

**ADJOURNED (THIRD) TOWN MEETING  
MONDAY, JANUARY 24, 2005  
FOGELBERG AUDITORIUM – BHS**

The meeting was postponed until Monday, January 31, 2005 due to a declared State of Emergency because of weather conditions and continuing snow removal efforts.

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MONDAY, JANUARY 31, 2005  
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:45 P.M. with a salute to the flag. 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.

The Town Administrator rose to recognize the Moderator's last meeting and his contributions to the Town having served as Ways & Means member and as a member of the Board of Selectmen prior to assuming his role as Moderator.

**ARTICLE 2 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:** As printed in the Warrant

Recommendations: Ways & Means voted 9-0-0 in favor.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 3 RE: Special Counsel/Pending Appellant Tax Board Cases**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$25,000, or any other sum for the purpose of hiring special counsel and expert witnesses to defend pending Appellant Tax Board cases, or to act in any other manner in relation thereto.

**MAIN MOTION:** Withdrawn

**ARTICLE 4 RE: Fund the Burlington Firefighters Union Contract**

To see if the Town will vote to transfer from the Negotiated Settlement account the sum of \$75,000 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.

**MAIN MOTION:** To see if the Town will vote to transfer from the Negotiated Settlement account the sum of \$75,000 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.

Recommendations: Ways & Means 9-0-0 in favor.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 5 RE: Fund the Burlington Patrolmen Union Contract**

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

**MAIN MOTION:** To see if the Town will vote to transfer from Negotiated Settlement Account the sum of \$77,500 to fund the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Patrolmen (BPPA), same to be spent under the appropriate authority.

Recommendations: Ways & Means voted 10-0-0.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 6 RE: Fund the Burlington Police Command Officers Union 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 Burlington Police Command Officers (IBPO Local 532), same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to transfer from the Negotiated Settlement account the sum of \$20,000 for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Command Officers (IBPO Local 532), same to be spent under the appropriate authority.

Recommendations: Ways & Means voted 10-0-0 in favor.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 7 RE: I/I Removal**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, accept any grants or loans available, or otherwise provide the sum of \$1,188,600, or any other sum for the purpose of compliance with the Amended Administrative Consent Order issued by the Department of Environmental Protection to aggressively remove and remediate all sources of extraneous infiltration and inflow from the Burlington sewer system, or to act in any other manner thereto.

**MAIN MOTION:** To see if the Town will vote that the sum of \$1,188,600 be and is hereby appropriated to pay costs of removing sources of infiltration and inflow into the Town's sewer system, as required under an Amended Administrative Consent Order issued by the Department of Environmental Protection, 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(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided, however, that the amount authorized to be borrowed hereunder shall be reduced to the extent of any grants or gifts received by the Town from the Massachusetts Water Resources Authority, or from any other source, on account of this project.

Recommendations: Ways & Means voted 10-0-0 in favor. Capital Budget voted 5-0-0 in favor.

**ACTION: UNANIMOUSLY APPROVED MAIN MOTION**

**ARTICLE 8 RE: DPW Road Paver Machine/Chapter 90**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$85,000, for the purpose of a new road paver machine from the Chapter 90 State funds, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to authorize the expenditure of \$85,000 from the 2005 Chapter 90 allocation to purchase a new road paver machine.

Recommendations: Ways & Means voted 10-0-0 in favor.  
Capital Budget voted 5-0-0 in favor.

**ACTION: MAJORITY APPROVED THE MAIN MOTION**

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**ARTICLE 9 RE: Library Security Cameras**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$12,528, or any other sum for the supply and installation of video surveillance equipment at the Burlington Public Library, same to be spent under the direction of the Library Commission, or to act in any other manner in relation thereto.

**MAIN MOTION:** Withdrawn

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**ARTICLE 10 RE: System-wide School Security Improvements**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$TBD for the supply and installation of video surveillance equipment at all Burlington school facilities, same to be spent under the direction of the School Committee, or to act in any other manner in relation thereto.

**MAIN MOTION:** Withdrawn

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**ARTICLE 11 RE: Lighting Control Replacement at Burlington High School**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$80,000, or any other sum, for the replacement of the lighting dimmer control equipment at Burlington High School's Fogelberg Auditorium, including the payment of all costs incidental and related to this project, same to be spent under the direction of the School Committee, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote that the sum of \$80,000 originally borrowed for the school remodeling purposes as authorized by vote of the Town taken under Article 10 of the Warrant at the Special Town Meeting held on September 8, 2003, and which is no longer needed to complete the project for which it was initially borrowed, is hereby appropriated to pay, at the direction of the School Committee, the cost of replacing the lighting dimmer control equipment at Burlington High School's Fogelberg Auditorium.

Recommendations: Ways & Means voted 10-0-0 in favor.  
Capital Budget voted 5-0-0 in favor.

**ACTION: MAJORITY APPROVED THE MAIN MOTION**

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**ARTICLE 12 RE: Fire Alarm Control Panel at Burlington High School**

To see if the Town will vote to transfer from the Insurance Reimbursement Account the Sum of \$27,289 to offset the deficit created by the expenditure related to the lightning strike at the Burlington High School and the cost associated with the replacement of the fire alarm control panel, same to be spent under the direction of the School Committee, or to act in any other manner in relation thereto.

**MAIN MOTION:** As printed in the Warrant

Recommendations: Ways & Means voted 6-3-1 in favor. Capital Budget voted 5-0-0 in favor.

**ACTION: MAJORITY APPROVED THE MAIN MOTION**

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**ARTICLE 13 RE: Professional Services/Master Education and Facilities Plan Study**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$95,000 for the cost of professional services for the completion of a Master Education and Facilities Plan including the payment of 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:** To see if the Town will vote to appropriate the sum of \$95,000 from the One-Time Municipal Relief Aid Fund available funds to pay for the cost of professional services for the completion of a Master Education and Facilities Plan including all cost incidental and related thereto.

Recommendations: Ways & Means voted 4-6-0 in opposition.  
Capital Budget voted 5-0-0 in favor.

A motion to end debate was moved, seconded and so voted. There was a division of the house and tellers were appointed. By a vote of 47 in favor and 30 opposed the motion carried.

**ACTION: MAJORITY APPROVED THE MAIN MOTION**

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**ARTICLE 14 RE: Amend General Bylaw/Article V, Section 1.2/Historical Commission**

To see if the Town vote to amend the General Bylaw/Article V, Authorities, Commission and Committees, 1.2 Historical by striking the words "five members" and substituting therefore the words "seven members" to read as follows:

1.2 Historical Commission

Voted that the Town adopt the provisions of Section 8D of Chapter 40 of the General Laws relating to the establishment of an Historical Commission, said Commission to consist of **seven members** to be appointed by the Board of Selectmen, said Commission to be established for the preservation, promotion and development of the historical assets of the Town; said Commission to have and exercise the powers and duties contained in said Section 8D of Chapter 40 of the General Laws, or to act in other manner in relation thereto.

**MAIN MOTION:** As printed in the Warrant

**ACTION: MAJORITY APPROVED THE MAIN MOTION**

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

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**ARTICLE 15 RE: Sale of Lot C/Sleeper Drive**

To see if the Town will vote too 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 \$475,000, being all of the proceeds of the sale of said parcels, for the purpose of making structural repairs and renovations to the Grandview Farm or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote too 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 **\$440,000**, being all of the proceeds of the sale of said parcels, for the purpose of making structural repairs and renovations to the Grandview Farm to be funded from the Sale of Land Account.

Recommendations: Ways & Means voted 9-0-1 in favor.

An amendment to remove the sale of lot C and allow the sale of either lot A or B at \$500,000 instead was moved and seconded. The Moderator ruled the amendment out of order.

There was a division of the housed and tellers were appointed.

**ACTION: BY A VOTE OF 72 IN FAVOR AND 3 OPPOSED, THE MAIN MOTION CARRIED.**

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**ARTICLE 16 RE: Raymond Road Parcel**

To see if the Town will vote to transfer from the custody of the Board of Selectmen a parcel of land identified on Map 29, Parcel 58 of the Burlington Assessors' maps containing 8.099 acres of land, more or less and located on Raymond Road to the Conservation Commission for conservation purposes, or to act in any other manner in relation thereto.

**MAIN MOTION:** As printed in the Warrant

**ACTION: UNANIMOUSLY APPROVED THE MAIN MOTION**

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**ARTICLE 17 RE: Amend Zoning Bylaw/Article IV, Section 4.1.7/Additional Regulations for Restaurants in an IG District, Subsection 4.1.7.3.b**

To see if the Town will vote to amend the Zoning Bylaw/Article IV, Section 4.1.7 "Additional Regulations for Restaurants in an IG District", Subsection 4.1.7.3b to substitute the word "delineation" for the word "definition" in the fourth sentence, such that the sentence will now read: "The **delineation** of a particular office/commercial park may change over time based upon the Planning Board's determination that other properties have been incorporated into a commonality of operation and character."

**MAIN MOTION:** As printed in the Warrant

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

**ACTION: UNANIMOUSLY APPROVED THE MAIN MOTION.**

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

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At 9:40 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:  
Jane L. Chew  
Town Clerk