

## **Draft Burlington Town Charter**

*Last edited Oct.9, 2025*

### **ARTICLE I**

#### **INCORPORATION, SHORT TITLE, POWERS**

[This article contains boilerplate language that is similar to that used in nearly all modern charters.]

##### **Section 1-1. INCORPORATION.**

The inhabitants of the town of Burlington within the corporate limits as established by law shall continue to be a body corporate and politic, known as the “Town of Burlington.”

##### **Section 1-2. SHORT TITLE.**

This instrument shall be known and may be cited as the Burlington Charter.

##### **Section 1-3. POWERS OF THE TOWN.**

Subject only to express limitation on the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth of Massachusetts, it is the intent and purpose of the voters of the town of Burlington to secure through adoption of this charter all powers it is possible to secure under the constitution and statutes of the Commonwealth of Massachusetts, as fully as completely as though each such power were specifically and individually enumerated herein.

##### **Section 1-4. DIVISION OF POWERS.**

All legislative powers of the town shall be exercised by a representative town meeting, pursuant to Article 2 of this charter.

The executive powers for all town fiscal, prudential, and municipal affairs shall be vested in the executive branch headed by the select board with administration exercised by the town **administrator/manager** pursuant to Article 3 of this charter.

[Note: The Committee will discuss the title and powers of town administrator v. manager in future sessions.]

##### **Section 1-5. CONSTRUCTION.**

The powers of the town of Burlington under this charter are to be construed liberally in its favor, and the specific mention of any particular power is not intended to limit in any way the general powers of the town of Burlington as stated in Section 1-4.

##### **Section 1-6. INTER-GOVERNMENTAL RELATIONS.**

Subject to the constitution and statutes of the commonwealth, the town of Burlington may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any state, or civil division or agency thereof, or the federal government, or any agency thereof.

### **Section 1-7. PRECEDENCE OF CHARTER PROVISIONS.**

To the extent any existing by-law, vote, rule or regulation of or pertaining to the town of Burlington contravenes or otherwise conflicts with this charter, this charter shall take precedence.

### **Section 1-8. DEFINITIONS.**

As used in this charter, the following words shall have the following meanings:

[Reserved.]

## **ARTICLE II**

### **LEGISLATIVE BRANCH**

[This article outlines Burlington's legislative branch as it functions today. The language includes discussion points for the Committee to consider and has factored in preliminary choices made by the Committee to date. Where possible, the team has utilized language directly from Burlington's Special Acts. In places, the organization and language have been updated for clarity, simplicity, and modern language usage.]

#### **Section 2-1. Composition**

The legislative body of the town shall be a representative town meeting consisting of 18 members from each precinct, as determined pursuant to Section 2-2, who shall be elected to meet, deliberate, act and vote in the exercise of the corporate powers of the town.

[This section and the next reflect the Committee's interest in growing the membership without undergoing the charter change process should additional precincts be added in the future.]

Town Meeting members shall be elected so that the term of office of one-third of the members shall expire each year.

#### **Section 2-2. Precincts**

The Select Board shall divide the town into at least 7 convenient voting precincts in accordance with, but not limited to, Sections 6, 7, and 8 of Chapter 54 of the General Laws. The boundaries of the precincts shall be reviewed and wholly or partly revised by the Select Board at least every ten years, in accordance with Section 6 of Chapter 54 of the General Laws.

Note that the original Special Act language gave the Board of Registrars the authority to determine precincts. This is in conflict with the current bylaw (and MGL Ch. 54, Sec. 6) that appears to give authority to the Select Board. In practice, the Select Board convenes a Reapportionment Committee that includes a Select Board member, the Board of Registrars and others. Then both the Select Board and Board of Registrars approve the districts created

by the Reapportionment Committee. The draft language reflects the Select Board's responsibility for dividing into precincts, consistent with most other towns. Under this language, the Select Board can retain the current process of appointing a committee that includes the Board of Registrars to inform its decision.

### **Section 2-3. Town Meeting Membership Eligibility**

(a) Any registered voter of the town shall be eligible for election to the town meeting from the precinct in which the voter resides and is registered to vote.

(b) A town meeting member who removes from the precinct from which the town meeting member was elected to another precinct within the town may continue to serve as a member from the precinct from which elected until the next regular election. At such time, the remainder of the member's term, if any, shall be terminated, and a vacancy from that district shall exist. Such person may, however, be elected as a town meeting member from the new district in which the town meeting member then resides at the same election.

### **Section 2-4. Nomination of Town Meeting Member Candidates**

(a) Nomination of candidates for the office of town meeting member shall be made by nomination papers that shall show clearly whether the candidate has been a former town meeting member, and, if an elected incumbent of such office, that the member is a candidate for reelection. Nomination papers shall bear no other political designation.

(b) Such papers shall be signed by not less than ten voters of the district in which the candidate resides and shall be filed with the board of registrars pursuant to Mass. General Laws.

(c) No nomination paper shall be valid for any candidate if it fails to attach or contain in writing the candidate's written acceptance.

(d) The placement of the names of all candidates for town meeting members on the ballot for the initial election shall be established by a public drawing of lots by the town clerk.

(e) Incumbent town meeting representatives shall have the following rights:

(i) Notwithstanding the provisions of Section 2-4 (a), any incumbent town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk not later than 21 days prior to the last day and hour for filing nomination papers; provided, however, that the town meeting member has been in attendance for not less than 50 per cent of the individual days of town meeting held during the member's term of office, whether or not a quorum is present or any business is conducted. Otherwise, the incumbent shall follow the same requirements as a non-incumbent candidate for town meeting.

**Note: On Sept. 9, 2025, the Committee decided not to change this attendance incentive.**

(ii) If a town meeting member is a candidate for reelection and has been in attendance for not less than 50 per cent of the individual days of town meeting held during the member's current term of office, whether or not a quorum is present or any business is conducted, the words, "Candidate for Reelection" shall be printed against the candidate's name as it appears on the ballot for the election of town officers; provided, however, that a town meeting member elected by the remaining members of a district to fill a vacancy shall not be considered a candidate for reelection.

### **Section 2-5. Elections and Terms**

At the first town wide election after any precincts are revised, the voters of each precinct shall elect 18 town meeting members to represent the precinct. Terms of office shall be determined by the number of votes received. The 6 candidates receiving the highest number of votes shall serve for 3 years, the 6 receiving the next highest number of votes shall serve for 2 years, and the 6 candidates receiving the next highest number of votes shall serve for 1 year from the day of election. Upon the certification of such election, the term of office of all previously elected town meeting members shall cease.

At each annual election thereafter, except as otherwise provided in this charter, the voters in each precinct shall elect 6 Town Meeting Members to represent the precinct for a term of 3 years and shall also elect Town Meeting Members to fill any vacant unexpired terms.

In the event of a tie vote for the office of town meeting member, the clerk shall, within 7 days of the election, call all of the representative town meeting members from the precinct in which the tie vote occurs and of the candidates for that office who are affected by such tie together at a convenient place and under the supervision of the town clerk. Any such ties shall then and there be determined by ballots cast by the elected members present.

### **Section 2-6. Compensation**

The representative town meeting members shall serve without compensation of any kind.

### **Section 2-7. Additional Town Offices**

(a) A town meeting member shall not be eligible to hold any other elected position in town government.

(b) A town meeting member may be employed by the town.

(c) A town meeting member may serve in any or all of the following positions: (i) member of any committee appointed by the moderator; (ii) member of any advisory committee

appointed for a special temporary purpose by the select board, school committee or another town board; (iii) officer of elections; and (iv) member of a political party's town committee.

(d) A town meeting member shall not serve in more than 1 appointed position in addition to serving in positions listed in clauses (i) to (iv), inclusive.

[Discussion Point: Does this restriction on serving on town meeting impact ability to get volunteers for other committees?]

## **Section 2-8. Town Meeting Member Vacancies**

(a) The office of a Town Meeting Member shall become vacant upon their death, resignation or removal from office in any manner authorized by law.

(b) A vacancy in the town meeting membership shall be filled for the remainder of the unexpired term, if any, at the next regular town election if resignation or removal from office in any manner authorized by law.

(c) A vacancy in the town meeting membership shall be filled for the remainder of the unexpired term, if any, at the next regular town election. When a vacancy in the Town Meeting membership shall occur and no Town election is to be held within sixty (60) days, the Moderator shall direct the Town Clerk to post notice of any such vacancy and a request for candidates. Said notice shall be published by the Town Clerk not less than fourteen (14) days prior to the next scheduled Town Meeting:

(i) In a newspaper;

(ii) on the bulletin board outside the Town Clerk's office; and

(iii) on the Town's website.

All candidate information received by the Clerk shall be forwarded to the remaining members prior to the vote; said vote to take place at the next scheduled Town Meeting. The vacancy shall be filled by a majority vote of the remaining precinct members in attendance at the next scheduled Town Meeting.

[Note: This section reflects the language approved by Town Meeting in January 2025 to be submitted by a Home Rule Petition to amend Chapter 686.]

## **Section 2-9. Town Moderator and Appointments**

(a) The town moderator, chosen in accordance with Section 4-XX, shall preside at all sessions of the representative town meeting, but the town moderator shall have no vote unless the numbers present and voting are equally divided. The town moderator may appoint, subject to town meeting approval, from among the elected town meeting members a deputy moderator to serve in the event of the town moderator's absence or disability. In

case of the absence or disability of the moderator and the deputy moderator, the town meeting shall elect from among its own membership a temporary moderator to act during said absence or disability.

Note: At its Sept. 9, 2025, meeting, the Committee decided not to pursue the option of the Town Moderator being selected by Town Meeting rather than by the voters at large. The Committee also decided to recommend a 3-year term, and that term will be reflected in Article 4 of the Charter.

(b) The moderator shall appoint the members of a committee on ways and means and such other committees, special or standing, as may from time to time be established, subject to Section 2-12. The town moderator shall perform such other duties as may from time to time be assigned to the office of the moderator by by-law, rule or other vote of the town meeting.

[In general, standing committees will be established by bylaw rather than in the Charter for maximum flexibility in size and composition. However, due to the statutory role of finance/advisory/ways and means committees, this committee is included in nearly all charters.]

#### **Section 2-9. Town Meeting Clerk**

The town clerk or the town clerk's designee shall serve as clerk of the representative town meeting. The clerk shall give notice of all town meetings to its members and to the public, keep the journal of its proceedings, and perform such other duties as may be assigned by this act, by-law or vote of the meeting. The clerk shall receive such additional compensation for performing these duties as the meeting may authorize.

#### **Section 2-10. Town Meeting Investigations**

The town meeting may direct a duly organized committee to make investigations into the operations of the town and into the conduct of any town department, office or agency, and for this purpose such committees may subpoena witnesses, administer oaths, take testimony and require the production of books and papers. Any person who fails or refuses to appear and testify when legally ordered to do so shall be punished by a fine of not more than five hundred dollars.

#### **Section 2-11. Town Meeting Sessions**

(a) Three town meetings shall be held annually, each to be conducted as an annual town meeting, on dates to be determined by the select board pursuant to the town by-laws.

Note: This language has been modified from the special act for clarity in line with the Committee's discussion on Sept. 9, 2025.

(b) The select board, moderator, or 10 or more town meeting members may call special town meetings when deemed necessary or desirable in order to transact the legislative business of the town in an orderly manner or as allowed by the General Laws.

(c) The select board shall call a special town meeting upon request in writing of 200 registered voters or 20 percent of the total number of registered voters of the town, whichever number is less at the time the petition is submitted. The special town meeting must be held no later than 45 days after the select board receives the petition.

(d) The town meeting shall determine its own rules and order of business, subject to Section 2-15(e) unless otherwise provided by law and shall provide for keeping a journal of its proceedings. The journal shall be a public record kept available in a place readily accessible to the public, and a certified copy thereof shall be kept available in the Burlington Public Library.

(e) Except on procedural matters, voting shall be by standing vote, but if seven or more members shall doubt the vote by raising their hands to so indicate after the vote is announced, then a call of the roll shall be taken and the votes recorded in the journal. The moderator may, in the moderator's discretion, direct that any vote be taken by a call of the roll. A majority of all of the members shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the town meeting. The town meeting shall not for any reason declare itself in executive session or attempt to prohibit the public from attendance at any of its proceedings.

Discussion Point: This language is from the Special Act. However, the Committee, with input from the current moderator, may wish to discuss how to incorporate remote participants in the "standing vote." One suggestion is to define standing vote in the provision relating to remote participants.

(f) Any registered voter or taxpayer of the town shall, subject to such rules as may from time to time be established, have a right to speak, but not to vote at town meeting sessions.

(g) The Town Meeting shall be accessible by those Town Meeting Members who wish to attend, either in person or remotely via an electronic communications platform, with a maximum of 15 members attending remotely. This communications platform will allow users to connect via video, audio, phone, and chat, using an internet connection and a supported device. Members of these meetings shall be able to be recognized by the Moderator or Chair, and their vote, where applicable, be recorded via the electronic communications platform, including standing votes taken pursuant to Section 2-11 (e).

This reflects the language approved at the May 2025 Town Meeting.

## **Section 2-12. Standing Committees**

(a) The town meeting shall by by-law provide for the establishment of standing committees, a majority of the members of which shall be composed of persons elected to the town meeting **at the time of appointment or reappointment. Unless otherwise specified by general law, by-law, or this charter, all standing committee members shall be residents of the town of Burlington for the duration of their terms.**

**Note: This special act language requires all standing committees to include a majority of town meeting members, regardless of bylaw language. It also includes a residency requirement, with the opportunity to relax the requirement through by-law.**

(b) All articles that would require the expenditure of town funds shall, before enactment, be referred to the committee on way and means for its recommendation.

(c) Such other committees as the meeting deems expedient shall also be created and said committees shall be assigned all articles that come under their subject matter jurisdiction before final action is taken, for a recommendation. All committees shall conduct open public hearings on matters assigned to them to provide the public with the opportunity to discuss their views concerning such matters. Committees established under these provisions shall consist of an odd number of persons appointed for fixed terms.

## **Section 2-13. Warrants**

Warrants for regular town meeting sessions shall be issued by the select board to the town meeting members, moderator and town clerk, and a copy shall be posted on the town bulletin board at least **14** days before the meeting is to convene.

The select board shall include in the warrant for regular town meeting sessions all subjects which are requested of them in writing by any elected town meeting member, the moderator, the school committee, 10 or more registered voters, or any other person authorized by state statute or town by-law.

Notice for special town meeting sessions shall be posted on the town bulletin board and delivered to the place of residence of each member and that of the moderator not less than **7** days before the date of the special meeting.

The select board shall include in the warrant for special town meeting sessions all subjects which are requested of them in writing by any elected town meeting member; the moderator; the school committee; any other person authorized by state statute or town by-law; or by 100 registered voters or 10 per cent of the total number of registered voters of the town, whichever number is the lesser.



Discussion Point: Generally, the requirement for posting a warrant is placed in the charter while submission deadlines are in bylaws. Interestingly, this section originally did not distinguish between regular and special town meeting warrants and has been updated to do so. It has also been updated to include citizen petitions of 10 or more members, which is required by statute. Furthermore, the current acts require 7-day notice for special town meetings and 14 days for regular town meetings, which is the opposite of what MGL requires.

The deadline for submitting articles to the Select Board for inclusion in the warrant is generally included in bylaws rather than the charter. On Sept. 9, 2025, the Committee discussed that it was not interested in changing the bylaw regarding warrant article submission.

Discussion Points: The Committee may wish to consider the timing and delivery of special town meeting warrants.

#### **Section 2-14. Referendum Petitions**

No final vote of any representative town meeting session passing or rejecting a measure under any article in the warrant, except a vote to adjourn, or an authorization to borrow money in anticipation of taxes, an authorization to pay debts and obligations of the town, an appropriation of funds necessary to implement a written agreement executed under section 7 of chapter 150E of the General Laws, or the budget of the town as a whole, or a vote declared by preamble to be an emergency measure necessary for the immediate preservation of peace, health, safety or convenience of the town, and which is passed by a two-thirds vote of the membership, shall be operative until 14 days after the adoption of such vote.

If, within said 14 days after the vote, a petition signed by not less than 5 per cent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters at the most recent election, is filed in the office of the select board requesting that the question or questions involved in any such vote be submitted to the registered voters of the town at large, then the operation of such vote shall be further suspended pending its determination as hereinafter provided. The board of registrars shall certify the signatures within 7 days of the filing date. The select board shall forthwith after the board of registrars certifies that the petition has the requisite number of signatures, call a special election which shall be held within 100 days but no sooner than the earliest date on which the question may appear on the ballot pursuant to section 42C of chapter 54 of the General Laws; provided, however, that if a regular or special town election is to be held within the 100 day period, the select board may provide that the question or questions involved be presented to the voters at the same election.

All votes shall be taken by official ballots, and the check list shall be used in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereof, but an action of the representative town meeting shall not be reversed unless 20 per cent of the registered voters of the town shall vote to reverse the vote of the representative town meeting.

[Alternative language: “but no action of the Town Meeting shall be reversed unless at least 20 per cent of the voters cast ballots on the ballot question.” or “but no action of the Town Meeting shall be reversed unless at least 20 per cent of the voters participate in the election at which the question is presented.”]

The questions so submitted shall be stated on the ballot in substantially the same language and form in which they were stated when presented by the moderator to the representative town meeting as appears from the records of said meeting; provided, however, that if the question as stated by the moderator was lengthy as determined by the select board in its sole discretion the question may instead be stated in summary form by referring to the action taken by the representative town meeting.

This election shall be held on a Saturday, unless it is to be held in conjunction with another election, and the polls shall open not later than 2:00 p.m. and shall be closed not earlier than 8:00 p.m.

If a petition is not filed within 14 days of a final vote of the representative town meeting, it shall then become effective.

Discussion Point: The Committee requested more information and indicated an interest in changing the threshold for reversing a vote from 20 percent of the registered voters reversing the vote to 20 percent of registered voters participating in the election.

## **Section 2-15. By-laws Required**

Subject to constitutional and statutory requirements, these acts of the town meeting shall be by by-law which:

- (a) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (b) establish rules governing the granting, renewing or extension of a franchise or license;
- (c) amend or repeal any by-law previously adopted;
- (d) establish standing committees of the town meeting, but not temporary or "ad hoc" committees; and

(e) establish all rules, regulations, orders and other votes of the town meeting which are intended to be permanent, and which when adopted regard or affect the community as a whole.

**Note: this language from the special act requires most town meeting rules to be established by bylaw, rather than informally.**

The moderator shall have the authority to direct that a proposed action to be taken shall be done in the nature of a by-law rather than in some other form when the moderator's discretion it seems advisable so to do.

#### **Section 2-16.**

(a) Every proposed by-law shall be introduced in writing and in the form required for final adoption. No proposed by-law shall contain more than one subject which shall be clearly expressed in its title.

(b) The town meeting may adopt any standard code of technical regulations in whole or in part by reference thereto in an adopting by-law provided, however, that one or more copies of the proposed code shall be available in the office of the town clerk and the adopting by-law shall not be construed as to include changes or revisions made by the drafters of said code subsequent to the town meeting vote to adopt the code.

#### **Section 2-17. Required Participation**

The town meeting or a duly authorized subcommittee of the town meeting, by order or resolution, may require the attendance of a town meeting of any elected or appointed officer, board, commission, committee or agency or employee for the purpose of providing the town meeting with information and materials pertinent to matters appearing in the warrant for that town meeting. The head of each department shall hold themselves available for attendance at town meetings or shall designate a deputy to respond for the department head in the event that such department head is absent due to illness or other reasonable causes.

No less than 7 days' notice to appear shall be given to any person under the authority of this section.