municipal election date, bonding and audit requirements.

In addition to the elected members, the board of selectmen, town clerk, and chairman of the town budget committee are members-at-large of the town meeting.

Charter may provide for referenda on certain issues to the registered voters of the town at special town meetings called for the sole purpose of deciding those issues.

Towns with representative town meeting: None.