

**MONDAY, May 6 2013****Burlington Town Hall – Main Hearing Room**

At 6:05 P.M., the meeting was called to order by Amy Warfield, Town Clerk, the Town Meeting Members of Precinct 3 and 7 assembled to fill the vacancies in their respective Precincts. Present from Pct 3 were Roger Riggs and Martha Simons, there were no nominations brought forward so it was determined that no vote would be taken and the Pct would reconvene on Monday, May 13<sup>th</sup> prior to Town Meeting.

Present from Pct 7 were, Miriam Kelly, Lorraine Wassermann and Maria O'Connor. Nominations were taken for Tammy Vallas, This was seconded and she was the only nomination. A voice vote was taken and it was unanimous, Tammy Vallas will serve until the next Annual Town Election. There are still 4 Open Seats in this Pct. It was determined that meeting will be called for on Monday, May 13<sup>th</sup> at 7 PM for the Pct to meet and fill those seats. An Orientation meeting was held for New Town Meeting member. Business was concluded and the meeting was adjourned at 6:54 PM by Amy Warfield, Town Clerk.

Attested by:

Amy E. Warfield  
Town Clerk.

**ADJOURNED TOWN MEETING****MONDAY, May 13, 2013****FOGELBERG PERFORMING ARTS CENTER – BHS**

At 7 P.M., the meeting was called to order by Amy Warfield, Town Clerk, the Town Meeting Members of Precinct 3 and 7 assembled to fill the vacancies in their respective Precincts. Present from Pct 3 were Mildred Nash, Mont Person, Martha Simon and Faydeen A Sateriale. There were no nominations at this time and the members would do some more recruiting of people from the Precinct for membership. Precinct 7 membership included Lorriane Wasserman, David Webb, Miriam Kelly, Andy Cody, Maria O'Connor and Tammy Vallas. Nominations were made for David Elins and Warren Baer. These were seconded and since they were the only nominations, the vote was taken with a show of hands. It was unanimous for both of them. David Elins and Warren Baer will serve until the next Annual Town Election

Business was concluded and the meeting was adjourned at 7:15 PM by Amy Warfield, Town Clerk.

A quorum being present, the meeting was called to order at 7:30 pm by the new Town Moderator, Charley Murphy. The Police Color Guard presented the Colors and Charley Murphy opened the meeting with the Pledge of Allegiance. The Officers that responded to help in Boston after the bombing as part of the North Eastern Massachusetts Law Enforcement Council were recognized. They are Sgt. Tim McDonough, Sgt. Dan Hanafin, Patrolmen Charles Ferguson, Patrolman Dan Houston, Patrolman Joe Papsadero & K9 Havoc, Detective Matt Leary and Patrolmen Peter Abakharoun.

Introduction was made of the New Town Moderator, Charley Murphy. He also recognized the service of Phil Gallagher as Moderator. Charley also overviewed what he wanted for the tone of Town Meetings under his leadership. He reminded the members that he will be doing committee appointments and people should contact him via email if they are interested.

Audio/Video staff for tonight's meeting included: Jon DiRusso, Rachel Menillo, Timothy Maiorana, Robert Conley and Nicholas Silva.

He also recognized Christopher Hartling on his recent election to the Board of Selectmen and Mildred Nash's 40 years of service as a Town Meeting member. It was noted that John Giorgio, from Kopelman and Paige, was present.

Swearing in of the new members was done by the Town Clerk and the newly elected members were introduced.

He requested that a new Deputy Moderator be appointed. A request was made and accepted for Bruce Morey to be appointed.

Motion made and seconded to adjourn to Wednesday, May 15<sup>th</sup> at 7:30PM if business is not concluded on this evening. Motion was made that votes be taken by voice vote or show of hands. This was accepted. It was noted that Articles 2 and 24 have been withdrawn. Then Mr. Murphy moved into the business of the town with reading of the first article.

**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.

Report of the Town by the Moderator on the state of the town. Mr. John Petrin, presented the budget overview for 2014. Overall Operating Budget increase is 4%, review of sources of revenues, tax rate, and levy increase of not more than 4.5%. It was noted that every effort was being taken for not increasing user fees. He reviewed the tax rates; Commercial rate of 31.70 and Residential rate of \$11.85. He reported that the Burlington Local Economy continues to grow and is strong.

Second report was from Tim Cummings, chair of Ways and Means, reported on the guidelines for overall budget, reporting that the committee has been meeting over the past 4 months and had 15 plus meetings. In addition, there were subcommittee meetings to handle individual department budgets.

Don Lonrinovich, from Recreation reported on the status of issues under their responsibility. The major two are the stone wall on Church St bordering Simons Park (est. \$525,000-530,000) and maintenance on the Town Common (est. \$300,000). The Town Common sidewalks are not handicapped accessible as well as electrical issues on the common. The Recreation Commission will be applying for State Grant money, as they have with other large projects.

**ACTION: REPORT ACCEPTED****ARTICLE 2 RE: Home Rule Petition**

To see if the Town will vote to petition the General Court for special legislation authorizing the Town to issue additional licenses for the sale of all alcoholic beverages to be drunk on premises under section 12 of chapter 138 of the General Laws not withstanding the maximum number of licenses authorized to be granted under section 17 of chapter 138 of the General Laws, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public's objectives of this petition and to allow or act in any other manner in relation thereto.

**MAIN MOTION: Postponed Indefinitely**

**ARTICLE 3 RE: Transfer of Funds FY 2013  
Various Accounts**

To see if the Town will vote to transfer from available funds the sum of \$TBD or any other amount for the purpose of paying for expenses incurred in Fiscal Year 2013 to various accounts same to be expended 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 the sum of \$333,300 from available funds for the purpose of paying for expenses incurred in Fiscal Year 2013 to various accounts, same to be expended under the direction of the appropriate authorities as follows:

<u>LINE</u> <u>ITEM #</u>	<u>FROM:</u>	<u>SOURCES</u>
12	Town Accountant - Salaries	\$24,000
16	Treasurer Collector - Salaries	\$ 5,000
21	Chapter 32B Health Insurance	\$23,800
22	Unemployment	\$80,000
33	Human Resources – Salaries	\$32,500
46	Planning – Salaries	\$40,000
51	Town Facilities – Salaries	\$25,000
68	School – Special Ed.	\$50,000
75	Board of Health – Salaries	\$20,000
77	Board of Health – Special	\$ 5,000
78	Council on Aging – Salaries	\$12,000
91	Recreation Director – Salaries	\$16,000

<u>LINE</u> <u>ITEM #</u>	<u>TO:</u>	<u>USES</u>
9	Selectmen – Salaries	\$27,000
11	Selectmen - Special	\$ 5,000
17	Treasurer Collector Expenses	\$ 3,000
26	Medicare	\$60,000
40	Town Clerk – Elections	\$18,000
49	Board of Appeals – Advertising	\$ 2,000
52	Town Facilities – Expenses	\$52,000
55	Police – Special	\$30,000
56	Fire – Salaries	\$70,000
58	Fire – Special	\$25,000
59	Building – Salaries	\$ 5,000
60	Building – Expenses	\$ 3,100
82	Veterans – Expenses	\$ 700
83	Veterans – Aid to Veterans	\$16,500
94	Recreation Maint. – Salaries	\$16,000

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 4 RE: Fund FY 2014 Operating Budget**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money -- \$111,150,019 -- sufficient to cover the requests of the various departments for Fiscal Year 2014; 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 \$111,150,019 to cover the requests of the various departments for Fiscal Year 2014.

Town of Burlington FY2014 Operating Budget

<u>TOWN MEETING &amp; REPORTS (Lines 1-2)</u>		
1-	Salaries - Part Time	2,481.00
2-	Expenses - Cont. Services	12,575.00
<b>TOTAL MEETINGS &amp; REPORTS</b>		
		15,056.00
		-24.93%

<b>MODERATOR (Lines 3-4)</b>		
3-	Salaries	150.00
4-	Expenses - Mat. & Supp -	
<b>TOTAL MODERATOR</b>		
		150.00
		0.00%

<b>WAYS AND MEANS (Lines 5-6)</b>		
5-	Salaries - Part Time	2,800.00
6-	Expenses - Mat. & Supplies	268.00
<b>TOTAL WAYS &amp; MEANS</b>		
		3,068.00
		0.00%

<b>CAPITAL BUDGET COMMITTEE (Lines 7-8)</b>		
7-	Salaries-Part Time	800.00
8-	Expenses-Mat.& Supplies	-
<b>TOTAL CAPITAL BUDGET</b>		
		800.00
		0.00%

<b>TOWN ADM/SELECTMEN (Lines 9-11)</b>		
9-	Salaries	479,408.00
10-	Expenses	12,583.00
11-	Special Accounts	16,500.00
<b>TOTAL TOWN ADM/SELECTMEN</b>		
		508,491.00
		9.38%

<b>ACCOUNTING (Lines 12-13)</b>		
12-	Salaries	293,281.00
13-	Expenses	5,035.00
<b>TOTAL ACCOUNTING</b>		
		298,316.00
		0.23%

<b>ASSESSORS (Lines 14-15)</b>		
14-	Salaries	250,276.00
15-	Expenses	108,300.00
<b>TOTAL ASSESSORS</b>		
		358,576.00
		1.80%

<b>TREASURER/COLLECTOR (Lines 16-18)</b>		
16-	Salaries	591,630.00
17-	Expenses	23,775.00
18-	Special Accounts	100.00
<b>TOTAL TAX COLL./TREASURER</b>		
		615,505.00
		1.95%

<b>CENTRAL ADMINISTRATION (Lines 19-28)</b>		
19-	Central Supply	110,000.00
20-	Central Machines	25,658.00
21-	Chapter 32B - Health Ins. (AA)	11,400,000.00
22-	Unemployment Comp (AA)	125,000.00
23-	Pension Reimbursement (AA)	2,000.00
24-	Town Insurance (AA)	700,000.00
25-	Financial Audit (AA)	65,000.00
26-	Medicare Tax (AA)	803,653.00
27-	Chas George Settlement (AA)	-
28-	4th of July/Town Event	-
<b>TOTAL CENTRAL ADMIN.</b>		
		13,231,311.00
		0.31%

<b>LEGAL (Lines 29-32)</b>		
29-	Legal Fees	95,000.00
30-	Collective Bargaining	98,000.00
31-	Tax Title	2,500.00
32-	Cable TV Negotiations	1,500.00
<b>TOTAL LEGAL</b>		
		197,000.00
		4.23%

<b>HUMAN RESOURCES (Lines 33-35)</b>		
33-	Salaries	102,963.00
34-	Expenses	2,085.00
35-	Special Accounts	12,600.00
<b>TOTAL - HUMAN RESOURCES</b>		
		117,648.00
		-4.41%

<b>MANAGEMENT INFO. SYSTEMS (Lines 36-37)</b>		
36-	Salaries	249,219.00
37-	Expenses	125,750.00
<b>TOTAL MIS</b>		
		374,969.00
		21.29% <b>H</b>

Discussion on Held item: Recommendation by Way's and Means was 8-1-0 in favor of this budget. **PASSED**

TOWN CLERK (Lines 38-40)		
38- Salaries	241,419.00	
39- Expenses	16,880.00	
40- Special Accounts	22,197.00	
TOTAL TOWN CLERK		
280,496.00		-9.39%
REGISTRAR OF VOTERS (Lines 41-42)		
41- Salaries	1,150.00	
42- Expenses	6,900.00	
TOTAL REGISTRARS		
8,050.00		-1.83%
CONSERVATION (Lines 43-45)		
43- Salaries	180,644.00	
44- Expenses	3,030.00	
45- Special Accounts	13,000.00	
TOTAL CONSERVATION		
196,674.00		1.64%
PLANNING BOARD (Lines 46-47)		
46- Salaries	248,865.00	
47- Expenses	18,761.00	
TOTAL PLANNING BOARD		
267,626.00		-3.89%
BOARD OF APPEALS (Lines 48-50)		
48- Salaries -- Part Time	11,369.00	
49- Expenses --Mat & Supplies	250.00	
50- Spec. Accts -- Ads & Postage	6,000.00	
TOTAL BOARD OF APPEALS		
17,619.00		14.82% <b>H</b>
Discussion on increase in Postage. PASSED		
TOWN FACILITIES (Lines 51-52)		
51- Salaries	453,841.00	
52- Expenses	510,973.00	
TOTAL TOWN FACILITIES		
964,814.00		3.27%
POLICE DEPARTMENT (Lines 53-55)		
53- Salaries	6,233,029.95	
54- Expenses	507,258.00	
55- Special Accounts	329,950.00	
TOTAL POLICE DEPARTMENT		
7,070,237.95		4.68%
FIRE DEPARTMENT (Lines 56-58)		
56- Salaries	5,623,685.00	
57- Expenses	434,214.00	
58- Special Accounts	143,860.00	
TOTAL FIRE DEPARTMENT		
6,201,759.00		1.82%
BUILDING DEPARTMENT (Lines 59-61)		
59- Salaries	467,163.00	
60- Expenses	26,522.00	
61- Special Accounts	10.00	
TOTAL-- BUILDING DEPT		
493,695.00		3.61%
SEALER OF WEIGHTS (Lines 62-63)		
62- Salaries -- Part Time	-	
63- Expenses	7,800.00	
TOTAL SEALER OF WEIGHTS		
7,800.00		0.00%
EMERGENCY MGT SERVICE (64-66)		
64- Salaries	5,000.00	
65- Expenses	18,600.00	
66- Special Accounts	2.00	
TOTAL EMERG. SERVICES		
23,602.00		0.00%
SHAWSHEEN VALLEY TECH (Line 67)		
67- TOTAL (AA)	1,417,940.00	1.79%

LOCAL EDUCATION (Line 68)		
68- TOTAL - LOCAL EDUCATION	50,696,390.00	4.50% <b>H</b>
Discussion on Held item: Recommendation by Way's and Means was 5-4-0 in favor of this budget. PASSED		
DEPT. OF PUBLIC WORKS (Lines 69-74)		
69- Salaries	3,803,157.00	
70- Expenses	2,522,970.00	
71- Special Accounts	721,700.00	
72- Rubbish and Garbage (AA)	1,721,000.00	
73- Street Light (AA)	370,500.00	
74- Swift Law (AA)	15,000.00	
TOTAL -- DPW		
9,154,327.00		-0.89%
BOARD OF HEALTH (Lines 75-77)		
75- Salaries	386,480.00	
76- Expenses	60,400.00	
77- Special Accounts	100,869.00	
TOTAL -- BOARD OF HEALTH		
547,749.00		0.58%
COUNCIL ON AGING (Lines 78-80)		
78- Salaries	279,648.00	
79- Expenses	7,750.00	
80- Special Accounts	6,888.00	
TOTAL COUNCIL ON AGING		
294,286.00		1.89%
VETERANS' SERVICES (Lines 81-83)		
81- Salaries	128,793.00	
82- Expenses	2,995.00	
83- Special Accounts	128,000.00	
TOTAL VETERANS SERVICES		
259,788.00		8.68%
COMMUNITY LIFE CENTER (Lines 84-85)		
84- Salaries	404,216.00	
85- Expenses	23,929.00	
TOTAL --COMM. LIFE CENTER		
428,145.00		0.40%
DISABILITY ACCESS (Lines 86-87)		
86- Salaries	2,368.00	
87- Expenses	400.00	
TOTAL DISABILITY ACCESS		
2,768.00		2.10%
PUBLIC LIBRARY (Lines 88-90)		
88- Salaries	1,044,428.00	
89- Expenses	165,872.00	
90- Special Accounts	156,000.00	
TOTAL -- PUBLIC LIBRARY		
1,366,300.00		0.57%
RECREATION DIRECTOR (Lines 91-93)		
91- Salaries	536,040.00	
92- Expenses	37,120.00	
93- Special Accounts	13,620.00	
TOTAL REC. DIRECTOR		
586,780.00		3.05%
RECREATION MAINTENANCE (Lines 94-95)		
94- Salaries	746,598.00	
95- Expenses	208,041.00	
TOTAL RECREATION MAINT.		
954,639.00		3.00%
HISTORICAL COMMISSION (Line 96)		
96- Expenses	1,590.00	
TOTAL -- HISTORICAL COMM.		
1,590.00		11.97%
DEBT SERVICE (Lines 97-98)		
97- PRINCIPAL (AA)	3,946,363.00	6.72%
98- INTEREST (AA)	1,903,852.00	-3.76%

TOTAL DEBT SERVICE (AA)  
5,850,215.00 3.07%

OTHER ACCOUNTS (99-104)  
99- RESERVE FUND  
200,000.00 0.0%

100-COUNTY RETIREMENT (AA)  
7,020,840.00 8.77%**H**  
Discussion on Held item: Recommendation by Way's and Means was Unanimously in favor of this budget. PASSED

101-NEG SETTLEMENTS  
660,000.00 92.81%**H**  
Discussion on Held item: Recommendation by Way's and Means was Unanimously in favor of this budget. PASSED

102-STABILIZATION (AA) 0.0%

103-53rd WEEK PAYROLL (AA) 0.0%

104-LOCAL TRANSPORT (AA)  
155,000.00 0.00%**H**  
Discussion on Held item: Recommendation by Way's and Means was 7-3-0 in favor of this budget. PASSED

105-CAPITAL IMPROVE (AA)  
300,000.00 0.00%

continued to top of next column

Continuation of Article 4  
It was motioned to go thru the budget any items needing addition discussion would be held. There were 6 items HELD. MIS, Board of Appeals, Local Education, County Retirement, Negotiated Settlement and Local Transportation. The held items totaled \$58,924,818. The remaining items, \$52,225,201 were passed with a majority voice vote. The HELD items were reviewed and after discussion were passed with a majority voice vote.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 5 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, 2013; or to act in any other manner in relation thereto:

Town Meeting sets \$ spending limit, not more than 10% of tax levy, employee benefit costs must be included.					
Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Home Composting/Rainwater Recycling	Public Works	Fees charged for compost bins/Rainwater Recycling Barrels	Purchase of compost bins/Rainwater Recycling Barrels	\$10,000	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, surveys, and backflow tester salary.	\$50,000	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.	\$45,000	Available for expenditure next year
Nursing Programs & Services	Board of Health	Fees charged for medical diagnostic and screening services and Medicare or insurance reimbursements, i.e. Flu/Pneumonia vaccination	Medical equipment and supplies, immunizations, educational materials	\$20,000	Available for expenditure next year
Plan Imaging	Building Department	2% of Building Department Fees Not to exceed \$20,000 annually	Archival imaging of building permit drawings and specifications	\$25,000	Available for expenditure next year
Sale of Recyclable Materials, Trash Bags and Toters	Board of Selectmen	Receipts from the Sale of Recyclable Material, Trash Bags and Toters	May be used to offset the cost of curbside collection and disposal of solid waste	\$75,000	Available for expenditure next year
Sealer of Weights & Measures	Board of Selectmen	Fees charged for Weights & Measures Services	Costs associated with the administration of the Weights & Measures Program	\$20,000	Available for expenditure next year
Ice Palace Improvement & Maintenance	Board of Selectmen	Rent from Lease	Improvements & Maintenance	\$64,000	Available for Expenditure Next Year

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

Recommendation: Ways and Means voted Unanimously in favor.

**ACTION: PASSED UNANIMOUSLY**

**ARTICLE 6 RE: Fund FY 2014 Capital Budget**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$ TBD or any other amount for the items contained within the following proposed Fiscal Year 2014 Capital Budget, same to be expended under the appropriate authorities as indicated:

**MAIN MOTION:**

To see if the Town will vote to transfer from Free Cash and Sewer Enterprise as follows, for those items contained within the following proposed Fiscal Year 2014 Capital Budget, same to be expended under the appropriate authorities as indicated:

<b>PROJECT NUMBER</b>	<b>DEPT.</b>	<b>PROJECT NAME DESCRIPTION</b>	<b>SPENDING AUTHORITY</b>	<b>REQUEST AMOUNT</b>
<b>FROM FREE CASH (6-1) – (6-28):</b>				
6-1	BCLC	Vehicle Replacement/Storage	Selectmen	\$ 30,000
		W&Ms 11-0-0, Selectman 5-0-0, Cap Bud 7-0-0	<b>MAJORITY APPROVED</b>	
6-2	Building	Vehicle Replacement	Selectmen	\$ 25,000
		4 Wheel Drive Vehicle		
		W&Ms 9-0-1, Selectman 5-0-0, Cap Bud 5-2-0: CAT2	<b>MAJORITY APPROVED</b>	
6-3	Building	Computer Hardware/Software Needs	Selectmen	\$ 30,000
		W&Ms 8-1-1, Selectman 5-0-0, Cap Bud 0-6-1	<b>MAJORITY APPROVED</b>	
6-4	DPW	Sidewalk Restoration	Selectmen	\$ 50,000
		W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 7-0-0	<b>UNANIMIOUSLY PASSED</b>	
6-5	DPW	DPW/Stream Cleaning	Selectmen	\$ 200,000
		W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 7-0-0	<b>UNANIMIOUSLY PASSED</b>	
6-6	DPW	Traffic Light Repairs	Selectmen	\$ 130,000
		W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 7-0-0: CAT2	<b>MAJORITY APPROVED</b>	
6-7	DPW	Three Vehicle Replacements	Selectmen	
		Trackless Machine, Utility Truck and Water Utility Truck		\$ 247,700
		W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 7-0-0: CAT3	<b>MAJORITY APPROVED</b>	
6-8	DPW	Water Distribution Hydraulic Model	Selectmen	\$ 70,000
		W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 7-0-0	<b>MAJORITY APPROVED</b>	
6-9	MIS	MIS Hardware/Software	Selectmen	\$ 90,000
		W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 0-6-1: CAT2	<b>MAJORITY APPROVED</b>	
6-10	PLANNING	Comprehensive Master Plan – Phase I	Planning	\$ 50,000
		W&Ms 7-3-2, Selectman 5-0-0, Cap Bud 7-0-0: CAT1	<b>MAJORITY APPROVED</b>	

After competition of item 6-10 at 10:43 PM, a motion to adjourn was moved, seconded and so voted. Town Meeting will be reconvened on Wednesday, May 15, 2013, at 7:30 PM. The business of Town meeting will begin with Article 6-11

Attest:  
Amy E. Warfield  
Town Clerk

**ADJOURNED TOWN MEETING  
WEDNESDAY, May 15, 2013  
FOGELBERG PERFORMING ARTS CENTER – BHS**

At 7:06 P.M., the Town Meeting Members of Precinct 3 assembled to fill the vacancy in their Precinct. Present from Pct 3 were, Faydeen A Sateriale, Stephen G. Marchese, Sheri Ellis, Martha Simon, James Frost, Gary Mercier, Mildred Nash, and Paul A. Valleli

Nominations were taken for Susan Martin, she was the only nomination. A voice vote was taken and it unanimous, Susan Martin will serve until the next Annual Town Election. Business was concluded and the meeting was adjourned at 7:10 PM by Amy Warfield, Town Clerk.

A quorum being present, the meeting was called to order at 7:31 pm. The Moderator opened the meeting the Pledge of Alliance. Audio/Video staff for tonight’s meeting included: Jon DiRusso, Rachel Menillo, Timothy Maiorana, Robert Conley and Nicholas Silva. Also, the Moderator requested that the voted method of vote would be a show of hands.

**Continuation of Article 6**

6-11	RECREATION	Two Vehicle Replacements Two F350 - 4 Wheel Drive Pickup Trucks	Recreation Comm.	\$ 83,000
		W&Ms 10-0-0, Selectman 5-0-0, Cap Bud 7-0-0	<b>UNANIMIOUSLY PASSED</b>	
6-12	RECREATION	Replacement Lawn Mower	Recreation Comm.	\$ 12,000
		W&Ms 10-0-0, Selectman 5-0-0,	<b>UNANIMIOUSLY PASSED</b>	

**FINANCIAL ARTICLES CONTINUED**

6-13	SCHOOL	Burlington School Department Van Replacement	School Comm	\$	33,400
	W&Ms 10-0-0, Selectman 5-0-0, Cap Bud 7-0-0				<b>UNANIMOUSLY PASSED</b>
6-14	SCHOOL	Burlington High School Dark Room/Art Studio	School Comm	\$	53,000
	W&Ms 10-0-0, Selectman 5-0-0, Cap Bud 7-0-0				<b>MAJORITY APPROVED</b>
6-15	SCHOOL	Burlington High School Auditorium	School Committee	\$	37,500
		Stage Floor Replacement			
	W&Ms 10-0-0, Selectman 5-0-0, Cap Bud 7-0-0				<b>MAJORITY APPROVED</b>
6-16	SCHOOL	Fox Hill School Floor Replacement	School Committee	\$	15,000
	W&Ms 10-0-0, Selectman 5-0-0, Cap Bud 7-0-0				<b>MAJORITY APPROVED</b>
6-17	SCHOOL	Fox Hill School Library	School Committee	\$	22,000
		HVAC Unit Replacement			
	W&Ms 10-0-0, Selectman 5-0-0, Cap Bud 7-0-0				<b>MAJORITY APPROVED</b>
6-18	SCHOOL	Pre-School Playground Replacement	School Committee	\$	82,734
		at Burlington High School			
	W&Ms 10-0-0, Selectman 5-0-0, Cap Bud 7-0-0				<b>MAJORITY APPROVED</b>
6-19	SCHOOL	System-Wide School Security Improve.	School Committee	\$	285,000
	W&Ms 9-1-0, Selectman 5-0-0, Cap Bud 7-0-0				<b>MAJORITY APPROVED</b>
6-20	SCHOOL	Burlington High School	School Committee	\$	266,500
		"Rubber Gym" Renovations			
	W&Ms 10-0-0, Selectman 5-0-0, Cap Bud 6-0-1				<b>MAJORITY APPROVED</b>
6-21	TOWN	Replacement of Vitals Secure Room Door and	Town Clerk	\$	10,000
	CLERK	Environmental Room Control in Clerk's Office			
	W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 7-0-0,				<b>MAJORITY APPROVED</b>
6-22	TOWN	Town Hall and Town Hall Annex	Selectmen	\$	165,000
	FACILITES	Boiler Replacement			
	W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 7-0-0				<b>MAJORITY APPROVED</b>
6-23	TOWN	Town Hall, Town Hall Annex and Library	Selectmen	\$	45,000
	FACILITES	Paint, Carpet and Flooring			
	W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 7-0-0,				<b>MAJORITY APPROVED</b>
6-24	TOWN	Fire Station (Main)Back Wall Repair	Selectmen	\$	10,000
	FACILITES				
	W&Ms 12-0-0, Selectman 5-0-0,				<b>MAJORITY APPROVED</b>
6-25	TOWN	Town Facilities Assessment	Selectmen	\$	60,000
	FACILITES				
	W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 7-0-0				<b>FAILED TO PASS</b>
6-26	TOWN	Historic Museum and Old West Repairs	Selectmen	\$	15,000
	FACILITES				
	W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 7-0-0				<b>MAJORITY APPROVED</b>
6-27	TOWN	Town Hall and Town Hall Annex Repairs	Selectmen	\$	45,000
	FACILITES				
	W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 7-0-0				<b>MAJORITY APPROVED</b>
6-28	TREASURER	Konica Minolta High Speed Printer	Treasurer/Collector	\$	26,397
	W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 0-6-1,				<b>MAJORITY APPROVED</b>

**FROM SEWER ENTERPRISE (6-29):**

6-29	DPW	Critical Sewer System Repairs	Selectmen	\$	260,000
	W&Ms 12-0-0, Selectman 5-0-0, Cap Bud 7-0-0,				<b>MAJORITY APPROVED</b>

NOTE: Total amount to be transferred from Free Cash would be \$2,129,231. The transfer from Sewer Enterprise would be \$260,000.

**ACTION: see votes for individual line items**

**ADJOURNED TOWN MEETING  
WEDNESDAY, May 15, 2013  
FOGELBERG PERFORMING ARTS CENTER – BHS**

At 7:06 P.M., the Town Meeting Members of Precinct 3 assembled to fill the vacancy in their Precinct. Present from Pct 3 were, Faydeen A Sateriale, Stephen G. Marchese, Sheri Ellis, Martha Simon, James Frost, Gary Mercier, Mildred Nash, and Paul A. Valleli. Nominations were taken for Susan Martin, she was the only nomination. A voice vote was taken and it unanimous, Susan Martin will serve until the next Annual Town Election. Business was concluded and the meeting was adjourned at 7:10 PM by Amy Warfield, Town Clerk.

A quorum being present, the meeting was called to order at 7:31 pm. The Moderator opened the meeting the Pledge of Alliance. Audio/Video staff for tonight's meeting included: Jon DiRusso, Rachel Menillo, Timothy Maiorana, Robert Conley and Nicholas Silva. Also, the Moderator requested that the voted method of vote would be a show of hands.

The chair also requested if the business is not completed this evening we will adjourn to Monday, May 20 at 7:30 PM. This was accepted.

\*\* Business resumed with Article 6 – 11 listed above.

**Request was made to take ARTICLE 16 TAKEN OUT OF ORDER**

**ARTICLE 16 RE: Purchase of Building**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, the building and land located at 33 Center Street as Map 29, Parcel 105, currently owned by the Trustees of Timmike Realty Trust and described in a deed recorded in Book 11504, Page 509 in the Southern Middlesex Registry of Deeds, for general municipal purposes and for the purpose of extending the campus of the Town Hall complex; and further to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$700,000 or any other sum for the purpose of funding said acquisition; or to act in any other manner in relation thereto.

**Continues on next page:**

**ARTICLE 16 continued:****MAIN MOTION:**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, the building and land located at 33 Center Street as Map 29, Parcel 105, currently owned by the Trustees of Timmike Realty Trust and described in a deed recorded in Book 11504, Page 509 in the Southern Middlesex Registry of Deeds, for general municipal purposes and for the purpose of extending the campus of the Town Hall complex, including the payment of all costs incidental and related thereto, and to appropriate the sum of \$700,000 for this purpose; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow

said amount under and pursuant to Chapter 44, Section 8(5) and Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Recommendations: Ways & Mean 9-2-1,  
Cap Budget 7-0-0, Selectmen 4-0-0,  
Land Use no position taken

**ACTION: 2/3 VOTE REQUIRED, STANDING VOTE TAKEN 72 for AND 12 against, MOTION PASSES**

**ARTICLE 7 RE: Water Distribution System Upgrades**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow to otherwise provide the sum of \$500,000, or any other sum, for the purpose of funding Water Distribution System Upgrades, 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 that \$500,000 is appropriated to pay costs of replacing water mains in the Burlington Mall Road area, between South Bedford Street and Stony Brook Road, as well as any other water mains disturbed during the Terrace Hall project, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(5) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Recommendations: Ways & Mean 11-0-0, Cap Bud 7-0-0,  
Selectmen 5-0-0,

**ACTION: 2/3 VOTE REQUIRED, PASSED UNANIMIOUS**

**ARTICLE 8 RE: Grandview Farm Debt Service**

To see if the Town will vote to transfer the sum of \$87,085 from the Land Exchange Development Agreement (LEDA) Fund from the Gutierrez Company for the purpose of paying the Fiscal Year 2014 debt service on the Town's July 1, 2009 Grandview Remodeling Bond; or to act in any other manner in relation thereto.

**MAIN MOTION:**

To see if the Town will vote to transfer the sum of \$87,085 from the Land Exchange Development Agreement (LEDA) Fund from the Gutierrez Company for the purpose of paying the Fiscal Year 2014 debt service on the Town's July 1, 2009 Grandview Remodeling Bond.

Recommendations: Ways & Mean 11-0-0, Selectmen 5-0

**ACTION: 2/3 REQUIRED; PASSED UNANIMIOUS**

**ARTICLE 9 RE: Sewer Services Enterprise Fund MWRA Assessment**

To see if the Town will vote to raise and appropriate the sum of \$4,961,962 to operate the FY 2014 Sewer Services Enterprise of which \$4,961,962 will come from the FY 2014 Sewer Services Enterprise Estimated Revenue Account; or to act in any other manner in relation thereto.

**MAIN MOTION:**

To see if the Town will vote to transfer the sum of \$4,961,962 to operate the FY 2014 Sewer Services Enterprise of which \$4,961,962 will come from the FY 2014 Sewer Services Enterprise Estimated Revenue Account.

Recommendations: Ways & Means 11-0-0, Selectmen 5-0

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 10 RE: Sewer I/I Fund**

To see if the Town will vote to transfer from the Sewer Inflow/Infiltration fund the sum of \$98,560 for the purpose of paying the FY2014 debt service on the Town's three existing 0% MWRA loans, or to act in any other manner in relation thereto.

**MAIN MOTION:**

To see if the Town will vote to transfer the sum of \$98,560 from the Sewer Inflow/Infiltration Fund for the purpose of paying the FY2014 debt service on the Town's three existing 0% MWRA loans.

Recommendations: Ways & Means 12-0-0, Selectmen 5-0,  
Cap Bud 6-0-0

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 11 RE: Collaborative Disposal Five-Year Municipal Solid Waste Contract**

To see if the Town will vote to authorize the Board of Selectmen to enter into a contract agreement of up to five years (subject to annual appropriation) for the disposal of municipal solid waste for the Town of Burlington, or to act in any other manner in relation thereto.

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

Recommendations: Ways & Means 12-0-0, Selectmen 5-0

**ACTION: PASSED UNANIMIOUS**

**ARTICLE 12 RE: Chapter 90**

To see if the Town will vote to accept the Chapter 90 allocation of \$1,650,000 and appropriate the sum of \$1,650,000 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 \$1,650,000 and appropriate the sum of \$1,650,000 for the purpose of funding roadway improvements, same to be spent under the direction of the Town Administrator.

Recommendations: Ways & Means 12-0-0, Selectmen 5-0,  
Cap Bud 7-0-0

**ACTION: PASSED UNANIMIOUS**

**ARTICLE 13 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 \$80,000 for the improvement of Simonds Park, same to be expended 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 12-0-0, Cap Bud 7-0-0

**ACTION: PASSED UNANIMIOUS**

---

**ARTICLE 14 RE: Fund the Burlington Police Patrolmen’s Association Contract**

To see if Town Meeting will vote to transfer from the FY2013 Negotiated Settlement Account the sum of \$45,849 for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Patrolmen’s Association for FY2013, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

**MAIN MOTION:**

To see if the Town will vote to transfer from the FY2013 Negotiated Settlement Account the sum of \$ 45,849 for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Patrolmen’s Association for FY2013, same to be spent under the appropriate authority

Recommendations: Ways & Means 10-0-2,  
Selectmen 4-0-1

**ACTION: MAJORITY APPROVED MAIN MOTION**

---

**ARTICLE 15 RE: Property Due Diligence**

To see if the Town will vote to amend Article 14 of the January 23, 2012 Town Meeting to include the purpose of a fire station in funding the due diligence activities related to the purchase of property for the DPW Operations facility including but not limited to title research, appraisals, engineering and structural analysis, to determine the suitability of the property and plan the construction of the improvements; or to act in any other manner in relation thereto.

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

Recommendations: Ways & Means 9-0-1, Selectmen 5-0,  
Cap Bud 7-0-0

**ACTION: MAJORITY APPROVED MAIN MOTION**

---

**ARTICLE 16 TAKEN OUT OF ORDER See above**

---

**ARTICLE 17 RE: Burlington High School Practice Field Drainage**

To see if the Town will vote to appropriate \$537,000 or some other amount, to be expended at the direction of the School Committee, to pay the cost of Practice Field drainage improvements at Burlington High 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 act in any other manner in relation thereto.

**Continues on next column:**

**MAIN MOTION:**

To see if the Town will vote to transfer from free cash, the sum of \$ 537,000 for the purpose of Practice Field drainage improvements at Burlington High School, same to be spent under the direction of the School Committee.

Recommendations: Ways & Means 10-0-0, Cap Bud 3-4-0

**AMENDMENT TO THE MOTION:**

It was moved by Tom Killilea and seconded to amend the amount of the warrant article to be \$431,925.00, this is the amount of the lowest bid that has been submitted.

Amendment was voted and passed by a Majority.

**ACTION: ON THE MOTION AS AMENDED MAJORITY APPROVED MAIN MOTION**

---

**ARTICLE 18 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 \$ 34,306 or any other sum, to be expended under the direction of the Burlington School Committee for the purpose of Community Custodial Fees for the events to be covered for Burlington Scout Organizations. PTO Meetings, Boosters, Citations, Youth Basketball, Youth Volleyball, Youth Baseball Association, Pop Warner, Hockey, Soccer and Skating Associations and other non profit Burlington Civic Organizations; or to act in any other manner in relation thereto.

**MAIN MOTION:**

To see if the Town will vote to transfer the sum of \$34,306 from Free Cash for the purpose of Community Custodial Fees for FY 2014 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, to be spent under the direction of the School Committee

Recommendations: Ways and Means 9-1-0,  
Selectmen took no vote

**ACTION: MAJORITY APPROVED MAIN MOTION**

---

**Motion was made** to adjourn at 10:35 PM, it was moved and seconded but the vote failed to pass, business was continued.

---

**ARTICLE 19 RE: Fourth of July Parade**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000 to pay for expenses associated with the annual 4<sup>th</sup> of July parade and to do or act in any other manner in relation thereto.

**MAIN MOTION:**

To see if the Town will vote to transfer the sum of \$10,000 from Free Cash to be expended at the direction of the Board of Selectmen to pay the costs associated with the annual 4<sup>th</sup> of July parade.

Recommendations: Ways and Means 11-1-0,  
Selectmen 4-0

**ACTION: MAJORITY APPROVED MAIN MOTION**

---

**Motion to adjourn at 10:44 PM and motion was** seconded and so moved. Town Meeting will be reconvened on Monday, May 20, 2013, at 7:30 PM. The business of Town meeting will begin with Article 20

Attest:  
Amy E. Warfield  
Town Clerk

**ADJOURNED TOWN MEETING  
MONDAY, May 20, 2013  
FOGELBERG PERFORMING ARTS CENTER – BHS**

Meeting was called to order at 7:36 PM and opening with the Pledge of Allegiance, lead by Town Moderator, Charley Murphy. Technical support was provided by BHS Students Rachel Merullo, Tim Maiorana, Bo Conley, Jon DiRusso and Nick Silva. Motion was made to reconvene on Wednesday, May 22 at 7:30 PM if the business is not completed tonight. The body was also reminded about the motion to reconsider Article 4 which would be taken up at the end of business. A report was given by John Petri about plans for September Town Meeting. About overall report/plan for Facilities and status for Assistant TA and Facilities Manager position will be presented at that time. Business resumes:

**GENERAL BYLAW ARTICLES**

**ARTICLE 20 RE: Amend General By-Law, Article XIV, Section 4.2.2, Earth Removal, Earth Moving and Addition of Fill**

To see if the Town will vote to amend the Section 4.2.2 of the General Bylaws, Article XIV, Environment, Earth Removal, Earth Moving and Addition of Fill, to insert a new section, 4.2.2.9, as follows:

The Board of Selectmen may waive strict compliance with the standards in Section 4.2.4, 4.2.5 and 4.2.6 when the applicant demonstrates that doing so serves the public interest and will not compromise the goals and objectives of this bylaw.

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

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 21 RE: General Bylaw Amendments to Article XIII Section 2.4 “Kennels” (Housekeeping)**

To see if the Town will vote to amend Article XIII Section 2.4 “Kennels” as follows: (Change is underlined – deleted part with strike thru.)

**2.4 Kennels**

Any owner/keeper of four dogs or more, three months old or over, shall apply for a kennel license from the Town Clerk. Kennel licenses shall not be issued unless the Animal Control Officer and the Board of Health have made a favorable recommendation to the Town Clerk ~~and unless a license has been obtained from the Board of Health~~. The recommendation of the Animal Control Officer shall be based on the annual inspection of the premises as provided in Chapter 140 Section 137C of the Mass. General Laws in addition to complaints registered and violations committed in the previous 12 month period against the owner/keeper.

A "kennel" constitutes one pack or collection of dogs on a single premise, whether maintained for breeding, sale, training, hunting, or other purposes, including a shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old or over owned or kept by a person on a single premise, irrespective of the purpose for which they are maintained.

**Continues on next column:**

The Clerk shall upon application issue without charge a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

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

**ACTION: PASSES UNANIMOUSLY**

**ARTICLE 22 Re: Support a Constitutional Amendment to Stipulate that Corporations are Not People and Do Not Enjoy the First Amendment Rights of People**

To see if the Town of Burlington will vote to support a resolution for an amendment to the US Constitution and, also, to direct the Board of Selectmen to send a letter indicating that support to Burlington’s US Representative and US Senators as indicated below:

WHEREAS, for the past three decades, a divided United States Supreme Court has erroneously transformed the Bill of Rights into a powerful tool for corporations seeking to evade and invalidate the people’s laws, and has compromised the integrity of our democratic process by striking down legislation aimed at mitigating the disproportionate influence of money in policy making; and, WHEREAS, the expenditure of unlimited money in elections threatens to overwhelm our individual voices in the democratic process and to facilitate the undue influence of well-financed special interests in government; and, WHEREAS, the U.S. Constitution was adopted and ratified to protect the free speech and other rights of people, not corporations and other artificial entities; and, WHEREAS, corporations can and do make important contributions to our society using unique advantages that government has granted them, corporations are not themselves members of ‘We the People’ by whom and for whom our Constitution was established, and are subject to regulation as the people, through their elected representatives, may deem reasonable; and, WHEREAS, the impact of the Court's decisions in Citizens United v. Federal Election Commission and others will be felt at the local, state, and federal level as big campaign donors seek to dominate policy making; and, WHEREAS, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct clear threats to our democracy and our republican form of self-government;

NOW, THEREFORE, BE IT RESOLVED that we the citizens of Burlington, Massachusetts, petition the U.S. Congress to pass and send to the states an amendment to the U.S. Constitution that would affirm that corporations are not entitled to the constitutional rights of human beings, and that Congress, and state and local governments may place limits on political advertising, contributions and expenditures from any source.

AND, BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to every member of the Massachusetts congressional delegation as well as the state representative(s) and state senator(s) representing the town of Burlington.

Motion was made to amend the Article by Steve Stamm, it was seconded. The amended would delete the 3<sup>rd</sup> and 4<sup>th</sup> WHEREAS paragraphs and change the paragraph beginning with NOW, THEREFORE to state:

NOW, THEREFORE, BE IT RESOLVED that we the citizens of Burlington, Massachusetts, petition the U.S. Congress to pass and send to the states an amendment to the U.S. Constitution that would affirm that ~~corporations are not entitled to the constitutional rights of human beings, and that~~ Congress, and state and local

governments may place limits on advertisements impacting the health and safety of the public and ~~political-political advertisements~~, contributions and expenditures from any source.

(Deleted work with ~~strike through~~, additions underlined)

**ACTION:** The vote to amend Failed.

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

**ACTION: MAJORITY APPROVED MAIN MOTION**  
**Hand count was done 49 for and 30 against.**

## **ARTICLE 23 RE: Non-Zoning Wetlands Protection Bylaw Article XIV**

To see if the Town will vote to delete from the General Bylaws, the existing provisions in Article XIV, Environment, Section 1.0, Wetlands, and to adopt the following provisions, except to the extent that the provisions of the existing Bylaw shall apply to certain projects as expressly set forth below:

### **1.0 Wetlands Protection Bylaw**

#### **1.1. Purpose**

The purpose of this Bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Burlington by controlling activities deemed by the Conservation Commission likely to have a significant effect on resource area interests deemed important to the community (collectively, the “resource area interests protected by this Bylaw”). These include but are not limited to the following:

- public or private water supply
- groundwater supply
- flood control
- erosion and sedimentation control
- storm damage prevention including water quality
- prevention and control of pollution
- fisheries
- wildlife habitat
- rare species habitat including rare plant and animal species
- recreational and educational values

This Bylaw is intended to utilize the Home Rule authority of Burlington so as to protect the resource areas under the Wetlands Protection Act (M.G.L. Ch.131 §40; the Act) to a greater degree, to protect additional resource areas beyond the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those recognized in the Act, and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and regulations thereunder (310 CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant Bylaws of the Town of Burlington. This Bylaw shall not be applicable to projects for which a Determination of Applicability, Order of Conditions, Order of Resource Area Delineation or other permit under the Massachusetts Wetlands Protection Act has been issued and is valid or if an application for one of the foregoing is pending at the effective date of this Bylaw. The Bylaw provisions in effect prior to the effective date of this Bylaw shall apply to a project for which such approval has been issued or for which such application is pending.

#### **1.2. Jurisdiction**

Except as permitted by the Conservation Commission no person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas as defined in the Burlington Wetland Bylaw Regulations: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pools; springs; banks;

reservoirs; lakes; ponds; beaches; lands under water bodies; lands subject to flooding by groundwater or surface water; or lands adjoining these resource areas out to a distance of 100 feet, known as the buffer zone. The Commission may establish performance standards for work within the buffer zone to protect the aforementioned resource areas, however, the buffer zone itself is not a resource area.

Except as permitted by the Conservation Commission, no person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: streams; brooks; creeks; rivers; lands adjoining these waterways out to a distance of 200 feet, known as the riverfront area. Said 200-foot riverfront resource area shall apply to all streams shown on the map “Regulatory Streams of Burlington” to be adopted and incorporated in regulations, whether the stream is perennial or intermittent.

All said resource areas (collectively the “resource areas protected by this Bylaw”) shall be protected whether or not they border surface waters.

#### **1.3. Exemptions and Exceptions**

The applications and permits required by this Bylaw shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04.

The applications and permits required by this Bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Conservation Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

The applications and permits required by this Bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this Bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this Bylaw or in regulations adopted by the Commission, subsequent exemptions created under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and regulations (310 CMR 10.00) shall not apply under this Bylaw.

#### **1.4. Applications and Fees**

A written permit application shall be filed with the Conservation Commission to perform activities with the potential to affect resource areas protected by this Bylaw. The Commission may accept digital electronic copies in lieu of paper copies. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this Bylaw. No

activities shall commence without receiving and complying with a permit issued pursuant to this Bylaw.

The Commission, in an appropriate case, may accept as the application and plans under this Bylaw any application and plans filed under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.

Any person desiring to know whether or not a proposed activity or an area is subject to this Bylaw may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans as are deemed necessary by the Commission.

At the time of an application, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and regulations.

Additionally, pursuant to M.G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee, at a mutually agreed upon amount, must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the selectboard, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within fifteen (15) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

#### **1.5. Notice and Hearings**

Any person filing any application permit other than an RDA, shall at the same time give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners

of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any permit application (or public meeting for an RDA) with written notice given at least seven days prior to the hearing at the expense of the applicant, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing or public meeting within 21 days from receipt of a completed permit application, RDA, or ANRAD unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing, with the applicant's consent, to a specific date announced at the hearing or meeting, for reasons stated at the hearing or meeting, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion, based on comments and recommendations of the boards and officials listed in §1.6.

The Commission shall issue its permit, in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its hearing under this Bylaw with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and regulations (310 CMR 10.00).

#### **1.6. Coordination with Other Boards**

Any person filing a permit application, other than an RDA, with the Conservation Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Board of Selectmen, Planning Board, Board of Health, and Engineering Department. Digital electronic copies may be submitted in lieu of paper copies. A copy shall be provided in the same manner to the Commission of the adjoining municipality, if the property for which the application has been filed is within 100 feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until the above boards and officials have had 10 calendar days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing or meeting of the Commission, prior to taking final action.

#### **1.7. Permits and Conditions**

If the Conservation Commission, after a public hearing or meeting, determines that the activities which are subject to the permit application, or the land and water uses which will result therefrom, are likely to have a significant effect on the resource area values protected by this Bylaw, the Commission, within 21 days of the close of the hearing or meeting, shall issue or deny a permit for the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect.

If a permit is issued, the Commission shall impose conditions deemed necessary or desirable to protect said

resource area values, and all activities shall be conducted in accordance with those conditions. Where no conditions are adequate to protect said resource area values, the Commission is empowered to deny a permit for failure to meet the requirements of this Bylaw. The Commission may also deny a permit:

- for failure to submit necessary information and plans requested by the Commission;
- for failure to comply with the procedures, design specifications, performance standards, and other requirements in regulations of the Commission; or
- for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this Bylaw.

Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the Bylaw.

In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this Bylaw, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this Bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may establish, in its regulations, design specifications, performance standards, and/or other measures and safeguards, including the establishment of thresholds and limitations on amounts of permissible alteration of resource areas. The Commission may authorize or require replication of wetlands as a form of

mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication. Because of the uncertainty of the long-term viability of created wetlands, the Commission may, in its regulations, establish replication to fill ratio requirements exceeding 1:1.

If wetland resource areas are to be altered, the Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever a resource area alteration is proposed that exceeds thresholds established in regulations. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60).

A permit shall expire three years from the date of issuance. At the discretion of the Commission, any permit may be renewed for additional three-year periods, provided that requests for renewals are received in writing by the Commission prior to each expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.

For good cause the Commission may revoke any permit issued under this Bylaw after notice to the holder, the public, abutters, and town boards, pursuant to §1.5 and §1.6, and after a public hearing.

Amendments to permits shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

The Commission in an appropriate case may combine the decision issued under this Bylaw with the permit issued under the Wetlands Protection Act and regulations.

No work proposed in any application shall be undertaken until the permit, issued by the Commission with respect to such work, has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded.

The resource area "vernal pools", as defined in the regulations, includes all vegetated habitats within one-hundred feet of the seasonal high water of said pools. The Commission shall presume that both the inundated and adjacent upland areas provide essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the pool or adjacent upland does not provide essential habitat functions. Any formal evaluation shall be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60).

### **1.8. Regulations**

At a public meeting and in accordance with the Open Meeting Law, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw, effective when voted and filed with the town clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw. At a minimum these regulations shall reiterate the terms defined in this Bylaw, define additional

terms not inconsistent with the Bylaw, and establish filing and consultant fees.

### **1.9. Definitions**

Except as otherwise provided in this by-law or in regulations of the Commission, the definitions of terms in this Bylaw shall be as set forth in the Wetlands Protection Act, MGL c. 131, § 40, and regulations, 310 CMR 10.00, thereunder.

### **1.10. Security**

As part of a permit issued under this Bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Conservation Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or both of the methods described below:

(a) By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.

(b) By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Burlington whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

### **1.11. Enforcement**

No person shall remove, fill, dredge, discharge into, build upon, degrade, or otherwise alter resource areas protected by this Bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this Bylaw.

The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this Bylaw, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under M.G.L. Ch. 40 §21D, the Town of Burlington Bylaws, Article 1, General Provisions, §4, and civil and criminal court actions. Any person who violates provisions of this Bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the Board of Selectmen and Town Counsel may take legal action for enforcement under civil law. Upon request of the Commission, the chief of police may take legal action for enforcement under criminal law. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this Bylaw, or regulations, permits, or administrative orders issued thereunder, may be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the Bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in M.G.L. Ch. 40 §21D, which has been adopted by the Town in the General Bylaws, Article 1, §4.

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw, or in violation of any order issued under this Bylaw, shall forthwith comply with any such order or restore such land to its condition prior to any such violation; provided, however, that no action, civil or criminal, may be brought against such person unless such action is commenced within three years following the recording of the deed of the date or the death by which such real estate was acquired by such person.

The Board of Selectmen may, upon request of the Conservation Commission, instruct Town Counsel to take such legal action as may be necessary to restrain a violation of this Bylaw and enforce the orders of the Conservation Commission hereunder, and the Town Counsel shall forthwith comply with such instructions.

### **1.12. Burden of Proof**

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this Bylaw. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

### **1.13. Appeals**

A decision of the Conservation Commission may be reviewable in the superior court in accordance with M.G.L. Ch. 249 §4.

### **1.14. Relation to the Wetlands Protection Act**

This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) thereunder. In the event of an ambiguity or conflict as to the meaning of any "resource area" or other definitions, the definitions in this Bylaw or regulations promulgated under this Bylaw shall control. It is the intention of this Bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

### **1.15. Severability**

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

And to amend the Town's General Bylaws, Article 1, General Provisions, Section 4.0, as follows:

In the line regarding Article XIV, Section 1.9, Wetlands, delete "1.9" and replace it with "1.11"

Or to act in any manner in relation thereto.

Amendment was made by Steve Stamm and seconded, after discussion.

**ACTION:** The vote to amend Failed.

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

Recommendations: Land Use 8-0-0 on the  
Main motion as printed.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 24 Re: General Bylaw Amendment to add Section 6.0: OUTDOOR LIGHTING to Article XIII: PUBLIC SAFETY and to approve the Town of Burlington Guide to Outdoor Lighting Regulations**

To see if the Town of Burlington will add the following paragraphs as Section 6.0 Outdoor Lighting Guide to Article XIII: Public Safety of the General By-Laws and to approve the *Guide to Outdoor Lighting Regulations* or to act in any manner in relation thereto.

Article XIII: PUBLIC SAFETY

6.0 Outdoor Lighting

6.1 Purpose

The purpose of this bylaw is to improve Health and Safety in the Town by reducing or eliminating Glare which can cause harmful visual disability and creates a safety hazard to residents of the community. Also, to reduce or eliminate Light Trespass which may be harmful to the wellbeing of neighbors, abutters, automobile operators, and the Burlington Ecosystem. This can be achieved by good design of lighting fixtures.

6.2 Definitions

Definitions of Lighting Terms – are provided in Section 1.7 of the Glossary of Outdoor Lighting Terms and are a part of the Town of Burlington *Guide to Outdoor Lighting Regulations*

6.3 Guide to Outdoor Lighting Regulations

6.4 Applicability

6.4.1 Implementation of new or replacement outdoor lighting must conform to the Town of Burlington *Guide to Outdoor Lighting Regulations*. New and Redevelopment sites in all districts of the town must include an “Outdoor Lighting Plan” with specifications that conform to the Town of Burlington *Guide to Outdoor Lighting Regulations* or obtain a Special Permit for reasonable financial hardship exceptions. All LUMINAIRES used outdoors, on any LOT undergoing new development, or a major modification or expansion under a Site Plan Permit must conform to the Guide. A major modification or expansion, as used here, shall mean that more than 10% of the LUMINAIRES on the LOT are added, modified, moved, or replaced.

6.4.2 After completion of a purchase and sale agreement for Real Estate, the buyer must review the Town of Burlington *Guide to Outdoor Lighting Regulations* and upgrade or remove non-compliant outdoor lighting before an occupancy permit is granted.

6.4.3 LUMINAIRES installed before the effective date of this bylaw, while non-conforming, shall be maintained in accordance to prior requirements or, if necessary, modified to conform to the *Guide to Outdoor Lighting Regulations*.

6.5 Standards

6.5.1 For a LUMINAIRE design and shielding to be acceptable, it must conform to the Guide to Outdoor Lighting. Shielding may use reflective material which redirects light back toward the target area, thus conserving energy.

6.5.2 Control of LIGHT TRESPASS and GLARE

6.5.2.1 Provisions in the Lighting Plan must be made to prevent LIGHT TRESPASS in accordance with Section 9.3.4.5 of the Zoning By-Laws, September, 2011. The Lighting Plan (Section 14.4) shall include calculations or measurements demonstrating that the LIGHT TRESPASS criterion will be met. The most common engineering solutions to prevent Light Trespass are to use the minimal amount of illumination necessary and to direct light downward and away from abutting lots and/or employ shielding.

6.5.2.2 Strobes, searchlights, flashing lights, and laser illumination, are prohibited except as allowed under Section xx.5 (Exemptions).

6.6. Hours of Operation

6.6.1 All non-residential OUTDOOR LIGHTING, with the exception of STREETLIGHTS and Safety or Security Lighting must be turned off before and after the business operating time-frame as defined in the *Guide to Outdoor Lighting Regulations*.

6.6.2 Lighting of the United States Flag and public monuments is exempt from the *Guide to Outdoor Lighting Regulations*

6.7 Special Provisions – EXEMPTIONS

6.7.1 Temporary holiday lighting.

6.7.2 Emergency lighting.

6.7.3 Warning and Alarm lights

6.8 Enforcement

Enforcement of the Outdoor Lighting By-Laws shall be by the Building Inspector in accordance with Section 9.1.0, inclusive, of the Zoning By-Laws.

6.9 Fines for Violations

First Violation: written warning from the Building Inspector

Second Violation: \$50.00 Fine

Third and Subsequent Violations: \$100.00 per day

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

**ACTION:** Withdrawn

**ZONING BYLAW ARTICLES**

**ARTICLE 25 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 13-0 (6.1 acres), 13-1 (1.5 acres), 16-1 (1.0 acres) and 18-1 (1.9 acres) as of the date of filing with the filing with the Selectman for inclusion on the warrant, or to act in any other manner in relation thereto.

**MAIN MOTION:**

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 13-1 (1.5 acres), 16-1 (1.0 acres) and 18-1 (1.9 acres) or any subdivisions thereof, as of the date of filing with the filing with the Selectman for inclusion on the warrant

Recommendations: Planning 7-0-0, Land Use

**ACTION: PASSES UNANIMOUSLY**

Resolution to reconsider  
ARTICLE 4: Local Education Line item 68.

A motion was made by Carol Perna and seconded to Reconsider Article 4: Line Item: 68: Local Education. After discussion on the question to reconsider, a standing vote was taken.

**ACTION:** The vote was a counted show of hands - 29 For and 45 Against. It failed to get to a 2/3 majority necessary for Reconsideration.

At 9:04 PM, a motion to adjourn was moved, seconded and so voted.

Attest:  
Amy E. Warfield  
Town Clerk