

**ADJOURNED TOWN MEETING
MONDAY, SEPTEMBER 22, 2008
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:40 P.M. with a musical performance of the BHS Select Singers under the direction of Mr. Middleton-Cox. A motion to adjourn to Wednesday, October 1, 2008 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.

The Ways & Means and Board of Selectmen gave a brief financial overview. The Town Administration presented their debt plan report and an update on the Wildwood School. There was an update on the progress of the Francis Wyman playground. Planning Board updated the meeting on their initiatives for revising the zoning and sign bylaws. Dr. Conti presented an update to the integrated preschool program.

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

ARTICLE 2 RE: Set 2009 Annual Town Election Date

To see if the Town will vote to set the date of the 2009 Annual Town Election as Saturday, April 4, 2009 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: Jackie's Law MGL Chapter 82A

To see if the Town will vote to designate the Building Inspector or his designee and the Public Works Superintendent or his designee as the trench permitting authority in accordance with Chapter 82A of the Massachusetts General Laws, 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: Home Rule Petition/Police Officer

To see if the Town will vote to request and authorize the Board of Selectmen to file a Home Rule Petition with the General Court so as to permit Louis Magliozzi of 90 Drake Road to apply for the position of Police Officer in the Town's Police Department notwithstanding the fact that the Town has not accepted the provisions of Section 61A and 61B of Chapter 31 of the General Laws and further notwithstanding the fact that Mr. Magliozzi's age is in excess of 32 years, or to act in any other manner in relation thereto.

MAIN MOTION: as printed in the Warrant

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 5 RE: Acceptance of Real Estate Exemption Provisions/Chapter 73, Acts of 1986

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 10-0-0.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 6 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 income allowed for said exemption from \$13,000 to \$20,000 annually for single and from \$15,000 to \$30,000 annually for married couple and to increase gross assets from \$28,000 to \$40,000 for a single applicant and from \$30,000 in gross assets to \$55,000 for a married couple.

MAIN MOTION: as printed in the Warrant

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 7 RE: Capital Items/General Obligation Bonds

To see if the Town will vote to appropriate \$8,100,000 or some other amount, to be expended at the direction of the Selectmen, to pay for the following Capital Projects, including any and all costs incidental and related thereto:

Road Construction and Paving	\$1,000,000
AMR (Install Town Wide Automated Meters)	\$1,500,000
Terrace Hall Force Main	\$3,000,000
High School/FWS roof(s)	\$1,600,000
Grandview Farm Complex	\$1,000,000

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

MAIN MOTION: To see if the Town will vote to appropriate the sum of \$5,100,000 to be expended at the direction of the Selectmen, to pay for the following Capital Projects, including any and all costs incidental and related thereto:

Road Construction and Paving	\$ 1,000,000
AMR (Install Town Wide Automated Meters)	1,500,000
High School/FWS Roof(s)	1,600,000
Grandview Farm Complex	1,000,000

and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7, clauses (1), (3a) AND (5) AND Section 8, clause (7A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Recommendations: Ways & Means voted in favor. Capital Budget voted in favor.

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

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

ACTION: BY A VOTE OF 65 IN FAVOR AND 26 OPPOSED, THE MAIN MOTION CARRIED.

ARTICLE 8 RE: Sale of Town-owned Lot

To see if the Town will vote to authorize the Board of Selectmen to sell an existing single family lot on South Bedford Street identified as Parcel 4, Map 47 on the Assessor's maps for construction of a single residential home to pay for the cost of remodeling/reconstruction of the Grandview Farm complex, or to act in any other manner in relation thereto.

MAIN MOTION: as printed in the Warrant

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 9 RE: Fund the DPW Contract

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and Department of Public Works Union (Local 1703) for Fiscal Year 2009, 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 Fiscal Year 09 Negotiated Salary Account the sum of \$110,000 for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Department of Public Works Union (Local 1703) for Fiscal Year 2009.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 10 RE: Fund the BMEA Contract

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and Burlington Municipal Employees Association (Local 1703) for Fiscal Year 2009, same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

MAIN MOTION: to table until the October 1, 2008 meeting was moved, seconded and so voted.

ARTICLE 11 RE: Fund the BPPA Contract

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and Burlington Police Patrolmen's Association for Fiscal Year 2009, same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

MAIN MOTION: to Postpone Indefinitely

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 12 RE: Fund the IBPO Contract

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and International Brotherhood of Police Officers for Fiscal Year 2009, same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

MAIN MOTION: to Postpone Indefinitely

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 13 RE: Fund the Burlington School Department Union Contracts

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to fund the contract settlement agreements for the Burlington School Department and the Burlington Educators Association, Burlington School Office Personnel, Burlington School Custodial, Burlington School Instructional Assistants, Burlington School Nurses Association, and Burlington School Administration Association including the payment of all costs incidental and related, same to be spent under the direction of the School Committee, 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 \$320,338 to fund the contract settlement agreements for the Burlington School Department and the Burlington Educators Association, Burlington School Office Personnel, Burlington School Custodial, Burlington School Instructional Assistants, Burlington School Nurses Association, and Burlington School Administration Association including the payment of all costs incidental and related, same to be spent under the direction of the School Committee.

Recommendations: Ways and Means voted 9-2-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

At 10:24, a motion to adjourn was moved, seconded and so voted.

Attest:

Jane L. Chew
Town Clerk

**ADJOURNED TOWN MEETING
WEDNESDAY, OCTOBER 1, 2008
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, October 6, 2008 to conclude 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.

The Moderator announced that the Town Clerk was notified of a motion to reconsider Article 7 and that it would come before the members for a vote after all other articles have been acted upon.

A motion to adjourn the regular meeting so that the Special Town Meeting could be called was moved, seconded and so voted.

**SPECIAL TOWN MEETING
WEDNESDAY, OCTOBER 1, 2008
FOGELBERG AUDITORIUM – BHS**

ARTICLE 1 RE: Master Plan/Feasibility Study of Burlington Department Facilities and Enrollments

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the School Committee for a Master Plan/Feasibility Study of the Burlington School Department Facilities and Enrollments, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

MAIN MOTION: That the Town of Burlington reaffirms the vote taken on Article Thirteen dated January 24, 2005 utilizing the following language as required by the Massachusetts School Building Authority (MSBA).

That the Town of Burlington / Burlington School Department vote to appropriate from the One Time Municipal Relief Aid Fund the sum of Ninety Five Thousand (\$ 95,000) Dollars for the Feasibility Study of the Memorial Elementary School, said sum to be expended under the direction of the Burlington School Committee, that the Town of Burlington / Burlington School Committee acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the

MSBA, and any costs the Town of Burlington / Burlington School Committee incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Burlington / Burlington School Committee, and that the amount to be raised and appropriated, transferred from available funds, or otherwise provided pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Burlington / Burlington School Committee and the MSBA.

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

ACTION: MAJORITY APPROVED MAIN MOTION

Attest:

Eleanor M. Gelinas
Assistant Town Clerk

At 7:45 P.M., motion to reconvene the regular meeting was moved, seconded and so voted.

ARTICLE 10 RE: Fund the BMEA Contract

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and Burlington Municipal Employees Association (Local 1703) for Fiscal Year 2009, 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 Fiscal Year 09 Negotiated Salary Account the sum of \$174,667.16 for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Municipal Employees Association (BMEA Local 1703) for Fiscal Year 2009.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 14 RE: Patriot Property Development Concept

To see if the Town, based on the report submitted by Landlocked Parcel Committee, wishes the committee to investigate further the development proposal of Patriot Partners, the holder of interest in the option agreement for the so-called "Landlocked Parcel" located on the southerly side of Route 3 and bordered by Route 128 and Route 62 Burlington, MA, and furthermore to raise and appropriate the sum of \$50,000 to pay for technical and professional services to complete the tasks associated with this article or to act in any other manner in relation thereto.

MAIN MOTION: as printed in the Warrant

Recommendations: Ways & Means voted 0-11 in opposition. Selectmen voted 0-5 in opposition. Landlocked Parcel Committee voted 3-6 in opposition. Land Use voted 3-5 in opposition. Conservation Commission voted unanimously in opposition.

Landlocked Parcel Committee presented their report.

ACTION: MAJORITY DEFEATED MAIN MOTION

ARTICLE 15 RE: Reauthorization of Landlocked Parcel Exploration Committee

To see if the Town will vote to reauthorize the already appointed Landlocked Parcel Committee to seek out and explore alternative uses in addition to those proposed by Patriot Partners for the so-called "Landlocked Parcel", located in Burlington, MA bordered by Route 3, Route 128, Route 62, and Lexington and Bedford; and to make a recommendation to the Town on a potential land use plan for the site, and furthermore to raise and appropriate the sum of \$50,000 to pay for technical and professional services to complete the tasks associated with this article or to act in any other manner in relation thereto.

MAIN MOTION: to Postpone Indefinitely

A substitute motion to read as follows was moved, seconded.

To see if the Town will vote to have Land Use Committee, working with other Town committees and boards, develop a process to identify the general sentiment of the Town citizens regarding the future use of Town-owned properties such as the landlocked parcel, Wildwood School property, and other lots owned by the Town; but not currently being utilized for municipal purposes. The process will be presented to the January Town Meeting for approval. It is anticipated that by May Town Meeting, Land Use will be able to present the results of this prioritization. This process is not intended to generate explicit proposals related to any one parcel. It is meant to provide the Town a framework with which to evaluate future proposals.

The substitute motion failed.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 16 RE: Sewer I/I Fund

To see if the Town will vote to transfer from the Sewer Inflow/Infiltration fund the sum of \$179,146 for the purpose of paying the FY2009 debt service on the Town's three existing 0% MWRA loans, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 17 RE: Police Department Software

To see if the town will vote to enter into a ten-year lease with Information Management Corporation to provide public safety software to the Burlington Police Department, said lease to begin on July 1, 2009, or to act in other manner in relation thereto.

MAIN MOTION: as printed in the Warrant

Recommendations: Ways & Means voted 10-0-1 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 18 RE: Adjustment of Real Estate Tax (Thorstensen Property)

To see if the Town will vote, pursuant to M.G.L. Chapter 61B, to accept the classification/Tax Abatement of Lots 57-1-0; 57-2-0; 57-3-0; 57-4-0; 57-5-0; 57-6-0; 57-7-0; 57-8-0; 57-9-0; and 56-29-0 in totality as seen on the Assessor's Maps # 56 & 57, as 'Recreational land and uses', or to act in any other manner in relation thereto.

Moderator declared the motion to be out of order

ARTICLE 19 RE: Ice Palace Lease

To see if the Town will vote to authorize the Board of Selectmen to lease for a term or terms not to exceed ten (10) years in total, or such other terms and conditions as the Selectmen may determine, the premises known as the Burlington Ice Palace together with all appurtenant facilities including but not limited to all refrigeration and ice maintenance equipment, snack bar, pro-shop inventories and equipment as well as the parking area for the premises located at 36 Ray Avenue, Burlington, Massachusetts or to act in any other manner in relation thereto.

MAIN MOTION: as printed in the Warrant

Recommendations: Ways and Means voted 7-0-2 in favor.

A motion to amend by striking the words "ten (10) years" and substituting therefore the words "twenty (20) years" was moved, seconded and so voted.

ACTION: MAJORITY APPROVED MAIN MOTION AS AMENDED**ARTICLE 20 RE: Sidewalks on South Bedford Street**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$ 250,000 or any other sum for the purpose of constructing a sidewalk along South Bedford Street from the corner of Lexington Road to the intersection with Mall Road, or to act in any other manner in relation thereto.

MAIN MOTION: to Postpone Indefinitely

ACTION: MAJORITY APPROVED MAIN MOTION**ARTICLE 21 RE: Inclusionary Zoning Bylaw Amend Article II**

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 (HUD) and/or the Massachusetts Department of Housing and Community Development (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 Massachusetts Department of Housing and Community Development.

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 1997 Housing Element of the Burlington Master Plan, the 2004 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 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.

5.1.9.2 Applicability

5.1.9.2.1 Beginning with the effective date of this Bylaw, any development or division of land which will result in the creation of six (6) or more dwelling units, shall require a Special Permit from the Planning Board, whether created through Massachusetts General Law 40A (commonly known as the Zoning Act), Massachusetts General Law Chapter 41, Sections 81-K through 81-GG (commonly known as the Subdivision Control Law), or other provisions of this Zoning Bylaw. The Planning Board shall include as a condition of said permit that:

At least 10% of the units, and in no case less than one unit, be priced for qualified affordable housing purchasers; 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 5.1.9.6) 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;
- 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 Partnership

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.

5.1.9.7 Marketing Plan for Affordable Units -- Applicants under this Bylaw shall submit a marketing plan or other method approved by the Planning Board to the Burlington Housing Partnership for approval, which describes how the affordable units will be marketed to potential buyers or tenants. The plan shall include a description of the lottery or other process to be used for selecting buyers or tenants. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen, in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the Local Initiative Program.

MAIN MOTION: to Postpone Indefinitely

ACTION: MAJORITY APPROVED MAIN MOTION

The Moderator asked Deputy Moderator Frank Monaco to conduct the meeting during the discussions/vote on Article 22.

ARTICLE 22 RE: Rezone City of Boston Property to Open Space District

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 City of Boston land, also referred to as the Cummings Estate or Mary Cummings Park, comprised of lands shown on Assessor's Map 54 as Parcels 16 (148.0 acres), 12 (7.6 acres) and 18 (4.4 acres), or to act in any other manner in relation thereto.

MAIN MOTION: as printed in the Warrant

Recommendations: Land Use Committee voted 7-0 in favor. Planning Board voted 3 in favor and 3 opposed (member Raymond abstained). Selectman did not vote. Recreation Commission voted unanimously in favor. Conservation Commission voted unanimously in favor. The Deputy Moderator read a letter from the Woburn City Council who voted unanimously in favor.

A motion to end debate was moved, seconded and so voted. There was a division of the house and tellers were appointed.

ACTION: BY A VOTE OF 77 IN FAVOR AND 3 OPPOSED, THE MAIN MOTION CARRIED.

App'd A.G. . Posted .

Resolution #1 submitted by L. Rubino Pct 3, J. Tigges Pct. 6:

Attorney General Martha Coakley
Massachusetts's Attorney General Office
One Ashburton Place
Boston, MA 02108
Public Cahrities Division

Attorney General Coakley,

Where as; Mary P.C. Cummings left the property known as Babylon Hill "To hold and keep the same forever open as a public pleasure ground, and to maintain and care for the same in a suitable manner in accordance with that purpose."

Where as: Mrs. Cummings left substantial assets for the purposes of meeting the terms of her bequest.

Where as: Mrs. Cummings left a successor in the event that "said City of Boston shall decline or fail to accept said real estate in Woburn and Burlington for the purposes aforesaid,"

Where as: The City of Boston has spent trust assets for the purposes of protecting commercial development rights, appraisals and attorney's fees outside of the specific instructions of the trust.

Where as: The City of Boston has received specific legal advice on how to position the trust property as unable to meet the wishes of the donor.

Where as: The City of Boston has taken specific action to prevent access to the park.

Now comes the Burlington Town Meeting to request that you look favorably upon the complaint of the Friends of Mary Cummings Park under authority granted to you in MGL c12 Paragraph 8H, to investigate thoroughly how this trust is being managed under the terms of the donor's bequest.

Resolution carried by a majority vote in favor

The motion to reconsider Article 7 was moved and seconded. Seven members stood to request a roll call vote.

BY A ROLL CALL VOTE OF 34 IN FAVOR AND 47 OPPOSED, THE MOTION TO RECONSIDER ARTICLE 7 WAS DEFEATED.

At 11:20 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:

Eleanor M. Gelinis
Assistant Town Clerk