

# **BACK UP**

## **Burlington Town Meeting**



**January 23, 2023**  
**7:00 P.M.**

**Burlington, MA**  
Burlington High School  
Fogelberg Auditorium

**INDEX OF ARTICLES BACK UP**  
**Burlington Town Meeting**  
**Monday**  
**January 23, 2023**

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# ARTICLE 1

Reports of Town Officers & Committees

No Back up Included

# ARTICLE 2

Article XIII Burlington Signage Regulations



## TOWN OF BURLINGTON, MA

### *Office of the Board of Selectmen and Town Administrator*

*Paul F. Sagarino, Jr., Town Administrator*

*Lyn Mills, Office Manager*

To: Town Meeting Members  
From: Select Board  
Re: Warrant Article #XX - Zoning Change for Electronic Municipal Sign  
Date: November 3, 2022

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The purpose of this proposed zoning amendment is to update the Town's zoning bylaw to allow for the replacement of the current banner signposts on the corner of the Town Common (Bedford & Cambridge) with a new electronic sign. The existing sign consists of two wooden signposts between which banners are hung. This display is not the most effective means of communication, is well beyond its useful life, and is ready for replacement.

#### **Existing Sign**



This sign location is heavily used to promote Municipal, School, and other important community events. In recent years, demand for banners on this corner has increased dramatically. We regularly have conflicts between two worthy events. Due to the manual nature of the existing sign, we are only able to accommodate one banner at a time. An electronic sign / message board would allow multiple events to be promoted on the same day. Over the past 6 months or so the following banners have been displayed on this corner:

Board of Health	Event
Town Clerk	Voting - Town Election
Recreation	Community Yard Sale
Library	Book Sale
Sculpture Park	Dedication
Board of Health	Health Fair
Francis Wyman	Carnival
Police	Cops & Cars
Relay for Life	
Library	Museum Passes
School	Summer Theatre
Sculpture Park	Ice Cream Social
Town Clerk	Voting - State Primary
Board of Health	Health & Wellness Fair
People Helping	
People	Pumpkin Patch
Library	Book Sale
Town Clerk	Voting - State Election

In addition, an electronic sign can be used to quickly notify the public about emergencies. In recent years, the Town has had to deal with the pandemic, the false e-coli water contamination scare, PFAS contamination and a variety of other emergencies of varying severity. A DPW trailer-style message board located on the opposite corner in Simonds Parks has been used for this purpose over the years. It is better suited for detours and other shorter messages. An electronic sign in this location would allow the Town to provide more complete emergency information and allow the Town to deploy the DPW message board at an another location in Town to reach more residents. It will also improve the appearance of that corner of Simonds Park.

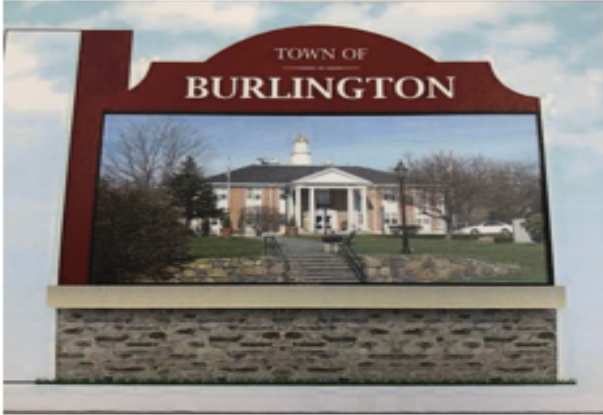
## **DPW Sign at Simonds Park would be removed**



### **Concept and Design**

The concept of an electronic sign on this corner has been discussed with the Traffic Division of the Police Department and they have no concerns with it. The Town will continue to work with the Police Department to ensure that the messaging on the sign is not a distraction to drivers. Although there are many designs available, the intention would be to select a design that blends seamlessly with the character, charm, and beauty of the Town Common.

Sample Designs to Illustrate the Many Possibilities





# ARTICLE 3

Replenish Reserve Fund



# TOWN OF BURLINGTON

WHITNEY C. HASKELL  
BUDGET DIRECTOR/CHIEF PROCUREMENT OFFICER  
DEPARTMENT OF ACCOUNTING  
29 CENTER STREET, 2ND FLOOR | BURLINGTON, MA 01803  
(781) 270-1669 | [whaskell@burlington.org](mailto:whaskell@burlington.org)

## MEMORANDUM

To: Town Meeting Members  
From: Whitney Haskell, Budget Director  
Re: Replenish Reserve Fund  
Date: December 14, 2022

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The purpose of this article is to replenish the FY23 Reserve Fund. Traditionally, the Reserve Fund is budgeted at \$200,000 at the start of the fiscal year. Once Free Cash is certified, additional funds are transferred in order to bring the balance up to \$300,000. As of January Town Meeting no funds have been transferred out in FY23, the amount of the requested transfer will be \$100,000.



# ARTICLE 4

Transfer from Free Cash to Stabilization Fund



**TOWN OF BURLINGTON**  
*Treasurer & Collector's Office*

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Gary J. Gianino  
Treasurer/Collector

To: Select Board  
Paul J Sagarino, Jr.  
John Danizio  
Town Meeting Members

From: Gary J Gianino

Subject: January 2023 TM- Replenishment of Stabilization Account

Date: December 15, 2022

At the September 26, 2022, Town Meeting approved two articles to be funded from the Stabilization Account:

- #4 Police station Feasibility Study \$150,000.
- #10 Form Based Code Creation \$80,000.

Free Cash was not certified as of the date of Town Meeting and the Stabilization Account was used to fund the two articles.

The Town received notice of certification on November 2, 2022.

Given the Certification of Free Cash, I would like to replenish the Stabilization Account in the amount \$230,000.

# ARTICLE 5

Transfer from Free Cash to Water Stabilization Fund



# TOWN OF BURLINGTON

WHITNEY C. HASKELL  
BUDGET DIRECTOR/CHIEF PROCUREMENT OFFICER  
DEPARTMENT OF ACCOUNTING  
29 CENTER STREET, 2ND FLOOR | BURLINGTON, MA 01803  
(781) 270-1669 | [whaskell@burlington.org](mailto:whaskell@burlington.org)

## MEMORANDUM

To: Town Meeting Members  
From: Whitney Haskell, Budget Director  
Re: Transfer from Free Cash to Water Stabilization Fund  
Date: December 14, 2022

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In May of 2018, Town Meeting voted to establish a Water Stabilization Fund as a mechanism for capturing water revenue from the general fund and applying it to the costs associated with admission fees, debt service and water supply expenses related to the Town's connection to the MWRA. Since water revenue comes into the general fund as a local receipt, it must be closed out to free cash and then transferred to the stabilization fund in order to for it to become accessible for this purpose.

Each January since 2019, we have requested a transfer from Free Cash to the Water Stabilization Fund. Then, at the Annual Town Meeting in the spring, we request that the body authorize spending from the Water Stabilization Fund to offset the operating expenses of the coming fiscal year's budget. This year, that amount is \$980,678.

The purpose of this article is to make a transfer from Free Cash to Water Stabilization Fund, so that those funds may be available to offset expenses in the FY24 operating budget.

Transfers from Free Cash require a majority vote.



# ARTICLES 6 – 8

- Fund the Burlington Municipal Employees' Association Contract
- Fund the Department of Public Works Contract
- Fund the Administrative & Professional Compensation Plan

Back up to be distributed after January 9th

# ARTICLE 9

## Cyber Security Assessment



December 7, 2022

Town Meeting Members,

I am writing to express my support for the request to fund a Cyber Security assessment. The requested funds will allow all Town and School departments to engage professional assistance in exploring our current Cyber Security standing. If funded, Town and School departments will engage in up to 6, expert lead advisory sessions which will focus on back-ups and recovery, data classification, dependencies, communication and other controls. The goal of these sessions is to achieve a baseline scoring system for all departments, along with recommendations and plans, to track security program growth over 12 months. The initial assessment will focus on the NIST CSF controls and will provide us with a baseline scoring report. Following the report, departments will be provided recommendations to achieve and establish a Cyber Security Improvement plan.

The demand for technology in the workplace is constantly evolving. With this demand comes the responsibility for all town employees to be knowledgeable and aware of the constant cyber security threats and attacks that can happen. Understanding where Burlington stands currently (Baseline), identifying gaps and priorities (assessment Report and Recommendations), will allow us to implement actionable cyber security strategies (Cyber Security Improvement Plan).

Thank you for your consideration.



Robert Cunha

# ARTICLE 10

Five-Year Municipal Solid Waste

Collection/Disposal Contract



**Town of Burlington  
Interoffice Memo**

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To: Paul Sagarino, Town Administrator  
From: John G. Sanchez, Public Works Director  
Date: December 16, 2022  
Subject: Five-Year Municipal Solid Waste Collection/Disposal Contract

The Town of Burlington has been working in partnership with the Towns of Tewksbury and Tyngsborough to negotiate a new contract for the collection and disposal of municipal solid waste and recycling.

The three towns started the process of procuring for these services in June 2022, since our collection contracts with Republic Services are due to expire June 30, 2023. Typically this process is started 6 to 12 months in advance of the start day. However, after interviewing hauling contractors we realized that we may not have enough time to secure a viable contractor for the start of FY24 due to truck delivery lead times and the availability of CDL drivers.

During the last few years the trash collection, disposal and recycling processing markets have been affected by supply chain issues, fuel prices, lack of CDL drivers, closure of landfills and incinerators in Massachusetts, and the Chinese “national sword” which banned the importation of certain types of solid waste and set strict limits on recyclable materials. All these variables have created an uncertain base in which to procure these services.

Republic Services is offering a five year contract extension to the towns which also includes trash disposal services (currently the towns procure these services separately with Covanta’s contract expiring June 30, 2024).

A five year contract will provide stability to the towns and will allow sufficient time to analyze the current level of service required by the towns. In addition, it will allow sufficient time to prepare a request for proposals well in advance of the expiration of the new amendment.

# ARTICLE 11

Transportation Infrastructure Fund



# TOWN OF BURLINGTON

WHITNEY C. HASKELL

BUDGET DIRECTOR/CHIEF PROCUREMENT OFFICER

DEPARTMENT OF ACCOUNTING

29 CENTER STREET, 2ND FLOOR | BURLINGTON, MA 01803

(781) 270-1669 | [whaskell@burlington.org](mailto:whaskell@burlington.org)

## MEMORANDUM

To: Town Meeting Members  
From: Whitney Haskell, Budget Analyst  
Re: Transportation Infrastructure Fund  
Date: December 14, 2022

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Chapter 187 of the Acts of 2016 created the ‘Commonwealth Transportation Infrastructure Fund’. Pursuant to this legislation, certain transportation network companies (“TNC”) i.e. ride sharing services, are required to submit yearly reports of all rides initiating in each municipality, and pay a per ride assessment of 20 cents. Every year, half of the amount credited to the fund is distributed to each municipality based proportionally on the number of rides initiating in it.

Appropriations from the fund must be used, “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”.

In accordance with this law, the Town has established a ‘Receipts Reserved for Appropriation’ account. Though the state has generally earmarked the funds for this general purpose, each specific appropriation from that account must be voted by Town Meeting.

The Town has received \$14,830.40 from this fund for rides originating in Burlington for the calendar year 2021. The purpose of this article is to appropriate the funds to be used to offset the costs of the Town’s subsidized rideshare transportation program.

# ARTICLES 12 - 13

Acquisition of Land by donation

Peach Orchard Rd and Skilton Lane



# TOWN OF BURLINGTON

## *Administration*

*Paul F. Sagarino, Jr. • Town Administrator*

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To: Town Meeting Members

From: Paul F. Sagarino Jr. / Town Administrator

Re: Articles # 12 & 13 - Land Donations

Date: December 9, 2022

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A taxpayer has approached the Town and offered to donate two small parcels of land. Upon a review of the parcels by departments, we respectfully request that Town Meeting vote favorable action to accept the following two donations.

### **Article # 12 0 Peach Orchard Road – Parcel ID (31-126-1)**

This parcel consists of most of the “island” between Peach Orchard Road and Old Peach Orchard Road. The Department of Public Works wishes to acquire this parcel as it abuts two town roadways and has Town Water and Sewer infrastructure beneath it.

### **Article # 13 0 Skilton Lane – Parcel ID (18-9-0)**

This parcel is approximately 25 feet by 200 feet and runs behind homes on Mill Street and Patriot Road. The Recreation Commission wishes to acquire this parcel as it abuts Rahanis Park.

The Assessors property record cards and Town GIS maps for both parcels are attached.



# ARTICLES 14 -18

- Amend Article II – Representative Town Meeting – Section 1.0 by Adding Paragraph 1.3 – Open Meeting Accessibility
- Home Petition to Amend Chapter 686 of the Acts of 1970, as Amended – An Act to Add a New Section – Open Meeting Accessibility
- Home Petition to Amend Chapter 686 of the Acts of 1970, as Amended – An Act to Add a New Section – Exempting the Town of Burlington from In-Person Quorums
- Amend Article II – Representative Town Meeting – Section 1.0 by Adding Paragraph 1.2 – Town Meeting Accessibility
- Home Petition to Amend Chapter 686 of the Acts of 1970, as Amended – An Act to Add a New Section – Town Meeting Accessibility



Supplementary Information for Article 17 & 18  
Amend Article II – Representative Town Meeting – Section 1.0 by adding Sub-Section 1.2 –  
Town Meeting Accessibility

Supplementary Information:

Prior to March, 2020 Burlington operated on a fully in-person representative town meeting. In other words, the precinct town meeting representatives had to meet in-person, usually at the High School Auditorium. Any none precinct town meeting representative had two options to observe the Town Meeting. The first option was to attend the meeting and sit in designated areas for none representatives. The second was to watch the meeting on the local cable TV (BCAT) channel.

In March, 2020 a pandemic was declared, caused by the SARS COVID-19 virus. The state authorized under legislation that a Town would be allowed to have town meetings using none of the traditional means, e.g. instead they would be using electronic communications platforms. The current Open Meeting Laws that allow for the continued use of the hybrid or virtual meetings expires in March, 2023. The Town Clerk, Moderator and many others developed ways for Burlington to convene our Town Meetings. One was on the athletic field, and many since have been either virtual or hybrid, both virtually and in-person. The first of the virtual meetings seemed cumbersome and difficult. But, the business of the Town was accomplished in a surprising timely and well-organized manner.

Although the pandemic has not been re-categorized to an endemic, we are slowly moving back to pre-pandemic ways of operating. Many things were learned during this period of the pandemic and most notably is that the Town of Burlington can continue to operate and do business efficiently and effectively by using the current electronic communications platforms that are generally available. It only makes sense to include all those who wish to participate in this manner to do so, so as to ensure that Burlington is represented by ALL who wish to work for the betterment of our town.

Although you may not have considered it before COVID-19, as of March 2022 primary immunodeficiency or other immunocompromising conditions can qualify you as a person with a disability under the Americans with Disabilities Act (ADA) and its successor, the Americans with Disabilities Act Amendments Act (ADAAA). With this understanding any person in town that wants to attend a Town Meeting, or public meeting of a Board, Committee or Department has a legal right attend that meeting. Like so many other changes, like altering cuts to sidewalks, ramps to enter buildings and even adding elevators to make the town buildings ADAAA compliant, so too we should make our meetings ADAAA compliant.

Because of the convenience afforded to Town Meeting Members (TMMs) and members of Boards, Committees and Departments by the ability to attend from home and other remote locations, attendance at these meetings have not declined, but possibly even increased. Remote attendance has been especially beneficial for those TMMs who have child-care responsibilities and for those who, because of disabilities or other reasons, find it difficult to attend town

meetings in person. There is considerable interest in the means, and indeed generally among TMMs, to have the ability to choose to attend future town meetings either in-person or remotely. This will not be a legal alternative once the aforesaid legislation expires. Therefore, we have prepared these articles as a home rule petition seeking legislative validation of these “hybrid” town meetings in Burlington.

Two articles are required to enact the changes necessary to ensure accessibility to Town Meetings and any meeting by any Board, Committee or Departments. The first article is to authorize the Select board to petition the Legislature (Great and General Court) to file a Home Rule Petition to amend Chapter 686 of the Acts of 1970, as amended, adding a paragraph, 12 (h). The second article requests the Town Meeting body to consider and approve the addition of a paragraph to Section 1.0 of Article II of the Towns General Bylaws. Both of these paragraphs would read as follows:

*The Town Meeting or any public meeting by any Board, Committee or Departments shall be accessible by all who wish to attend, either in person or via an electronic communications platform. This communications platform will allow users to connect with video, audio, phone, and chat, using an internet connection and a supported device. Members of these meetings shall be able to be recognized by the Moderator or Chair, and their vote, where applicable, be recorded via the electronic communications platform.*

The proposed legislation would permit hybrid town meetings to be held at any time. All TMMs, whether present remotely or in-person, will be counted towards a quorum, and only the Moderator, Town Clerk and certain members of the IT staff will be required to be physically present at the meeting. Others may attend either in-person or, after providing at least 48 hours’ written or electronic notice (for security and accountability purposes), via the video conferencing system employed for the meeting. All participants will be required to have substantially the same ability to identify and hear speakers, to have access to the content of materials used or presented at the meeting, to request recognition by the moderator or make motions and, for TMMs, to vote on all matters put to a vote. The home rule petition also provides for TMMs who cannot access the video system to participate by conference telephone.

If this home rule petition is passed by Town Meeting and approved by the legislature, Burlington will be one of several of the first Towns to hold a hybrid town meeting. Many of us believe that this innovation will become widely used in the Massachusetts town meeting form of government in the future and, once again, Burlington would have a leadership role in this development as it has in innovations such as the representative town meeting and electronic voting in the past.

# ARTICLE 19

Amend to General Bylaw Article XIV, Section 5.9

## **Amendment to General Bylaw Article XIV, Section 5.9**

We believe the structure as it stands is too lenient and aligns more with the surrounding Towns that do not have true water emergencies when there is lack of rainfall. After researching the violation bylaws of those Towns that are more closely aligned to Burlington, we propose the above structure.

### **Purpose:**

The purpose of this amendment is to more closely align the Town with the fine structures of surrounding municipalities in the area. The Department of Public Works believes that by revising these penalties, residents and commercial properties will be more conscious of their water conservation efforts.