

**ADJOURNED (THIRD) TOWN MEETING
MONDAY, SEPTEMBER 26, 2005
FOGELBERG AUDITORIUM – BHS**

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, September 28, 2005 to complete 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.

Selectman Rollins reported on the progress of the Route 3A Sub-Committee. Dr. Picone updated the members on the progress of the School Master Plan.

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

ARTICLE 2 RE: Additional Professional Staff and Supplies at Memorial School

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000 or any other sum, for the purpose of funding an additional second grade classroom teacher's salary and required supplies including the payment of all costs incidental and related, 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 raise and appropriate the sum of \$50,000 for the purpose of funding an additional second grade classroom teacher's salary and required supplies including the payment of all costs incidental and related, same to be spent under the direction of the School Committee.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 3 RE: Funding for Out of District Placement

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$18,550 or any other sum to pay for the Town's tuition obligation for an out of district placement of a Burlington student, 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 \$18,550 to pay for the Town's tuition obligation for an out of district placement of a Burlington student.

Recommendations: Ways & Means voted 9-3-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 4 RE: Funding for FY 2006 SPED Cost

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000 or any other sum to pay for unexpected cost related to SPED enrollments for FY2006, or to act in any other manner in relation thereto.

MAIN MOTION: Withdrawn

ARTICLE 5 RE: Funding for Prior Year Bills

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$120,000 or any other sum to pay for unexpected cost related to prior year bills, 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 \$120,000 to pay for FY2005 regular education transportation cost.

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

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 6 RE: Special Counsel/Pending Appellant Tax Board Cases

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000 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: To see if the Town will vote to raise and appropriate the sum of \$50,000 for the purpose of hiring special counsel and expert witnesses to defend pending Appellant Tax Board cases.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 7 RE: Stabilization Fund

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$300,000 or any other sum to be placed in the Town's Stabilization Fund, 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 \$300,000 to fund the Town's Stabilization Account.

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

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 8 RE: Reserve Account

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000 or any other sum to be placed in the Town's Reserve Account, 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 \$100,000 to fund the Ways & Means FY2006 Reserve Fund.

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

ACTION: MAJORITY APPROVED THE MAIN MOTION

ARTICLE 9 RE: Amend General Bylaw, Article II, Representative Town Meeting Section 2.0 Town Meeting Members

To see if the Town will vote to amend the General Bylaws, Article II, Representative Town Meeting, Section 2.0 Town Meeting Members by adding the following sentence after the fourth (4th) paragraph: "Write-in candidates must receive a minimum of ten (10) votes to be elected."

MAIN MOTION: To see if the town will vote to amend the General Bylaws, Article II, Representative Town Meeting, Section 2.0 Town Meeting Members by adding the following sentence after the fourth (4th) paragraph: "Write-in Candidates must receive a minimum of ten (10) votes to be elected."

AND FURTHER;

To petition the legislature to amend Chapter 686 of the Acts of 1970, Section 4 by adding the following: "Write-in Candidates must receive a minimum of ten (10) votes to be elected."

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

ACTION: MAJORITY APPROVED MAIN MOTION

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

ARTICLE 10 RE: Acceptance of Real Estate Exemption Provisions

To see if the Town will vote, pursuant to Chapter 73 of the Acts of 1986, as amended, to grant an additional exemption to taxpayers who otherwise qualify for an exemption under G.L. Chapter 59, Section 5, Clauses 17D, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41C, 42 or 43, of 100% of said exemptions, provided however, that in no instance shall the taxable valuation of such property, after all applicable exemptions, be reduced below ten percent of its full and fair cash valuation or result in any taxpayer paying less than taxes paid in the preceding fiscal year, except through the application of G.L. Chapter 58, Section 8A, or G.L. Chapter 59, Section 5, Clause 18, 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 11 RE: Adjustment of Real Estate Exemption Factors

To see if the Town will vote, pursuant to G.L. Chapter 59, Section 5, Clause 41C, as amended by Chapter 184, Section 51 of the Acts of 2002, to decrease from 70 to 65 the age at which seniors become eligible to be granted a tax exemption under said Clause 41C and to increase the amount of said exemption from \$500.00 to \$1,000.00, 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 12 RE: Acceptance of Chapter 59 Section 5, Clause 5B

To see if the Town will vote to accept the provisions of General Laws Chapter 59, Section 5, Clause 5B to provide a real estate tax exemption to the extent of \$700,000.00 for the benefit of incorporated organizations of veterans of any war in which the United States has been engaged, or 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 13 RE: Annual Town Election Date

To see if the Town will vote to set the date of the 2006 Annual Town Election as Saturday, April 8, 2006 or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 14 RE: Street Acceptance

To see if the Town will vote to authorize the Board of Selectmen to petition the State Legislature to enact legislation to accept, notwithstanding the provisions of General Laws Chapter 82, Section 23, certain roadways described in this article as public town ways, provided that, for each such way, the acceptance shall become final only after:

1. the way has been laid out by order of the Board of Selectmen at or subsequent to a duly called meeting of which seven days prior notice in a newspaper of general circulation in the Town has been given;
2. an order of layout has been filed with the Town Clerk, together with a plan showing the boundaries and measurements of the way, which plan may be an already existing subdivision plan; and
3. either the Board of Selectmen has determined that the Town of Burlington already holds land or easements for the

purposes of such town way and has filed that determination with the Town Clerk and there shall be a presumption that the Town of Burlington already holds easements for such purposes with respect to any way that has been open to public use and maintained by the Town of Burlington for twenty years or more; or

4. the Board of Selectmen has determined that it is necessary to acquire land or easements for the purposes of such town way and the Board of Selectmen has, within one hundred and twenty days after the filing of the plan with the Town Clerk, acquired such land or easements by gift, purchase or eminent domain under General Laws Chapter 79 by recording the deed or order of taking, provided that notwithstanding the provisions of said Chapter 79, no appraisal of damages shall be required prior to any taking by eminent domain for the purposes of this act, and no notice of taking or *pro tanto* award of damages must be sent to those who have an interest in the land or easements taken, but any person sustaining damage in his property shall have a period of three years from the recording of the order of taking to claim damages or challenge the validity of said taking, whether or not that person received actual notice of taking; provided that the Legislature provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

MAIN MOTION: As printed in the Warrant

ACTION: MAJORITY APPROVED MAIN MOTION

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

Attest:

Jane L. Chew
Town Clerk