

Burlington Government Review Committee (BGRC)

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Forms of Government in Massachusetts

Four Basic Forms of Government in Massachusetts

Town

Open Town Meeting/
Select Board

Towns: 260

Representative Town
Meeting/Select Board

Towns: 32

City

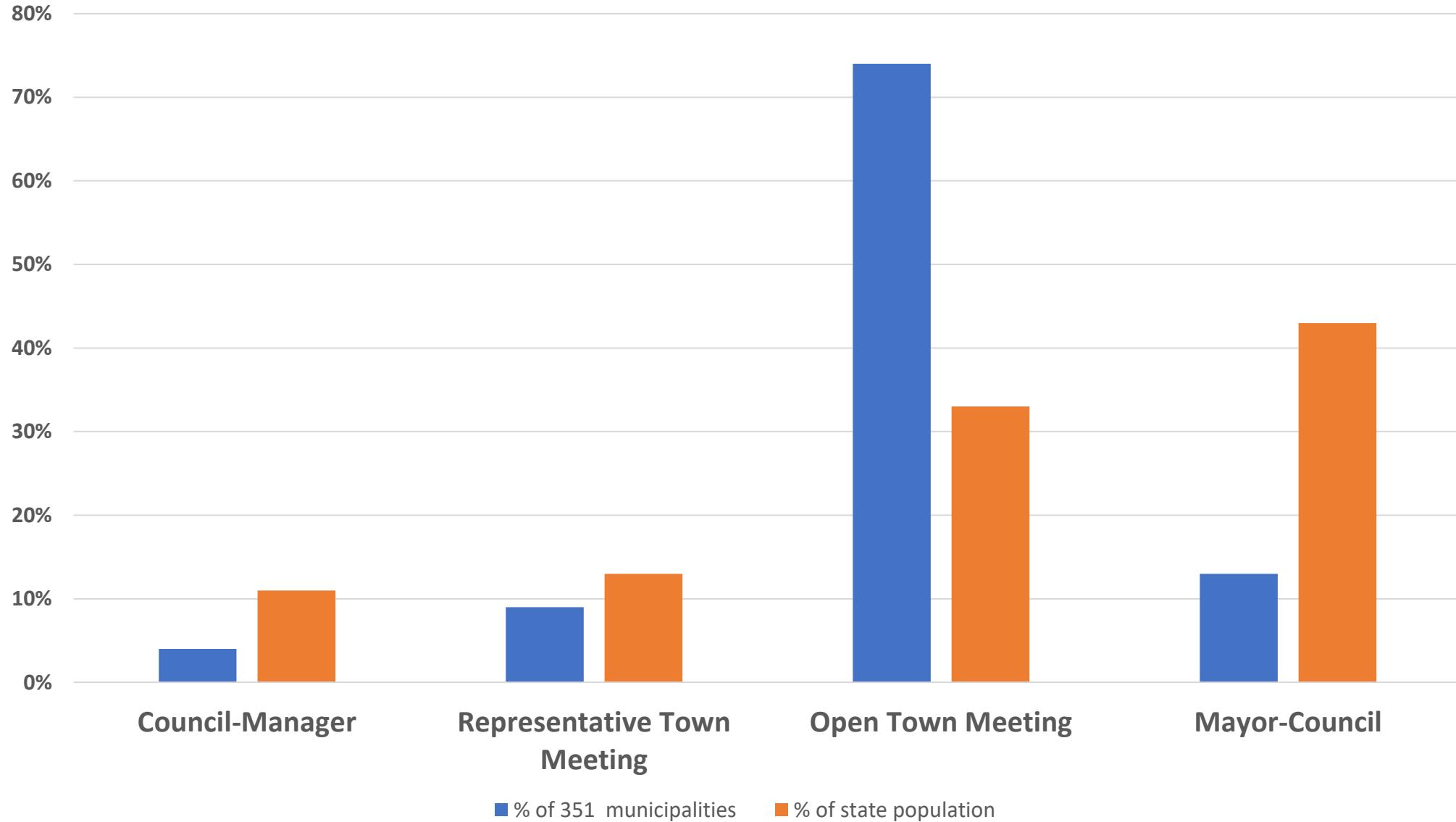
Council/Mayor
Cities: 44

Council/Manager
Cities: 15

Parameters for Forms of Government

- The difference between towns and cities largely rests on the form of its legislative branch
 - "Town" forms of government consist of a legislative branch made up of Representative (elected) or Open (all voters) Town Meeting and an elected executive branch – the Select Board
 - "City" forms of government consist of an elected legislative branch in the form of a Council and an executive branch lead by an elected Mayor or an appointed Manager
- Meetings and Municipalities with fewer than 12,000 residents may not have a City form of government
- Municipalities with fewer than 6,000 residents must have an Open Town Meeting

Breakdown by Forms of Government



Potential Areas of Confusion in Mass Forms of Government

- Cities can retain the title of towns even though they have adopted a city form of government (i.e., "the City known as the Town of")
- Some cities use the term mayor for the president of the city council
 - In this case, the mayor is not the chief executive
- Population does not necessarily determine form of government
 - There are cities as small as 12,300 (North Adams) and towns as large as 63,690 (Brookline)

General RTM/Select Board Details

- Representative Town Meeting (RTM) is the legislative body
 - Required by law to meet at least once annually, but it usually meets more frequently
 - Usually between 100 to 250 elected members (smallest is Saugus with 55 and the largest is Fairhaven with >400)
 - RTM is run by an elected moderator
 - The warrant (i.e., the agenda) is prepared by the Select Board, although there are mechanisms for residents to petition to add items.
- Finance or Advisory or Ways and Means Committee advises RTM on the budget and other matters
- The Select Board (historically called the Board of Selectmen) is the head of the executive branch of the town
 - Consists of 3 or 5 members, elected for 3-year terms
 - The Select Board usually appoints a Town Administrator or Town Manager to manage the day-to-day operations of the town under their policy direction.

Burlington Today

Details of Burlington's RTM Legislative Branch

- Burlington adopted the Representative Town Meeting form of government by vote in 1971 (Chapter 686 of the Acts of 1970). At the time, there were 108 members elected from 12 districts for 3-year terms.
- Since 2011, Burlington has elected 126 Town Meeting members from 7 precincts, for 3-year terms. (Chapter 133 of the Acts of 2011)
- Town meeting is presided over by the Town Moderator, who is elected annually. The Town Moderator only votes in the case of a tie.
- Burlington's Town Meeting is scheduled for the fourth Monday in January, second Monday in May, and fourth Monday in September.
- Additional special Town Meetings may be called if petitioned by 200 voters or upon the request of the Select Board, Town Moderator or 10 or more Town Meeting members. (General By-laws, Article II, Sec. 1.1)

Details of Burlington's RTM Legislative Branch

As the legislative body for Burlington, Town Meeting's duties include:

- Passing the town budget
- Authorizing the issuance of debt
- Approving local bylaws (zoning, public safety, wetlands, water and sewer, etc.)
- Approving expenditures for certain projects
- Approving transferring of funds

Details of Burlington's RTM Legislative Branch

The Town Moderator appoints the following boards and committees:

- Ways & Means – 15 members
- Capital Budget Committee -- 7 members
- General Bylaw Review Committee – 7 members
- Town Facilities Committee – 7 members
- Rules Committee – 13 members
- Land Use Committee – 9 members
- Human Services Advisory Committee – 7 members
- Zoning Bylaw Review Committee – 11 members

Details of Burlington's Executive Branch

- The Select Board is the chief executive body in Burlington and is responsible for administering local government
- Burlington has 5 elected Select Board members with 3-year terms
- The Select Board meets about twice per month
- The Select Board prepares the warrant for Town Meeting, calls elections, appoints certain boards and committees
- Formal responsibilities are set out through many Mass. General Laws, Special Acts, and the town's bylaws (e.g., licensing, Board of Public Works)
- The Select Board also sets policy and provides strategic planning.

Details of Burlington's Executive Branch

The Select Board appointments include the following:

- Town Administrator (Chapter 549 of the Acts of 1978)
- Town Counsel
- Town Accountant

There may be some inconsistency between the Town Administrator Special Act and the bylaws regarding the appointment of some positions.

Details of Burlington's Form of Government

- The Town Administrator (TA) is appointed by the Select Board and subject to the policy authority and direction of the Select Board.
- The Town Administrator is responsible for the daily administration of Town affairs and acts as Chief Administrative Officer.
 - Supervises and directs officers under the purview of the Select Board
 - Administers human resources
 - Prepares budget for departments under the Select Board
 - Attends Select Board meetings and Town Meetings
 - Negotiates contracts
 - Maintains and reports on the Town's financial status
 - Appoints certain officers and employees with some confirmed by Select Board
 - Other duties and responsibilities as designated by Select Board and Town Meeting

Appointed Boards and Committees

The bylaws include the following appointed boards and committees:

- Conservation
- Historical
- Town Beautification Committee
- Information Systems Security Advisory Committee
- Burlington Housing Partnership Committee

Other Elected Officials

- Town Clerk
- Assessors – 3 members
- School Committee – 5 members
- Library Trustees – 6 members
- Planning Board – 7 members
- Board of Health – 5 members
- Constables – 2
- Burlington Housing Authority – 3 elected, one tenant rep, and one governor rep
- Recreation Commission – 3 members
- Shawsheen Valley Technical School District Committee – 2 members

Special Acts and Bylaws

Foundations of Burlington Government

Where can we find the laws and bylaws that make up Burlington's government?

- ***Special Acts*** are bills passed by Town Meeting and sent to the state legislature. The Collins Center has identified 18 Special Acts passed by the state legislature setting out Burlington's local government.
- Burlington may also opt into ***Local Option Statutes*** that apply to all towns that opt in. (e.g., excise taxes, zoning, etc.)
- Burlington's Town Meeting has passed a collection of ***Local Bylaws*** that govern many of the details of local government.
<https://www.burlington.org/ArchiveCenter/ViewItem/605>

The purpose of a ***Charter*** is to pull together the basic structure of government into one clear and transparent document.

Sample Charter Table of Contents

Preamble

Article 1: Incorporation, Powers, Etc.

***Article 2: Legislative Branch**

***Article 3: Executive Branch**

Article 4: Other Elected Officials

Article 5: Financial Policies and Procedures

Article 6: Administrative Organization

Article 7: Elections

***Article 8: Resident Relief Mechanisms**

***Article 9: General Provisions**

Article 10: Transition Provisions

Legislative Branch

- **Chapter 686 of the Acts of 1970**
 - Adopted Representative Town Meeting consisting of:
 - 108 members (Includes a process to recalculate based on population)
 - Elected from 12 districts
 - 9 members from each district
 - 3-year terms
 - Continuous body adjourning for no longer than 3 months
- **Chapter 231 of the Acts of 1975**
 - Modified Acts of 1970 to:
 - Allow adjournment up to 120 days

Legislative Branch (continued)

- **Chapter 469 of the Acts of 1986**
 - Modified Acts of 1970 to:
 - Change how representatives are apportioned by population
 - Change how new districts are established
- **Chapter 160 of the Acts of 1993**
 - Modified Acts of 1970 to:
 - Changes number of town meeting members per district
 - How the number of members is calculated
 - Changes how the districts are determined
- **Chapter 70 of the Acts of 1999**
 - Modified Acts of 1970 to:
 - Allow town meeting to adjourn for 150 days

Legislative Branch (continued)

- **Chapter 92 of the Acts of 2001**
 - Modified Acts of 1970 to:
 - Allow police officers, special police officers or the animal control officer to serve as town meeting members
- **Chapter 8 of the Acts of 2002**
 - Modified Acts of 1970 to:
 - Removal of town meeting member does to district revision
- **Chapter 509 of the Acts of 2002**
 - Modified Acts of 1970 to:
 - Removal of town meeting member does to district revision
 - Changes the number of town meeting members per district

Legislative Branch (continued)

- **Chapter 133 of the Acts of 2011**
 - Modified Acts of 1970 to:
 - Changed the number of town meeting members per district
 - Special meeting procedures
- **Chapter 106 of the Acts of 2017**
 - Modified Acts of 1970 to:
 - Allowed certain town meeting members to hold certain positions in town
 - Town meeting members may not hold other elected positions

Legislative Branch (continued)

- **Chapter 192 of the Acts of 2022**
 - Modified Acts of 1970 to:
 - How incumbent for town meeting may seek reelection
- **Chapter 123 of the Acts of 2022**
 - Modified Acts of 1970 to:
 - How town meeting members are elected and how to resolves ties during elections
- **Chapter 288 of the Acts of 2024**
 - Modified Acts of 1970 to:
 - How to fill vacancies in town meeting members

Executive Branch (Select Board)

- **Chapter 65 of the Acts of 2021**
 - Modified Acts of 1970 to:
 - “Selectmen” to “Select Board”

Executive Branch (Town Administrator)

- **Chapter 549 of the Acts of 1978**
 - Adopted Town Administrator Acts:
 - Chief Administrative Officer of the town
 - Authority to appoint or remove department heads and employees previously appointed by the Select Board.
 - Select Board can veto appointments.
 - Town Accountant and Town Counsel appointed by Select Board
 - Removed by vote of 4 members of Select Board

Resident Relief provisions

- **Chapter 103 of the Acts of 2007**
 - Modified Acts of 1970 to:
 - Referendum procedure to all residents to overturn certain votes of town meeting

General Provisions

- Chapter 248 of the Acts of 1977
 - Defines how boards may remove employees.
- Chapter 216 of the Acts of 2007
 - Elected officials may only hold 1 elected position at a time

Conclusion and Next Steps