

**SPECIAL TOWN MEETING  
WEDNESDAY, DECEMBER 19, 2007  
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:40 P.M. BHS students Lindsay Garside, Lindsay McMahon, Ryan Meier, Nishan Ovian performed the National Anthem and a holiday song.

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**ARTICLE 1 RE: Special Legal Counsel**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to challenge the use and occupancy of a building by the Department of Homeland Security, Office of Immigration and Customs Enforcement ("ICE") located at 10 New England Executive Park as office space with an accessory use of secured holding rooms for processing unauthorized aliens and other temporary detainees; and to appeal on behalf of the Town Meeting or the Town Moderator the grant of an Occupancy Permit for the ICE facility by the Burlington Building Inspector and/or to fund a request for zoning enforcement to the Building Inspector including any subsequent administrative or judicial appeals and to pursue any other legal recourse; the expenditure of said funds shall be under the direction and control of the Town Moderator pursuant to Article IV, Section 5.2.4.1 of the General Bylaws or a committee of Town Meeting appointed by Town Meeting under Article III, Section 7.0 of the General Bylaws; and to further authorize the Town Moderator or the committee of Town Meeting to appoint Special Counsel to represent the Town Moderator and/or the Town Meeting in pursuing all available legal remedies to carry out the purposes of this vote; or to act in any other manner in relation thereto.

**MAIN MOTION:** I move to transfer from free cash the sum of \$10,000 to challenge the use and occupancy of a building by the Department of Homeland Security, Office of Immigration and Customs Enforcement ("ICE") located at 10 New England Executive Park as office space with an accessory use of secured holding rooms for processing unauthorized aliens and other temporary detainees; and to appeal on behalf of the Town meeting the grant of an Occupancy Permit for the ICE facility by the Burlington Building Inspector and/or to fund a request for zoning enforcement to the Building Inspector including any subsequent administrative or judicial appeals and to pursue any other legal recourse; the expenditure of said funds shall be under the direction and control of the Town Moderator pursuant to Article IV, Section 5.2.4.1 of the General Bylaws; to further authorize the Moderator to appoint a special 11 member temporary town meeting ICE advisory committee, and to further authorize the Town Moderator to appoint Special Counsel, after consultation with the temporary Town meeting ICE advisory committee, to represent the Town meeting in pursuing all available legal remedies to carry out the purposes of this vote.

Recommendations: Ways & Means voted 8-0 in favor. Land Use made a statement that they believed the holding cells did not qualify as an accessory use under the Zoning Bylaws and did not take a position on the article.

After considerable discussion, a motion to end debate was moved, seconded and so voted. The main motion was approved by a standing vote. Seven members stood for a roll call vote.

**ACTION: BY A VOTE OF 64 IN FAVOR AND 26 OPPOSED, THE MAIN MOTION WAS APPROVED.**

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At 10:00 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:

Jane L. Chew  
Town Clerk