Burlington Town Hall, Main Hearing Room

MONDAY APRIL 8, 2019

Board of Selectmen Present:  Robert Hogan, Vice-Chairman & Acting Chair; Mike Runyan; Joseph Morandi; James Tigges, Nicholas Priest
Also Present:  Paul Sagarino, Town Administrator

The Board of Selectmen (BOS) meeting opened at 6:00 p.m. followed by the Pledge of Allegiance.

Town Clerk Amy Warfield was present to swear in Selectman Hogan who was re-elected as well as new member Nicholas Priest.  Selectman Hogan thanked everyone for their part in the recent election and both he and Selectman Priest acknowledged the work done by former Selectman Christopher Hartling.

Reorganization of the Board

Chairman:
Motion:  Selectman Runyan nominated Selectman Morandi to serve as Chairman. Seconded by Selectman Tigges and approved. (5-0-0)

Vice-Chairman:
Motion:  Selectman Hogan nominated Selectman Tigges as Vice-Chairman. Seconded by Selectman Runyan and approved. (5-0-0)

Re-organization:  Joseph Morandi, Chairman; James Tigges, Vice-Chairman; Robert Hogan; Mike Runyan; Nicholas Priest

Selectmen Morandi thanked former Selectman Hartling for all the work he has done for the town.  Selectman Tigges congratulated Selectmen Hogan and Priest and Town Administrator Paul Sagarino (TA Sagarino) thanked Mr. Hartling for his time and dedication to the town.

069  Citizen's Time
Kate Boucher, Manager, AMC Theater was present seeking BOS approval to remain open until 2:30 a.m. for the new 3.5 hour-long movie, Avengers, Endgame.  This will allow them to keep up with competition.  They are planning the last show for 10:30 and additional time is necessary for all patrons to exit the building.  No liquor will be served after 9:30 p.m.  The alcohol subcommittee did not have an issue with the request. The hours for detail will be extended. The dates planned are Thurs, Friday, and Saturday April 25, 26 and 27 and Thursday, Friday, and Saturday May 2, 3 and 4.

Board of Selectmen:
Joseph Morandi, Chairman • James Tigges, Vice-Chairman • Michael Runyan • Nicholas Priest
Motion: Selectman Runyan moved to extend the hours at AMC on Thurs, Friday, and Saturday April 25, 26 and 27 and Thursday, Friday, and Saturday May 2, 3 and 4 to 2:30 a.m. Seconded by Selectman Tigges and approved. (5-0-0)

070 Appointments:
- Historical Commission
  TA Sagarino said that the Historical Commission had voted to recommend Andria Nemoda for appointment as an alternate member of the Historical Commission. He agreed with this recommendation and appointed Andria Nemoda as an alternate to the Historical Commission and requested the BOS waive the standard fifteen-day waiting period for each.

Motion: Selectman Tigges moved to waive the standard fifteen-day waiting period for the appointment of Andria Nemoda as an alternate to the Historical Commission. Seconded by Selectman Hogan and approved. (5-0-0 Selectman Hartling not present)

- Conservation Commission
  TA Sagarino said that John Keeley, Director of Conservation, had reported that the Conservation Commission recommended John Ramsdell to fill until June 30, 2019 the vacancy of Kerry Melanson who had stepped down. He agreed with this recommendation and appointed John Ramsdell to fill this seat and requested the BOS waive the standard fifteen-day waiting period for each.

Motion: Selectman Hogan moved to waive the standard fifteen-day waiting period for the appointment of John Ramsdell to the Conservation Commission. Seconded by Selectman Tigges and approved. (5-0-0 Selectman Hartling not present)

071 Re-Approval: Water & Sewer (Correction)
TA Sagarino explained that the amount voted and approved by the BOS at their March 25, 2019 meeting was correct, but the data included with the material was incorrect, and a new vote of approval was being requested.

Motion: Selectman Tigges moved to approve the amended and corrected rate data sheet. Seconded by Selectman Runyan and approved. (5-0-0)

072 Approval: Burlington High School
All Night Graduation Party / Police Detail Coverage
Present were Stephanie Marchese and Marie Rufo, Co-Chairs of the BHS All Night Graduation Party seeking BOS approval to cover the cost of up to two Police Detail for seven hours for the all night event which will be taking place at Kings on Sunday, June 2, 2019 from 10:00 p.m. - 5:00 a.m. Confirmation of approval from Kings was received which stated they will be closing early to prepare for the event and that they will work closely with the committee to ensure the staff and facility are prepared to meet the strict standards as achieved in prior years. The committee is already in contact with the Police Department. TA Sagarino stated that this is an example of how businesses work with the community. Kings was thanked for once again hosting the event.

Motion: Selectman Hogan moved to approve the BHS All-Night Graduation Party to be held at Kings on June 2, 2019 from 10:00 p.m. to 5:00 a.m. and that the cost of up to two police details for seven hours each will be covered by the Selectmen's Office. Seconded by Selectman Runyan and approved. (5-0-0)
Approval:

Use of Town Common

Community Day of the Youth Public Safety Academy

Ken Doucette, Director of Community Affairs for the Middlesex County Sheriff's office, was present seeking BOS approval for use of the town common to hold the 20th annual Middlesex Sheriff's Office Youth Public Safety Academy on Wednesday, July 31, 2019 from 8:30 a.m. to approximately 2:30 p.m., rain or shine. He said there will be activities on the common and tours of the Police and Fire stations with breakfast and lunch served on the common. They are working the details with the Police and Fire Departments every year. At present there is a wait list but their office is applying for a grant to allow more to attend. The BOS agreed this was a wonderful event for the students.

Motion: Selectman Hogan moved to approve the use of the Town Common for the Middlesex Sheriff's Community Day of the Youth Public Safety Academy on Wednesday, July 31, 2019 from 8:30 a.m. to approximately 2:30 p.m., rain or shine. Seconded by Selectman Priest and approved. (5-0-0)

074 Public Hearing:

Transfer All Alcohol Liquor License After Auction

From: Lester's Roadside Bar-B-Q, Inc.
dba Lester's Roadside Bar
To: Tawesub Group, LLC
dba White Coconut Thai Restaurant

This application was postponed to April 22, 2019 at 6:30 p.m. while under review by Town Counsel at the request of the Selectmen's office.

Motion: Selectman Tigges moved to approve to postpone the public hearing to April 22, 2019 at 6:30 p.m. Seconded by Selectman Priest and approved. (5-0-0)

075 Public Hearing:

Update & Approval
Policy to Regulate Small Cell Wireless Facilities
Consistent with Federal Law to Include
Policy / Application and Aesthetic Standards

Present was the town's small cell facility attorney, Donna Brewer of Miyares-Harrington to provide an update on the updated Policy to Regulate Small Cell Wireless Facilities which are consistent with Consistent with Federal Law and Policy / Application and Aesthetic Standards.

TA Sagarino explained that the deadline to adopt and publish aesthetic requirements for small cell wireless facilities is April 15, 2019 and asked for approval from the board on the updated policy, application and aesthetic standards which will be provided to applicants in one packet.

Selectman Tigges explained that Attorney Brewer and Planning Director Kristin Kassner provided tremendous support during the committee review process. All the documents have been reviewed and approved by the Planning Department. Attorney Brewer will be in touch with Planning regarding their question on frequency. Attorney Brewer said the policy and standards may be updated at any time in response to new questions that arise from boards and the public and the BOS may take a vote to approve pending a response on frequency.

There will be an article before May Town Meeting for support of an engineer to read all small cell submissions because of the limited amount of time allowed by the FCC prior to holding a public hearing for installation. Also before Town Meeting will be approval of bylaw. After review by an RF Engineer, if anything is found to be amiss on a submission, the clock on the application will stop and it is returned to the applicant.
Selectman Hogan is concerned about who will be handling and watching the process to ensure deadlines are met, who will be responsible for the collection of fees and contacting the engineer, who will prepare the public hearing notices and send out abutter notices. He asked if the fee paid would cover the expenses to the town. Attorney Brewer warned that it is going to be a lot of work for staff, and the fee charged cannot go over a certain limit, and the town will be bearing most of the costs. Overhead costs cannot be passed along to the applicant.

Selectman Priest asked about the equipment being bolted to wood poles. Attorney Brewer said it is hoped they can adopt our designs but their designs should be described in their plans.

Selectman Hogan asked about consideration of health effects. Attorney Brewer said the FCC does not allow for the consideration or concern of health effects.

Attorney Brewer asked about the reference in the conditions that equipment in use needs to be covered by insurance, and she recommended that it be stated that it be recorded as insurance as required by MassDot.

Public Comment:

Daniel Klasnick was present representing Verizon and asked that Verizon be given the opportunity to comment. Selectman Tigges responded that the vote must move forward and that the BOS advocates for the citizens.

No further comments were received from the public.

Motion: Selectman Tigges moved to close the public hearing. Seconded by Selectman Runyan and approved. (5-0-0)

Selectman Hogan recommended that the applicant provide certification that the pole is sufficient to carry the weight. Attorney Brewer agreed this is a reasonable request.

Change/amend conditions:

Reference to insurance should indicate "as required by MassDot. Add the frequency of the equipment they are providing

Attorney Brewer said that the town has excellent documents with which to start the process, and she will make the changes as discussed and submit on April 9.

Motion: Selectman Tigges moved that the Board of Selectmen accept the updated policy / application and aesthetic standards to regulate small cell wireless facilities consistent with Federal Law and to incorporate the amendments as discussed at this meeting of April 8, 2019 pending final receipt of documents with information on insurance as required by MassDot and pending information on frequency. Seconded by Selectman Priest and approved. (5-0-0)

Selectman Tigges commented that the next stage will be to enter into discussions for an RF Engineer. Selectman Hogan asked if the Purchasing Analyst would be involved, and TA Sagarino said that discussions will start with the RF Engineer with there being more than one engineer sought because of FCC deadlines.

Chairman Morandi thanked the committee members and Selectman Tigges for all of the work done on the small cell project.

076 Approve: Aggregation Program / Re-approval by the Department of Public Utilities
TA Sagarino requested BOS approval of the re-approval by the Department of Public Utilities as required in order to maintain the status of having this aggregation program which would allow the town to sign in to another plan if better rates are found. At this time the town has reverted back to Eversource because they had a better rate. Chairman Morandi and Selectman Runyan said residents came forward dissatisfied with their service being automatically changed to a different carrier. Chairman Morandi recommended this be discussed in full when it comes back up for discussion or to change carriers.

**Motion:** Selectman Hogan moved to re-approve Town of Burlington Community Choice Power Supply Aggregation Program. Seconded by Selectman Tigges and approved. (4-1-0 with Selectman Runyan voting against)

077 Approve: Minutes: February 11, 2019

**Motion:** Selectman Runyan moved to approve the minutes of February 11, 2019. Seconded by Selectman Hogan and approved. (4-0-1 with Selectman Runyan abstaining)

078 Approve:

- May Town Meeting Warrant
- Add School Transportation Contract

**Add School Transportation Contract:** TA Sagarino said that the School Department has requested to add the School Transportation Contract to the May Town Meeting Warrant although the deadline has passed. Due to the importance of this article, the BOS agreed that this article be added.

**Motion:** Selectman Hogan moved to approve to add the school transportation contract to the May Town Meeting Warrant. Seconded by Selectman Runyan and approved. (5-0-0)

**May Town Meeting Warrant:**

**Motion:** Selectman Tigges moved to approve the list of articles as submitted to be included on the May Town Meeting Warrant. Seconded by Selectman Runyan and approved. (5-0-0)

079 Subcommittee Reports

**Selectman Tigges** said there would be an audit committee meeting on Tuesday, April 9, 2019 at 7:30 a.m.

**Selectman Runyan** said Household Hazardous Waste Day takes place on Saturday, April 13, 2019 at Francis Wyman School from 8:30 a.m. to noon.

The COA held their 4th annual Senior Prom on April 4, 2019 and it was a successful event.

Sincere thanks were extended to Chris Hartling for his service for the past six years on the BOS.

080 Chairman's Report

Chairman Morandi thanked the other members for their confidence in appointing him to the position of Chairman.

081 Town Administrator's Report

TA thanked all who participated in any capacity for the election and to those who voted.

Hydrant flushing is necessary annual maintenance and begins this week.

082 Old/New Business: None.

**Motion:** Selectman Runyan moved to adjourn at 7:30 p.m. Seconded by Selectman Tigges and approved. (5-0-0)

Submitted by,
Betty McDonough, Recording Clerk