

**HAMPDEN  
MASSACHUSETTS**



**GOVERNMENT STUDY COMMITTEE  
MINUTES**

**Meeting: May 6, 2024; 6:30pm**

**Attendees:**

	Cliff Bombard	X	Keith Pixley
X	Michal Boudreau		Luis Severino
X	Eric Brewer		
X	Donna Hatch		
X	John Matthews		

**Minutes**

Meeting called to order at 6:40. This is the last meeting of the current GSC.

A decision was made to move the BOS size increase from 3 to 5 to package with the elected to appointed articles. The sole GSC article for the 2024 ATM is to “Allow an Alternate Voting Method”.

The GSC will have four warrant articles on the 2024 Special Town Meeting (STM).

1. Increase the BOS from 3 to 5
2. Convert elected treasurer to appointed treasurer/collector
3. Convert elected clerk to appointed clerk
5. Change the name of BOS and Selectman to “Selectboard” and “Selectboard Member”

We discussed our presentation and key points for the ATM. Keith Pixley will present for the GSC.

The REPORT OF THE GOVERNMENT STUDY COMMITTEE HAMPDEN MA (dated March 2024) was submitted to the Town Administrator on March 20<sup>th</sup>. It’s posted on the Town’s website and can be found here:

[https://www.hampdenma.gov/sites/g/files/vyhlif656/f/news/gsc\\_report\\_to\\_hampden\\_final\\_032024.pdf](https://www.hampdenma.gov/sites/g/files/vyhlif656/f/news/gsc_report_to_hampden_final_032024.pdf)

And, attached here is the full report and a Summary document created by the GSC.

## SUMMARY



REPORT OF THE  
GOVERNMENT  
STUDY  
COMMITTEE  
HAMPDEN, MA  
March 2024

"Hampden is a small country town captured by the gentle hills and dipping mountains that surround it. The Scenic River meanders through town and brings remembrances of the old blue shops, taverns and blacksmith shops that once edged its shores." "Hampden, its citizens feel, is changing yet changeless, quiet yet alert, remembers its past yet ensures its future. The town is a true bit of Americana, residents feel at home in a dream world." (Hampden website)

Times have changed and so must Hampden. This report offers a start.  
Government Study Committee



REPORT OF THE GOVERNMENT  
STUDY COMMITTEE HAMPDEN MA  
APRIL 4, 2024

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The full report can be found on the Town's website.  
[https://www.hampdenma.gov/sites/g/files/vyhl656t/news/gsc\\_report\\_to\\_hampden\\_fnd\\_032024.pdf](https://www.hampdenma.gov/sites/g/files/vyhl656t/news/gsc_report_to_hampden_fnd_032024.pdf)

We engaged in a lengthy discussion regarding the move of the 3 additional warrant articles to the Fall.

Anyone interested in understanding why three of the GSC articles were not on the 2024 ATM and were moved to the fall can visit the April 29<sup>th</sup> BOS meeting. The link is here and the discussion regarding GSC articles starts at 1:06:58

<https://www.youtube.com/watch?v=Bj3YwPeX8yE>

From the Town Administrator to the Town's Attorney:

The Town Clerk is asserting that the Board of Selectmen is without authorization to include questions 3 and 4 on the draft warrant pertaining to the ballot vote on changing the two positions from elected to appointed. The Town Clerk states that she spoke with Will Rosenberry from the Elections division (1-800-462-VOTE) who stated that the Board of Selectmen is only authorized to place the questions on the ballot after the Town Meeting and because of the 35-day time limit there is NOT sufficient time for this to occur prior to the May 20, 2024 local election. The conclusion would be that questions 3 and 4 of the draft warrant cannot legally be acted upon and should be removed from the election warrant.

Here is the Town Attorney's Response.

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DOHERTY, WALLACE, PILLSBURY AND MURPHY, P.C.

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MEMORANDUM

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TO: Hampden Town Administrator  
FROM: Town Counsel  
DATE: April 25, 2024  
CC: Board of Selectmen  
RE: 41, sec. 1B interpretation

**Question** Under MGL c. 41, sec. 1B, can the Board of Selectmen place an article to convert an office from elected to appointed before the business portion of the Annual Town Meeting (ATM) and also place the required follow-up ballot question on the municipal election seven days later or must it wait to place the ballot question for the next municipal election a year later?

Advice from Town Counsel and a confirmed verbal statement from the Elections Division differ. No caselaw resolves the question. However, assuming all favorable votes and that the ballot question can be properly placed on the 2024 ballot, whether it is placed on the 2024 or 2025 municipal ballot gives the same result. The BOS would be empowered to appoint in 2025 following the 2025 municipal election. Therefore, the safe harbor method would be to place the question on the 2025 ballot.

I would caution that I have found no caselaw providing any interpretation of MGL c. 41, sec. 1B and establishing precedent. Upon legal challenge, a court could decide that Town Meeting vote is required to authorize the BOS to place the conversion question on the ballot. Such a decision would compel the following procedure:

1. BOS places the warrant article for year x ATM and article passes.
2. Following ATM, BOS authorized to give clerk notice to place ballot question; and
3. Ballot question would appear on year x+1 municipal election.

Such a decision requiring the above sequence would likely nullify the 2024 ballot question contemplated.

**Recommendation** To avoid litigation on this question, I would advise placing the question on the 2025 ballot as a safe harbor.

Other than the ATM presentation of the single warrant article re: alternate voting method, the GSC has completed its work. The Committee adjourned at 9:15pm.

Next Meeting: None