

WARRANT

Burlington Town Meeting



May 14, 2018
7:30 P.M.

Burlington High School
Fogelberg Auditorium
123 Cambridge Street
Burlington, MA

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Burlington Town Meeting
Monday
May 14, 2018

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WARRANT

BURLINGTON TOWN MEETING

MONDAY, May 14, 2018

In accordance with the provisions of Chapter 686 of the Acts of 1970 of the Commonwealth of Massachusetts, you are hereby notified that the Town Meeting Representatives of the Town of Burlington will meet in general assembly at the Burlington High School, Fogelberg Auditorium, 123 Cambridge Street, in said Town, in the evening, the 14th of May 2018 at seven-thirty o'clock, then and there to act on the following articles of the warrant:

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.

Submitted by the Board of Selectmen at the request of
the Rules Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES

ARTICLE 2

**RE: Transfer of Funds FY2018
Various Accounts**

To see if the Town will vote to transfer from available funds a sum of money for the purpose of paying for expenses incurred in FY2018 to various accounts same to be expended under the direction of the appropriate authorities; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
the Town Accountant

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 3

Re: Funds Transfer Schools

To see if the Town will vote to transfer from available funds a sum of money to be placed in the School Department's FY2018 Special Education Accommodated Account, Line #63; or to act in any other manner in relation thereto.

Submitted by the School Committee at the request of
Town Accountant

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 4

RE: Fund FY2019 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, \$135,504,027, sufficient to cover the requests of the various departments for FY2019; or to act in any other manner in relation thereto.

Amount: \$135,504,027

Submitted by the Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 5

RE: Transfer From Free Cash to Stabilization Fund

To see if the Town will vote to transfer a sum of money from Free Cash to place in the Town's Stabilization Account, or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER

FINANCIAL ARTICLES - (continued)

ARTICLE 6

Re: Transfer from Free Cash to OPEB Trust Fund

To see if the Town will vote a sum of money from Free Cash to place in the Town's OPEB (Other Post Employment Benefits) Trust Fund; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 7

RE: Set Expenditure Limit for Revolving Funds

To see if the Town will vote to authorize revolving funds for certain Town departments under Massachusetts General Laws Chapter 44, Section 53 E ½ for the Fiscal Year 2019 which begins July 1, 2018; or to act in any manner in relation thereto.

Revolving Fund	Department of Board Authorized to Spend	Expenditure Limit
Cross Connection – Backflow Prevention	Public Works	\$80,000
B-line Local Mini Bus	Public Works	\$50,000
Grand View Farm	Board of Selectmen	\$90,000
Nursing Programs & Services	Board of Health	\$20,000
Plan Imaging & Property File Documents	Building Department	\$25,000
Sale of Recyclable Materials, Trash Bags & Toters	Board of Selectmen	\$75,000
Sealer of Weights and Measures	Board of Selectmen	\$20,000
Ice Palace Improvement & Maintenance	Board of Selectmen	\$36,000
Meadowbrook School Maintenance and Improvements	Board of Selectmen	\$105,000

Submitted by the Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - (continued)

ARTICLE 8

RE: Fund FY2019 Capital Budget

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,509,466 or any other amount for the items contained within the following proposed FY2019 Capital Budget, same to be expended under the appropriate authorities as indicated:

PROJECT NUMBER	DEPT.	PROJECT NAME DESCRIPTION	SPENDING AUTHORITY	REQUEST AMOUNT
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FROM FREE CASH (8-1) - (8-21):

8-1	BUILDING	Vehicle Replacement	Selectmen	\$21,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-2	DPW	Traffic Light Repair	Selectmen	\$50,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-3	DPW-	Stream Cleaning/Drainage Repair	Selectmen	\$200,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-4	DPW	Vehicles and Equipment	Selectmen	\$530,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-5	FIRE	Administrative Vehicle	Selectmen	\$28,866
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-6	FIRE	ALS Startup Costs	Selectmen	\$150,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-7	POLICE	Tasers	Selectmen	\$66,308
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-8	POLICE	Firing Range-Phase II	Selectmen	\$146,292
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-9	RECREATION	Vehicle Replacement	Recreation Comm	\$62,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-10	RECREATION	Outdoor Fitness Equipment	Recreation Comm	\$40,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-11	RECREATION	Simonds Park Skate Park & Tennis Court Paving	Recreation Comm	\$140,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()

8-12	RECREATION	Fitness Court Installation	Recreation Comm	\$30,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-13	SCHOOL	Francis Wyman Fire Alarm	School Comm	\$362,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-14	SCHOOL	Francis Wyman Bathrooms	School Comm	\$136,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-15	SCHOOL	Francis Wyman Air Conditioning	School Comm	\$170,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-16	SCHOOL	Technology Projector Installation	School Comm	\$149,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-17	SCHOOL	Pine Glen Playground Rubber Surface	School Comm	\$42,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-18	SCHOOL	Pine Glen Walk-In Refrigerator Freezer	School Comm	\$66,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-19	SCHOOL	BHS Mechanical Roof Repair	School Comm	\$25,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-20	SCHOOL	BHS Rubber Gym Divider Wall	School Comm	\$35,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
8-21	SCHOOL	BHS Front Parking Spaces	School Comm	\$60,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()

PROJECT	DEPT.	PROJECT NAME	SPENDING	REQUEST
NUMBER		DESCRIPTION	AUTHORITY	AMOUNT

FROM SEWER ENTERPRISE (8-22)

8-22	DPW	Sewer Pump Station Rehabilitation	Selectmen	\$50,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()

Amount: \$50,000

Submitted by the Board of Selectmen at the request of the Town Administrator

FINANCIAL ARTICLES - (continued)

ARTICLE 9

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

To see if the Town will vote to transfer the sum of \$5,611,769 to operate the FY 2019 Sewer Services Enterprise of which \$5,611,769 will come from the FYI 2019 Sewer Services Enterprise Estimated Revenue Account; or to act in any other manner in relation thereto.

Amount: \$5,611,769

Submitted by the Board of Selectmen at the request
of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 10

RE: MWRA I/I Debt Service

To see if the Town will vote to transfer from the Sewer Inflow/Infiltration fund the sum of \$69,515 for the purpose of paying the FY2019 debt service on the Town's two existing 0% MWRA I/I loans; or to act in any other manner in relation thereto.:

Amount: \$69,515

Submitted by the Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 11

RE: Chapter 90

To see if the Town will vote to accept any and all grants relative to the Chapter 90 allocation from the Commonwealth of Massachusetts 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.

Submitted by Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLESU - Continued

ARTICLE 12

RE: Paving

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$3,000,000 for the purpose of funding paving, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

Amount: \$3,000,000

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 13

RE: Fire Engine

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$762,859 to pay expenses to purchase in order to replace fire engine; or act in any other manner in relation thereto.

Amount: \$762,859

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 14

RE: Mill Pond Automated Sludge Removal System

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$1,270,000 for the purpose of funding Mill Pond automated sludge removal system, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

Amount: \$1,270,000

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - Continued

ARTICLE 15

RE: MWRA

To see if the Town will vote to apply for admission to the Massachusetts Water Resources Authority Water System to receive from Massachusetts Water Resources Authority a supply of supplemental public water supply in accordance with Chapter 372 of the Acts of 1984 of the Commonwealth; and to vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$5,300,000 or any other sum for the following purposes: 1) for the payment of entrance fees, costs of connection and other expenses for the same; and 2) to see if the Town will vote to authorize the Board of Selectmen, acting as Water Commissioners, to take such actions necessary or required to apply for admission to and receive a supplemental public water supply from the Massachusetts Water Resources Authority Water System, including, without limitation, filing legislation, payment of applicable fees and charges, and entering into an agreement with the Massachusetts Water Resources Authority as may be required or necessary to receive a supply of water at prevailing rates charged by the Massachusetts Water Resources Authority to communities in its water supply system, 3) conduct any due diligence and studies necessary to apply for such admission; 4) design, install and pay for any incidental costs relative to installing a water line on Adams Street to connect the Burlington and Lexington water systems; or to act in any other manner in relation thereto.

Amount: \$5,300,000

Submitted by Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 16

Re: Water Main Replacement & Upgrade

To see if the Town will vote to amend Article 13, Water Main Upgrade/Replacement, of the May 8, 2017 Town Meeting to include the purpose of funding all costs associated with the permitting and application process for entrance to the Massachusetts Water Resource Authority (MWRA) water system.

Submitted by the Board of Selectmen at the request of
Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - Continued

ARTICLE 17

RE: Water Stabilization Fund

To see if the Town will vote to create a stabilization fund in accordance with M.G.L. ch. 40, §5B, for the purpose of funding the debt service associated with improvements to the Town's water supply system, including, but not limited to projects related to the connection to the Massachusetts Water Resources Authority ('MWRA'), or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
Town Accountant

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 18

RE: DPW/Recreation Facility

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$16,500,000 or any other sum for the following purposes: 1) funding the design of a DPW facility, including space for Recreation Maintenance facilities on the current site of the highway facility and the site known as the Clark & Reid; 2) funding the design of the rehabilitation of the fuel pumping facility at the Town Hall Annex; 3) funding the construction on the Clark & Reid site, including the payment of all costs incidental or related thereto, of a DPW facility for Recreation Maintenance and Central Maintenance divisions, and site construction for DPW ancillary services; 4) funding the rehabilitation of the fuel pumping facility at Town Hall Annex; or to act in any other manner in relation thereto.

Amount: \$16,500,000

Submitted by the Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 19

**RE: Amend Administrative and Professional
Classification Plan**

To see if the Town will vote to amend the existing Administrative and Professional Classification Plan for FY2019 by changing Archivist/Records Manager from Group 10 to Group 11; or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of the
Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - Continued

ARTICLE 20

RE: Fund the Administrative & Professional Compensation Plan

To see if the Town will vote to adopt the Administrative & Professional Compensation Plan for FY2019, and transfer from the FY2019 Negotiated Settlement Account the sum of \$92,700 or any other amount for the purpose of funding the plan under the direction of the appropriate authorities; or to act in any other manner in relation thereto.

Amount: \$92,700

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 21

RE: Fund the Part-time Compensation Plan

To see if the Town will vote to transfer from the FY2019 Negotiated Settlement the sum of \$3,800 for the purpose of funding the Part-time Salary Plan (under 20 hours) for FY2019, same to be expended under the appropriate authority; or to act in any other manner in relation thereto.

Amount: \$3,800

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 22

RE: Fund the Burlington Police Patrolmen's Association Contract

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Patrolmen's Association for FY2016, FY2017, and FY2018, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - Continued

ARTICLE 23

**RE: Fund the Burlington Police Command
Officers' Contract**

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Command Officers' Contract for FY2017, FY2018, and FY2019, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 24

**RE: Fund the Burlington International Firefighters'
Association Contract**

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington International Firefighters' Association for FY2018, and FY2019, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 25

**RE: Transfer of Insurance Reimbursement to Repair
Pine Haven Cemetery Building**

To see if the Town will vote to appropriate a sum of up to \$220,000 from the Insurance Account to pay for the repairs to the building at Pine Haven Cemetery which was damaged in a fire on January 28, 2018; or to act in any other manner in relation thereto.

Amount: \$220,000

Submitted by the Board of Selectmen at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - Continued

ARTICLE 26

RE: Town Administrator Search

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000 to pay for expenses associated with the search process for the Town Administrator's position and to do or act in any other manner in relation thereto.

Amount: \$20,000

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 27

RE: Tax Abatement Defense

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$125,000 to pay expenses for legal and appraisal consulting fees for property tax lawsuits in the sum of \$125,000 filed by Sears Roebuck & Co., and SPS Portfolio Holdings LLC (C/O Simon Properties); or act in any other manner in relation thereto.

Amount: \$125,000

Submitted by Board of Selectmen at the request of the Board of Assessors

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 28

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 not to exceed \$74,591.63 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.

Amount: \$74,591.63

Submitted by Board of Selectmen at the request of the Recreation Commission

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES - Continued

ARTICLE 29

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 \$ 43,002, 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 not for profit Burlington Civic Organizations and to act in any other manner in relation thereto.

Amount: \$43,002

Submitted by the Board of Selectmen at the request of the School Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 30

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 \$20,000 to pay for expenses associated with the annual 4th of July parade and to do or act in any other manner in relation thereto.

Amount: \$20,000

Submitted by Board of Selectmen at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 31

RE: Terrace Hall Avenue Sidewalk Completion

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$120,000 or any other sum, for the purpose of funding the completion of the Terrace Hall Avenue Sidewalk (construction materials to be concrete sidewalk with vertical granite curbing to match existing). Sidewalk project to include 1500 LF, from end of sidewalk at Burlington Fire Station 2 to crosswalk at Baron Park Lane; or act in any other manner in relation thereto.

Amount: \$120,000

Submitted by the Board of Selectmen at the request of Shari Lynn Ellis, TMM Precinct 3

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

GENERAL BYLAW ARTICLE

ARTICLE 32

RE: An Ordinance Regarding the Use of Recyclable and Reusable Bags in the Town of Burlington

To see if the Town will vote to approve to include in the Town's General Bylaw's language as follows to create a new ordinance provision.

AN ORDINANCE REGARDING THE USE OF RECYCLABLE AND REUSABLE BAGS IN THE TOWN OF BURLINGTON

Purpose:

The reduction in the use of single-use plastic bags is a public purpose that protects the land and marine environment and waterways, minimizes litter, and reduces greenhouse gas emissions. Furthermore, single-use plastic bags create a burden for solid waste collection and recycling facilities, clog storm drainage systems, and require the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this ordinance is to reduce the number of single-use plastic bags that are being used, discarded, and/or littered, and to promote the use of Reusable Bags and Recyclable Paper Bags by Retail Establishments in the Town of Burlington.

Definitions: The following terms shall have the following meanings:

1. "The Administrator" means the Town of Burlington Town Administrator or any of his/her designees.
2. "Checkout Bag" means a carryout bag with handles provided by a Retail Establishment to a customer at the point of sale. A Checkout Bag shall not include:
 - a. bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a Retail Establishment;
 - b. laundry or dry-cleaner bags;
 - c. newspaper bags;
 - d. bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.
3. "Recyclable Paper Bag" means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words "Recyclable" and "made from 40% post-consumer recycled content" in a visible manner on the outside of the bag.
4. "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 3.0 mils in thickness.
5. "Single Use Plastic Bag" means a Checkout Bag composed of plastic, and typically has handles. These bags are intended for single-use transport of purchased products.

6. "Retail Establishment" means any commercial enterprise, defined as the following, whether for or not for profit, including, but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions.
7. "Small Business" means a Retail Establishment that is under 2500 square feet in size, and are privately owned.
8. "Effective Date" refers to the effective date of this Bring Your Own Bag Ordinance.

Requirements:

- A. If a Retail Establishment provides Checkout Bags to customers, these bags must either be a Recyclable Paper Bag or a Reusable Bag. Information regarding the proper sanitization of these Reusable Bags to prevent fungus and illness must also be displayed or communicated at the time of checkout.
- B. Single Use Plastic Bags shall not be distributed, used, or sold for checkout or other purposes at any Retail Establishment within the Town of Burlington.
- C. Customers are encouraged to bring their own Reusable Bags to stores. Retail Establishments are strongly encouraged to make Reusable Bags available for sale to customers.
- D. Each Retail Establishment as defined in "Definitions" above shall comply fully with this ordinance.
- E. The Town Administrator shall have the authority to promulgate the requirements of this ordinance.

Exemptions: The following are exempt and not subject to the Bring Your Own Bag Ordinance.

1. Bags used by customers to:
 - a. Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items.
 - b. Contain or wrap frozen foods, meat, or fish.
 - c. Contain or wrap flowers, potted plants, or other items where dampness may be a problem.
2. Laundry or dry-cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste.

Effective Date:

This ordinance shall go in effect December 1, 2018, six (6) months after being passed.

1. A Small Business may ask for an extension of up to three (3) months past the Effective Date upon written request to the Town Administrator. This exemption shall only apply to a Small Business facing an undue hardship. An "undue hardship" shall be found only in:
 - a. Circumstances or situations unique to the Small Business such that there are no alternatives to Single Use Plastic Bags present in their store by the Effective Date. There must be a plan as to obtain Reusable Bags or Paper Bags by the end of the extension filed to the Town Administrator's office; or

- b. Circumstances where a Small Business requires additional time in order to reduce an existing inventory of Single Use Plastic Bags. Any Small Business in receipt of an extension shall file inventory reduction and remaining stocks of Single Use Plastic Bags to the Town Administrator’s office. No Single Use Plastic Bags shall be purchased during the time of this extension.

Education:

The Town of Burlington shall send a written notice detailing the requirements imposed by this ordinance to the Retail Establishments at least five (5) months prior to the effective date of this ordinance.

Enforcement:

- 1. Enforcement of this ordinance shall be the responsibility of the Town Administrator or his/her appointed designee.
- 2. Any Retail Establishment found to be in violation of this ordinance shall be subject to a non-criminal disposition fine by the Town Administrator. Fines shall go as follows:
 - a. A written warning on the first violation,
 - b. A \$100 fine upon the second violation,
 - c. A fine of \$100 compounded to each previous fine, should any further violations occur.
- 3. All fines shall be received by the Town of Burlington.

Or to act in other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
Laura Vittum, TMM Precinct 2

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ZONING BYLAW ARTICLES

ARTICLE 33

**RE: Amend Zoning By-Laws, Article IV
Section 4.2.0 Principal Use Regulation Schedule**

To see if the Town will vote to amend Article IV, Section 4.2.0 Principal Use Regulation Schedule of the Town’s Zoning By-Laws by amending the language as follows to create a new use provision:

To allow by Special Permit in the IG District and prohibited in all other Districts:

4.2.5.10 Automobile Dealership which may include integrated structured parking, provided said use is located on a lot abutting an Automobile Dealership use existing as of the date of the adoption of this subsection 4.2.5.10, and provided that the lot is located within 200 feet of Route 128/95 highway or ramp layout and at least 200 feet from the nearest One Family Dwelling (RO) residential zoning district boundary. Any Automobile Dealership allowed pursuant to this Section 4.2.5.10 (including the existing Automobile Dealership) shall be limited to a single manufacturer at each location. Said lots comprising the existing and proposed Automobile Dealership uses shall be deemed to be one lot for density regulation and parking purposes (consistent with Section 5.2.0, Note 9.)

Or to act in any manner in relation thereto.

Submitted by the Board of Selectmen at the request of
The Herb Chambers Companies and their related entity Herb
Chambers Cambridge Street LLC, Petitioner

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 34

**RE: Amend Zoning By-Laws, Article XIII,
Sign Regulations**

To see if the Town will vote to amend Article XIII, Sign Regulations of the Town’s Zoning By-Laws by amending the language as follows (proposed text in **bold** print):

Section 13.2.0 Special Signs

13.2.1 Dimensions

In particular instances, the Board of Appeals may permit signs of larger maximum sizes than specified herein when any such sign is located at least 100 feet from the nearest residential zoning district boundary or public way, whichever is more distant, and within a Business or Industrial Zoning District, and when such a permit is in the public interest.

13.2.2 Freestanding Monument Directory Signs

The Board of Appeals may permit freestanding monument directory signs in the General Business (BG) District for any integrated, multi-tenanted retail shopping center whose floor area exceeds 100,000 gross square feet and where the Board of Appeals finds that such a permit is in the public interest. Said retail shopping center can be comprised of multiple parcels and property owners, but said parcels may not be separated by a street or streets. In evaluating whether a sign is in the public interest, the Board of Appeals may consider the position and distance of the building(s) within the shopping center from the street and/or shopping center entrance and the visibility of signage on said building(s) from same, whether the sign would promote public safety, and whether the size, design, and materials of the sign are compatible with the scale of the building(s) said sign is intended to serve. In no event shall there be more than one (1) freestanding directory sign on a street where the retail shopping center has a driveway entrance and in no event shall any individual sign panel advertising a tenant or business exceed 20 sq. ft. per side. Digital display or any equivalent technology which is capable of automated, remote or computer control to change the image is prohibited.

Or to act in any manner in relation thereto.

Submitted by the Board of Selectmen at the request of
Target Corporation, Petitioner

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

THE COMMONWEALTH OF MASSACHUSETTS

To either of the Constables of the Town of Burlington in the County of Middlesex Greeting.

You are hereby directed to serve this warrant by posting up attested copies thereof at the billboard at the Town Hall, in said Town, at least fourteen days before the Town Meeting of May 14, 2018 at Fogelberg Auditorium, Burlington High School, 123 Cambridge Street.

HEREOF FAIL NOT, to make due return of the warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid

Given under our hands this 9th day of April in the year of our Lord 2018.

Christopher E. Hartling, Chairman
Robert C. Hogan, Vice-Chairman
Joseph E. Morandi
Michael S. Runyan
James M. Tigges

SELECTMEN OF BURLINGTON, MASSACHUSETTS

A true copy attest.

_____ Constable

Dated _____

Middlesex ss

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Burlington by posting up an attested copy of the same at the billboard in the Town Hall and as within directed, at least fourteen days before Town Meeting of May 14, 2018.

s/s _____
Constable of Burlington

A copy of the warrant was mailed to each Town Meeting Member, the Town Moderator and the Town Clerk on the 27th day of April, 2018.

Attest: Amy E. Warfield, Town Clerk

Karis L. North
knorth@mhtl.com

April 11, 2018

Town Meeting Representatives
Burlington Town Hall
29 Center Street
Burlington, MA 01803

Re: May 14, 2018 Burlington Town Meeting

Dear Town Meeting Representatives:

I have reviewed the warrant for the May 14, 2018 Meeting, which I am hereby approving as to form subject to the following comments.

A two-thirds vote will be necessary for any financial article where the funding source is a borrowing or a transfer from a Stabilization Fund.

Articles 33 and 34 involve amendments to the Town's Zoning Bylaw, also requiring a two-thirds vote.

Sincerely,



Karis L. North
Town Counsel

cc: John Petrin, Town Administrator