

Tuesday, April 23, 2002
Town Hall

At 6:30 P.M., the Town Meeting Members of Precincts 2 and 5 assembled to fill the vacancies created by the election of Mike Runyan (2) to the Housing Authority and the resignation of Joanne Kinchla (5).

Precinct 2 - Present and voting were: P. Carew, A. Olney

Nominations: Jean B. Golding, 26 Beacon St. #31C – Unanimously voted to fill the vacancy until the next election.

Precinct 5 - Present and voting were: P. Angelo, S. Boari, R. Burkhart, J. Hanley, N. Hofferty, V. Igo H. Paulsen, P. Roussell, D. Tait

Nominations: Anna Karwan, 8 Francis Wyman Rd.; Auralie Slowey, 13 Paulson Dr., Christopher P. Murphy, 22 Bedford St.

By a vote of Anna Karwan (2), Auralie Slowey (3), and Christopher Murphy (4), Christopher Murphy was appointed to fill the vacancy until the next election.

Attest:

Jane L. Chew
Town Clerk

ADJOURNED (FIRST) TOWN MEETING
FOGELBERG AUDITORIUM, BHS
MONDAY, MAY 13, 2002

A quorum being present, the meeting was called to order at 7:40 P.M. with a salute to the flag. The Moderator swore in New Town Meeting Members. A motion to adjourn to Wed. May 15, 2002 to complete the business of the Warrant, if necessary, was moved, seconded and so voted. The reading of the Warrant and Constable's Report was waived upon unanimous consent.

ARTICLE 1 RE: Reports of Town Officers & Committees

All reports of committees to be heard during the respective article's discussion.

ARTICLE 2 RE: Amend General bylaws, Article II -- Representative Town Meeting, Section 1.4, Reapportionment of Voting Precincts and Section 2.0, Town Meeting Members

The article as it appears in the Warrant was moved and seconded. Bylaw Review Committee voted 3-0 in favor.

MAJORITY VOTED to amend the General Bylaws, Article II, Representative Town Meeting Section 1.4, Reapportionment of Voting Precincts by striking the 2nd sentence which reads: "Whenever the town is redivided, the terms of office of all Town Meeting Members shall be terminated, and the provisions of this section shall apply insofar as applicable."

And, further to amend Section 2.0, Town Meeting members, by striking the words "and at each town election next following a redivision of the town into precincts" in the 1st sentence of the 5th paragraph which reads: "At the annual town election of 1994, and at each town election next following a redivision of the town into precincts, eighteen (18) Town Meeting Members shall be elected from each precinct."

And, further, to amend Section 2.0, Town Meeting Members, by striking the words "but not a reprecincting" in the 1st sentence of the 7th paragraph which reads: "At elections subsequent to a reapportionment of representative Town Meeting seats, but not a reprecincting, no term of office of an incumbent Town Meeting Member shall be reduced." And, further, to insert the following new paragraph after the 7th paragraph: "A Town Meeting Member who is removed by a revision of precincts from the precinct from which the member was elected shall not retain membership after the next annual election as an elected member from the precinct from which the member has been removed. The term of a Town Meeting Member who is not removed by a revision of precincts from the precinct from which the member was elected shall not be affected by such revision."

And, further to petition the legislature to amend Section 4 of Chapter 686, An Act Establishing a Representative Town Meeting Form of Government in the Town of Burlington, by striking the words "and at each town election next following a redivision of the town into precincts" in the 1st sentence.

And further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition.

Approved by the A.G. . Published Daily Times .

ARTICLE 3 RE: Amend General Bylaws, Article II -- Representative Town Meeting (Ethics)

The article as it appears in the Warrant was moved and seconded. Bylaw Review Committee voted 3-0 in opposition.

MAJORITY VOTED amend the General Bylaws by inserting at the conclusion of Article II of the General Bylaws a new section to provide as follows:

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.

And further to amend Rule #5 of the Town Meeting Rules by inserting: in the second paragraph after the words, "any person" the words ", including Town officials and Town Meeting Representatives,"; in the third paragraph after the words "any person" the words "including Town officials and Town Meeting Representatives," and after the words "such relationship" the words "and financial interest".

Approved by the A.G. . Published Daily Times .

ARTICLE 4 RE: Amend General Bylaws, Article II -- Representative Town Meeting (Bylaws)

The article as it appears in the Warrant was moved and seconded. Bylaw Review Committee voted 3-0 in favor.

MAJORITY VOTED to amend the General Bylaws by inserting at the conclusion of Article II of the General Bylaws a new section to provide as follows:

The Town Clerk shall make available to each Town Meeting Representative upon such member being sworn into office a complete set of Town Bylaws, including Zoning Bylaws and all related documents.

Approved by the A.G. . Published Daily Times .

ARTICLE 5 RE: Amend General Bylaws, Article III--Procedure Town Meeting (Town Meeting Attendance)

The article was moved and seconded. Bylaw Review Committee voted 3-0 in opposition. A motion to amend by striking the words "forthwith after the conclusion of each session of the Representative Town Meeting and any Special Town Meeting, shall publish once in the two local papers" and substituting therefore the words "shall, one week prior to the April Town Election, publish in a newspaper of general circulation within the Town" was moved, seconded. Amendment failed.

MAJORITY VOTED to amend the General Bylaws by inserting at the conclusion of Article III of the General Bylaws a new section to provide as follows:

The Town Clerk, forthwith after the conclusion of each session of the Representative Town Meeting and any Special Town Meeting, shall publish once in the two local newspapers of general circulation within the Town complete Town Meeting Representative attendance records which indicate the presence or absence of each Town Meeting Representative for each night of Town Meeting.

Approved by the A.G. . Published Daily Times .

ARTICLE 6 RE: Amend General Bylaws, Article III – Procedure of Town Meeting (Roll Call Votes)

The article as it appears in the Warrant was moved and seconded. Bylaw Review Committee voted 3-0 in opposition. A motion to end debate was moved, seconded and so voted.

The main motion failed.

ARTICLE 7 RE: Amend General Bylaws, Article III – Procedure of Town Meeting (Report of Town Officials)

The article was moved and seconded. Bylaw Review Committee voted 3-0 in favor.

MAJORITY VOTED to amend the General Bylaws by inserting at the conclusion of Article III of the General Bylaws a new section to provide as follows:

Two weeks prior to the first and adjourned sessions of the Representative Town Meeting, and any Special Town Meeting, Town Meeting Representatives shall be provided with a written report prepared by the supervising authority stating the current status of all open warrant articles and projects arising from such warrant articles. The information contained in the report shall include, but not be limited to, actions taken, schedule, expenditures made, and any other information of substance, including legal issues.

Approved by the A.G. . Published Daily Times .

A motion to postpone Article 20 until Monday, May 20, 2002 at 7:30 P.M. was moved and seconded. There was a division of the house and tellers were appointed. By a vote of 41 in favor and 50 opposed, the motion failed.

A motion to postpone Article 20 until Wednesday, May 15, 2002 at 7:30 P.M. was moved, seconded and so voted.

A motion to postpone Article 10 until Wednesday, May 15, 2002 at 7:30 P.M. was moved, seconded and so voted.

A motion to postpone Article 21 until Wednesday, May 15, 2002 at 7:30 P.M. was moved, seconded and so voted.

ARTICLE 8 RE: Amend General Bylaws, Article III – Procedure of Town Meeting (Financial Articles)

MOTION WITHDRAWN WITHOUT OBJECTION

ARTICLE 9 RE: Prouty Road Street Acceptance

The article as it appears in the warrant was moved and seconded.

UNANIMOUSLY VOTED to accept the altered layout as a Town way of Prouty Road, as shown on the plan entitled “Street Acceptance Plan – Prouty Road – Burlington, Massachusetts,” dated March 12, 2002, prepared by T.F. Moran Inc.; and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift an easement to use the area within said layout for all purposes for which public ways are used in the Town of Burlington, said way as so altered being bounded and described as shown on said plan.

ARTICLE 11 RE: Birchcrest St. Alteration of Layout – DPW

The article as it appears in the warrant was moved and seconded.

UNANIMOUSLY VOTED to accept the altered layout as a Town way of Birchcrest Street, as shown on the plan entitled “PLAN of Land at Birchcrest & Sullivan St. in Burlington, Mass” by Northeastern Engineering Associated, Burlington, MA, dated February 23, 2001, revised March 19, 2001; and to see if the Town will further vote to authorize the board of Selectmen to acquire by gift an easement to use the area within said layout for all purposes for which public ways are used in the town of Burlington, said way as so altered being bounded and described as shown on said plan.

ARTICLE 12 RE: Petition the General Court - Exempt Positions from Civil Service

MOTION WITHDRAWN WITHOUT OBJECTION

ARTICLE 13 RE: Petition the General Court - Multiple Offices

The article was moved and seconded. A motion to end debate was moved, seconded and so voted.

MAJORITY VOTED to authorize the Board of Selectmen to petition the General Court for a special act, providing that legislation be adopted as follows:

AN ACT RELATIVE TO LIMITATION ON OFFICE HOLDING FOR ELECTED OFFICIALS IN THE TOWN OF BURLINGTON.

Section One: Notwithstanding any general or special law to the contrary, elected officials may hold only one elected position in the Town of Burlington. If any elected official is elected to an additional office in violation of the above prohibition, the elected official will be deemed to have vacated the initial office held upon being sworn in to the new office; provided, however, that if the elected official fails to be sworn into the new office within 10 days of the date of the election, the new office shall be declared vacant.

Section Two: After approval by the General Court, this Act shall be presented to the voters at the next following annual town election. The ballot question shall take the following form:

“Shall the Town of Burlington accept an Act passed by the General Court entitled, “An Act relative to Limitations on Office Holding for Elected Officials in the Town of Burlington?”

If a majority of voters voting on the question vote yes, this Act shall take effect immediately. Provided, however, that any person already holding office at the time the Act is accepted, shall be exempt from the operation of Sections One of the Act until the expiration of the person's current elected term.

The General Court may only make clerical or editorial changes of form to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

ARTICLE 14 RE: School Bus Transportation Contract Extension

The article as it appears in the warrant was moved and seconded by the Ways & Means Committee who voted in favor.

to approve a two-year extension of the bus transportation contract between the Town of Burlington and A&F Bus company Inc. pursuant to paragraph #2 of the parties contract dated March 31, 1999 (see backup material).

ARTICLE 15 RE: Transfer of Funds FY'02 Various Accounts

The article was moved and seconded by the Ways & Means Committee who voted 10-0-1 in favor.

MAJORITY VOTED to transfer from: Negotiated Settlements the sum of \$272,625; Snow & Ice Account the sum of \$60,000; and Overlay Reserve the sum of \$223,985 for a total of \$556,610 to pay for expenses incurred in Fiscal Year 2002 to the following accounts same to be spend under the direction of the appropriate authorities:

Police Salaries	275,000
BMEA Salaries	81,610
DPW Salaries	120,000
Police Medical (41-111F)	30,000
Legal-Collective Bargaining	50,000

ARTICLE 16 RE: Administrative & Professional Compensation Plan

The article was moved and seconded by the Ways & Means Committee who voted 9-0-0 in favor.

MAJORITY VOTED to adopt the Administrative & Professional Compensation Plan for Fiscal Year 2003 and to transfer from Overlay Reserve the amount of \$57,000, to fund same plan, same to be spend under the direction of the appropriate authorities.

ARTICLE 17 RE: Fund/and Amend Part-time Salary Plan (under 20 hours)

The article was moved and seconded by the Ways & Means Committee who voted 9-0-0 in favor.

MAJORITY VOTED to adopt the Part-time Salary Plan (under 20 hours) for Fiscal Year 2003 in the amount of \$5,000, same to be transferred from the Overlay Reserve; and furthermore to amend said plan by adding a new section K to create a pay scale for Specialized Interns working within our Departments, same to be spend under the direction of the appropriate authorities.

The Town Accountant presented the 5-Year Financial Plan.

ARTICLE 18 RE: Funding FY '03 Operating Budget

The article as it appears in the warrant was moved and seconded by the Ways & Means Committee.

The budget was voted as a whole with the exception of the following budgets that were voted individually: Central Admin (35-48), Conservation (52-54), DPW (84-98), COA (101-106), BOH (112-122.5), Shawsheen (132), Local Education (133)

MAJORITY VOTED to raise and appropriate or transfer from free cash, as indicated, a sum of 70,482,710 for the items contained within the following Fiscal Year 2003 Operating Budget, same to be spent under the appropriate authorities:

RAISE AND APPROPRIATE:

Treasurer/Collector - Line 1-3

Salaries	379,951
Expenses	15,358
Special Accts.	
Interest Fund	200
Total	395,509

Assessors - Line 4-6

Salaries	229,645
Expenses	28,030
Special Accts.	0
Total	257,675

Town Clerk - Line 7-9	
Salaries	189,992
Expenses	16,075
Special Accts.	34,656
Total	240,723
Moderator - Line 10-11	
Salaries	150
Expenses	75
Total	225
Planning Board - Line 12-13	
Salaries	144,892
Expenses	11,591
Total	156,483
Ways & Means - Line 14-15	
Salaries	1,731
Expenses	350
Total	2,081
Capital Budget - Line 16-17	
Salaries	900
Expenses	25
Total	925
Town Admin./Selectmen - Line 18-20	
Salaries	303,205
Expenses	8,377
Special Accts.:	
Misc. Expenses	17,000
Local Trans. (B-line) (F)	181,910
Total	510,492
Human Resources – Line 20.1-20.3	
Salaries	32,630
Expenses	7,888
Special Accts.:	
Computer Training Employees	10,000
BMEA/Education	3,500
Total	54,018
Legal - Line 21-24	
Legal Fees	120,000
Collective Bargaining	50,000
Tax Title	2,500
Cable TV Negotiations	3,000
Total	175,500
Accounting - Line 25-26	
Salaries	207,597
Expenses	675
Total	208,272
Management Info Systems - Line 27-28	
Salaries	66,596
Expenses	154,056
Total	220,652
Town Meeting & Reports - Line 29-30	
Salaries	3,610
Expenses	18,060
Total	21,670
Registrar of Voters - Line 31-32	
Salaries	1,000
Expenses	5,950
Total	6,950
Town Facilities - Line 33-34	
Salaries	245,964
Expenses	400,197

Total 646,161

Central Administration - Line 35-48

Central Supply	107,000
Central Machines	27,000
Surplus Buildings	10
Chapter 32B – Health Ins. (F)	5,928,022
Unemployment Comp. (F)	30,000
Pension Reimburse (F)	3,000
Town Insurance (F)	575,000
Financial Audit (F)	36,000
BMEA Education	0 (see Human Resources)
Employee Assist. Program	0
Medicare Tax (F)	315,000
Charles George Settlement (F)	123,657
Memorial Day/Veterans Day	0 (see Veteran Director)
Fourth of July	0
Total	7,144,689

Board Of Appeals - Line 49-51

Salaries	9,734
Expenses	275
Advertising & Mailing	3,700
Total	13,709

Conservation Commission - Line 52-54

Salaries	122,663
Expenses	6,115
Special Accts:	
Land Mgmt/Legal ads	5,500
Stream Cleaning	20,000
Total	154,278

Historical Commission - Line 55

Expenses	2,159
Total	2,159

Sealer of Weights - Line 56-57

Salaries	4,944
Expenses	900
Total	5,844

Fire Department - Line 58-68.5

Salaries	3,940,362
Expenses	294,784
Special Accounts:	
Medical & Hospital	20,000
Recertification of EMTs	2,730
Tuition & Books	7,000
Clothing Allowance	27,000
Licenses & Certifications	1,000
Fire Prevention	7,000
Arson Investigation	900
Training	18,000
HazMat Training/Mgmt.	3,000
Termination Buyback	10
Wellness Program	3,400
Total	4,325,186

Emergency Management Service - Line 69-73

Salaries	5,000
Expenses	19,040
Special Accounts:	
Education	200
Surplus Property	10
Emergency Fund	10
Total	24,260

Building Inspector - Line 74-76

Salaries	340,637
Expenses	25,445
Special Accts:	
Hazardous Structures	10

Total 366,082

Police Department - Line 77-83

Salaries 4,485,346
Expenses 348,229
Special Accounts:
Clothing Officer/Traffic Supv. 75,730
Education 46,700
NEMLEC 4,300
Medical (411-F) 20,000
Dead Animal Disposal 1,680
Total 4,981,985

Department of Public Works - Line 84-98

Salaries 2,859,411
Expenses 1,457,922
Special Accounts:
Administration
Clothing 12,940
Physical Exams 2,000
Education 3,000
License Renewal 8,500
Highway
Highway 1 74,034
Lane Painting 42,800
Snow & Ice 350,000
Tree Care 19,000
Water & Sewer
Well Cleaning 35,000
Well Pumping 0
Mod. of Well Seal & Perco 7,000
Rubbish & Garbage (F) 2,490,720
Street Lights (F) 422,300
Swift Law (F) 13,000
Total 7,797,627

Community Life Center - Line 99-100

Salaries 306,169
Expenses 17,210
Total 323,379

Council on Aging - Line 101-106

Salaries 103,524
Expenses 11,120
Special Accounts:
Holiday Baskets 400
Minuteman Homecare 4,254
Emergency Account 300
Property Tax Work-Off Program 14,500
Total 134,098

Disability Access - Line 107-108

Salaries 1,327
Expenses 750
Total 2,077

Veteran's Services - Line 109-111.5

Salaries 74,305
Expenses 6,100
Special Accounts:
Veterans Aid 40,000
Memorial & Veteran's Day 2,500
Total 122,905

Board of Health - Line 112-122.5

Salaries 273,280
Expenses 31,550
Special Accounts:
Mosquito Control (F) 28,800
Clinics 3,350
TB Hospital 10
CMARC 10,200
Community Human Service 8,000

Home Health Service	2,000
Premature Babies	10
Hospice	1,500
Hazardous Waste Collection (F)	34,000
Lahey Community Clinic	580
Total	393,280

Recreation Director - Line 123-126

Salaries	394,644
Expenses	36,345
Special Accounts:	
Fee Supported Programs	0
Transportation	10,800
Total	441,789

Recreation Maintenance - Line 127-128.a

Salaries	582,729
Expenses	130,692
Special Accounts:	
Fence Replacement	7,500
Total	720,921

Library - Line 129-131.5

Salaries	632,415
Expenses	127,556
Special Accounts:	
Books/Periodicals	119,650
PC Replacement	0
Total	879,621

A motion to postpone Line 132 until Wednesday, May 15, 2002 was moved, seconded and so voted.

TRANSFER FROM FREE CASH:

Shawsheen Valley School - Line 132 (F) Postponed

RAISE AND APPROPRIATE:

Local Education - Line 133 30,064,587

Debt Service - Line 134-136

Principal (F)	2,005,000
Interest (F)	1,075,240
Temporary Interest (F)	0
Total	3,080,240

TRANSFER FROM FREE CASH:

Reserve Fund - Line 137 200,000

RAISE AND APPROPRIATE:

County Retirement - Line 138 (F) 2,656,657

TRANSFER FROM FREE CASH:

Negotiated Settlements - Line 139 400,000

Stabilization - Line 140 (F) 350,000

Retirement Buy-Out – Line 141 MOTION WITHDRAWN

ARTICLE 19 RE: Funding FY'03 Capital Budget

The article as it appears in the warrant was moved and seconded.

MAJORITY VOTED to raise and appropriate, transfer, or borrow, as indicated, a sum of 1,191,807 for the items contained within the following proposed Fiscal Year 2003 Capital Budget, same to be spent under the appropriate authorities as indicated:

PROJECT NO.	DEPARTMENT PROJECT NAME/DESCRIPTION	SPENDING AUTHORITY	APPROP. REQUEST
FROM SEWER SURPLUS FUND: 03-1 THRU 03-5			
03-1	DPW -- Backhoe	Selectmen	75,000
03-2	DPW – Equipment, Water & Sewer Billing Software	Selectmen	55,000
03-3	DPW – Materials	Selectmen	15,000
03-4	DPW – I/I Removal	Selectmen	130,000

03-5 DPW – Equipment Replacement/Generator Selectmen 31,000

FROM CHAPTER 90: 03-6

03-6 DPW – Pavement Management (Chapter 90) Selectmen 470,807

FROM OVERLAY RESERVE: 03-7 THRU 03-12 (03-9*)

03-7 DPW – Water Distribution Selectmen 110,000

03-8 DPW – Water Tower Cleaning Selectmen 55,000

A motion to take Article 31 out of order to discuss with item 03-9 and vote separately was moved, seconded and so voted. A motion to end debate was moved, seconded and so voted.

03-9* DPW – Brook Cleaning Selectmen 250,000

Majority voted to transfer from **Overlay Reserve the sum of \$75,000, to raise and appropriate the sum of \$95,000, and to transfer from the Oracle TIF Agreement the sum of \$80,000** for a total of \$250,000 to dredge sediments using vacuum dredging or machine dredging methods only from Long Meadow Brook and Sandy Brook, same to be spent under the direction of the Department of Public Works.

ARTICLE 31 RE: Stream Cleaning

MOTION WITHDRAWN WITHOUT OBJECTION

At 10:50 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:

Jane L. Chew
Town Clerk

**ADJOURNED (FIRST) TOWN MEETING
FOGELBERG AUDITORIUM, BHS
WEDNESDAY, MAY 15, 2002**

A quorum being present, the meeting was called to order at 7:40 P.M. with a salute to the flag. A motion to adjourn to Monday, May 20, 2002 to complete the business of the Warrant, if necessary, was moved, seconded and so voted. The reading of the Warrant and Constable's Report was waived upon unanimous consent.

Article 18, Line 132, Shawsheen Valley School was taken up as the first order of business without objection.

ARTICLE 18 RE: Funding FY '03 Operating Budget – Continued

MAJORITY VOTED to raise and appropriate or transfer from free cash a sum of 1,036,657 for the items contained within the following Fiscal Year 2003 Operating Budget, same to be spent under the appropriate authorities as indicated:

TRANSFER FROM FREE CASH:

Shawsheen Valley School - Line 132 (F) 1,036,657

Articles 20, and 21 and 10 were put before the body to discuss together and vote separately without objection.

ARTICLE 20 RE: Bond Authorization

The article was moved and seconded by the Ways & Means Committee who voted 10-1-0 in favor. The Capital Budget Committee voted 5-0-2 in favor.

A motion to strike the figure \$10,600,000 and substitute therefore the figure \$10,609,650 was moved, seconded and so voted.

A motion to amend Article 20 by adding the following sentence: "Town Meeting acknowledges that placement on the waiting list does not guarantee a grant award within any particular time, and therefore, it may be necessary for the town to issue permanent financing before a grant award is received." was moved and seconded. Amendment failed.

A motion to end debate was moved and seconded. There was a division of the house and tellers were appointed. By a vote of 57 in favor and 35 opposed, the motion to end debate failed.

After further debate, a motion to end debate was moved, seconded and so voted. There was a division of the house and tellers were appointed. By a standing vote of 59 in favor and 29 opposed, the main motion as amended carried. Seven members stood for a roll call vote.

ON A ROLL CALL VOTE OF 58 IN FAVOR, 31 OPPOSED, AND 3 ABSTENTIONS, THE MAIN MOTION AS AMENDED FAILED TO OBTAIN THE REQUIRED 2/3 VOTE.

ARTICLE 21 RE: Temporary BANS

MOTION WITHDRAWN WITHOUT OBJECTION

ARTICLE 10 RE: Transfer of Wildwood School Site to Burlington School Committee

MOTION WITHDRAWN WITHOUT OBJECTION

At 11:15 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:

Jane L. Chew
Town Clerk

**ADJOURNED (FIRST) TOWN MEETING
FOGELBERG AUDITORIUM, BHS
MONDAY, MAY 20, 2002**

A quorum being present, the meeting was called to order at 7:40 P.M. with a salute to the flag. A motion to adjourn to Wednesday, May 22, 2002 to complete the business of the Warrant, if necessary, was moved, seconded and so voted. The reading of the Warrant and Constable's Report was waived upon unanimous consent.

The Moderator announced notice of reconsideration on Article 20 was received.

An update on the challenge to Chapter 40B, Comprehensive Permits, was presented to the members by Phil Gallagher, Jayne Hyde and Rep. Charles Murphy.

ARTICLE 19 RE: Funding FY'03 Capital Budget - Continued

MAJORITY VOTED to raise and appropriate, transfer, or borrow, as indicated, a sum of \$333,950 for the items contained within the following proposed Fiscal Year 2003 Capital Budget, same to be spent under the appropriate authorities as indicated:

PROJECT NO.	DEPARTMENT PROJECT NAME/DESCRIPTION	SPENDING AUTHORITY	APPROP. REQUEST
03-10	DPW – Mill Pond Sludge Removal	Selectmen	40,000
03-11	DPW – Leak Detection	Selectmen	20,000
03-12	MIS – Facilities Telemetry (Pilot)	Selectmen	24,250
RAISE AND APPROPRIATE: 03-13 THRU 03-19			
03-13	Facilities – Highway Garage-Roof Replacement	Selectmen	60,000
03-14	Recreation – Roof Replacement (Players' Building)	Rec. Comm.	64,000
03-15	Recreation – Marvin Field/Light Replacement	Rec. Comm.	33,000
03-16	Recreation – Bleacher Replacement	Rec. Comm.	11,700
03-17	Recreation – Vehicle Replacement	Rec. Comm.	29,000
03-18	School – Café Equipment & Infrastructure Replacement	School Comm.	42,800

A motion to amend item 03-19 by striking the figure of \$159,200 and substituting therefore the figure \$9,200 was moved, seconded and so voted. Main motion as amended carried.

03-19	School – System-Wide Security Equipment	School Comm.	9,200
-------	---	--------------	-------

ARTICLE 22 RE: Fund the IAFF Contract

The article as it appears in the warrant was moved and seconded by the Ways & Means Committee who voted in favor.

MAJORITY VOTED to transfer from the FY03 Negotiated Settlement Account the sum of \$175,000 to fund the approved International Association of Firefighters (IAFF) Collective Bargaining Agreement, same to be spent under the appropriate authorities.

ARTICLE 23 RE: Drug & Alcohol Task Force

The article as it appears in the warrant was moved and seconded by the Ways & Means Committee who voted 10-0-0 in favor.

MAJORITY VOTED to raise and appropriate the sum of \$2,500 to fund the expenses of the Burlington Drug & Alcohol Task Force, same to be spent under the direction of the Board of Selectmen.

ARTICLE 24 RE: Ice Palace Enterprise Fund

The article as it appears in the warrant was moved and seconded by the Ways & Means Committee who voted 11-0-1 in favor.

MAJORITY VOTED to transfer \$653,478 from FY03 Ice Palace Receipts to operate the Burlington Ice Palace, same to be spent under the direction of the Board of Selectmen.

ARTICLE 25 RE: Will of Marshall Simonds

The article was moved and seconded by the Ways & Means Committee who voted 10-0-0 in favor.

MAJORITY VOTED to accept from the Trustees under the will of Marshall Simonds the sum of \$9,500 for the maintenance and improvement of Simonds Park, same to be spent under the direction of the Recreation Commissioners.

ARTICLE 26 RE: Community Custodial Fees

The was moved and seconded by the Ways & Means Committee who voted 10-0-0 in favor.

MAJORITY VOTED to raise and appropriate the sum of \$25,225 to be expended under the direction of the Burlington School Committee for the purposes 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 and other non-profit Burlington Civic Organizations.

ARTICLE 27 RE: Sewer Services Enterprise Fund

The article was moved and seconded by the Ways & Means Committee who voted 10-0-0 in favor.

MAJORITY VOTED to provide the sum of \$3,274,741 for the Burlington Sewer Services Enterprise Account, of which \$3,274,741 will come from the Burlington Sewer Estimated Revenue Account.

ARTICLE 28 RE: Annual Report/Print Warrants

The article was moved and seconded by the Ways & Means Committee who voted 13-0-0 in favor.

MAJORITY VOTED to raise and appropriate the sum of \$1,500 and change the existing bylaws and rules such that the summary of each warrant article and the subsequent vote shall be included in the Town's Annual Report publication.

ARTICLE 29 RE: Publish Warrant/Newspapers

The article was moved and seconded by the Ways & Means Committee who voted 1-12-0 in opposition.

DEFEATED

ARTICLE 30 RE: Marion Road/Purchase Conservation Land

MOTION WITHDRAWN WITHOUT OBJECTION

ARTICLE 32 RE: S. Bedford Street Culvert Replacement

The article as it appears in the warrant was moved and seconded by the Ways & Means Committee who voted in opposition. Capital Budget voted 1-6 in opposition. A motion to postpone indefinitely was moved and seconded. A motion to end debate was moved and seconded and so voted. There was a division of the house and tellers were appointed.

BY A VOTE OF 55 IN FAVOR AND 28 OPPOSED, THE TOWN VOTED TO POSTPONE INDEFINITELY.

At 11:15 P.M. a motion to adjourn was moved, seconded and so voted.

Attest:

Eleanor M. Gelinis
Assistant Town Clerk

**ADJOURNED (FIRST) TOWN MEETING
FOGELBERG AUDITORIUM, BHS
WEDNESDAY, MAY 22, 2002**

A quorum being present, the meeting was called to order at 7:40 P.M. with a salute to the flag. A motion to adjourn to Wednesday, May 29, 2002 to complete the business of the Warrant, if necessary, was moved, seconded and so voted. The reading of the Warrant and Constable's Report was waived upon unanimous consent.

ARTICLE 33 RE: Athletic Field Assessment

The article was moved and seconded by the Ways & Means Committee who voted 13-0-0 in favor.

MAJORITY VOTED to raise and appropriate the sum of \$40,000 for the purpose of the Board of Health to fund an environmental assessment of the athletic fields at the high school and to hire a Licensed Site Professional (LSP) to conduct a peer review of the environmental assessment and remedial activities initiated for the petroleum and hazardous materials releases occurring at 108, 110, 116, 118, and 120 Cambridge Street, and 6 Anna Road.

ARTICLE 34 RE: GASB – 34

The article was moved and seconded by the Ways & Means Committee who voted 10-0-0 in favor.

MAJORITY VOTED to raise and appropriate the sum of \$40,000 to pay for software upgrades and services in the Accountants Office to comply with GASB-34 (Asset Reconciliations) requirements.

ARTICLE 35 RE: B-Line Expansion

The article was moved and seconded by the Ways & Means Committee who voted 11-2-0 in favor.

MAJORITY VOTED to raise and appropriate the sum of \$36,000 to provide for expanded hours for the B-Line service and report on rider-ship impact.

A motion to reconsider Article 20 was moved, seconded. There was a division of the house and tellers were appointed. By a vote of 52 in favor 36 opposed, the motion to reconsider failed. Seven members stood for a roll call vote.

ON A ROLL CALL VOTE OF 56 IN FAVOR, 36 OPPOSED, 2 ABSTENTIONS, THE MOTION TO RECONSIDER FAILED TO OBTAIN THE REQUIRED 2/3 VOTE.

Resolution #1, offered by Paul Valleli, TMM Precinct 3, **Carried:**

An Energy Conservation Measure regarding Light Pollution in the Town of Burlington May 2002

Resolution for the Town Administration to establish a new Zoning Bylaw study committee.

Whereas; properly designed and installed outdoor lighting fixtures can be, and is very useful in improving visibility and safety and a sense of security, while at the same time minimizing energy use and operating costs.

Whereas; glare from poorly-designed or poorly-installed lighting can cause a safety hazard by severely hampering the vision of pedestrians, drivers, and cyclists.

Whereas; poor outdoor lighting causes light trespass. That is, such lighting shines outward onto neighborhood properties and into bedroom windows, reducing privacy, hindering sleep, and creating an un-attractive appearance to the area.

Whereas; much outdoor lighting wastes energy because it is not well-designed by a cognizant engineer. Estimates by the International Dark Sky Association indicate a waste of at least 1½ billion dollars per year in the United States, alone! This waste results in higher operating costs and increased environmental pollution from the extra power generation and facilities needed....and all that is accomplished is lighting up the night sky.

Whereas; each year, millions of migrating birds die after becoming disoriented and then collide with tower/tall building spotlights. (Audubon Society Study)

Therefore, be it resolved that the Town Administrator appoint a committee to study the problems of light pollution as it affects residents and the business community of the Town of Burlington.

Further, The Commission (mission statement) of the committee shall be:

The committee is to report the findings of the study on a timely schedule to the public at-large and to propose Zoning Bylaw Additions/Revisions and/or Building Code Recommendations for lighting standards for consideration by Town Meeting Members and the various responsible Boards such as Planning, BOS, Conservation, DPW.

Resolution #2, offered by James Williams, TMM Precinct 3, **Carried:**

Seek Alternative Stream Cleaning Methods

Be it resolved that Town Meeting respectfully requests the appropriate elected and appointed Town officials to give serious consideration to alternative methods of stream cleaning and dredging which are less expensive and more effective than what is currently the preferred method, and which are methods being successfully used by other communities in the Commonwealth of Massachusetts.

Resolution #3, offered by Anne Rowe, TMM Precinct 3, **Failed:**

Be it resolved that the Burlington Town Meeting obtain a written, signed opinion from Town Counsel regarding new information before a reconsideration of a vote.

At 8:45 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:

Eleanor M. Gelinis
Assistant Town Clerk