

WARRANT

Burlington Town Meeting



May 8, 2017
7:30 P.M.

Burlington High School
Fogelberg Auditorium
123 Cambridge Street
Burlington, MA

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Burlington Town Meeting
Monday
May 8, 2017

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WARRANT

BURLINGTON TOWN MEETING

MONDAY, May 8, 2017

In accordance with the provisions of Chapter 686 of the Acts of 1970 of the Commonwealth of Massachusetts, you are hereby notified that the Town Meeting Representatives of the Town of Burlington will meet in general assembly at the Burlington High School, Fogelberg Auditorium, 123 Cambridge Street, in said Town, the 8th of May at seven-thirty o'clock two thousand and seventeen in the evening then and there to act on the following articles of the warrant:

ARTICLE 1

RE: Reports of Town Officers & Committees

To hear and act on the reports of the Town Officers and Committees; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
the Rules Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES

ARTICLE 2

**RE: Transfer of Funds FY2017
Various Accounts**

To see if the Town will vote to transfer from available funds a sum of money for the purpose of paying for expenses incurred in FY2017 to various accounts same to be expended under the direction of the appropriate authorities; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
the Town Accountant

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 3

RE: Fund FY2018 Operating Budget

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money, \$129,809,536, sufficient to cover the requests of the various departments for FY2018; or to act in any other manner in relation thereto.

Amount: \$129,809,536

Submitted by the Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 4

RE: Transfer From Free Cash to Stabilization Fund

To see if the Town will vote a sum of money from Free Cash to place in the Town's Stabilization Account, or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER

ARTICLE 5

Re: Transfer from Free Cash to OPEB Trust Fund

To see if the Town will vote a sum of money from Free Cash to place in the Town's OPEB (Other Post Employment Benefits) Trust Fund; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - (continued)

ARTICLE 6

RE: Fund Revolving Accounts

To see if the Town will vote to authorize revolving funds for certain Town departments under Massachusetts General Laws Chapter 44, Section 53E1/2 for the Fiscal Year beginning July 1, 2017; or to act in any other manner in relation thereto.

Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Expenditure Limit
Cross Connection-Backflow prevention	Public Works	Fees charged for testing devices that prevent mixing of potable and non-potable water	Contract services to DEP authorized vendors who perform the testing, surveys, part-time salaries, purchase of equipment for testing, and any other expenses necessary for the administration of this program	No restrictions or conditions	Any balance in excess of \$100,000 will be transferred to the general fund at fiscal year end; all balances up to \$100,000 will carry forward and be available for appropriation in subsequent fiscal years	\$80,000
B-line Local Mini Bus	Public Works	Bus user fees	Salaries, expenses, contractual services and any other expenses necessary to operate the in-town B-Line bus service	No restrictions or conditions	Fiscal year end balance carries forward and is available for appropriation in subsequent years	\$50,000
Grand View Farm	Board of Selectmen	Rental fees received for use of Grand View Farm/ Marion Tavern Facility	Expenses related to the operations of the Grand View Farm/ Marion Tavern Facility and grounds including but not limited to maintenance and repairs, utilities, furniture & fixtures, custodial overtime, capital improvements, and any other expenses related thereto	No restrictions or conditions	Fiscal year end balance carries forward and is available for appropriation in subsequent years	\$90,000
Nursing Programs & Services	Board of Health	Fees charged for screenings & Medicare/insurance reimbursements received	Expenses related to medical equipment and supplies, immunizations, health fairs, educational materials, emergency preparedness drills, and any other expenses related to the administration of public health nursing programs	No restrictions or conditions	Beginning on 6/30/18, any balance in excess of \$45,000 will be transferred to the general fund at fiscal year end; all balances up to \$45,000 will carryforward and be available for appropriation in subsequent fiscal years	\$20,000
Plan Imaging & Property File Documents	Building Department	2% of Building Department Fees (Not to exceed \$20,000 annually)	Archival imaging of building permit drawings and specifications, and property file documents, and any other costs related to the administration of this program	No restrictions or conditions	Fiscal year end balance carries forward and is available for appropriation in subsequent years	\$25,000

Sale of Recyclable Materials, Trash Bags and Toters	Board of Selectmen	Receipts from the Sale of All Recyclable Material, Trash Bags and rental of second Toters	Expenses to offset the cost of curbside trash & recycling collection, disposal of solid waste, replacement totes, and any other costs associated with the administration of the trash and recycling program	No restrictions or conditions	Fiscal year end balance carries forward and is available for appropriation in subsequent years	\$75,000
Sealer of Weights & Measures	Board of Selectmen	Fees charged for Testing of Weights & Measures devices	Part time salaries, contracted services, and any other costs associated with the administration of the Weights & Measures Testing Program	No restrictions or conditions	Any balance in excess of \$20,000 will be transferred to the general fund at fiscal year end; all balances up to \$20,000 will carry forward and be available for appropriation in subsequent fiscal years	\$20,000
Ice Palace Improvement & Maintenance	Board of Selectmen	Any revenue received in conjunction with the lease of the Ice Palace Facility	Any repairs, maintenance, capital improvements, or other expenses associated with the Ice Palace Facility and grounds, including Debt Service related thereto	No restrictions or conditions	Fiscal year end balance carries forward and is available for appropriation in subsequent years	\$175,000
Meadowbrook School Maintenance and Improvements	Board of Selectmen	Any revenue received in conjunction with the lease of Meadowbrook School	Any repairs, maintenance, capital improvements, or other expenses associated with the Meadowbrook School Facility and grounds including Debt Service related thereto	No restrictions or conditions	Fiscal year end balance carries forward and is available for appropriation in subsequent years	\$110,000

Submitted by the Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - (continued)

ARTICLE 7

RE: Fund FY2018 Capital Budget

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,738,085 or any other amount for the items contained within the following proposed FY2018 Capital Budget, same to be expended under the appropriate authorities as indicated:

PROJECT NUMBER	DEPT.	PROJECT NAME DESCRIPTION	SPENDING AUTHORITY	REQUEST AMOUNT
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FROM FREE CASH (7-1) - (7-17):

7-1	CONSERVATION	Open Space and Recreation Plan	ConCom	\$20,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-2	DPW-	Traffic light Repair - Bedford St./MTP Ext.	Selectmen	\$300,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-3	DPW	Stream Cleaning/Drainage Repair	Selectmen	\$200,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-4	DPW	Vehicles Replacement	Selectmen	\$510,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-5	DPW	Fire Headquarters-HVAC (Boiler/Controls)	Selectmen	\$20,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-6	POLICE	Firearms Range Improvements	Selectmen	\$118,534
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-7	POLICE	TASERS	Selectmen	\$59,551
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-8	RECREATION	Roof Replacement-Carpenter Shed	Recreation Comm	\$50,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-9	RECREATION	Bucket Truck	Recreation Comm	\$75,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-10	RECREATION	Tractor-Ventrac 4500	Recreation Comm	\$34,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-11	SCHOOL	Water Filtration & Fountain Replacement System-wide-School		\$115,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()

7-12	SCHOOL	Pine Glen Floor Tile Replacement	School Comm	\$165,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-13	SCHOOL	Memorial School Bio-Retention Reconstruction	School Co	\$48,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-14	SCHOOL	Francis Wyman Exterior Lighting	School Comm	\$80,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-15	SCHOOL	BHS Pump Replacement	School Comm	\$55,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-16	SCHOOL	BHS Field Lighting Replacement	School Comm	\$400,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-17	SCHOOL	BHS Field House Improvements	School Comm	\$138,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()

PROJECT NUMBER	DEPT.	PROJECT NAME DESCRIPTION	SPENDING AUTHORITY	REQUEST AMOUNT
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FROM SEWER ENTERPRISE (7-18) - (7-19):

7-18	DPW	Sewer Pump Station Maintenance	Selectmen	\$50,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-19	DPW	I/I Mitigation - Structural Improvements	Selectmen	\$300,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()

or to act in any other manner in relation thereto.

Amount: \$2,738,085

Submitted by the Board of Selectmen at the request of the Town Administrator

ARTICLE 8

**RE: Sewer Services Enterprise Fund
MWRA Assessment**

To see if the Town will vote to transfer the sum of \$5,349,835 to operate the FY2018 Sewer Services Enterprise of which \$5,349,835 will come from the FY2018 Sewer Services Enterprise Estimated Revenue Account; or to act in any other manner in relation thereto.

Amount: \$5,349,835

Submitted by the Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - (continued)

ARTICLE 9

RE: MWRA I/I Debt Service

To see if the Town will vote to transfer from the Sewer Inflow/Infiltration fund the sum of \$117,915 for the purpose of paying the FY2018 debt service on the Town's three existing 0% MWRA I/I loans; or to act in any other manner in relation thereto.:

Amount: \$117,915

Submitted by the Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 10

RE: Chapter 90

To see if the Town will vote to accept any and all grants relative to the Chapter 90 allocation from the Commonwealth of Massachusetts for the purpose of funding roadway improvements, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 11

RE: Fund FY2017 Snow and Ice

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum for the purpose of funding the FY2017 snow & ice deficit, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - (continued)

ARTICLE 12

RE: Application of Bond Premium

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 13

RE: Bond Authorization-Water Main - Upgrade/Replacement

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$1,000,000 for the purpose of funding water main replacement and upgrade, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

Amount: \$1,000,000

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 14

RE: Sidewalk Restoration/Upgrade

To see if the Town will vote to transfer the sum of \$1,000,000 from Free Cash to repair, repave or reconstruct existing sidewalks, to include Bedford Street in conjunction with the road repaving project to be the spent under the direction of the Town Administrator, or to do or act in any other manner in relation thereto.

Amount: \$1,000,000

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - (continued)

ARTICLE 15

RE: Bedford Street Sidewalk Upgrade Completion

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$325,000, or any other sum, for the purpose of funding the completion of the Bedford Street sidewalk (concrete with vertical granite curbing), from Terrace Hall Avenue to Francis Wyman Road, or to act in any other manner in relation thereto.

Amount: \$325,000

Submitted by the Board of Selectmen at the request of Shari Lynn Ellis TTM Precinct 3

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 16

RE: Francis Wyman AC Installation 2nd Floor

To see if the Town will vote to appropriate \$200,000 to be expended at the direction of the School Committee, to pay the cost of purchase / installation of air conditioning units for the second floor classrooms and corridors at Francis Wyman School, including the payment of all costs incidental and related thereto, and to determine whether such amount should be raised by taxation, transfer from available funds, by borrowing or otherwise, or to take any other action relative thereto.

Amount: \$200,000

Submitted by the Board of Selectmen at the request of the School Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 17

RE: Building Department - Salary

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$130,000 to fund wages for an additional local building inspector and to do or act in any other manner in relation thereto.

Amount: \$130,000

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - (continued)

ARTICLE 18

RE: Amend Administrative and Professional Classification Plan

To see if the Town will vote to amend the existing Administrative and Professional Classification Plan for FY2018; or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 19

RE: Fund the Administrative & Professional Compensation Plan

To see if the Town will vote to adopt the Administrative & Professional Compensation Plan for FY2018, and transfer from the FY2018 Negotiated Settlement Account \$90,566 for the purpose of funding the plan under the direction of the appropriate authorities; or to act in any other manner in relation thereto.

Amount: \$90,566

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 20

RE: Fund the Part-time Compensation Plan

To see if the Town will vote to transfer from the FY2018 Negotiated Settlement the amount a sum of money for the purpose of funding the Part-time Salary Plan (under 20 hours) for FY2018, same to be expended under the appropriate authority; or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - (continued)

ARTICLE 21

**RE: Fund Retirement Vacation
Buyback**

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money for the purpose of funding contractual retirement obligations, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of the
Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 22

RE: Will of Marshall Simonds

To see if the Town will vote to accept from the Trustees under the will of Marshall Simonds the sum of \$78,517.50 for the improvement of Simonds Park, same to be expended under the direction of the Recreation Commissioners; or to act in any other manner in relation thereto.

Amount: \$78,517.50

Submitted by Board of Selectmen at the request of the
Recreation Commission

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 23

RE: School Community Custodial Services

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$ 38,314 or some other sum, to be expended under the direction of the Burlington School Committee for the purpose of Community Custodial Fees for the events to be covered for Burlington Scout Organizations, PTO Meetings, Boosters, Citations, Youth Basketball, Youth Volleyball, Youth Baseball Association, Pop Warner, Hockey, Soccer and Skating Associations, Adopt-A-Class and other non-profit Burlington Civic Organizations; or to take any other action relative thereto.

Amount: \$38,314

Submitted by the Board of Selectmen at the request of
the School Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - (continued)

ARTICLE 24

RE: Fourth of July Parade

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000 to pay for expenses associated with the annual 4th of July parade and to do or act in any other manner in relation thereto.

Amount: \$15,000

Submitted by Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

GENERAL ARTICLES – (continued from page 1)

ARTICLE 25

**RE: Grant of Release of Easement
14 Luther Road**

To see if the Town will vote to authorize the Board of Selectmen to abandon and release a portion of an existing thirty (30) foot easement on property located at 14 Luther Road, which easement is as shown on Lot 2 on a plan dated January 15, 1970 and recorded with the Middlesex South District Registry of Deeds as Plan 514 of 1970, in Book 11839, Page 475, on such terms and conditions as the Board of Selectmen deems appropriate; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
the Petitioner

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 26

**RE: Grant of Easement
16R Briarwood Lane**

To see if the Town will vote to authorize the Board of Selectmen to grant an access easement for the benefit of property commonly known as 16R Briarwood Lane, Burlington, Massachusetts, in, on and over land of the Town described in a deed recorded with the Middlesex South District Registry of Deeds in Book 6241, Page 356 and commonly known as 61 Center Street, Burlington, Massachusetts, upon such terms and conditions as the Board of Selectmen deems appropriate, and further to authorize the Board of Selectmen to take such actions and execute such documents as are deemed necessary to implement this article, or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
the Recreation Commission

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

GENERAL BYLAW ARTICLE

ARTICLE 27

**RE: Adoption of MGL Chapter 33, Section 59
By the Town of Burlington, Massachusetts**

To see if the Town will vote to adopt MGL, Chapter 33, Section 59, Effect of Military Service on Salary, seniority and leave allowance of public employees: Section 59. (a) An employee of the commonwealth in the service of the armed forces of the commonwealth or a reserve component of the armed forces of the United States shall be entitled to receive pay without loss of ordinary remuneration as a public employee during annual training under section 60 or drills and parades under section 61, not exceeding 34 days in any state fiscal year and not exceeding 17 days in any federal fiscal year, and shall not lose any seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned overtime (additional description in backup); or to act in any other manner thereto.

Submitted by the Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 28

**RE: An Act Relative to Special Police Officers
In the Town of Burlington**

To see if the Town will vote to endorse a home rule petition exempting special police officers from maximum age restrictions applied to regular officers under chapter 32 of the General Laws, but shall not be eligible to serve as a special police officer upon reaching the age of 70; or to act in any other manner in relation thereto.

Submitted by The Board of Selectmen at the Request of the
Police Department

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ZONING BYLAW ARTICLES

ARTICLE 29

**RE: Amend Zoning Bylaws, Article XIII
Sign Regulations**

To see if the Town will vote to amend Article XIII, Sign Regulations of the Town's Zoning By-Laws by amending the language as follows (proposed text in **bold** print):

Section 13.2.0 Special Signs

In particular instances, the Board of Appeals may permit signs of larger maximum sizes than specified herein when any such sign is located at least 100 feet from the nearest residential zoning district boundary or public way, whichever is more distant, and within a Business or Industrial Zoning District, and when such a permit is in the public interest.

The Board of Appeals may also, in particular instances, permit freestanding monument directory signs for projects located within the Town Center Overlay District (whether integrated or stand-alone) constructed after January 1, 2017 whose gross floor area exceeds 40,000 gross square feet for a multi-family residential project or 40,000 gross square feet for a commercial project and where the Board of Appeals finds that such a permit is in the public interest. The design of the freestanding monument directory signs shall be compatible with the color and materials of the exterior façade of the buildings said sign is intended to serve.

Or to act in any manner in relation thereto.

Submitted by the Board of Selectmen at the request of the
Petitioner

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ZONING BYLAW ARTICLES - (continued)

ARTICLE 30

RE: Moratorium on Recreational Marijuana

To see if the Town will vote to amend the Town's Zoning Bylaw by adding 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 for non-medical use and the operation of a marijuana establishment for non-medical use)" in order to undertake a planning process to evaluate regulation of marijuana and other uses related to the regulation of marijuana and address the potential impact of the state regulations on local zoning.

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 for non-medical use and the operation of a marijuana establishment for non-medical use)":

Section 10.7.1. PURPOSE

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law that would legalize recreational marijuana. The law requires a newly appointed Cannabis Control Commission, made up of three (3) members appointed by the Massachusetts Treasurer that would be responsible for regulating and supervising marijuana businesses. The law, as amended, provides that the commission must adopt initial regulations by March 15, 2018. If the commission fails to develop regulations by July 1, 2018, the ballot question, as amended, allows existing medical marijuana treatment centers to begin selling recreational marijuana to adults without any additional regulations. The commission would develop procedures for issuing and renewing licenses. It would develop requirements for the security of marijuana businesses, for preventing marijuana sales to minors, for record keeping, health and safety standards, packaging and labeling requirements, testing requirements, marketing restrictions and enforcement mechanisms. The commission would have authority to limit the total amount of marijuana grown in Massachusetts. Cities and towns can adopt ordinances and bylaws that impose "reasonable safeguards" on the operation of marijuana shops, including limiting the number or type of marijuana establishments.

The regulation of recreational marijuana and associated sales raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of recreational marijuana sales and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana for non-medical use and the operation of a marijuana establishment for non-medical use). The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana for non-medical use and the operation of a marijuana establishment for non-medical use) so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Section 10.7.2 DEFINITIONS

The definitions contained in the AN INITIATIVE PETITION FOR A LAW RELATIVE TO THE REGULATION AND TAXATION OF MARIJUANA shall be the definitions used in the Moratorium. These definitions include but are not limited to the following:

"Marijuana" or "Marihuana", all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) Hemp; or (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Section 10.7.3 TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana for non-medical use and the operation of a marijuana establishment for non medical use). The moratorium shall be in effect through December 31, 2018 or six (6) months after the effective date of the Cannabis Control Commission regulations, whichever is later. 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 for non-medical use and the operation of a marijuana establishment for non-medical use); or to take any action relative thereto.

Submitted by the Board of Selectmen at the request of
the Planning Board

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

THE COMMONWEALTH OF MASSACHUSETTS

To either of the Constables of the Town of Burlington in the County of Middlesex Greeting.

You are hereby directed to serve this warrant by posting up attested copies thereof at the billboard at the Town Hall, in said Town, at least fourteen days before the Town Meeting of May 8, 2017 at Fogelberg Auditorium, Burlington High School, 123 Cambridge Street.

HEREOF FAIL NOT, to make due return of the warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid

Given under our hands this 10th day of April in the year of our Lord 2017.

Christopher E. Hartling
Joseph E. Morandi
Robert C. Hogan
Michael S. Runyan

SELECTMEN OF BURLINGTON, MASSACHUSETTS

A true copy attest.

_____ Constable

Dated _____

Middlesex ss

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Burlington by posting up an attested copy of the same at the billboard in the Town Hall and as within directed, at least fourteen days before Town Meeting of May 8, 2017.

s/s _____
Constable of Burlington

A copy of the warrant was mailed to each Town Meeting Member, the Town Moderator and the Town Clerk on the 21st day of April, 2017.

Attest: Amy E. Warfield, Town Clerk

Brandon H. Moss
bmoss@mhtl.com

April 7, 2017

Town Meeting Representatives
Burlington Town Hall
29 Center Street
Burlington, MA 01803

Re: May 8, 2017 Burlington Town Meeting

Dear Town Meeting Representatives:

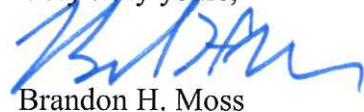
I have reviewed the warrant for the May 8, 2017 Town Meeting, which I am hereby approving as to form subject to the following comments.

A two-thirds vote will be necessary for any financial article where the funding source is a borrowing or a transfer from a Stabilization Fund. Only a simple majority vote is required for a transfer into a Stabilization Fund (Article 4).

Although Article 25 involves a release of an easement held by the Town, a simple majority vote is sufficient because this easement was not taken by eminent domain.

Because Articles 29 and 30 involve amendments to the Town's Zoning Bylaw, a two-thirds vote is required.

Very truly yours,



Brandon H. Moss

/bhm

cc: Town Administrator

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