

# A Short Course In Town Government

by Lynne Belluscio

When the Town of LeRoy (Bellona) was established in 1812, the responsibilities of a town government in the State of New York were already well established. The word "town" is derived from the Teutonic word "tun" which meant "enclosure."

The Dutch brought with them to America some of the traditions of home rule and in 1665, at the Convention of Delegates held at Hempstead in what is now Nassau County, the first town laws were set down. When the English took control of the colony, they adopted many of the Dutch laws. They became known as the Duke of York's Laws and they recognized 17 towns in the county of Yorkshire.

In 1683, the General Assembly of Freeholders passed a charter outlining the principles of local government, based on the English Magna Carta. This became known as the Charter of Liberties and Privileges. The colony of New York was divided into 12 counties, which were represented in the Colonial Assembly. The office of Town Supervisor was organized at this time so that a freeholder could be elected to serve as the town treasurer.

After 1703, the supervisor's job was to allocate the county expenses among the town. All the town supervisors from a particular county would meet to conduct business. (Remember that Genesee County does not come into existence until 1802.) Local governments continued after the Revolution and in 1777 the first New York State Constitution recognized counties, towns and cities as the only units of local government. (Villages would not be recognized until late in the 1790s.) The United States Constitution does not mention local government in particular, but in the 10th Amendment it states that all powers not delegated to the Federal Government are given to the States. And it is



generally accepted that in the United States there are three levels of government: Federal, State and Local.

It is the local governments, considered as "general purpose units" that are empowered to regulate the quality of life in communities and to provide direct service to the people. In 1683, the first general property tax was imposed. In 1703, provisions were made for a system of highways. At LeRoy's first meeting in 1813, 28 men were appointed overseers of highways. (I am still trying to find out exactly what they were expected to do.)

It was also the town government that maintained a constable and a town justice to preserve the safety of the citizens. The town justice would eventually become a member of the town board, but in 1976, the state mandated that the justice of the peace could no longer serve on the town board and that the judicial part of the town was to be separate.

I found it interesting to note that the first appointment at the first town meeting in LeRoy

freeholders met to vote on issues. The business was not turned over to a town board - - at least not for a while. That would come later.

In New York State, all the land is divided into towns, with the exception of cities and Indian reservations. There are 932 towns in the state, with Hempstead being the largest with a population almost double of the City of Buffalo. The smallest is the town of Red House in Cattaraugus County, with a population

designated an "overseer of the poor." It was voted and passed to raise \$50 for the poor and later minutes recorded in the book indicate that people were reimbursed for taking care of the poor. The town was also charged with conducting elections and tabulating the results. It appears that the ballots for governor, senator and assembly seats were cast at a town meeting and then recorded in the minute books. In conjunction with this, the town officials were the conduits for political and governmental issues. The first town meetings were much like town meetings still held in New England. The

of 37. (I've been to Red House.) According to that state manual: "A town is a municipal corporation comprising the inhabitants within its boundaries and formed with the purpose of exercising such powers and discharging such duties of local government and administration of public affairs as have been or, maybe conferred or imposed upon it by law." (section 2, Town Law) (I am still searching for the definition of a town in 1812.) All towns in New York are divided into two classes, usually by population, although like most things, there are exceptions. LeRoy, is designated as a Class 2 town.

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