

**Monday, May 10, 2004
Fogelberg Auditorium, BHS**

At 7:35 P.M., the Town Meeting Members of Precinct 2 assembled to fill the vacancy created by the failure to elect at the April Town Election.

Precinct 2 - Present and voting were: K. Coluci, M. Fitzgerald, M. Foster, A. Hanafin, D. Hanafin, J. Lynch, M. Merlesena, K. Morgan, E. O'Connell, and A. Olney.

Nominations: Judith Hanafin, 9 Maple St.

Unanimously voted to fill the vacancy until the next election.

Attest:

Jane L. Chew
Town Clerk

**ADJOURNED (FIRST) TOWN MEETING
FOGELBERG AUDITORIUM, BHS
MONDAY, MAY 10, 2004**

A quorum being present, the meeting was called to order at 7:45 P.M. with a salute to the flag. The Moderator swore in new Town Meeting Members. A motion to adjourn to Wed. May 12, 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: Amend Zoning Bylaws, Article II and Article IV

To see if the Town will vote to amend Article II and Article IV of the Zoning Bylaws, as follows:

To amend Section 2.16.1 to edit the definition of a Congregate Living Facility to read as follows:

Congregate Living Facility – A non-institutional, shared living environment which integrates shelter and service needs of functionally impaired and/or socially isolated seniors who are otherwise in good health, and who do not require constant supervision or intensive health care as provided by an institution. Each resident or couple shall have an individual bedroom and may have a separate living room, kitchen, dining area, or bathroom, and may share living, dining, and bathroom facilities with other senior persons, such as in a common dining facility.

AND further to amend Section 2.33.1 to edit the definition of a Group Care Facility to read as follows:

Group Care Facility – A type of group quarters operated under the auspices of the Department of Mental Health or the Department of Mental Retardation in which a group of up to eight (8) individuals not related by blood, marriage, or adoption live together as a single housekeeping unit under a common housekeeping management plan in which some form of health care is provided.

AND further to amend Section 4.2.1.11, to delete the terms congregate living and continuing care retirement Community, and to insert a "NO" in all zoning districts where a "- currently appears;

AND further to amend Section 4.2.1.13 to delete the term Group Care Facility, and to insert a "NO" in all zoning districts where a "- currently appears;

AND further to establish a new Section 4.2.1.14 "Congregate Living Facility", and to allow such use by Special Permit in the RC (Continuing Care) District, by right in the Aquifer and Water Resource Districts, and to prohibit the use in all other zoning districts.

AND further to establish a new Section 4.2.1.15 "Continuing Care Retirement Community", and to allow such use by special permit in the RC (Continuing Care) District, by right in the Aquifer and

Water Resource District, and to prohibit the use in all other zoning districts.

AND further to establish a new Section 4.2.1.16 "Group Care Facility", and to allow such use by right in all zoning districts, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Planning Board voted 7-0-0 in favor. Land Use voted 7-0-0 in favor.

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

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

ARTICLE 3 RE: Amend Zoning Bylaws, Article VI and Article IX

To see if the Town will vote to amend Article VI of the Zoning Bylaws, by amending Section 6.1.1 "Nonconforming uses", to add the following text to the end of the existing paragraph:

"provided, however, that a change in a nonconforming use to add or substitute another use not otherwise permitted by right in the zoning district in which the existing nonconforming use is located, shall only be granted upon the issuance of a special permit by the Planning Board to allow the newly requested use, subject to the following conditions:

- The newly proposed use is within the same major use categories within the principal use regulations schedule (section 4.2.0) or accessory use regulation schedule (Section 4.3.0);
- The newly proposed use is compatible with the surrounding uses in the neighborhood;
- The newly proposed use meets the special permit approval criteria cited in Section 9.2.4 of this bylaw;
- Where the new use is completely substituted for the previously existing nonconforming use, and the new use is not otherwise permitted in the zoning district, the newly substituted use shall be considered to be the nonconforming use and the previous nonconforming use shall not be re-established."

AND further to see if the Town will vote to amend Article IX of the Zoning Bylaws, by amending Section 9.2.2.2 "Special Permit Fees", to set the application fee for special permits for changes in nonconforming use under Section 6.1.1 at \$300.00, or to act in any other manner in relation thereto.

ACTION: WITHDRAWN

ARTICLE 4 RE: Amend Administrative and Professional Classification Plan/Group 15

To see if the Town will vote to amend the existing Administrative and Professional Classification Plan by adding the title of "Director of Public Health" to Group 15 of said plan and furthermore to change the existing title of Information Systems Coordinator to Information Systems Manager within Group 15, or act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Bylaw Review voted 4-0-0 in favor.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 5 RE: Amend Administrative and Professional Classification Plan/Group 11

To see if the Town will vote to amend the existing Administrative and Professional Classification Plan by adding to Group 11 the new title of "Assistant to the Information Systems Manager", or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Bylaw Review voted 4-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 6 RE: Amend General Bylaw, Article III Procedure of Town Meeting

To see if the Town will vote to amend the General Bylaws, Article III, Procedure of Town Meeting, by adopting the following new section:

17.0 Articles Requiring a 2/3 Vote

In addition to articles requiring a 2/3 vote as prescribed by Massachusetts General Law, any article requesting an appropriation for the purpose of the design and/or construction of a public facility must also be approved by 2/3 vote.

MAIN MOTION: In addition to articles requiring a 2/3 vote as prescribed by Massachusetts General Law, any article requesting an appropriation of \$100,000 or more for the purpose of the design and/or construction of a public facility must also be approved by 2/3 vote.

Recommendations: Bylaw Review voted 4-0-0 in favor.

ACTION: MOTION DEFEATED

ARTICLE 7 RE: Transfer of Dearborn Road

To see if the Town will 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 a parcel of land with the buildings thereon known and numbered as 1 Dearborn Road, containing approximately 23,600 square feet, to the Burlington Housing Authority, on such terms and conditions and for such monetary consideration, which may be nominal consideration, as the Selectmen may determine, or to act in any other manner in relation thereto.

ACTION: WITHDRAWN

ARTICLE 8 RE: Petition Legislature for a Special Act Relating to Town Meeting

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact a Special Act, in the form set forth below, to ratify and confirm that the Town Clerk may charge a fee of \$.02 per copy per name for electronic records, consistent with the votes of the May 23, 1988 and September 8, 2003, Town Meetings; provided, however, that 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 and that the Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition, or to act in any other manner in relation thereto.

An Act Relative to the Town Meeting of the Town of Burlington

Section 1. Notwithstanding the provisions of chapter 66 of the General Laws, or of any other general or special law to the contrary, and consistent with the votes of the May 23, 1988, and September 8, 2003, Burlington town meeting adopting bylaws so providing, and the vote of the May 10, 2004, Burlington town meeting, the town clerk of the town of Burlington may charge a fee of \$.02 per copy per name for electronic records maintained by such clerk.

Section 2. This act shall take effect upon passage.

MAIN MOTION: As printed in the Warrant

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 9 RE: Acceptance of Land/Wildmere Avenue

To see if the Town will vote to authorize the Board of Selectmen to accept a donation of land consisting of 10,500 square ft and identified as Map 43, Parcel 208-1 on the Assessor's map and located on Wildmere Ave, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Land Use voted 5-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 10 RE: Recall Vote

To see if the Town will vote to petition the General Court to enact special legislation establishing recall procedures in the Town of Burlington as set forth below:

An Act Providing for Recall of Elected Officials in the Town of Burlington.

Section 1. Any person who holds an elected Town office with more than six months remaining of the term of office may be recalled from the office by the voters in the manner as herein provided.

Section 2. One hundred and fifty or more voters may file with the Town Clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. The signatures on such petition shall contain the names of at least ten voters in each of the precincts into which the Town is divided for the purposes of electing Town officers. If the said petition is found to be valid the Town Clerk shall thereupon deliver to the ten persons first named on such petition, petition blanks demanding said recall, printed forms of which he shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the Board of Selectmen; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the Town Clerk within twenty days following the date they are issued, signed by a least ten percent of the total number of persons registered to vote as of the date of the most recent Town election. The Town Clerk shall within four (4) working days, commencing the day after submission with him/her submit the petitions to the Board of Registrars which shall within seven (7) working days, certify thereon the number of signatures which are names of voters

Section 3. If the petitions shall be certified by the Registrars of Voters to be sufficient, the Town Clerk shall forthwith and without delay submit the same with his/her certification. Upon its receipt of the certified petition the Board of Selectmen shall forthwith hold a meeting in accordance with the requirements of the Open Meeting Law and, within two (2) working days, give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign his office within five (5) working days following delivery of said notice, the Board of Selectmen shall order a special election to be held not less than sixty-five (65) nor more than ninety (90) days after the date the election is called, provided, however, that if any other town election is scheduled to occur within 100 days after the date the election is called, the Board of Selectmen shall postpone the holding of the recall election to the date of such other election, and the question of recall shall appear on the ballot at such other election.

Section 4. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the charter and General Laws regulating elections.

Section 5. Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the said proposition shall appear the word "candidates" and the name of the candidates arranged as determined by a drawing by lot conducted by the Town Clerk which shall be open to the public. If a majority of the votes cast on the proposition is against the recall, the votes for candidate need not be counted. If the majority of the votes cast is in favor of recall, the votes for candidates shall be counted and the candidate receiving the highest number of votes shall be declared elected.

Section 6. The incumbent shall continue to hold his office and to perform his duties until the recall election. If he is not then recalled, he shall continue in office for the remainder of his unexpired term. If the officer is recalled, he shall be deemed removed upon the certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

Section 7. No recall shall be filed against an officer within six months after he takes office, or in the case of an officer subjected to recall and not recalled thereby, during the remainder of his unexpired term.

Section 8. This act shall take effect upon passage.

provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

ACTION: MOTION DEFEATED

ARTICLE 11 RE: Establish Revolving Funds

To see if the Town will vote to establish revolving funds for certain Town Departments under M.G.L. Chapter 44 S.53E1/2 for the fiscal year beginning July 1, 2004 with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year, as published in the warrant, or to act in any other manner in relation thereto.

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Home Composting	Public Works	Fees charged for compost bins	Purchase of compost bins	\$5,000	Available for expenditure next year
Cross Connection-Backflow prevention	Public Works	Fees charged for testing devices that prevent mixing of potable and non-potable water	Contract services to EPA authorized vendors who perform the testing.	\$10,000	Available for expenditure next year
B-line Local Mini Bus	Public Works	Bus user fees	Salaries, expenses, contractual services to operate the in-town B-Line bus service.	\$15,000	Available for expenditure next year
Nursing Programs & Services	Board of Health	Fees charged for medical & screening services and government or private reimbursements; i.e. Flu/Pneumonia vaccination	Medical equipment and supplies, immunizations, educational materials and staff training	\$10,000	Available for expenditure next year
Plan Imaging	Building Depart.	2% of Building Department Fees Not to exceed \$10,000 annually	Archival imaging of building permit drawings and specifications	\$20,000	Available for expenditure next year

MAIN MOTION:

To see if the Town will vote to establish revolving funds for certain Town Departments under M.G.L. Chapter 44 S.53E1/2 for the fiscal year beginning July 1, 2004 with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year, as published in the warrant, or to act in any other manner in relation thereto.

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Home Composting	Public Works	Fees charged for compost bins	Purchase of compost bins	\$5,000	Available for expenditure next year
Cross Connection-Backflow prevention	Public Works	Fees charged for testing devices that prevent mixing of potable and non-potable water	Contract services to EPA authorized vendors who perform the testing.	\$10,000	Available for expenditure next year
B-line Local Mini Bus	Public Works	Bus user fees	Salaries, expenses, contractual services to operate the in-town B-Line bus service.	\$15,000	Available for expenditure next year
Nursing Programs & Services	Board of Health	Fees charged for medical & screening services and government or private reimbursements; i.e. Flu/Pneumonia vaccination	Medical equipment and supplies, immunizations, educational materials	\$10,000	Available for expenditure next year
Plan Imaging	Building Depart.	2% of Building Department Fees Not to exceed \$10,000 annually	Archival imaging of building permit drawings and specifications	\$20,000	Available for expenditure next year

Recommendations: Ways & Means voted 11-1 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 12 RE: Transfer of Funds FY 2004 Various Accounts

A motion to postpone until Wed. May 12 was moved, seconded and so voted.

The Town Administrator, Town Accountant, and School Superintendent presented a financial overview to the Town Meeting Members.

ARTICLE 13 RE: Funding FY'05 Operating Budget

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of money sufficient to cover the requests of the various departments for Fiscal Year 2005, or to act in any other manner in relation thereto.

RAISE AND APPROPRIATE:

Treasurer/Collector - Line 1-3

Salaries	407,034
Expenses	15,572
Special Accounts	200
Total	422,806

Assessors - Line 4-6

Salaries	184,827
Expenses	103,500
Special Accounts	0
Total	288,327

Town Clerk - Line 7-9

Salaries	209,317
Expenses	13,575
Special Accounts	34,125
Total	257,017

Moderator - Line 10-11

Salaries	150
Expenses	75
Total	225

Planning Board - Line 12-13

Salaries	157,177
Expenses	11,591
Total	168,768

Ways & Means - Line 14-15

Salaries	1,956
Expenses	350
Total	2,306

Capital Budget - Line 16-17

Salaries	900
Expenses	25
Total	925

Town Admin./Selectmen - Line 18-20

Salaries	331,800
Expenses	8,177
Special Accounts	189,000
Total	528,977

Human Resources - Line 20.1-20.3

Salaries	42,510
Expenses	7,688
Special Accounts	8,500
Total	58,698

Legal - Line 21-24

Legal Fees	120,000
Collective Bargaining	50,000
Tax Title	2,000
Cable TV Negotiations	1,500
Total	173,500

Accounting - Line 25-26

Salaries	169,787
Expenses	2,400
Total	172,187

Management Info Systems - Line 27-28

Salaries	160,012
Expenses	75,300
Total	235,312

Town Meeting & Reports - Line 29-30

Salaries	4,174
Expenses	18,060
Total	22,234

Registrar of Voters - Line 31-32

Salaries	1,000
Expenses	5,350
Total	6,350

Town Facilities - Line 33-34

Salaries	337,378
Expenses	344,659
Total	682,037

Central Administration - Line 35-45

Central Supply	105,000
Central Machines	26,000
Surplus Buildings	10
Chapter 32B – Health Ins. (AA)	7,160,000
Unemployment Comp. (AA)	50,000
Pension Reimburse (AA)	3,000
Town Insurance (AA)	700,000
Financial Audit (AA)	42,000
Medicare Tax (AA)	370,000
Charles George Settlement (AA)	0
4th of July/Town Event	0
Total	8,456,010

Board Of Appeals - Line 46-48

Salaries	11,404
Expenses	250
Special Accounts	3,700
Total	15,354

Conservation Commission - Line 49-51

Salaries	138,173
Expenses	3,100
Special Accounts	15,500
Land Mgmt/Legal ads	5,500
Stream Cleaning	10,000
Total	156,773

Historical Commission - Line 52

Expenses	1,685
Total	1,685

Sealer of Weights - Line 53-54

Salaries	5,245
Expenses	900
Total	6,145

Fire Department - Line 55-57

Salaries	4,250,465
Expenses	302,234
Special Accounts	97,810
Total	4,650,509

Emergency Management Service - Line 58-60

Salaries	5,000
Expenses	19,040
Special Accounts	220
Total	24,260

Building Inspector - Line 61-63

Salaries	359,504
Expenses	25,355
Special Accounts	10
Total	384,869

Police Department - Line 64-66

Salaries	4,474,699
Expenses	369,425
Special Accounts	170,565
Total	5,131,620

Department of Public Works - Line 67-72

Salaries	2,954,254
Expenses	1,571,740
Special Accounts	562,866
Rubbish & Garbage (AA)	1,700,000
Street Lights (AA)	262,300
Swift Law (AA)	18,000
Total	7,069,160

Community Life Center - Line 73-74

Salaries	330,014
Expenses	16,610
Total	346,624

Council on Aging - Line 75-77

Salaries	125,873
Expenses	10,150
Special Accounts	5,091
Total	141,114

Disability Access - Line 78-79

Salaries	1,778
Expenses	500
Total	2,278

Veteran's Services - Line 80-82

Salaries	84,322
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Expenses	5,230
Special Accounts	42,500
Total	132,052

Board of Health - Line 83-85

Salaries	278,696
Expenses	33,959
Special Accounts	88,450
Total	401,105

Recreation Director - Line 86-89

Salaries	422,824
Expenses	35,740
Special Accounts	10,170
Total	468,734

Recreation Maintenance - Line 90-92

Salaries	574,383
Expenses	154,283
Total	728,666

Library - Line 93-95

Salaries	701,372
Expenses	119,984
Special Accounts	122,000
Total	943,356

Shawsheen Valley School - Line 96 (AA) ppd to 5/12

Local Education - Line 97 32,615,604

Debt Service - Line 98-99

Principal (AA)	2,544,900
Interest (AA)	904,100
Total	3,449,000

Reserve Fund - Line 100 200,000

County Retirement - Line 101 (AA) 3,652,102

Negotiated Settlements - Line 102 400,000

Stabilization - Line 103 250,000

MAIN MOTION: as printed in the warrant with the exception of line 83, Board of Health Special Accounts, Mosquito Control from \$34,000 to \$28,800 changing the Board of Health total to \$401,105 and changing the Grand Total to \$73,875,995 and furthermore to fund said budget by transferring:

- From FY04 Certified Free Cash the sum of \$1,000,000,
 - From Wetlands Protection account the sum of \$29,054,
 - From Pension Reserve Trust fund the sum of \$126,000,
 - From Prior Years Employee Benefits, the sum of \$280,000,
 - From Overlay Reserve the sum of \$300,000,
- and raising and appropriating the sum of \$72,140,941 for a total FY05 Operating Budget of \$73,875,995.

Recommendations: Ways & Means voted in favor.

The budget was voted as a whole with the exception of the following line items that were voted individually: Town Administrator 18-20, Town Facilities/Central Facilities 33-45, Police 64-66, COA 75-77, Board of Health 83-85, Recreation Director 86-89, Recreation Maintenance 90-92, Public Library 93-95, Shawsheen 96, Local Education 97, Stabilization 103

A motion to postpone line item 96 until Wed. May 12 was moved, seconded and so voted.

ACTION: MAJORITY APPROVED MAIN MOTION

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 12, 2004**

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 17, 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 13 RE: Funding FY'05 Operating Budget

Shawsheen Valley School - Line 96 (AA) 1,229,306

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

ACTION: MAJORITY APPROVED MAIN MOTION

**ARTICLE 12 RE: Transfer of Funds FY 2004
Various Accounts**

To see if the Town will vote to transfer from available funds the sum of \$450,000 or any other sum, for the purpose of paying for expenses incurred in Fiscal Year 2004 to various accounts same to be spent under the direction of the appropriate authorities, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from -

<u>Source of Funds</u>	
Sewer Enterprise, Surplus	98,000
Water and Sewer, Occupancy	70,500
Debt Service, Interest	<u>150,000</u>
Total	318,500

To -

<u>Uses of Funds</u>	
Sewer Enterprise, MWRA Assessment	98,000
Information Sys., Contracted Services	44,000
Police, Occupancy	15,000
Town-wide, M & S Gasoline	14,000
Library, Occupancy	8,000
Fire, EMT Recertification	2,700
DPW, License Reimbursement	1,800
Water/Sewer, Overtime	56,000
Employee Benefits, General Insurance	70,000
Employee Benefits, Unemployment	<u>9,000</u>
Total	318,500

Recommendations: Ways & Means voted 8-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 14 RE: Fund the Administrative & Professional Compensation Plan

To see if the Town will vote to adopt the Administrative & Professional Compensation Plan for Fiscal Year 2005, and transfer from the Negotiated Settlement Account the amount of \$50,000 or any other sum, for the purpose of funding the plan under the direction of the appropriate authorities, or to act in any other manner in relation thereto.

MAIN MOTION: Transfer from the FY2004 Negotiated Settlement Acct. the sum of \$35,000 to pay for salary adjustments to the Administrative and Professional Compensation Plan and to act in any manner in relation thereto.

Recommendations: Ways & Means voted 8-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 15 RE: Fund the BPPA Contract

To see if the Town will vote to transfer from the Negotiated Settlement Account the sum of \$20,000 or any other sum, for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the BPPA Union (Police Patrolmen), same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

ACTION: WITHDRAWN

ARTICLE 16 RE: Fund the IBPO Contract

To see if the Town will vote to transfer from the Negotiated Settlement account the sum of \$55,000 or any other sum, for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and Local 532 (Police Command Officers), same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

ACTION: WITHDRAWN

ARTICLE 17 RE: Fund the IAFF Contract

To see if the Town will vote to transfer from the Negotiated Settlement account the sum of \$70,000 or any other sum, for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Professional Firefighters (IAFF Local 2313), same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

ACTION: WITHDRAWN

ARTICLE 18 RE: Fund the DPW Contract

To see if the Town will vote to transfer from the Negotiated Settlement account the sum of \$45,000 or any other sum, for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Department of Public Works (Local 1703), same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

ACTION: WITHDRAWN

ARTICLE 19 RE: Fund the BMEA Contract

To see if the Town will vote to transfer from the Negotiated Settlement account the sum of \$60,000 or any other sum, for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the BMEA (Local 1703), same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

ACTION: WITHDRAWN

ARTICLE 20 RE: Fund the Part-time Salary Plan

To see if the Town will vote to transfer from the Negotiated Settlement account the sum of \$10,000 or any other sum, for the purpose of funding the Part-time Salary Plan (under 20 hours) for Fiscal Year 2005, same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

MAIN MOTION: Transfer from FY2004 Negotiated Salary Account the sum of \$8,000 to pay for salary adjustments to the Town's Part Time Compensation Plan or to act in any manner in relation thereto.

Recommendations: Ways & Means voted 8-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 21 RE: Funding FY 2005 Capital Budget

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money, or any other sum, for the items contained within the following proposed Fiscal Year 2005 Capital Budget, same to be spent under the appropriate authorities as indicated:

PROJECT NUMBER	DEPT	PROJECT NAME/DESCRIPTION	SPENDING AUTHORITY	APPROP. REQUEST
FROM SEWER ENTERPRISE FUND 05-1				
05-1		DPW/4" Diesel Pump	Selectmen	15,000
SALE OF GRAVES FUNDS: 05-2				
05-2		DPW/Cemetery Truck	Selectmen	25,000

<u>RAISE AND APPROPRIATE 05-3 THRU 05-10</u>			
05-3	DPW/Stripping Tower Rehabilitation	Selectmen	40,000
05-4	DPW/Mill Pond Treatment Plant/ Total Organic Carbon Analyzer	Selectmen	23,000
05-5	Fire/Aerial Fire Truck	Selectmen	750,000
05-6	Fire/Fire Prevention Vehicle	Selectmen	33,000
05-7	Library/Fire Alarm Panel	Selectmen	5,000
05-8	Recr/Cargo Van Replacement	Rec. Comm.	19,000
05-9	Recr/Purchase of Bucket Truck	Rec. Comm.	114,000
05-10	Recr/Simonds Park Tennis Courts Renovation	Rec. Comm.	33,720

or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money, or any other sum, for the items contained within the following proposed Fiscal Year 2005 Capital Budget, same to be spent under the appropriate authorities as indicated:

<u>PROJECT NUMBER</u>	<u>DEPT PROJECT NAME/DESCRIPTION</u>	<u>SPENDING AUTHORITY</u>	<u>APPROP. REQUEST</u>
<u>FROM SEWER ENTERPRISE FUND 05-1</u>			
05-1	DPW/4" Diesel Pump	Selectmen	15,000
<u>SALE OF GRAVES FUNDS: 05-2</u>			
05-2	DPW/Cemetery Truck	Selectmen	25,000
<u>RAISE AND APPROPRIATE 05-3 THRU 05-10</u>			
05-3	DPW/Stripping Tower Rehabilitation	Selectmen	40,000
05-4	DPW/Mill Pond Treatment Plant/ Total Organic Carbon Analyzer	Selectmen	23,000
05-8	Recr/Cargo Van Replacement	Rec. Comm.	19,000
05-9	Recr/Purchase of Bucket Truck	Rec. Comm.	Defeated
05-10	Recr/Simonds Park Tennis Courts Renovation	Rec. Comm.	33,720

Recommendations: Ways & Means and Capital Budget voted in favor of all items except items 8 and 9.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 22 RE: Rental of Bucket Truck/Recreation

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$14,400 or any other sum, for the rental of a bucket truck, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to raise and appropriate the sum of \$14,400 for the rental of a bucket truck.

Recommendations: Ways & Means voted 11-1-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 23 RE: Marshall Simonds Middle School/Heating And Ventilation Systems

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of (not to exceed) \$6,000,000 or any other sum, for the purpose of replacing all components of the heating and ventilation system at Marshall Simonds Middle School, including all costs incidental and related thereto, same to be spent under the direction of the School Committee, or to act in any other manner in relation thereto.

MAIN MOTION: That the sum of \$4,867,200 be and is hereby appropriated, to be expended at the direction of the School Committee, to pay costs of replacing all components of the heating and ventilation system at the Marshall Simonds Middle School, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Recommendations: Ways & Means voted 9-5-0 in favor. Capital Budget voted 4-0-0 in favor. Selectmen voted unanimously in favor.

A motion to end debate was moved, seconded and so voted. The Moderator called for a roll call vote on the main motion.

ACTION: BY A ROLL CALL VOTE OF 77 IN FAVOR, 19 OPPOSED, AND 1 ABSENTION, THE MAIN MOTION CARRIED

ARTICLE 24 RE: Fund Interest Charges Marshall Simonds Middle School

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$150,000 or any other sum, to provide the Town Treasurer with funds to pay the

interest charges associated with borrowing (temporarily) for the purpose of replacing all components of the heating and ventilation system at Marshall Simonds Middle School, same to be spent under the direction of the Town Treasurer, or to act in any other manner in relation thereto.

MAIN MOTION: Raise and appropriate the sum of \$2,500 to provide the Treasurer with funds to pay the temporary interest charges associated with borrowing amounts necessary for the purpose of replacing all components of the heating and ventilation systems at the Marshall Simonds Middle School.

Recommendations: Ways & Means voted 13-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 25 RE: Ice Palace Enterprise Fund

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$686,916.87 or any other sum, to operate the Burlington Ice Palace, of which the \$686,916.87 will come from the Burlington Ice Palace Estimated Revenue Account, same to be spent under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to raise and appropriate the sum of \$686,916.87 to operate the Burlington Ice Palace, of which \$686,916.87 will come from FY04 Ice Palace Estimated Revenue Account.

Recommendations: Ways & Means voted 8-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 26 RE: Sewer Services Enterprise Fund

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$3,505,800 or any other sum, for the FY2005 Sewer Services Enterprise Account of which \$3,305,800 will come from the Sewer Estimated Revenue Account and \$200,000 will come from the Sewer Enterprise Reserve Account, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 27 RE: Drug and Alcohol Task Force

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$2,500 or any other sum, to fund the expenses of the Burlington Drug and Alcohol Task Force, same to be spent under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

MAIN MOTION: Raise and appropriate the sum of \$2,500 to fund the expenses of the Burlington Drug and Alcohol Task Force.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 28 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 \$9,500, or any other sum, for the maintenance and improvements 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: As printed in the Warrant

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 29 RE: Community Custodial Fees

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$27,000 or any 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 and other non profit Burlington Civil Organizations, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to raise and appropriate the sum of \$27,000 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 and other non profit Burlington Civil Organizations.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 30 RE: Main Fire Station Roof Repair

To see if the Town will vote to transfer \$39,783 from FY 2003 available Highway Garage and the "Players Building Roof" (account #02825631-601914) to fund the repair of the main fire station roof, same to be spent under the direction of the Selectmen, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Ways & Means voted 12-0-0 in favor. Capital Budget voted 4-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 31 RE: Fund Annual Town-wide Celebration

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$15,000 or any other sum, for the purpose of providing funds for an annual Town-wide celebration, same to be spent under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

ACTION: WITHDRAWN

Resolution #1 offered by M. Kashgejian, Pct. 4

Whereas the Ways and Means Committee makes recommendations to Town Meeting on all financial articles that involve the appropriation, transfer, expenditure, or raising and borrowing of money;

Whereas the Ways and Means Committee may make recommendations on any and all questions involving town affairs;

Whereas all other boards including the Board of Selectmen, the Planning Board, the Board of Appeals, the Board of Health, the Conservation Commission and the School Committee have their meetings televised live;

Whereas the importance of the discussions at the Ways and Means Committee meetings and the overall responsibility of the Ways and Means Committee with regards to the finances of the Town of Burlington is such that...;

I hereby submit a resolution to require all meetings of the Ways and Means Committee (Finance Committee) of the Town of Burlington to be televised on BCAT live.

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

Resolution carried.

Resolution #2 offered by P. Vallelli, Pct. 3

Whereas it appears that the Town of Burlington is being unfairly assessed its' portion of the Shawsheen Valley Tech Budget, Line 96;

and Whereas the Town of Bedford has extensive tax free property, to wit, Hanscom A.F.B., Bedford Veterans Hospital, Middlesex Community College, and the Mitre Corp., a government not-for-profit organization;

Therefore, be it resolved that the Town Administrator and Board of Selectmen seek a more equitable assessment by working with our State Representative and Senator.

Resolution failed.

At 10:30 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:

Jane L. Chew
Town Clerk