

**MONDAY, MAY 8, 2006
FOGELBERG AUDITORIUM – BHS**

At 7:20 P.M., the Town Meeting Members of Precinct 2 assembled to fill the vacancy created by the resignation of Anne McNamara. Present and voting were: W. Beyer, M. Foster, J. Lynch, III, J. Lynch, Jr., M. Merlesena, E. O'Connell.

Nominations were as follows: Richard Wilde, 1 McNamara Way #30.

Unanimously voted to appoint Richard Wilde until the annual town election in 2007.

**ADJOURNED (FIRST) TOWN MEETING
MONDAY, MAY 8, 2006
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:40 P.M. with a salute to the flag lead by the two remaining Charter Members Joan Hastings and Virginia Igo. A motion to adjourn to Wednesday, May 10, 2006 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.

All newly elected Town Meeting Members were sworn in. The Moderator welcomed the new members and acknowledged the years of service and contributions of the members who were not re-elected.

A motion to move Article 30 to the first item on the agenda for May 10 was moved, seconded and so voted. The Moderator appointed Mr. Kelly and Mr. Monaco as deputies.

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: Redevelopment of Northwest Park
Appointment of Town Meeting Committee**

To see if Town Meeting will have an informal discussion and expression of views pertaining to the future development concepts of The Nordblom Company, Inc. for Northwest Park located on Middlesex Turnpike, Burlington, Massachusetts. To see also if Town Meeting will direct the Town Moderator to appoint a committee of Town Meeting Members (up to five members) to participate with Town officials in the review of proposals by The Nordblom Company, Inc. in anticipation of a future presentation to Town Meeting, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 3 RE: Elected Officials/Petition General Court

To see if the Town will act 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, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 4 RE: Acceptance Group Insurance/M.G.L. C32B, §18

To see if the Town will vote to authorize the accept the provisions of G.L. C. 32B, §18, which requires that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, enroll in a Medicare health benefits supplement plan offered by the Town, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Ways & Means voted 10-0-2 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 5 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 74 of the Burlington Assessors' maps containing 0.189 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

Recommendations: Land Use Committee voted 6-0-0 in favor.

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 6 RE: Fairfax Street 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 22, Parcel 289-1 of the Burlington Assessors' maps containing 0.704 acres of land, more or less and located on Fairfax Street to the Conservation Commission for conservation purposes, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant.

Recommendations: Land Use Committee voted 6-0-0 in favor.

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 7 RE: Cook 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 2, Parcel 13 of the Burlington Assessors' maps containing 2.329 acres of land, more or less and located on Cook 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.

Recommendations: Land Use Committee voted 6-0-0 in favor.

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

**ARTICLE 8 RE: Zoning Bylaw Amendment
Inclusionary Zoning**

To see if the Town will vote to amend Article II of the Zoning Bylaw, by adding the following new definitions:

2.1.7 Affordable Housing Unit

A dwelling unit that can be purchased at an annual cost that is deemed affordable for a household that is earning no more than 70% of the area median income as reported by the U.S. Department of Housing and Urban Development and/or DHCD.

2.65.2 Qualified Affordable Housing Unit Purchaser

An individual or family with a household income that does not exceed 80% of the area median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development and/or DHCD.

AND further to see if the Town will vote to amend Article V of the Zoning Bylaw, by deleting the existing Section 5.1.9 "Development Incentive for Affordable Housing", and to substitute therefore a new Section 5.1.9 "Inclusion of Affordable Housing", as follows:

5.1.9 Inclusion of Affordable Housing

5.1.9.1 Purpose and Intent - The purpose of this Bylaw is to increase the supply of housing in the Town of Burlington that is available to and affordable by low income or moderate income households who might otherwise have difficulty in finding homes in Burlington, and to ensure that such housing is affordable over the long-term and provided in accordance with the requirements of Massachusetts General Law Chapter 40B and its implementing regulations, the Burlington Master Plan, Community Development Plan, and other ongoing programs within the Town of Burlington and its Housing Partnership. It is intended that the AFFORDABLE DWELLING UNITS authorized under the provisions of this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or additional programs adopted by the Commonwealth or its agencies, and that said units count toward Burlington's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended. Through multi-family units, developers will be able to increase the number of DWELLING UNITS within a development versus conventional developments. The increased number of DWELLING UNITS is intended to offset the reduced revenue from the affordable homes. In those cases where the Inclusion of Affordable Housing may conflict or be inconsistent with other sections of the Zoning Bylaw, except as otherwise expressly provided herein, the provisions of this Section, 5.1.9, Inclusion of Affordable Housing, shall be controlling.

5.1.9.2 Applicability

5.1.9.2.1 Beginning with the effective date of this Bylaw, any development or division of land subject to Massachusetts General Law Chapter 41, Sections 81-K through 81-GG, which will result in the creation of six (6) or more DWELLING UNITS, shall require a Special Permit from the Planning Board, and shall include as a condition of said permit that:

- A. At least 10% of the units, and in no case less than one unit, be priced for QUALIFIED AFFORDABLE HOUSING PURCHASERS;
- B. The mix of AFFORDABLE DWELLING UNITS and market rate housing built in any one year be equivalent to the overall mix for the entire development;
- C. Deed restrictions, acceptable to the Town, and established in accordance with the standards of DHCD or successor or additional programs adopted by the Commonwealth or its agencies, shall be placed on the appropriate property to ensure that AFFORDABLE DWELLING UNITS created under this section shall remain AFFORDABLE DWELLING UNITS in perpetuity or for as long a period as is allowed by law.

5.1.9.2.2 DWELLING UNITS shall be considered as part of a single development if located either on a single parcel or contiguous parcels of land which have been in the same ownership at any time subsequent to the date of adoption of this Section, 5.1.9, Inclusion of Affordable Housing.

5.1.9.3 Inclusion of Affordable Housing Regulations – The Planning Board shall adopt and maintain regulations incorporating the necessary policies, procedures, and requirements to implement the provisions of this Section.

5.1.9.4 Provision of AFFORDABLE DWELLING UNITS - AFFORDABLE DWELLING UNITS required under Section

5.1.9.2.1 may be provided in any one or combination of methods described below, subject to the approval of the Planning Board:

- A. Constructed on the parcel or parcels subject to the Special Permit;
- B. Constructed on a parcel or parcels different than the one subject to the Special Permit;
- C. An applicant may offer, and the Planning Board, in concert with the Board of Selectmen may accept, donations of land in fee simple, on or off the parcel or parcels, that the Planning Board determines are suitable for the construction of an equivalent number of AFFORDABLE DWELLING UNITS. The Planning Board may require, prior to acceptance of land by the Town, satisfaction of the requirements of this Section 5.1.9, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of value;
- D. For fractional AFFORDABLE DWELLING UNITS, the applicant may round up to the next whole number of units or choose to pay equivalent fees-in-lieu of units (see Section 5.1.9.7) proportionate to the percentage of the units required;
- E. Preservation of existing DWELLING UNITS as AFFORDABLE DWELLING UNITS through the purchase of deed restrictions.

5.1.9.5 Provisions Applicable to AFFORDABLE DWELLING UNITS On- and Off-Site

5.1.9.5.1. Allowed types of AFFORDABLE DWELLING UNITS:

- A. Single-family DWELLINGS;
- B. Single-family DWELLINGS with ACCESSORY APARTMENTS;
- C. MULTI-FAMILY DWELLINGS, which are designed to be consistent in character with the single-family DWELLINGS in the same development. Such MULTI-FAMILY DWELLINGS may be allowed provided:
 - i. in terms of exterior appearance, the BUILDING is compatible in design and, to the extent practicable, indistinguishable from the single-family DWELLINGS in the same development; and
 - ii. there shall be no more than four (4) DWELLING UNITS in any residential BUILDING; and
 - iii. the total number of MULTI-FAMILY DWELLINGS shall not exceed 10% of the units in the development; and
 - iv. the overall length of any residential BUILDING shall not exceed 100 feet.
- D. Accessory uses and structures incidental to principal uses indicated above and approved by the Planning Board.

5.1.9.5.2. Siting of AFFORDABLE DWELLING UNITS. All AFFORDABLE DWELLING UNITS that are constructed under this Section 5.1.9 shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. The Site Plan shall identify those lots selected for AFFORDABLE DWELLING UNITS.

5.1.9.5.3. Minimum Design and Construction Standards for AFFORDABLE DWELLING UNITS. AFFORDABLE DWELLING UNITS within market-rate developments shall be integrated with the rest of the development and shall be compatible to the extent practicable in exterior design and appearance with other units, to the extent that such regulation is not inconsistent with Massachusetts General Laws Chapter 40B, Section 3.

5.1.9.5.4. With the approval of the Planning Board, as an alternative to the requirements of Section 5.1.9.4.A, an applicant subject to the Bylaw may develop, construct or otherwise provide AFFORDABLE DWELLING UNITS equivalent to those required by Section 5.1.9.2.1 on land other than the parcel or parcels that are the subject of the Special Permit. To the maximum extent practicable, all requirements of this Section 5.1.9 that apply to on-

site provision of AFFORDABLE DWELLING UNITS shall apply to provision of off-site AFFORDABLE DWELLING UNITS. In addition, the Planning Board shall approve the location of the off-site units to be provided as an integral element of the Special Permit review and approval process.

5.1.9.6 Fees-in-Lieu of AFFORDABLE DWELLING UNIT Provision - As an alternative to the requirements of Section 5.1.9.2.1, and as allowed by law and with the approval of the Planning Board, an applicant may contribute an amount in cash equal to the costs of constructing such AFFORDABLE DWELLING UNITS, and satisfactory to the Planning Board in consultation with other relevant Town boards and departments, to the Town of Burlington Housing Authority or its designee for the development and preservation of affordable housing, in consultation with the Planning Board and other appropriate Town boards and departments, in lieu of constructing and offering AFFORDABLE DWELLING UNITS within the parcel or parcels of the proposed development or off-site, as set forth in Section 5.1.9.6.1 below.

5.1.9.6.1. Calculation of fees-in-lieu of units. The applicant for development subject to this Section 5.1.9 may pay fees-in-lieu of the construction of an AFFORDABLE DWELLING UNIT. For the purposes of this provision, the fees-in-lieu of the construction or provision of each AFFORDABLE DWELLING UNIT is determined to be three (3) times 80% of the median income for a household of four (4), as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD) in the Standard Metropolitan Statistical Area in which the Town is located.

MAIN MOTION: Postpone Indefinitely

Recommendations: Land Use Committee voted 7-0-0 to table. Planning Board had no recommendation at this time.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 9 RE: Zoning Bylaw Housekeeping Amendments Section 4.1.1. and Section 8.5.0 Town Center Districts

To see if Town Meeting will vote to amend Articles IV and VIII of the Zoning Bylaw, as follows:
to amend Section 4.1.1 "Symbols in Use Regulations Schedules", in the fourth and fifth lines, by deleting the words "Town Center" and substituting therefore the words "CC or CBD" in each instance, such that the resulting lines read as follows:

4.1.1 Symbols in Use Regulations Schedules

YES₁ – Permitted by right in a CC or CBD overlay district, even if prohibited or allowed only by SP in the underlying zoning district.

SP₁ – Permitted only by a special permit in a CC or CBD overlay district, even if prohibited in the underlying zoning district.

AND further to amend Section 8.5.5.4 "Minimum Side Yard and Rear Yard", by deleting the word "single" and substituting therefore the word "one".

AND further to amend Section 8.5.5.5 "Minimum Buffer to Adjoining RO Districts", to insert the word "requirement" after the word "maximum" in the first sentence, and to insert words "within the CC or CBD Districts" after the word "use" in the third sentence, such that the paragraph will read as follows:

8.5.5.5 Minimum Buffer to Adjoining RO Districts

The minimum buffer to adjoining residentially zoned property shall be 20% of the average depth and/or width of the lot as applicable, with a minimum of 25' and a maximum requirement of 50'. Abutting residentially zoned property shall include lots that are adjacent to a private or public way connecting said residential property and the Town Center Districts. A landscaped buffer of at least 20' in depth shall be constructed to mitigate the impact of any commercial use within the CC or CBD Districts on the abutting residential district. The buffer shall be designed and constructed to minimize the visual effect of the bulk and height of buildings, structures, parking areas, lights, or signs, and shall be kept free of encroachment by all buildings, structures, storage areas, and parking, except that bicycle paths and fences may be

sited within such buffer area if approved pursuant to a site plan review by the Planning Board.

AND further to amend Section 8.5.5.7 "Maximum Building & Structure Height", in the last sentence, by deleting the word "single" and substituting therefore the word "one".

AND further to amend Section 8.5.5.8 "Maximum feet between buildings", by deleting the words "None, but", such that the resulting section reads as follows:

8.5.5.8 Minimum Feet between Buildings

Not less than required by the State Building Code.

AND further to amend Section 8.5.9 "Transfer of Development Rights", in the 3rd paragraph, by inserting the following words "and recording such restriction at the South Middlesex registry of Deeds" after the word "restriction", such that the resulting paragraph reads as follows:

Transfer of development rights is contingent upon placing a permanent deed restriction and recording such at the South Middlesex Registry of Deeds, the form of which is subject to approval by Town Counsel, on the land from which the development rights are being transferred and restricting the use of the land to agriculture, forestry, open space, passive or active recreation, or deeding the land to the Town of Burlington as permanent open space or parkland.

AND further to amend Section 8.5.10 "Criteria for Approval", in subsection 1, by inserting the year "1993" before the words "Master Plan" and the year "2004" before the words "Community Development Plan".

or to act in any other manner in relation thereto.

MAIN MOTION: Postpone Indefinitely

Recommendations: Land Use Committee voted 7-0-0 in favor. Planning Board had no recommendation at this time.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 10 RE: Rezone Tinkham Avenue

To see if the Town will vote to rezone property located at 15 Tinkham Avenue, said property being shown on Assessor's Map 13, Parcels 242, 243 and 244, such that all of said property will be taken out of the Zoned Wetlands District as determined by the Town Wetlands Map prepared by Metcalf & Eddy in 1976; or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Planning Board voted in favor 7-0-0 in favor. Land Use Committee voted 6-0-0 to take no action.

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 11 RE: Zoning Bylaw Amendment Section 3.1.1/Special Districts

To see if the Town will vote to amend Section 3.1.1 Special Districts,

By adding (note: the below term is used in section 8.5.1)
TC – Town Center District

The section to now read:

Section 3.1.1 Special Districts
CC – Civic Center District
CBD – Central Business District
TC – Town Center District

or to act in any other manner in relation thereto.

MAIN MOTION: Postpone Indefinitely

Recommendations: Land Use Committee voted 6-0-0 to table. Planning Board had no recommendation at this time.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 12 RE: Zoning Bylaw Amendment

Section 8.5.1.1/Intent of Town Meeting

To see if the Town will vote to add Section 8.5.1.1 "Intent of Town Meeting" as follows:

8.5.1.1 Intent of Town Meeting

It is the intention of the Burlington Town Meeting in adopting this new Section **8.5.0 Town Center Overlay District** that in the Civic Center District (CC) and the Central Business District (CBD), any variance to any Dimensional Requirement specified in section 8.5.5 shall be deemed to be nullifying and substantially derogating to the intent and purpose of the Town Center Overlay District and the purposes and objectives detailed in section 8.5.1. Additional density and dimensional allowances in the Town Center District, greater than those allowed outside the Town Center District are carefully balanced and tied to very specific criteria and any variance that grants permission to exceed those density and dimensional allowances without strictly adhering to the specific criteria is viewed by the Burlington Town Meeting as undermining the very reason for the existence of the Town Center Overlay District, or to act in any other manner in relation thereto.

Since the Town Center Overlay District provides for increased density and reduced dimensional requirements in ways that are tailored to carefully established criteria, additional increases in density or additional reduction of dimensional requirements should not be allowed by way of a variance from the Board of Appeal.

or to act in any other manner in relation thereto.

MAIN MOTION: Postpone Indefinitely

Recommendations: Land Use Committee voted 6-0-0 in favor. Planning Board had no recommendation at this time.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 13 RE: Zoning Bylaw Amendment Section 8.5.2/District Boundaries

To see if the Town will vote to amend Section 8.5.2 District Boundaries by inserting in the last sentence after the word "amended" the new words -- "only by a two-thirds (2/3) vote of Town Meeting".

And by adding a new sentence to the end of the paragraph: "Any parcel all or partially within the Town Center District which is expanded to include additional property outside the Town Center District will still only have that portion within the Town Center District as eligible for treatment according to the terms of the Town Center District whether the property was enlarged by merger through operation of law or by an action on the part of the owner(s) of the parcel." or to act in any other manner in relation thereto.

The amended section 8.5.2 to now read:

The Town Center (TC) District is herein incorporated as an overlay district, superimposed over other districts established by this Bylaw. The TC District is divided into two (2) sub-districts: the "Civic Center" (CC) and the "Central Business District" (CBD). The TC District shall include all areas as reflected on a map titled "Town Center Overlay District: Civic Center and Central Business Districts", prepared by Town of Burlington Planning Department, dated December 2005. This map as may be amended only by a two-thirds (2/3) vote of Town Meeting from time to time is hereby made a part of this Bylaw. Any parcel all or partially within the Town Center District which is expanded to include additional property outside the Town Center District will still only have that portion within the Town Center District as eligible for treatment according to the terms of the Town Center District whether the property was enlarged by merger through operation of law or by an action on the part of the owner(s) of the parcel.

MAIN MOTION: Postpone Indefinitely

Recommendations: Land Use Committee voted 7-0-0 in favor. Planning Board had no recommendation at this time.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 14 RE: Zoning Bylaw Amendment Section 8.5.5/Minimum Buffer

To see if the Town will vote to amend Section 8.5.5.5 Minimum Buffer to Adjoining RO Districts

- a.) by adding the word "requirement" after the word "maximum" at the end of the first sentence;
- b.) and by changing the numeral "20" in the third sentence after the words "at least" to the new numeral "25"
- c.) and in the third sentence after the word "constructed" add the words "within the Town Center District property"
- d.) and in the third sentence after the words "commercial use" strike the word "on" and substitute the word "affecting"

For item (a.)
The property owner may want to have a buffer that is greater than 50' and the Bylaw should not prevent that but only prevent the **requirement** of more than 50 '.

For item (b.)
Need to be consistent with line 2 above.

For item (c.)
Could be interpreted to be on the abutting residential property, especially if same person owns both properties

For item (d.)
Could be interpreted as the "commercial use" taking place on the abutting residential district.

The amended Section 8.5.5.5 to then read:

The minimum buffer to adjoining residentially zoned property shall be 20% of the average depth and/or width of the lot as applicable, with a minimum of 25' and a maximum *requirement* of 50'. Abutting residentially zoned property shall include lots that are adjacent to a private or public way connecting said residential property and the Town Center Districts. A landscaped buffer of at least 25' in depth shall be constructed *within the Town Center District property* to mitigate the impact of any commercial use *affecting* the abutting residential district. The buffer shall be designed and constructed to minimize the visual effect of the bulk and height of buildings, structures, parking areas, lights, or signs, and shall be kept free of encroachment by all buildings, structures, storage areas, and parking, except that bicycle paths and fences may be sited within such buffer area if approved pursuant to a site plan review by the Planning Board.

or to act in any other manner in relation thereto.

MAIN MOTION: Postpone Indefinitely

Recommendations: Land Use Committee voted 6-0-0 to table. Planning Board had no recommendation at this time.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 15 RE: Zoning Bylaw Amendment Section 8.5.8/Design Requirements

To see if the Town will vote to amend section 8.5.8 Design Requirements by adding at the end of the second sentence after the words "public hearing" the words:

"with written notice and full text of the proposed regulations mailed to Town Meeting Members no less than ten (10) days prior to the date of the public hearing"

The amended section 8.5.8 Design Requirements to then read:

The Planning Board shall adopt and maintain design review regulations to govern the future construction and reuse of properties in the Town Center. Adoption and amendment to such regulations shall require a public hearing with written notice and

full text of the proposed regulations mailed to Town Meeting Members no less than ten (10) days prior to the date of the public hearing. Such regulations shall address:

Since the Planning Board may amend this section numerous times, it would hold the board accountable and increase public awareness to the revisions being sought.

or to act in any other manner in relation thereto.

MAIN MOTION: Postpone Indefinitely

Recommendations: Land Use Committee voted 7-0-0 in favor. Planning Board had no recommendation at this time.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 16 RE: Zoning Bylaw Amendment Article VI/Use Regulations, Section 4.1.1

To see if the Town will vote to amend Article IV, "Use Regulations" Section 4.1.1 Symbols in Use Regulations Schedules, by deleting the definitions of "YES₁" and of "SP₁" as adopted at the January 2006 Town Meeting and substitute the following text:

YES₁ – Permitted by right in a Central Business District (CBD) or a Civic Center District (CC) within the Town Center Overlay District, even if prohibited or allowed only by SP in the underlying zoning district.

SP₁ – Permitted only by a special permit in a Central Business District (CBD) or a Civic Center District (CC) within the Town Center Overlay District, even if prohibited in the underlying zoning district, or to act in any other manner in relation thereto.

Because the Principal Use Regulations Schedule chart does not have a heading entitled "Town Center overlay district" but does have column headings "CC" and "CBD" need to specify CC or CBD in the text because in some situations the Yes₁ applies not to the whole Town Center District but only to CBD See 4.2.6.8; 12; 13; 14

MAIN MOTION: Postpone Indefinitely

Recommendations: Land Use Committee voted 6-0-0 to table. Planning Board had no recommendation at this time.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 17 RE: Zoning Bylaw Amendment Article VI/General Regulations, Section 6.1.1

To see if the Town will vote to amend section 6.1.1 of Article VI "General Regulations" of the Zoning Bylaw by inserting immediately *before the phrase* "if there is a finding by the Planning Board", the words: "to a new use even if that new use is not authorized in the district in which the building, structure or premises is located".

The amended Section 6.1.1 to then read:

6.1.1 Nonconforming Uses

Any building or structure, part of a building or structure, or any premises which at the time of the adoption or subsequent amendment of the bylaw is under construction for or being put to a nonconforming use may continue to be used or may be completed and used for the same purpose; but no nonconforming use shall be changed, moved, or extended unless the use is changed to any of those authorized in which the building, structure or premises is located; except that a nonconforming use may be extended, altered or changed to a new use even if that new use is not currently authorized in the district in which the building, structure or premises is located if there is a finding by the Planning Board that such extension, alteration or change will not be substantially more detrimental than the existing nonconforming use to the neighborhood, or to act in any other manner in relation thereto.

MAIN MOTION: Postpone Indefinitely

Recommendations: Land Use Committee voted 0-6-0 in opposition. Planning Board had no recommendation at this time.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 18 RE: Zoning Bylaw Amendment Article VI/General Regulations, Section 6.1.1

To see if the Town will vote to amend section 6.1.1. of Article VI "General Regulations" of the Zoning Bylaw, by inserting *at the end of the paragraph*, after the word "neighborhood", the words: "and the new use is changed to any of those currently authorized in the district in which the building, structure or premises is located".

The amended Section 6.1.1 to then read:

6.1.1 Nonconforming Uses

Any building or structure, part of a building or structure, or any premises which at the time of the adoption or subsequent amendment of the bylaw is under construction for or being put to a nonconforming use may continue to be used or may be completed and used for the same purpose; but no nonconforming use shall be changed, moved, or extended unless the use is changed to any of those authorized in which the building, structure or premises is located; except that a nonconforming use may be extended, altered or changed if there is a finding by the Planning Board that such extension, alteration or change will not be substantially more detrimental than the existing nonconforming use to the neighborhood and the new use is changed to any of those authorized in the district in which the building, structure or premises is located, or to act in any other manner in relation thereto.

MAIN MOTION: Postpone Indefinitely

Recommendations: Land Use Committee voted 6-0-0 in favor. Planning Board had no recommendation at this time.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 19 RE: Zoning Bylaw Amendment Article III/Establishments of Districts

To see if the Town will vote to amend the Zoning Bylaw to establish an Open Space District, as follows: to amend Article III Establishment of Districts, Section 3.1.0, to add "OS – Open Space Districts" to the list of districts.

And further to amend Article IV, Sections 4.2.0, 4.3.0, and 4.4.0 to amend the use regulations schedule to add a new column for the Open Space District, as reflected on Exhibit "A" – pages 4-1 through 4-13 (beginning on next page following this warrant article), or to act in any other manner in relation thereto.

MAIN MOTION: Postpone Indefinitely

Recommendations: Land Use Committee voted 7-0-0 in favor. Planning Board had no recommendation at this time.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 20 RE: Zoning Map Amendment Open Space Districts

To see if the Town will vote to rezone the following parcels from RO (One Family Dwelling) District to OS (Open Space) District, and amend the Town of Burlington Zoning Map accordingly, as follows:

Property known as the Town Common, shown on Assessors' Map 29, Parcel 109 (6.7 acres)
 Property known as Olympian Way, shown on Assessors' Map 29, Parcel 162 (0.31 acres)
 Property known as Simonds Park, shown on Assessors' Map 23, Parcel 255 (20.4 acres)
 Property known as Rahanis Park, shown on Assessors' Map 18, Parcel 7 (12.7 acres)
 Property known as Regan Park, shown on Assessors' Map 16, Parcel 71 (5.4 acres)
 Property known as TRW Park, shown on Assessors' Map 41, Parcel 128 (7.0 acres)
 Property known as Veteran's Park, shown on Assessors' Map 5, Parcel 88 (3.6 acres)

Property known as Pathwoods Tot Lot, shown on Assessors' Map 22, Parcel 125 (0.36 acres)
 Property known as Overlook Park, shown on Assessors' Map 43, Parcel 22 (7.6 acres)
 Property known as Marvin Field, shown on Assessors' Map 54, Parcel 12 (4.5 acres)
 Property known as Rotary Field, shown on Assessors' Map 54, Parcel 14 (1.7 acres)
 Property known as Saw Mill Conservation Area, shown on Assessors' Map 9, Parcel 64 (7.0 acres), Parcel 65 (10.8 acres), Parcel 66 (1.2 acres); and on Assessors' Map 13, Parcel 87 (2.7 acres), Parcel 95 (3.4 acres), Parcel 96 (3.8 acres) and Parcel 97 (18,225 square feet).
 Property known as Little Brook Conservation Area, shown on Assessors' Map 48, Parcel 6-1 (7.6 acres) and on Assessors' Map 49, Parcel 84 (29.1 acres).
 Property known as the City of Boston land and/or the Cummings Estate, comprised of lands shown on Assessors' Map 54, Parcel 16 (148.0 acres), Parcel 13 (7.6 acres) and Parcel 18 (4.4 acres), or to act in any other manner in relation thereto.

MAIN MOTION: Postpone Indefinitely

Recommendations: Land Use Committee voted 7-0-0 in favor. Planning Board had no recommendation at this time.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 21 RE: Amend General Bylaws Article III "Procedure of Town Meeting", Section 13 "Referendum Petition" and Petition Legislature to Amend Chapter 686, Section 12(g) – Referendum Petitions

To see if the Town will vote to amend the General Bylaws, Article III, Section 13 by adopting the following changes as indicated and further to petition the General Court to amend Chapter 686 of the Acts of 1970, Section 12 (g) to reflect the changes indicated:
Article III, Section 13 Referendum Petition (General Bylaws) and Section 12(g) Chapter 686 of the Acts of 1970

No final vote of any representative town meeting session passing or rejecting a measure under any article in the warrant, except a vote to adjourn, or an authorization to borrow money in anticipation of taxes, an authorization to pay debts and obligations of the town, an appropriation of funds necessary to implement a written agreement executed under section one hundred and seventy-eight I of chapter one hundred and forty-nine of the General Laws, or the budget of the town as a whole, or a vote declared by preamble to be an emergency measure necessary for the immediate preservation of peace, health, safety or convenience of the town, and which is passed by a two thirds vote of the membership, shall be operative until fourteen days after the adoption of such vote.

If, within said fourteen days, a petition signed by not less than five per cent of the **(active)** registered voters of the town, containing their names and addresses as they appear on the list of registered voters **at the most recent election**, is filed in the office of the selectmen requesting that the question or questions involved in any such vote be submitted to the registered voters of the town at large, then the operation of such vote shall be further suspended pending its determination as hereinafter provided. **The board of registrars shall certify the signatures within seven days of the filing date. The selectmen shall forthwith after the board of registrars certifies that the petition has the requisite number of signatures call a special election which shall be held within 100 days but no sooner than the earliest date on which the question may appear on the ballot pursuant to section 42C of Chapter 54 of the general laws, as it may be amended from time to time ; provided, however, that if a regular or special town election is to be held within the 100 day period, they may provide that the question or questions involved be presented to the voters at the same election.**

All votes shall be taken by official ballots, and the check list shall be used in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but no action of the representative town meeting shall be reversed unless at least twenty per cent of the **total (active)** registered voters of the town shall so vote **to reverse the vote of the representative town meeting.**

The questions so submitted shall be stated on the ballot in substantially the same language and form in which they were stated when presented by the moderator to the representative town meeting as appears from the records of said meeting, **provided, however, that if the question as stated by the moderator was**

lengthy as determined by the board of selectmen in its sole discretion the question may instead be stated in summary form by referring to the action taken by the representative town meeting..

This election shall be held on a Saturday, unless it is to be held in conjunction with another election and the polls shall open not later than two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening.

If a petition is not filed within fourteen days of a final vote of the representative town meeting, it shall then become effective, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the town will vote to amend the General Bylaws, Article III, Section 13 by striking the existing section and substituting therefore the following section as printed in the warrant and further to petition the General Court to amend Chapter 686 of the Acts of 1970, Section 12 (g) to reflect the changes:

Article III, Section 13 Referendum Petition (General Bylaws) and Section 12(g) Chapter 686 of the Acts of 1970

No final vote of any representative town meeting session passing or rejecting a measure under any article in the warrant, except a vote to adjourn, or an authorization to borrow money in anticipation of taxes, an authorization to pay debts and obligations of the town, an appropriation of funds necessary to implement a written agreement executed under section one hundred and seventy-eight I of chapter one hundred and forty-nine of the General Laws, or the budget of the town as a whole, or a vote declared by preamble to be an emergency measure necessary for the immediate preservation of peace, health, safety or convenience of the town, and which is passed by a two thirds vote of the membership, shall be operative until fourteen days after the adoption of such vote.

If, within said fourteen days, a petition signed by not less than five per cent of the **(active)** registered voters of the town, containing their names and addresses as they appear on the list of registered voters **at the most recent election**, is filed in the office of the selectmen requesting that the question or questions involved in any such vote be submitted to the registered voters of the town at large, then the operation of such vote shall be further suspended pending its determination as hereinafter provided. **The board of registrars shall certify the signatures within seven days of the filing date. The selectmen shall forthwith after the board of registrars certifies that the petition has the requisite number of signatures call a special election which shall be held within 100 days but no sooner than the earliest date on which the question may appear on the ballot pursuant to section 42C of Chapter 54 of the general laws, as it may be amended from time to time; provided, however, that if a regular or special town election is to be held within the 100 day period, they may provide that the question or questions involved be presented to the voters at the same election.**

All votes shall be taken by official ballots, and the check list shall be used in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but no action of the representative town meeting shall be reversed unless at least twenty per cent of the **total (active)** registered voters of the town shall so vote **to reverse the vote of the representative town meeting.**

The questions so submitted shall be stated on the ballot in substantially the same language and form in which they were stated when presented by the moderator to the representative town meeting as appears from the records of said meeting, **provided, however, that if the question as stated by the moderator was lengthy as determined by the board of selectmen in its sole discretion the question may instead be stated in summary form by referring to the action taken by the representative town meeting.**

This election shall be held on a Saturday, unless it is to be held in conjunction with another election and the polls shall open not later than two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening.

If a petition is not filed within fourteen days of a final vote of the representative town meeting, it shall then become effective, or to act in any other manner in relation thereto.

Recommendations: Bylaw Review Committee voted in 0-5 in opposition.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 22 RE: Transfer of Funds FY 2006 Various Accounts

To see if the Town will vote to transfer from available funds the sum of \$700,000 or any other amount, for the purpose of paying for expenses incurred in Fiscal Year 2006 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 –

Sources of Funds

Town Accountant - Full time salaries	\$ 5,000
Central Administration - 32B Insurance	\$ 100,000
Central Administration - Town insurance	\$ 40,000
Middlesex Retirement	\$ 36,000
Sewer - Retained Earnings	\$ 350,000
School - Local Ed	\$ 26,702
May 2005 TM Article 4 - School Security	\$ 18,000
DPW Expenses	\$ 60,000
May 2004 TM Article 05-3-Water Tower Rehab	\$ 25,028
Sept 2004 TM Article 9-Wildwood Security	\$ 20,000
Reserve Fund	\$ 54,270
	TOTAL: \$ 735,000

to –

Uses of Funds

SPED - Tuition & Transportation	\$ 167,000
Central Administration - FICA	\$ 70,000
Central Administration - Unemployment	\$ 10,000
Building Dept. Overtime	\$ 10,000
DPW - Overtime	\$ 60,000
DPW - Rubbish & Garbage	\$ 68,000
Sewer Revenue Deficit	\$ 350,000
	TOTAL: \$ 735,000

Recommendations: Ways & Means voted 10-01 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

The Town Administrator and Accountant presented the Financial Overview of the Town.

ARTICLE 23 RE: Fund FY 2007 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 2007, or to act in any other manner in relation thereto.

MAIN MOTION: To raise and appropriate the sum of \$80,919,967 and to fund said budget by transferring:

from Health Insurance Trust account the sum of \$300,000
 from Sewer I & I Receipts Reserved account the sum of \$130,746
 from Overlay Surplus account the sum of \$428,801
 from Stabilization account which requires a 2/3 vote of Town Meeting the sum of \$300,000
 and raising the sum of \$79,760,420 for a total FY07 Operating Budget of \$80,919,967.

Town Meeting & Reports - Line 1-2

Salaries	2,481
Expenses	17,500
Total	19,981

Moderator - Line 3-4

Salaries	150
Expenses	75
Total	225

Ways & Means - Line 5-6

Salaries	2,056
Expenses	300
Total	2,356

Capital Budget - Line 7-8

Salaries	600
Expenses	0
Total	600

Town Admin./Selectmen - Line 9-11

Salaries	372,041
Expenses	7,352
Special Accounts *	10,600
Total	389,993

*the main motion was -\$174,000 less than what was printed in the budget for B-Line which will be taken up under Art. 30

Accounting - Line 12-13

Salaries	183,034
Expenses	2,700
Total	185,734

Assessors - Line 14-15

Salaries	206,415
Expenses	101,800
Total	308,215

Treasurer/Collector - Line 16-18

Salaries	460,030
Expenses	11,306
Special Accounts	200
Total	471,536

Central Administration - Line 19-28

Central Supply	105,000
Central Machines	25,000
Chapter 32B – Health Ins. (AA)	8,470,000
Unemployment Comp. (AA)	40,000
Pension Reimburse (AA)	3,000
Town Insurance (AA)	750,000
Financial Audit (AA)	42,000
Medicare Tax (AA)	450,000
Charles George Settlement (AA)	0
4th of July/Town Event	0
Total	9,885,000

Legal - Line 29-32

Legal Fees	100,000
Collective Bargaining	50,000
Tax Title	2,000
Cable TV Negotiations	2,000
Total	154,000

Human Resources – Line 33-35

Salaries	45,340
Expenses	7,588
Special Accounts	8,750
Total	61,678

Management Info Systems - Line 36-37

Salaries	150,384
Expenses	90,680
Total	241,064

Town Clerk - Line 38-40

Salaries	228,978
Expenses	11,425
Special Accounts	38,224
Total	278,627

Registrar of Voters - Line 41-42

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

Conservation Commission - Line 43-45

Salaries	152,363
Expenses	2,500
Special Accounts	11,500
Total	166,363

Planning Board - Line 46-47

Salaries	175,090
Expenses	10,691
Total	185,781

Board Of Appeals - Line 48-50

Salaries	11,902
Expenses	350
Special Accounts	5,000
Total	17,252

Building Inspector - Line 59-61

Salaries	373,287
Expenses	26,934
Special Accounts	10

Total	400,231
Sealer of Weights - Line 62-63	
Salaries	5,956
Expenses	700
Total	6,656
Board of Health - Line 75-77	
Salaries	362,989
Expenses	41,405
Special Accounts	99,429
Total	503,823
Council on Aging - Line 78-80	
Salaries	153,274
Expenses	11,491
Special Accounts	4,080
Total	168,845
Veteran's Services - Line 81-83	
Salaries	101,694
Expenses	5,130
Special Accounts	52,500
Total	159,324
Community Life Center - Line 84-85	
Salaries	357,543
Expenses	18,975
Total	376,518
Disability Access - Line 86-87	
Salaries	1,831
Expenses	500
Total	2,331
Recreation Director - Line 91-93	
Salaries	455,368
Expenses	36,410
Special Accounts	9,000
Total	501,678
Recreation Maintenance - Line 94-95	
Salaries	631,873
Expenses	152,258
Total	784,131
Historical Commission - Line 96	
Expenses	1,920
Total	1,920
Reserve Fund - Line 99	200,000
Negotiated Settlements - Line 101	75,000
Stabilization (AA)- Line 102	0
53rd Week Payroll (AA) – Line 103	0

At 11:00 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:
Jane L. Chew
Town Clerk

**ADJOURNED (FIRST) TOWN MEETING
WEDNESDAY, MAY 10, 2006
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 Monday, May 15, 2006 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.

A motion to suspend the rules to discuss the banners on major roadways was moved and seconded. The Moderator ruled the motion out of order and advised the membership to offer a Resolution in writing to discuss any subject not printed on the Warrant.

ARTICLE 30 RE: Memorial School Replacement Project Cost

To see if the Town will vote to appropriate \$26,110,000 or some other amount, to be expended at the direction of the School Committee, to pay the cost of construction, originally equipping and furnishing a new Memorial School, including the payment of all costs incidental and related thereto, and to determine whether such amount should be raised by taxation, transfer from available funds, by borrowing or otherwise, or to take any other action relative thereto

MAIN MOTION: To see if the Town will vote to appropriate the sum of \$26,110,000 to be expended at the direction of the School Committee, to pay the cost of constructing, originally equipping and furnishing a new Memorial 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 sum under and pursuant to Chapter 44, Section 7(3) and Chapter 70B of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, and that although the total amount of the cost of this project has been authorized to be borrowed and expended by this vote, the Selectmen are requested not to borrow or expend the amounts appropriated by this vote beyond those needed to pay costs of design, engineering and project management, until the Selectmen have determined to their satisfaction that the Town has been approved for financial assistance on account of this project by the School Building Authority of The Commonwealth of Massachusetts.

Recommendations: The Ways & Means voted 11-0-0 in favor. Capital Budget voted 5-0-0 in favor. Board of Selectmen voted 5-0 in favor.

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

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 23 RE: Fund FY 2007 Operating Budget – Continued

Education line items were taken out of order.

Shawsheen Valley School - Line 67 (AA)* 1,559,810
* the main motion was -24,594 less than what was printed in the budget.

Local Education - Line 68* 35,131,248

*A motion to set the Local Education Budget line 68 of "The Town of Burlington Proposed FY 2007 Operating Budget" be amended to increase the proposed school operating budget by the amount \$130,312 from \$30,768,284 to \$30,898,596, i.e. to increase line 68 "Total Local Education" from \$35,131,248 to \$35,261,560. The intention is that this amount be expended to reinstate the two elementary computer teacher positions that have otherwise been eliminated and that the source of funding is to raise and appropriate was moved and seconded.

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 52 in favor and 38 opposed, the amendment carried. Main motion under Line 68 as amended carried.

Town Facilities - Line 51-52

Salaries	356,104
Expenses	371,358
Total	727,462

Police Department - Line 53-55

Salaries	5,162,238
Expenses	280,893
Special Accounts	233,440
Total	5,676,571

The Moderator announced the passing of longtime Town Meeting Member and DPW employee Guy DeFilippo.

At 11:00 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:

Jane L. Chew
Town Clerk

**ADJOURNED (FIRST) TOWN MEETING
MONDAY, MAY 15, 2006
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:35 P.M. with a salute to the flag. A motion to adjourn to Wednesday, May 17, 2006 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 23 RE: Fund FY 2007 Operating Budget – Continued

Fire Department - Line 56-58

Salaries	4,671,588
Expenses	298,008
Special Accounts	94,410
Total	5,064,006

Emergency Management Service - Line 64-66

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

Department of Public Works - Line 69-74

Salaries	3,216,813
Expenses	1,556,575
Special Accounts	577,500
Rubbish & Garbage (AA)	1,650,991
Street Lights (AA)	262,300
Swift Law (AA)	20,000
Total	7,284,179

Library - Line 88-90

Salaries	796,849
Expenses	137,280
Special Accounts	130,000
Total	1,064,129

Debt Service - Line 97-98

Principal (AA)	2,790,852
Interest (AA)	1,172,238
Total	3,963,090

County Retirement - Line 100 (AA) 4,870,000

Recommendations: Ways & Means voted in favor.

MAIN MOTION AS AMENDED NOW READS:

To raise and appropriate the sum of \$81,050,279 and to fund said budget by transferring:
from Health Insurance Trust account the sum of \$300,000
from Sewer I & I Receipts Reserved account the sum of \$130,746
from Overlay Surplus account the sum of \$428,801
from Stabilization account the sum of \$300,000

and raising the sum of \$79,890,732 for a total FY07 operating budget of \$81,050,279.

The moderator split the question to vote on the stabilization account separately.

MAJORITY VOTED TO APPROVE all items except the Stabilization account transfer.

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

BY A VOTE OF 76 IN FAVOR AND 8 OPPOSED, THE TRANSFER FROM THE STABILIZATION ACCOUNT WAS APPROVED.

A motion to take Article 39 out of order was moved, seconded and so voted.

ARTICLE 39 RE: Fund B-Line

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$217,000 or any other amount to pay for the Town's share of running the B-Line bus service in Burlington and to do or act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to raise and appropriate the sum of \$217,000 to pay for the Town's share of running the B-Line bus service in Burlington.

Recommendations: Ways & Means voted 6-4 in favor. Board of Selectmen voted 5-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

The Moderator recognized B-line riders and former town employees Phyllis Rogers and Mary Whalen.

ARTICLE 24 RE: Blanchard Road Telecommunications Lease

To see if the Town will vote to transfer the care, custody, maintenance and control of the land described below, owned by the Town and currently under the care, custody, maintenance and control of the Board of Selectmen for general municipal purposes, to the Board of Selectmen for general municipal purposes and for leasing to a telecommunications company for the location of a telecommunications facility, and further to authorize the Board of Selectmen to enter into such a lease or leases for said purposes for all or a portion of the land shown on Assessors Map 53, Parcel 8, being a portion of the land described in a deed to the Town recorded with the Middlesex Registry of Deeds at Book 9321 Page 301, upon such terms and conditions, and for a period of up to twenty years; and to grant such easements upon said land as are necessary for utility services in support of such use; as the Board of Selectmen shall determine to be appropriate; or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

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

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 25 RE: Fund FY 2007 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 amount, for the items contained within the following proposed Fiscal Year 2007 Capital Budget, same to be spent under the appropriate authorities as indicated:

PROJECT NUMBER	DEPT	PROJECT NAME/DESCRIPTION	SPENDING AUTHORITY	APPROP. REQUEST
FROM CEMTERY SALE OF LOTS 07-1				
07-1	DPW	Cemetery/Purchase Mower	Selectmen	11,000
FROM WETLAND FEES FUND 07-2				
07-2	Cons	Pickup Truck	ConComm	25,000
FROM FREE CASH 07-3 thru 07-7				
07-3	DPW	Vinebrook Treatment Plant Dehumidification	Selectmen	65,000
07-4	DPW	Vinebrook Treatment Plant Filter Media Replacement	Selectmen	26,000
07-5	DPW	Central Maintenance Garage Ventilation System	Selectmen	13,000
07-6	Town Facility	Human Services	Selectmen	75,000
07-7	MIS	Parking&Drainage Wiring Improve Main Fire Station & Human Services	Selectmen	26,000

or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 26 RE: Odor Control

To see if the Town will vote to transfer from Sewer Enterprise Fund or otherwise provide the sum of \$20,000 or any other amount, for the purpose of controlling odor in Francis Wyman

Sewer Pump Station, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from the Sewer Enterprise Fund the sum of \$20,000 for the purpose of controlling odor in Francis Wyman Sewer Pump station.

Recommendations: Ways & Means voted 12-0-0 in favor. Capital Budget voted in favor 5-0-0.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 27 RE: Portable Classroom Installation and Renovations

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 amount, to be expended at the direction of the School committee, to fund the installation and renovations required for the portable classrooms at Fox Hill and Memorial Elementary Schools including the payment of all costs incidental and related thereto, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the sum of \$150,000 to be expended at the direction of the School Committee, to fund the installation and renovations required for the portable classrooms at Fox Hill and Memorial Elementary Schools including the payment of all costs incidental and related thereto.

Recommendations: Ways & Means voted 9-2-0 in favor. Capital Budget voted in favor 5-0-0.

ACTION: MAJORITY APPROVED MAIN MOTION

A motion to take Article 36 out of order was moved, seconded and so voted.

ARTICLE 36 RE: Capital Items: General Obligation Bond

To see if the Town will vote to appropriate \$3,800,000 or some other amount, to be expended at the direction of the Selectmen, to pay for the following capital costs, including any and all other costs incidental and related thereto:

Renovation to Terrace Hall Station/Fire Department	\$ 900,000
Town Common Improvements/Sprinklers & Walkways	\$ 200,000
Building Improvements/Museum, Police Station Vinyl	\$ 150,000
Road Construction/Department of Public Works	\$ 750,000
Roof Repairs/High School	\$ 1,300,000
Various Field Upgrades (lights, etc.) Recreation	\$ 500,000

And to determine whether the appropriation described in this article should be raised by taxation, transfer from available funds, borrowing, or otherwise, or to take any other action relative thereto.

MAIN MOTION: That the sum of \$3,600,000 be and is hereby appropriated, to be expended at the direction of the Selectmen, to pay for the following costs, 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:

On the advice of Town Counsel, the Moderator decided to split the question to vote each item separately.

1. Renovation to Terrace Hall Station/Fire Department \$ 900,000
UNANIMOUSLY APPROVED

A motion to add the Town Common Improvements/Sprinklers and Walkways as printed in the warrant in the amount of \$200,000 was moved and seconded. Amendment failed.

A motion to add the Town Common Improvements for sidewalks and electrical work in the amount of \$120,000 was moved and seconded. A motion to end debate was moved, seconded and so voted. The amendment failed.

2. Building Improvements/Museum, Police Station Vinyl \$ 150,000
UNANIMOUSLY APPROVED

3. Road Construction/Department of Public Works \$ 750,000
UNANIMOUSLY APPROVED

4. Roof Repairs/High School \$ 1,300,000
UNANIMOUSLY APPROVED

5. Various Field Upgrades (lights, etc.) Recreation \$ 500,000
UNANIMOUSLY APPROVED

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

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 28 RE: Burlington High School Doors and Windows

To see if the Town will vote to transfer from the Insurance Reimbursement Account the sum of \$29,419 to offset the deficit created by the expenditure related to the replacement of doors and windows resulting from a motor vehicle incident, located at the Main Gymnasium Entrance, Burlington High School, and the cost associated, 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 29 RE: Burlington High School HVAC System

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$46,000 or any other amount, to be expended under the direction of the Burlington School Committee, to fund the inspection, calibration and balancing of the HVAC equipment at the Burlington High School, including the payment of all costs incidental and related to, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the sum of \$46,000 to be expended under the direction of the Burlington School Committee, to fund the inspection, calibration and balancing of the HVAC equipment at the Burlington High School, including the payment of all costs incidental and related thereto.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 31 RE: School Community Custodial Services

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$27,810 or any other amount, 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 Civic Organizations, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the amount of \$27,810 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 Civic Organizations.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 32 RE: Police Vehicles

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$90,000 or any

other amount, for the purpose of purchasing three (3) police vehicles, same to be spent under the direction of the Chief of Police, or act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the sum of \$90,000 for the purpose of purchasing three (3) police vehicles, same to be expended under the direction of the Chief of Police.

Recommendations: Ways & Means voted 3-7-0 in opposition. Capital Budget voted 4-1-0 in favor.

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

ACTION: MAJORITY APPROVED MAIN MOTION

The Moderator announced a number of resolutions to be brought before the members Wednesday.

At 11:10 p.m., a motion to adjourn was moved, seconded and so voted.

Attest:
Jane L. Chew
Town Clerk

**ADJOURNED (FIRST) TOWN MEETING
WEDNESDAY, MAY 17, 2006
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:45 P.M. with a salute to the flag. A motion to adjourn to Monday, May 22, 2006 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: Fire Tower Ladder Truck

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$900,000 or any other sum, for the purpose of purchasing a new tower ladder truck for use at the Fire Department, same to be spent under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

MAIN MOTION: Withdrawn

ARTICLE 34 RE: Pine Haven Expansion

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$151,238 or any other amount to expand Section IV of the Pine Haven Cemetery to create approximately 250 new gravesites and to do or act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from the Cemetery/Sale of Lots Fund the sum of \$151,238, same to be expended under the direction of the Superintendent of Public Works, to expand Section IV of the Pine Haven Cemetery to create approximately 250 new gravesites.

Recommendations: Ways & Means voted 12-0-0 in favor. Capital Budget voted 5-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 35 RE: Health Actuarial Study

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000 or any other amount to conduct an analysis of the Town's liability for future health care cost to comply with the requirements of the new GASB 45 accounting standards and to do or act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the sum of \$20,000 to conduct an analysis of the Town's liability for future health care cost to comply with the requirements of the new GASB 45 accounting standards.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 37 RE: Fund the Administrative & Professional Compensation Plan

To see if the Town will vote to adopt the Administrative & Professional Compensation Plan for Fiscal Year 2007, and transfer from the Negotiated Settlement Account a sum of money, 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 FY2007 Negotiated Salary Account the sum of \$50,000 to pay for salary adjustments to the Town's Administrative & Professional Compensation Plan.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 38 RE: Fund the Part-time Compensation Plan

To see if the Town will vote to transfer from the Negotiated Settlement a sum of money, for the purpose of funding the Part-time Salary Plan (under 20 hours) for Fiscal Year 2007, same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

MAIN MOTION: Transfer from FY2007 Negotiated Salary Account the sum of \$10,000 to pay for salary adjustments to the Town's Part Time Compensation Plan.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 40 RE: Fund Revolving Account

To see if the Town will vote to authorize revolving funds for certain Town departments under Massachusetts General Laws Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2007 or to take any other action relative 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.	\$15,000	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 Department	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
Sale of Recyclable Materials	Board of Selectmen	Receipts from the Sale of Recyclable Material	May be used to offset the cost of curbside collection and disposal of solid waste	\$35,000	Available for expenditure next year

MAIN MOTION: To see if the Town will vote to authorize revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2007 and to authorize the total amount of \$90,000.

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.	\$15,000	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 Department	2% of Building Department Fees Not to exceed \$10,000 annually	Archival imaging of building permit drawings and specifications	\$10,000	Available for expenditure next year
Sale of Recyclable Materials	Board of Selectmen	Receipts from the Sale of Recyclable Material	May be used to offset the cost of curbside collection and disposal of solid waste	\$35,000	Available for expenditure next year

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 41 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 amount, 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: To see if the Town will vote to transfer from free cash the sum of \$2,500 to fund the expenses of the Burlington Drug and Alcohol Task Force.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 42 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 \$25,000 or any other amount, 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

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 43 RE: Sewer Services Enterprise Fund

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 Fiscal Year 2007 Sewer Services Enterprise Operating Budget, or to act in any other manner in relation thereto.

MAIN MOTION: To raise and appropriate the sum of \$3,900,000 to operate the Sewer Services Enterprise of which \$3,900,000 will come from the Sewer Services Enterprise Estimated Revenue Account.

Recommendations: Ways & Means voted 8-0-2 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 44 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 \$744,880.56 or any other amount, to operate the Burlington Ice Palace, of which the \$744,880.56 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 \$744,880.56 to operate the Burlington Ice Palace, of which \$744,880.56 will come from FY07 Ice Palace Estimated Revenue Account.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 45 RE: Chapter 90

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$543,892 or any other amount, to pay for the purpose of funding roadway improvements, 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 accept the Chapter 90 allocation of \$543,892 and appropriate the sum of \$543,892 for the purpose of funding roadway improvements, same to be expended under the direction of the Town Administrator.

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

ACTION: MAJORITY APPROVED MAIN MOTION

At the request of member L. Rubino, the selectmen projected an estimated tax rate increase of 7% based on the budget and warrant articles passed at the annual town meeting.

Resolution #1 submitted by Pat Angelo

Resolution regarding the passed amendment to the school budget. Said resolution requests that if four more retirements occur in the school department between the close of this Town Meeting and the opening of the September Town Meeting that the amount that the school budget was increased will be returned to the town.

ACTION: Resolution Failed

Resolution #2 submitted by Pat Angelo

Resolution regarding information on the banners that appear on the utility poles.

Request information on who authorized said banners to be printed and put on telephone poles. Who decided business names would appear on the banners? Request information regarding any revenue that was generated by said banners and who is getting that revenue?

Request information on whether or not the Telephone Company, or electric company was contacted to authorize said banners to be installed on their poles? Request information as to if said banners are in violation of the sign bylaws?

ACTION: Selectmen Gianino responded to the inquiries to the extent possible indicating the banners were coming down and that the town has not received any revenue.

Resolution #3 submitted by Frank Monaco

Burlington has experienced during high water table conditions the need to emergency discharge effluent from the Terrace Hall pumping station directly into the Vinebrook to avoid sewer backups on our upstream homes and sewer lines. The need for emergency discharges should have been eliminated by the recently completed Cummings sewer project as well as the extensive INI work completed by the Town of Burlington and developers within the town.

I hereby resolve that:
DPW, Selectmen, and /or Town Administrator provide Town Meeting current status of:

- 1) Current operations at the Terrace Hall pumping station;

- 2) The operational capacity of the down stream Cummings facility;
- 3) Future expectations

ACTION: Selectmen Fay responded by saying the recent historic rainfall resulted in far less damage than would have otherwise occurred without the recent improvements to the system. There were no incidents of residential surcharges. He thanked the town departments for how well they handled the emergency.

Resolution #4 submitted by Dan Ditucci

- 1) The B-Line be put back into the Selectmen's budget
- 2) The Board of Selectmen raise the fare to \$1.00 per ride for all users effective 7/1/06
- 3) The Board of Selectmen move into discussion with the Burlington Business Roundtable to fund all or part of the B-Line budget.

ACTION: Resolution failed.

At 9:10 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:
Jane L. Chew
Town Clerk