

**TOWN MEETING MEMBER MEETING  
THURSDAY, JANUARY 21, 2021**

Held Virtually following the OML requirements under Governor Charlie's Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law and the Governor's March 15, 2020 order imposing strict limitations on the number of people that may gather in one place.

At 6:00 P.M., the meeting was called to order by Amy Warfield, Town Clerk, the Town Meeting Members of Precincts 6& 7 assembled virtually to fill the vacancy in their Precinct.

**Present from Pct 6** were Liz DiTucci, Dan DiTucci SR, Dan R. DiTucci, Darrell Interest, Ed Parsons, John Cormier, John Iler, Roger Bell, Rose Manni, and Sean Curtin. There were two nominees who were present who were Greg Skehan and Nicci Kadilak. Two secret ballots was taken both resulting in a tie vote. It was decided that the Precinct would meet again prior to Town Meeting and vote again on this seat.

**Present from Pct 7** were David Webb, Jack Kelly, Jonathan Sachs, Jorge A Andrade and Rich Parker. There were only one nominee, who was present, Tony Salamone A vote was taken via a show of hands and it was unanimous. For Tony, he can by on the next day to be sworn in.

The meeting was adjourned at 6:25 PM

**TOWN MEETING MEMBER MEETING  
MONDAY, JANUARY 25, 2021  
BURLINGTON HIGH SCHOOL AUDITORIUM  
AND VIRTUALLY**

Held Virtually following the OML requirements under Governor Charlie's Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law and the Governor's March 15, 2020 order imposing strict limitations on the number of people that may gather in one place.

At 6:50 P.M., the meeting was called to order by Amy Warfield, Town Clerk, the Town Meeting Members of Precincts 6 assembled virtually to fill the vacancy in their Precinct.

**Present from Pct 6** were Liz DiTucci, Dan DiTucci SR, Dan R. DiTucci, Maura DiTucci, Darrell Interest, Ed Parsons, James Fraczek, John Cormier, John Iler, Rose Manni, Salvana Shakaib, Gary Kasky, Sean Curtin, Diane Creedon and Roger Bell was in person. There were two nominees who were present who were Greg Skehan and Nicole Kadilak. A WebEx poll was taken and the results were 10 for Nicole and 5 for Greg.

The meeting was adjourned at 7:03 PM

**ADJOURNED TOWN MEETING  
MONDAY, JANUARY 25, 2021  
FOGELBURG PERFORMING  
ARTS CENTER  
BURLINGTON HIGH SCHOOL**

A quorum being present, the meeting was called to order at 7:35 PM. The Moderator, Bill Beyer, called the meeting to order and lead the body in the Pledge of allegiance to the flag. The Moderator also recognized our Audio/Video staff for tonight's

meeting included: Nolan Woods, Douglas Edwards, and Madison xx . Then the Moderator recognized the new Town Meeting Members, they had been sworn in by the Town Clerk previously. The Moderator had three motions at the beginning of the meeting. The first motion was accept voting via the WebEx polling tool and show of hand counts in the 2 breakout rooms, it was moved and seconded; passed 88-3. The second motion was asked to set up three Deputy Moderators, one for each of the breakout rooms and the third in case it was needed, it was moved and seconded; passed by 79-1 vote. The Final motion was to continue until Wednesday January 27, 2021 if the business of the Town was not completed tonight, it was moved and seconded; passed 84-3. Now to the first Article:

**GENERAL ARTICLES**

**ARTICLE #1 RE: Reports of Town Officers & Committees**

**MAIN MOTION:** To hear and act on the reports of the Town Officers and Committees, or to act in any other manner in relation thereto.

David VanCamp gave a preliminary presentation on the Transportation Committee and the work that they are doing. One thing is that they will be doing a survey out to the committee, gather input from other communities, working with departments and will have a final report at the May Town meeting.

**ACTION: No voted required**

**ARTICLE #2 RE: An Act Relative to Changing the Name of the Board of Selectmen in the Town of Burlington**

To see if the Town will vote to amend the Burlington Zoning Bylaw by deleting the word "Selectmen" each time it appears in said bylaw and inserting the term "Select Board" in place thereof, and further, deleting the words "Board of Selectmen" each time it appears and inserting in place thereof the term "Select Board" and further that the Town Clerk be authorized to make clerical, editorial or other adjustments to effectuate the purposes hereof; or to act in any other manner in relation thereto.

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

**RECOMMENDATIONS:** Planning: 5-0-0

**ACTION:** Passed; 84 FOR; 6 AGAINST; 2 ABSTAIN

**ARTICLE #3 RE: Zoning Bylaw Housekeeping Amendment**

To see if the Town will vote to amend the Zoning Bylaw as follows:

- Correct spelling and formatting throughout the Zoning Bylaw.
- Article II: Definitions - Remove the third decimal point and alphabetize the Article, numbering is as follows, 2.1 “A”, 2.2 “B”, 2.3 “C” ...2.26 “Z”.
- Article III: Districts - Correct map references regarding the zoning map and reflect the digitized zoning and overlay maps previously adopted by Town Meeting.
- Article IV: Use Regulations - Correct formatting and references.
- Article VII: General Regulations - Clarify (non-structured) stormwater and “Low Impact Design”.
- Article VIII: Overlay Districts - Update or eliminate many outdated terms and references, like “MDC”.
- Article XII: Planned Development Districts – Update to include electronic permitting similar to what we did in September in Article IX “Administration and Procedures”.

And further Town Meeting permits for the Planning Director in consultation with the Town Clerk to correct spelling and grammatical errors identified that do not have any effect on the substance or meaning of the Zoning Bylaw.

**MAIN MOTION:** To see if the Town will vote to amend the Zoning Bylaw as follows:

- Correct spelling and formatting throughout the Zoning Bylaws.
- Article II: Definitions - Remove the third decimal point and alphabetize the Article, numbering is as follows, 2.1 “A”, 2.2 “B”, 2.3 “C” ...2.26 “Z”.
- Article III: Districts - Correct map references regarding the zoning map and reflect the digitized zoning and overlay maps previously adopted by Town Meeting.
- Article IV: Use Regulations - Correct formatting and references.
- Article VII: General Regulations - Clarify (non-structured) stormwater and “Low Impact Design”.
- Article VIII: Overlay Districts - Update or eliminate many outdated terms and references, like “MDC”.
- Article XII: Planned Development Districts – Update to include electronic permitting similar to what we did in September in Article IX “Administration and Procedures”.

And further Town Meeting permits for the Planning Director in consultation with the Town Clerk to correct spelling and grammatical errors identified that do not have any effect on the substance or meaning of the Zoning Bylaws.

**RECOMMENDATIONS:** Planning: 5-0-0  
Zoning Bylaw Review: 9-0

**ACTION:**  
Passed; 92 FOR; 1 AGAINST

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**ARTICLE #4 RE: Board of Health Associate Director of Public Health**

To see if the Town will vote to transfer from available funds, or otherwise provide a sum of money not to exceed \$40,000 for the remainder of FY2021 to fund wages for a newly created role for the Board of Health Department for the position of Associate Director of Public Health position; or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to transfer from Free Cash to budget line 60, Board of Health Salaries, the sum of \$40,000 to fund wages for a newly created role for the Board of Health Department for the position of Associate Director of Public Health position.

**MOTION WAS MADE TO MOVE THE QUESTION:** That passed 89 FOR; 10 AGAINST.

**RECOMMENDATIONS:** Board of Health: 5-0  
Ways & Means; 9-5-0

**ACTION:** Passed; 72 FOR; 24 AGAINST

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**ARTICLE #5 RE: Replenish Reserve Fund**

**MAIN MOTION:** To see if the Town will vote to transfer from Free Cash to the budget line item 92 - Reserve Fund, the sum of \$100,000; or to act in any other manner in relation thereto.

**RECOMMENDATIONS:** Ways & Means; 14-0  
Selectmen: 5-0

**ACTION:**  
Passed; 88 FOR; 3 AGAINST; 1 ABSTAIN

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**ARTICLE #6 RE: Transportation Infrastructure Fund**

**MAIN MOTION:** To see if the Town will transfer the sum of \$55,253 from Receipts Reserved for Appropriation-Commonwealth Transportation Infrastructure Fund monies to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city

or town including, but not limited to, the complete streets program established in section 1 of chapter 90I of the General Laws and other programs that support alternative modes of transportation;

**RECOMMENDATIONS:** Ways & Means; 14-0  
Selectmen: 5-0

**ACTION:**  
Passed; 93 FOR; 3 AGAINST; 1 ABSTAIN

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**ARTICLE #7 RE: Transfer from Free Cash to Water Stabilization Fund**

**MAIN MOTION:** To see if the Town will vote to transfer from Free Cash the sum of \$534,141 to the Water Stabilization Fund;

**RECOMMENDATIONS:** Ways & Means; 14-0  
Selectmen: 5-0

**ACTION:**  
Passed; 93 FOR; 3 AGAINST; 1 ABSTAIN

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**ARTICLE #8 RE: Phase 2A MWRA Water Connection**

**MAIN MOTION:** To see if the Town will appropriate \$9,900,000, to be expended under the direction of the Town Administrator, to pay costs of water connection construction under Phase 2A and MWRA entrance fees, and for the payment of all other 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 M.G.L. c.44, §8, or any other enabling authority, and to issue bonds or notes of the Town therefor. All or any portion of this borrowing may be undertaken through the Massachusetts Water Resources Authority’s Loan Program (“MWRA”). The Treasurer, the Town Administrator, and the Selectmen are authorized to execute and deliver any and all documents and agreements that may be required by the MWRA in connection with any borrowing through the MWRA. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount;

**RECOMMENDATIONS:** Ways & Means; 14-0  
Selectmen: 5-0

**ACTION:**  
Passed; 85 FOR; 5 AGAINST;

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**ARTICLE #9 RE: COVID-19 Testing Program**

**MAIN MOTION:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$TBD, for the purpose of funding a COVID-19 (SARS-CoV-2) Testing Program, same to be spent under the direction of the School Committee;

**ACTION:** WITHDRAWN prior to the meeting

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**ARTICLE #10 RE: Amend the FY2021 Operating Budget - Local Education**

**MAIN MOTION:** To see if the Town will vote to amend Article #4 of the September 30, 2020 Annual Town Meeting, “Amend the FY 2021 Operating Budget”, by increasing the amount appropriated on line 55, “Local Education”, by \$TBD, for the purpose of funding additional transportation costs related to school schedule changes in response to Covid-19; by means of raise and appropriate, transfer from available funds or otherwise provide the sum;

**ACTION:** WITHDRAWN

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**ARTICLE #11 RE: Alteration of Public Way - Dartmouth Road**

**MAIN MOTION:** To see if the Town will vote to discontinue and abandon that portion of Dartmouth Road as shown on the redlined plan “General Walker Estates, Terra Firma Lane, Burlington, MA, prepared by Dressers, Williams and Way, Inc., dated January 17, 2017, redlined to December 10, 2020, to be further revised by Dressers Williams and Way prior to filing at the Middlesex South Registry of Deeds. Said original plan filed at the Middlesex South Registry of Deeds on March 8, 2017 as Plan 230 of 2017 and which parcels for discontinuance and abandon are shown as Lot “A” including \_\_\_\_\_ square feet more or less and Lot “B” including \_\_\_\_\_ square feet more or less and thereafter, that the use thereof is changed from municipal use to for the purpose of conveyance and thereafter authorize the Board of Selectmen to convey Lot “A” to the owner of \_\_\_\_\_ property located at 2 Dartmouth Road, parcel 21-188-0 and Lot “B” to the owner of 4 Dartmouth Road, Parcel 21-189 including any and all utilities located therein;

**RECOMMENDATIONS:** Ways & Means; 14-0  
Selectmen: 5-0

**ACTION:** POSTPONED prior to the meeting

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**ARTICLE #12 RE: An Act Relative to Changing the Name of the Board of Selectmen in the Town of Burlington**

**MAIN MOTION:** To see if the Town will vote to amend the Burlington General Bylaws by deleting the word "Selectmen" each time it appears in said bylaw and inserting the term "Select Board" in place thereof, and further, deleting the words "Board of Selectmen" each time it appears and inserting in place thereof the term "Select Board" and further that the Town Clerk be authorized to make clerical, editorial or other adjustments to effectuate the purposes hereof;

**RECOMMENDATIONS:** Selectmen: 5-0  
BYLAW Review 5-0

**ACTION:**  
Passed; 85 FOR; 5 AGAINST; 1 ABSTAIN

**ARTICLE #13 RE: Home Rule Petition to Amend Chapter 686 of the Acts of 1970, as Amended - An Act Relative to Changing the Name of the Board of Selectmen in the Town of Burlington**

**MAIN MOTION:** To see if the Town will vote to authorize the Board of Selectmen to file a Home Rule Petition with the Great and General Court amending Chapter 686 of the Acts of 1970, as amended by Chapter 549 of the Acts of 1978, Chapter 469 of the Acts of 1986, Chapter 160 of the Acts of 1993, Chapter 133 of the Acts of 2011 and Chapter 106 of the Acts of 2017, and further by deleting the word "Selectmen" each time it appears in the Special Act and inserting the term "Select Board" in place thereof, and further, deleting the words "Board of Selectmen" each time it appears and inserting in place thereof the term "Select Board", provided that the General Court may only make clerical or editorial changes of form to the bill unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition;

**RECOMMENDATIONS:** Selectmen: 5-0  
BYLAW Review 5-0

**ACTION:**  
Passed; 84 FOR; 5 AGAINST; 1 ABSTAIN

**ARTICLE #14 RE: Amend General Bylaw Article XIV, Burlington Stormwater Management Bylaw governing erosion and sedimentation control for new and redevelopment projects during construction and post-construction periods**

**MAIN MOTION:** To see if the Town will vote to amend the General Bylaws Article XIV to include the following language:

**ACTION:** POSTPONED prior to the meeting

**ARTICLE #15 RE: Amend General Bylaw Article XIV – Environment**

To see if the Town will vote to amend the General Bylaw Article XIV – Environment by adding a new Section 4.6 entitled Curbside Material Pickup Start Time, as follows:

4.6 Curbside Material Pickup Start Time - The purpose of this bylaw is to set the start time curbside pickup of materials can begin in order to minimize disturbances to residents.

4.6.1 Definitions – Curbside Materials shall include, but not be limited to, trash, refuse, garbage, recyclables, appliances, and yard waste.

4.6.2 Curbside Material Pickup Start Time – Curbside material pickup shall not be allowed before 7:00 AM.

4.6.3 Applicability – This bylaw applies to all zoning districts. This bylaw shall not apply to emergency conditions that warrant Curbside Material pickup. Nothing in this bylaw shall limit the authority of the Select Board to set or limit Curbside Material pickup hours.

4.6.4 Enforcement – This bylaw shall be enforced through non-criminal disposition of the Superintendent of Public Works, his or her designee, or any police officer of the Town of Burlington.

4.6.5 Penalties of Violations – Violators of the bylaw shall be issued a warning on the first violation. Each subsequent violation shall result in a fine of \$300; each day of violation constitutes a separate offense.

**RECOMMENDATIONS:** Selectmen: 5-0  
BYLAW Review 4-1

**ADMENDMENT WAS MADE** by John Iler, PCT#6, moved and seconded to change section 4.6.3 to read as follows;

4.6.3 Applicability - This bylaw applies to all zoning districts. Each of the following shall have the authority to suspend application of this bylaw during an emergency condition for a period not to exceed 30 days in any single instance:

Select Board, Town Administrator, Director of Public Health, Director of Public Works.

**VOTE WAS TAKEN ON THE AMENDMENT;**  
68 FOR; 18 AGAINST – Amendment passes.

**MAIN MOTION:** To see if the Town will vote to amend the General Bylaw Article XIV – Environment by adding a new Section 4.6 entitled Curbside Material Pickup Start Time, as follows:

4.6 Curbside Material Pickup Start Time - The purpose of this bylaw is to set the start time curbside pickup of materials can begin in order to minimize disturbances to residents.

4.6.1 Definitions – Curbside Materials shall include, but not be limited to, trash, refuse, garbage, recyclables, appliances, and yard waste.

4.6.2 Curbside - Material Pickup Start Time – Curbside material pickup shall not be allowed before 7:00 AM.

4.6.3 Applicability - This bylaw applies to all zoning districts. Each of the following shall have the authority to suspend application of this bylaw during an emergency condition for a period not to exceed 30 days in any single instance: Select Board, Town Administrator, Director of Public Health, and Director of Public Works.

4.6.4 Enforcement – This bylaw shall be enforced through non-criminal disposition of the Superintendent of Public Works, his or her designee, or any police officer of the Town of Burlington.

4.6.5 Penalties of Violations – Violators of the bylaw shall be issued a warning on the first violation. Each subsequent violation shall result in a fine of \$300; each day of violation constitutes a separate offense.

**ACTION: On Motion as Amended**  
Passed; 67 FOR; 23 AGAINST; 1 ABSTAIN

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The business of the Town being concluded, a motion was made to adjourn, seconded and voted unanimously. Meeting was adjourned at 10:08 PM.

Respectfully Submitted

*Amy E. Warfield*  
Town Clerk