

**Town of Burlington  
Town Meeting**

**Monday**

**January 23, 2017**



**Warrant Article**

**BACKUP**

**ARTICLE 2 - Backup Material**  
**RE: Holding Saturday Hours**

Section 110A. Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday.



TOWN OF BURLINGTON  
*Town Clerk's Office*

*Amy E. Warfield, Town Clerk, CMC, CMMC  
Linda A. McNeill, Assistant Town Clerk  
Janice M. Archer, Senior Clerk*

*Daniel C. McCormack, CA  
Records Manager/Archivist  
Julie M. Michutka, Department Assistant*

Further Back on Article #2

This is a house keeping matter to accept MGL Chapter 41 Section 110A Section 110A. Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday.

This will allow the town to officially move deadline dates to the Friday if it happens to fall on a Saturday. It handles Saturdays like we current handle Sundays and Holidays. This has been the practice of the town in regards to Town elections and you are being asked to formally accept it with this vote.



## ARTICLE #3 – Amend Zoning Bylaw and Zoning Map Backup

### Zoning Map and Overlay Maps

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*Prepared by: The Planning Department*

The Planning Department has been working to digitize the zoning maps for a few years to both update the maps to current zoning and bring the maps into the digital world. Last approved by Town Meeting in 1979 and revised in 2001 with the adoption of wireless overlay districts, the Town's Zoning and Overlay Maps have never been digitized. Digitization is important as it allows staff to ensure accuracy and legibility and will allow the maps to be more easily accessed (understood) by the public. Digitization will allow Town Officials to maintain map accuracy in a much more efficient manner. Doing so will also bring the town into compliance with Massachusetts General Law, which requires all municipalities to have up to date zoning maps.

The updated maps can be found on the Planning Department Website:  
[http://www.burlington.org/community\\_development/planning.php](http://www.burlington.org/community_development/planning.php)

**ARTICLE 4 - Backup Material**  
**RE: Temporary Moratorium on Marijuana Retail Sale**  
**5 pages**

**Zoning Bylaw Amendments to Article X, to add a New Section 10.7:  
“Temporary Moratorium on Marijuana Retail Sale (which includes  
dispensing, processing, and cultivation activities, and other related  
activities to the sale, storage and distribution of marijuana).**

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*Prepared by: The Planning Department*

Since the passage of the **Massachusetts Marijuana Legalization Initiative**, also known as **Question 4** in November the Town has received many inquiries on the topic. In discussions with Town Counsel and the Planning Board we chose at this time to move forward with a moratorium so as to allow the Town sufficient time to engage in a planning process to address the effects of recreational marijuana and evaluate regulation of marijuana and other uses related to marijuana and address the potential impact of the state regulations on local zoning and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

**Brief Summary of Article**

- Creates a new Section 10.7: “Temporary Moratorium on Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana)
  
- Clarifies that "Currently under the Zoning Bylaw, a Marijuana Retail Sale is not a permitted use in the Town"
  
- The moratorium on use of land or structures for Marijuana Retail Sale shall be in effect from the date of passage at Town Meeting through September 30, 2018 or 6 months after the effective date of the Cannabis Control Commission regulations (*Expected January 1, 2018*), whichever is greater. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the regulations of the Cannabis Control Commission regarding recreational Marijuana and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana”.

**ARTICLE 4 - Backup Material**  
**RE: Temporary Moratorium on Marijuana Retail Sale**  
**5 pages**

**Brief Summary of the Massachusetts Marijuana Legalization Initiative**

A majority of the voters in Massachusetts, 53.6 percent voted in favor of the Massachusetts Marijuana Legalization Initiative, also known as Question 4 was on November 8, 2016. Of Burlington voters, only 45 percent voted in favor of the initiative (7,662-NO, 6,303-Yes).

The Regulation and Taxation of Marijuana Act took effect on December 15, 2016.

**Growing and possession**

The law legalized the following for recreational marijuana cultivation and possession:

- Use and possession of up to one ounce of marijuana in public by people 21 years and older.
- Use and possession of up to 10 ounces of marijuana in the home by people 21 years and older.
- A person 21 years of age or older giving up to one ounce of marijuana to another person 21 years of age or older for free and without public advertisement.
- A person 21 years of age or older growing up to 6 marijuana plants at home per person, and up to 12 marijuana plants per household.
- Landlords prohibiting tenants from being allowed to grow marijuana.

**Taxes**

The law implemented the following taxes for recreational marijuana:

- 3.75 percent of the total sales tax state excise tax on the sale of marijuana products done by retailers other than marijuana establishments.
- A local sales tax option for sale of marijuana done by a retailer operating within the locality. The tax could be no more than 2 percent of the total sales price received by the retailer.

Revenue generated by these taxes would be deposited in the Marijuana Regulation Fund.<sup>[2]</sup>

**Local control**

**ARTICLE 4 - Backup Material**  
**RE: Temporary Moratorium on Marijuana Retail Sale**  
**5 pages**

The law allowed localities to submit initiative measures questioning the sale of marijuana on certain premises and adopt the following types of ordinances or by-laws:

- Ordinances governing the time, place, and manner of a marijuana establishment
- Ordinances limiting the number of marijuana establishments in a city or town. Certain ordinances in this category would require a vote by citizens of the city or town in order to be adopted.
- Ordinances restricting the licensed cultivation, processing, and manufacturing of marijuana that could be considered a "public nuisance"
- Ordinances addressing standards for public signs related to marijuana establishments
- Ordinances detailing consequences for violating marijuana related ordinances

**What the law made illegal**

The following actions were made illegal by the law:

- Growing marijuana in a place that is visible from a public area.
- Operating a vehicle while under the influence of marijuana.
- Selling or giving marijuana to people under 21 years of age.
- Manufacturing marijuana without the proper licensing and/or under improper conditions.
- Preventing people or government agencies from regulating marijuana consumption, manufacturing, and possession.
- Selling marijuana on public school grounds and/or on the grounds of a correctional facility.
- Barring any person from needed medical treatment or procedure due to use of marijuana.

**What the law did not change**

The following areas were not changed by the law:

- Employers were not required to permit or accommodate marijuana use in the workplace.
- The medical marijuana program in Massachusetts was unaffected.

**ARTICLE 4 - Backup Material**  
**RE: Temporary Moratorium on Marijuana Retail Sale**  
**5 pages**

- Marijuana was not exempted from following laws relating to adulteration and misbranding of food and drugs.

### **Timeline**

Though the Regulation and Taxation of Marijuana Act became effective on December 15, 2016, certain elements of the law will be implemented at a later date. For instance, the law required any seller of recreational marijuana to be a licensed retailer, but the Cannabis Control Commission will not begin accepting licensing applications until October 2017. Consequently, it will not be possible for recreational marijuana to be sold legally for at least a year.

**December 15, 2016:** The Regulation and Taxation of Marijuana Act took effect.

**February 1, 2017:** The Massachusetts Governor will make appointments for the cannabis advisory board

**March 1, 2017:** The state treasurer will make appointments for the cannabis control commission

**September 15, 2017:** The Cannabis Control Commission will adopt procedures for enforcing laws pertaining to licensing and regulating marijuana establishments.

**October 1, 2017:** The commission will begin accepting applications for marijuana testing facility licenses and for experienced marijuana establishment operator licenses. Marijuana establishment operators would apply for one marijuana cultivator license, one marijuana product manufacturer license, and one marijuana retailer license.

**January 1, 2018:** Establishments will be allowed to begin offering recreational marijuana. If fewer than 75 registrations for operating medical marijuana treatment centers are issued on October 1, 2017, the commission will accept applications from all applicants for marijuana retailer, marijuana product manufacturer, and marijuana cultivator licenses. No more than 75 licenses will be issued for each license type. If any applicants are not issued a license even though they meet the requirements, the commission would first issue licenses to qualified applicants who sent in registration



**ARTICLE 4 - Backup Material**  
**RE: Temporary Moratorium on Marijuana Retail Sale**  
**5 pages**

applications for operating medical marijuana treatment centers to the department of public health by October 1, 2015. Then the commission would issue licenses by lottery.

**October 1, 2018:** The ultimate deadline for the commission to accept applications from all applicants for marijuana retailer licenses or for marijuana product manufacturer licenses.

**October 1, 2019:** The commission will begin accepting applications from all applicants for marijuana cultivator licenses.

Here is a link to the full text of the ballot:

**<http://www.mass.gov/ago/docs/government/2015-petiti>**

**ARTICLE 5 - Backup Material**  
**RE: Rezone Landlocked Forest Parcels**

**The Landlocked Forest is a Valuable Asset**

The Landlocked Forest is a valuable asset to the town and Open Space zoning will protect it from industrial and commercial development. Note that Open Space zoning leaves open the possibility of building recreational or other town facilities in the forest at a later date. **Three reasons to preserve the forest:**

**FIRST**, there is legal pedestrian access to the Burlington Landlocked Forest right now. The Turning Mill Road Conservation Area in Lexington borders on the forest and from that facility's parking lot, anyone can walk unimpeded into the forest's trail network.

In addition, the Town of Lexington has purchased the Wright Farm, which is on the northern edge of the forest. There will eventually be a parking area there, open to any resident of the Commonwealth, from which you can walk into the forest. The Wright Farm is 4.6 miles from Town Hall and it takes 10 minutes to drive there.

In the last few years, dozens of Burlington residents have gone on guided walks led by members of the Friends of the Burlington Landlocked Forest. Many were visiting the forest for the first time, delighted to have a peaceful walk and enjoy its trees, animals, plants, birds, and greenery.

**SECOND**, there are many ways that a large, diverse forest benefits us all:

The Forest offers a variety of habitats for different species of birds, animals, and insects along with providing a greenway corridor for animals whose range goes from the marshlands in Belmont to the Shawsheen River valley in Billerica. In addition, forests reduce air pollution – studies show that 20 trees can offset the pollution from a car driven 60 miles a day. Given all the pollution generated by traffic from Routes 3 and 128, the Landlocked Forest is absorbing a big chunk of those poisonous gases which threaten the health of our children and our senior citizens.

Forests also prevent soil erosion and absorb rainwater. When Burlington Town Meeting voted in 1986, by a large majority, to purchase the Landlocked Forest, they were very aware of the vital role the forest plays in purifying rain water that runs off into the town's water supply. Most of the landlocked forest is in our Zone 3 Water Protection District which drains into the aquifer where the Town has valuable wells.

**THIRD**, currently the forest, with an industrial zoning label, has a big target on its back. With this uncertain status, town departments are reluctant to embrace the property and invest time and resources into promoting usage. By re-zoning the forest as Open Space – clearly recognizing it as a recreational, water protection, and pollution absorbing asset – we can concentrate our community energies on enhancing its value by making it more useful for Burlington residents.

**ARTICLE 5 - Backup Material**  
**RE: Rezone Landlocked Forest Parcels**

**Information Sheet**

**Open Space Zoning for the Burlington Landlocked Forest**

**What is Open Space Zoning?**

In the Town of Burlington Zoning By-laws land that has been zoned Open Space can only be used in a limited number of ways. Most residential and commercial buildings and activities are not allowed. In the zoning by-laws, ARTICLE IV. Use Regulations, Section 4; the following permitted uses are listed:

- Non-commercial outdoor recreation including nature study and walkways
- Public water distribution structures
- Temporary tents for not more than four days
- Churches and other religious buildings
- Non-profit educational uses like libraries, museums, schools, and child care facilities
- Bomb shelters
- Cemeteries by special permit
- Public parks, tennis courts, and related facilities
- Agricultural and horticultural usage and non-commercial greenhouses
- Windmills and towers of 12 feet or less
- Fences and signs

The designation OS Open Space district was added to the zoning by-laws at a town meeting held sometime between February 2005 and October 2006

**ARTICLE 5 - Backup Material**  
**RE: Rezone Landlocked Forest Parcels**

**Re: Rezoning Proosal - Landlocked Parcel**

1 message  
**Stephen Hildreth**

Dec 19,  
2016)

Attached please find the updated comment for the rezoning of the Landlocked Parcel/Forest on behalf of the DPW/Engineering Division. This comment supersedes any previous comment(s) made/issued by the DPW/Engineering Division and should serve as the formal comment.

**"In reference to the rezoning petition for the Landlocked Parcel the DPW/Engineering Division recommends that the Town retains all rights under zoning for the construction of any potential future water treatment facilities, distribution systems or distributions points, now and forevermore going forth, as originally stated in the original taking of the land, under the special Town Meeting of September 23, 1985, warrant article 19."**

Regards,

Stephen

# Burlington Landlocked Forest

Map courtesy of the Friends of the Landlocked Forest.  
 For more information and to help preserve the forest, visit:  
[www.landlockedforest.com](http://www.landlockedforest.com)  
[landlockedforest@aol.com](mailto:landlockedforest@aol.com)



Friends of the Burlington Landlocked Forest

**Legend**

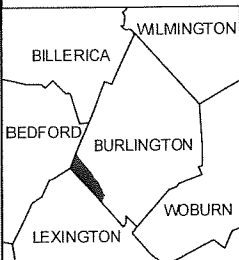
- Point of Interest
- 23 Trail Junction
- Information Kiosk
- P Parking
- + Potential Vernal Pool
- \* Certified Vernal Pool
- Wetland
- Stream
- 10 ft elevation
- 50 ft elevation
- Stone Wall
- Forest Boundary
- Town line

**Trails**

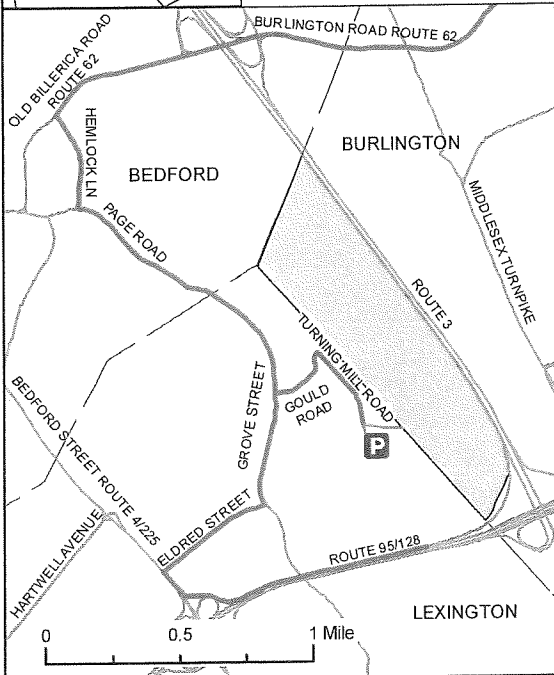
- Entrance
- Landlocked Forest Loop
- Bannon Hill Loop
- Aquifer Loop
- Old Kendall Rd Loop
- Unmarked
- Exits public land

Not all trails are shown

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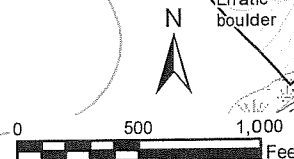
## Getting There



**GPS and online maps:** Across from 42 Turning Mill Rd, Lexington.

**By Car:** Take Bedford St/Rte 62 west. After driving under Rte 3, take the 2nd left onto Hemlock Ln. At the end of Hemlock Ln, turn left onto Page Rd, which becomes Grove St. After 1.1 miles, turn left onto Gould Rd and take the 2nd right onto Turning Mill Rd. The entrance is on the left under the power lines or along Turning Mill Rd.

**By public transportation:** From the Burlington Mall take Lexpress Bus #5 to Lexington Center/Depot Square. This becomes Lexpress Bus #6. Take this to corner of Turning Mill Rd and Mountain Rd. Entrance to the Landlocked Forest is across the street under the power lines.





ARTICLE 8 - Backup Material  
RE: Transfer from Free Cash to Reserve Fund

TOWN OF BURLINGTON  
*Accounting*

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Paul F. Sagarino Jr

Town Accountant

To: Town Meeting Members  
From: Paul F. Sagarino Jr. / Town Accountant  
Date: December 7, 2016  
Re: Backup – Article

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**As we begin our Annual January Town Meeting, the Town currently has approximately \$11.2M in Free Cash and \$7.5M in the Stabilization Fund.**

**Article – Transfer to Reserve Fund** In October, the Town received notice from the Department of Revenue that our “Free Cash” had been certified at \$11,250,328. We would like to request that Town Meeting consider a transfer of \$100,000 of certified Free Cash to supplement the Town’s Reserve Fund Budget. We have supplemented the Reserve Fund at the January Town Meeting for many years. The Reserve Fund allows the Town the flexibility to address unforeseen budget emergencies with the approval of the Ways and Means Committee. We respectfully request your support of this article.



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**ARTICLE 10 - Backup Material**  
**RE: School Bus Transportation**

**Backup:**

This article will allow the Burlington School committee to extend the existing contract for a period of two years. The contract in place was signed in August of 2014 and finishes in June of 2017 without the extension. The existing contract and bid specifications allows for a two year extension of the existing contract provided that both parties desire to extend the contract and the extension is approved by the Town Meeting. There is no financial impact on the extension as both parties agree to hold firm pricing in existence in the third year of the contract.

Burlington School Department  
Transportation Specifications  
Page 12

- 7.4 Bids under these specifications shall be made for contract as a whole and Specified Services as referred to on the Bid Matrix Sheet. Determination of "apparent low bidder" for purpose of public announcement after the Bid Opening shall be by a comparison of figures provided by the bidders in the Bid Matrix for the following categories: Regular Day, Kindergarten, Late Buses, Mini Buses, Wheelchair Bus, Athletic Trips, and Music Trips. Notification of intent to renew the contract must be given by the Burlington School Committee not less than four (4) months prior to termination date of three (3) year contract.
- 7.5 Contracts will be awarded by the Town of Burlington for a period of three (3) years beginning at the start of the school year in September 2014 and terminating at the end of the 2017 school year. A two-year extension may be granted subject to the recommendation of the School Administration and approval of Town Meeting. Proposals must be submitted on the forms provided. It will further provide that the contract will be binding on heirs, successors, or assigns in the event of a change in management, through sales or by other means. **This contract shall not be sublet, assigned or transferred without the expressed written approval of the Burlington School Committee and the Burlington School Administration.**

**ARTICLE 11 - Backup Material**  
**RE: Home Rule Petition – Representative Town Meeting**

**Why are we changing this section?** We were approached by Town Meeting Members (TMM) who had to resign unelected, appointed positions because of their Town Meeting membership. Currently they are restricted by this section which tries to avoid conflicts by restricting TMM appointments and encouraging more people to be involved in town government.

The proposed amendment tries to find a middle ground. Town Meeting Members would still be restricted from other elected office. It does allow the town to take advantage of residents' unique knowledge, skills and abilities. The restriction of one additional committee appointment balances that against involving as many people as possible in town government.

**Background:**

**Why all the strange wording of this warrant to change a Bylaw?** Burlington's representative Town Meeting was created by the Massachusetts Legislature by Special Acts of 1970 Chapter 686. Though that act is reflected in our Bylaws to effect a change the state must revise the Special Act.

**What is the impact of the proposed change?** Currently Town Meeting Members are restricted in the positions they may hold in addition to their Town Meeting seat. While a Town Meeting Member they are allowed to participate in:

- Any of the Town Meeting committees appointed by the Moderator (e.g. Ways & Means, Capital Budget, etc.). The Moderator appoints all committees that are bodies representing Town Meeting.
- Temporary Committees appointed by various town boards (e.g. A building committee)
- Officers of elections (poll workers, governed by MGL governing poll workers)
- Political Town Committee – not really a committee of Town Government, but included for clarity

With this change a Town Meeting Member may also be appointed to one other standing committee. (Currently all are appointed by the Town Administrator.) The single appointment restriction balances board citizen participation and leveraging TMM skills and abilities.

**But Town Meeting Members are on committees now:** For a Town Meeting Member to be appointed to an unelected standing committee, the Bylaws authorizing that committee specifically specifies membership of Town Meeting Members. Several standing committees are assumed to have TMM representation (including Bylaw Review).

**Why was there a restriction?** The prior restriction of TMM appointment appears to prevent TMM from having inherent conflicts of interest. Today when there are more committees and people are less willing to volunteer for town government due to demands on their time, this is artificially restricting. Wouldn't it make sense to allow a TMM who is a gardener to be part of the Beautification Committee, or one who is a history teacher to be a member of the Historical Commission? More practically, a Town Meeting Member with professional expertise in social services should make a good candidate for committees like Human Services and the Youth & Family Services Advisory Committees. Under the current Bylaw TMM are restricted from holding any such position.



**ARTICLE 11 - Backup Material**  
**RE: Home Rule Petition – Representative Town Meeting**

**Does this mean a TMM could be elected to Selectman, School Committee, Planning Board, etc.?** They may run, but if elected, when sworn into their new position they automatically resign their current position. In 2007, the town expressed its desire to encourage participation by different people to elected office in town government to restrict an individual to a single elected position. This was passed as a town referendum and then into state law as a Special Act of the Legislature. This change does not affect that law.

**Won't this create conflicts of interests?** Members of standing committees must comply with Massachusetts General Law Chapter 268A which governs conflicts of interest. In those narrow instances where an appointment might create a conflict of interest the TMM would be expected to disclose that conflict and may consider recusing themselves from voting on any conflicting interest before Town Meeting as specified in Article II Section 6 (proposed revision).

**What committees are affected?** The following is a list of all the standing committees of Town Government, other than those appointed by the Moderator (currently appointed by the Town Administrator):

- Beautification Committee
- Board of Appeals
- Conservation Commission
- Council on Aging
- Cultural Council
- Disabilities Access Commission
- Facilities Committee
- Historical Commission
- Youth & Family Services Advisory

Note the Board of Registrars are also appointed by the Selectmen. The process for appointing Registrars is governed by Massachusetts General Law. Registrars are also restricted from holding elected or appointed positions under MGL Chapter 51 § 25.

**Does this affect anyone's current appointments?** The new Bylaw is less restrictive than the current so it should have no impact on current appointments.

**ARTICLE 11 - Backup Material**  
**RE: Home Rule Petition – Representative Town Meeting**

**Bylaw Changes:**

The paragraph 7 of Article II, Section 2.0 would be replaced in its entirety.

**Current Bylaw Text:**

No Town Meeting Member shall hold any other Town office, elective or appointive, except the following: membership on advisory committees appointed for a special temporary purpose by the Selectmen, School Committee, or any other Town Board; members of Town committees of political parties; officers of elections, or Town employees. For purposes of this section only, "Town Office" shall not be construed to include Police Officers, Special Police Officers or the Animal Control Officer.

**Final Bylaw if Approved:**

Article II (Representative Town Meeting) Section 2.0 paragraph 7:

A Town Meeting Member is not eligible to hold any other elected position in town government as set forth by Massachusetts Special Acts of 2007 Chapter 216. A Town Meeting Member may be employed by the Town. A Town Meeting Member may serve as any or all of the following:

- Member of any committee(s) appointed by the Moderator;
- Member of any advisory committee(s) appointed for a special temporary purpose by the Selectmen, School Committee, or any other Town Board;
- Officer of elections; and
- Member of a political party's town committee.

In addition to the above, only one other appointed position may be held by a Town Meeting Member.

The remainder of the section has no other changes.

**ARTICLE 12 - Backup Material**  
**RE: Amendment to Town General Bylaws - Ethics**

**Why are we updating this section now?**

Allowing Town Meeting Members to hold other appointed positions may open them up to situations where an article under deliberation affects the group they are appointed to represent. If they choose to speak on the article they are representing two different constituencies both their Town Meeting precinct and their appointment. It seems prudent that they should disclose that situation so other Town Meeting Members can evaluate their comments in that light.

While were updating this section we also made the definition of immediate family consistent with that in the Massachusetts Conflict of Interest Law (MGL Ch 268A)

**Background:**

**Why does this apply only to Town Meeting Members?** Town officials (including employees) are prohibited from participating in situations where they may have conflicting loyalties under the Massachusetts Conflict of Interest Law (MGL Chapter 268A). Town Meeting Representatives are exempt from that law when operating in their elected capacity (they still may be under its requirements due to other appointments / positions they hold). This exemption allows them to still represent their constituents, though they may personally have a conflict.

**What's the purpose of this section?** This section of the Bylaws ensures transparency of Town Meeting's actions and alerts Town Meeting Members of their responsibilities. By notifying the body of Town Meeting when a TMM faces a situation where they or a member of their family may have a real or perceived interest in the article under consideration it allows all members, as well as the general public, the opportunity to evaluate what the representative is saying in light of that interest. This part of the proposed bylaw is mandatory, stating that the representative "is required to disclose" their interest.

These interests may be financial in nature, or as a result of their employment relationship to the town, or as a result of a position they've been appointed to. For example Town Meeting Members may find themselves in situations like:

- Their child is involved in the sale of land to the town
- A retired town employee voting on retiree benefits
- A TMM who is also employed by the town considering a warrant to funding the latest negotiated contract covering their department
- A member who has been appointed to another committee, for example the Historical Commission, faced with an article to renovate the museum under their jurisdiction.

**ARTICLE 12 - Backup Material**  
**RE: Amendment to Town General Bylaws - Ethics**

**Why add employees?** This bylaw has always addressed direct financial conflicts with the Town Meeting Representative or their family. Town Meeting Members who are also employees face by definition face actions speaking and voting on articles that could have a financial conflict. Nothing is different, but we just wanted to make it clear to the casual reader and new Town Meeting members that in those situations they should disclose that interest.

**Do I have to reveal the details of my financial conflict?** No, disclosure can be as simple as, before speaking on a warrant to renovate a school, after identifying yourself & precinct stating, "My wife is a Burlington School Teacher"

**Why not make abstention mandatory?** You cannot make abstention mandatory because that would be disenfranchising the citizens that the member represents.

**What's the difference between the terms Town Meeting Member and Representative?** None, they are used interchangeably in our Bylaws. We have standardized on Member to be consistent with the state law enabling Burlington's representative town meeting. As we revise sections we are standardizing our terminology as we have done here.

**ARTICLE 12 - Backup Material**  
**RE: Amendment to Town General Bylaws - Ethics**

**Bylaw Changes:**

The text of the current bylaw is as follows.

6.0 Ethics

Any Town official, including a Town Meeting Representative, shall disclose his or her financial interest, or that of any person related to the official, prior to speaking on any warrant article or budget item. For the purposes of this section, a town official is “related to” another person if that person is his or her spouse, parent, child, brother, sister or in-law. Provided, however, that any Town Meeting Representative who has a financial interest as set forth in this section shall consider a voluntary abstention from voting on the warrant article or budget item in question. Notification of such abstention shall, if possible, be given to the Moderator in writing before the session in which the article is considered, but at least before debate on the article.

**Final Bylaw if Approved:**

6.0 Ethics

A Town Meeting Member is required to, prior to addressing Town Meeting , disclose his or her financial interest or the financial interest of an immediate family member, in connection with any warrant article or budget item that is before Town Meeting for consideration. For the purposes of this section, an immediate family member shall include the Town Meeting Member and his or her spouse, and their parents, children, brothers and sisters. A financial interest is defined as any money, thing of value, or economic benefit conferred on or received by the Town Meeting Member or their immediate family.

In addition, a Town Meeting Member is required to, prior to addressing Town Meeting, disclose whether the Town Meeting Member or members of his or her immediate family are employed by the Town in a position that may be affected by the motion before Town Meeting, or whether they serve on any board or committee of the Town, including ad hoc committees, that have duties or responsibilities over the subject matter before Town Meeting.

Provided, however, that any Town Meeting Member who has a financial interest as set forth in this section shall consider a voluntary abstention from voting on the warrant article or budget item in question. Notification of such abstention shall, if possible, be given to the Moderator in writing before the session in which the article is considered, but at least before debate on the article;