

**ADJOURNED (THIRD) TOWN MEETING
MONDAY, JANUARY 26, 2004
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:50 P.M. with a salute to the flag. A motion to adjourn to Wed. January 28, 2004 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

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

The Moderator announced that further committee reports would be heard when respective articles were discussed.

ARTICLE 2 RE: Sale of Land/Sleeper Drive

To see if the town will vote to transfer from the Board of Selectmen for general municipal purchases to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to convey, for such consideration as the Selectmen may determine, all or any portion of the following properties:

Three parcels of land on Sleeper Drive, being a portion of the premises conveyed to the Town by Ann M. Ruping, Trustee of the Sleeper Drive Realty Trust, by deed recorded with the Middlesex District Registry of Deeds on November 23, 2002 as Instrument No. 69, which three parcels are shown on Town Assessors Map 30 as Parcels 35-10, 35-11 and 35-15; and further are identified as Lots 18, 19 and 23 on a plan entitled "Marion Estates Definitive Subdivision Plan in Burlington, Mass.," dated August 9, 1977 prepared by Raymond Engineering Service, recorded with the Middlesex District Registry of Deeds as Plan No. 588 of 1978 in Book 13456, Page 125, or to take any other action relative thereto.

MAIN MOTION: Move that the Town vote to transfer from the Board of Selectmen for general municipal purposes to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to convey all or any portion of two parcels of land on Sleeper Drive, being a portion of the premises conveyed to the Town by Ann M. Ruping, Trustee of the Sleeper Drive Realty Trust, by deed recorded with the Middlesex District Registry of Deeds on November 23, 2002 as Instrument No. 69; which parcels are shown on Town Assessors Map 30 as Parcels 35-10 and 35-11; and further to appropriate the sum of \$500,000, being all of the proceeds of the sale of said parcels, for the purpose of making structural repairs and renovations to the Grandview Farm.

Recommendations: Land Use Committee voted 5-0 in favor of the sale of Lot C.

After considerable debate a motion to move the question was seconded and so voted. There was a division of the house and tellers were appointed.

ACTION: BY A VOTE OF 77 IN FAVOR AND 11 OPPOSED THE MAIN MOTION CARRIED.

ARTICLE 3 RE: Simonds Trust

To see if the Town will vote to accept from the Trustees under the will of Marshall Simonds the amount of \$9,500.00, or any other sum, for the maintenance and improvement of Simonds Park, same to be spent under the direction of the Recreation Commissioners, or to act in any other manner in relation thereto.

MAIN MOTION: Move that the Town vote to accept from the Trustees, under the will of Marshall Simonds, the amount of \$9,500 for maintenance and improvement of Simonds Park, same to be spent under the direction of the Recreation Commissioners.

Recommendations: Ways & Means voted 12-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 4 RE: DPW Pavement Management/Chapter 90

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$480,603 or any other amount to pay for the purpose of funding the paving, drainage repairs and installation of sidewalks, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

MAIN MOTION: Move that the Town vote to accept the Chapter 90 allocation for 2004 and appropriate the sum of \$480,603 for the purpose of funding the paving, drainage repairs and installation of sidewalks, same to be spent under the direction of the Town Administrator.

Recommendations: Ways & Means 12-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 5 RE: TRW Park Water Bubbler

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of \$5,000.00 to pay for the installation of a water bubbler at TRW park, or to act in any other manner in relation thereto.

MAIN MOTION: Move that the Town vote to transfer from the Ways and Means Reserve Fund line item 137 the sum of \$5,000 to pay for the installation of a water bubbler at TRW Park.

Recommendations: Ways & Means 0-11-1 in opposition.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 6 RE: Street Light Purchase

To see if the Town will vote to Raise and Appropriate, transfer from available funds, borrow or otherwise provide a sum of \$157,500.00 to pay for the debt service associated with the previously approved Town Meeting vote to purchase the street lights in the Town of Burlington, or to act in any other manner in relation thereto.

MAIN MOTION: Move that the Town vote to transfer from FY2004 Street Lights line item 97 the sum of \$150,000 to FY2004 Principal Debt Service line item 134 and \$7,500 to FY2004 Interest Debt Service line item 135 for a total of \$157,500.

Recommendations: Ways & Means voted 12-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 7 RE: Cemetery Perpetual Care Trust Fund

To see if the Town will vote to Raise and Appropriate, transfer from available funds, borrow or otherwise provide a sum of \$12,000.00 to pay for FY 2004 expenses within the Cemetery Dept, or to act in any other manner in relation thereto.

MAIN MOTION: Withdrawn

ARTICLE 8 RE: Amend Zoning Map – Rezone Wheeler Rd.

To see if the Town will vote to amend the Zoning Map to rezone a certain parcel of land known as 14 Wheeler Road, identified on Town of Burlington Assessors Map 56 as Parcel 24, from One Family Dwelling (RO) District to Planned Development (PD) District in accordance with the Concept Plan including, without limitation the "Burlington Residential Communities, Wheeler Road" zoning regulations submitted in accordance with Article XII, Section 12.1.4 of the Town of Burlington Zoning By-Law included as part of the backup material to this Warrant Article; said land is further described as follows:

A certain parcel of land with the buildings thereon on the northern side of Lexington Street in Burlington, Middlesex County, Massachusetts, bounded and described as follows:

Beginning on the westerly end of a stone wall on the northerly side of the road to Bedford near the junction of said road and Lexington Street, and running slightly northerly by said road to Bedford and Lexington Street by a broken line two hundred and twenty (220.00) feet

and one hundred and four (104.00) feet respectively to a corner in said wall at land of owners unknown;

Thence turning and running northwesterly by a stone wall one hundred (100.00) feet to a break in said wall;

Thence turning and running northerly and slightly northeasterly by the continuance of said stone wall one hundred five and 5/10 (105.50) feet and eighty-five (85.00) feet respectively to a post in said wall;

Thence turning and running in a northwesterly direction by an irregular line, being part by a stone wall, one hundred forty (140.00) feet, one hundred and one (101.00) feet, sixty-six (66.00) feet and one hundred and twenty-five (125.00) feet respectively;

Thence turning and running northerly by said wall, one hundred fifty-six (156.00) feet to a post at land of owners unknown;

Thence turning and running westerly two hundred and sixty-one (261.00) feet to a post at land of owner unknown;

Thence turning and running slightly southeasterly three hundred and eighty-one (381.00) feet to a post;

Thence continuing in the same direction generally two hundred eighty-four (284.00) feet to a post;

Thence in the same direction one hundred fifty-three (153.00) feet;

Thence turning and running southerly again two hundred and fifty-one (251.00) feet to a post;

Thence turning and running easterly eighty (80.00) feet to the point of beginning.

Said Premises are shown on a plan of land entitled, "Land in the Southern Part of Burlington Belonging to C.O. Hanson," dated February 1917, drawn by H.A. Millhouse, C.E., and recorded with said Middlesex South District Registry of Deeds in Plan Book 290, Plan 22.

EXCEPTING there from so much of the land as is included in a Taking by the Middlesex County Commissioners, recorded with said Middlesex South Registry of Deeds in Book 5657, Page 109.

EXCEPTING AND EXCLUDING, however, that portion of the above-described premises as shown as "Lot A 1.35 Acres" on a plan entitled, "Plan of the Land in Burlington, Mass.," dated July 30, 1962, drawn by E.J. Mulligan, Reg. Land Surveyor, and recorded with said Deeds in Book 10099, Page 315.

MAIN MOTION: As printed in the Warrant

Recommendations: Planning Board voted 6-0-1 in favor. Land Use Committee voted 5-0-0 in favor. Ways & Means voted 11-0-0 in favor.

The Moderator noted corrections to the Use Table in the PDD Concept Plan as follows:

In Section 1.2.6 on Page 3, the reference to 1.2.10 should read 1.2.9, and the reference of footnote 2 of the Use Table on Page 9 stating Sections 1.3.1-1.3.11 should read 1.3.1-1.3.10.

A motion to move the question was seconded and so voted. There was a division of the house and tellers were appointed.

ACTION: BY A VOTE OF 73 IN FAVOR AND 19 OPPOSED, THE MAIN MOTION AS CORRECTED CARRIED.

App'd. A.G. . Adv. Daily Times .

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

Attest:

Jane L. Chew
Town Clerk