TOWN OF BURLINGTON, MA
BOARD OF SELECTMEN
MINUTES
General Session - 6:00 p.m.
Burlington Town Hall, Main Hearing Room

MONDAY, MARCH 14, 2016

Board of Selectmen Present:  Michael Runyan, Chairman; Christopher Hartling, Vice-Chairman; Robert Hogan; Daniel Grattan; Joseph Morandi (7:30 p.m.)
Also Present:  John Petrin, Town Administrator

GENERAL SESSION

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

054 Discussion/Review/ FY 2017 Budgets
Approval

Building - $578,708
Director John Clancy said 2015 was their busiest year ever. He expects construction to continue to be strong through the next four years. The department request for personnel is higher than is being recommended of the departments at this time. Overtime is level funded. A requested 10-hour part time building inspector was approved.

Motion:  Selectman Grattan moved to approve the Building Department budget in the total amount of $578,708 with an increase of 1.761%. Seconded by Selectman Hartling and approved. (4-0-0)

Fire Department - $7,028,578
Chairman Runyan recused himself from the discussion. Fire Chief Steve Yetman is requesting four new firefighters in FY 2017 to assist with the increase in call volume. There is a small increase in overtime and license fees to accommodate the increased personnel. The BOS reviewed the department staff report that will be submitted to Ways & Means.

Motion:  Selectman Hogan moved to approve the Fire Department budget in the total amount of $7,028,578 with an increase of 4.92%. Seconded by Selectman Hogan and approved. (3-0-1 with Chairman Runyan recusing)

Chairman Runyan returned to the meeting.

Emergency Management - $23,602
Motion:  Selectman Grattan moved to approve the Emergency Management budget in the total amount of $23,602. Seconded by Selectman Hogan and approved.

BOARD OF SELECTMEN:
MICHAEL RUNYAN, CHAIRMAN  •  CHRISTOPHER HARTLING, VICE CHAIRMAN  •  ROBERT HOGAN  •  DANIEL GRATTA N  •  JOSEPH MORANDI
**Police Department - $7,909,836**
Police Chief Michael Kent is requesting one new police officer in FY 2017. There is an increase in overtime and training fees. The BOS reviewed the police staffing report for Ways & Means. Call volume is detailed in this report.

**Motion:** Selectman Hartling moved to approve the Police Department budget in the total amount of $7,909,836 with an increase of 2.66%. Seconded by Selectman Hogan and approved. (4-0-0)

**MIS - $554,103**
Systems Administrator Bob Cunha explained that their large budget increase is due to this year Capital Outlay is level funded and covers the computer replacement plan. Materials and Supplies have decreased. Mr. Cunha and his staff were congratulated on the their accomplishments.

**Motion:** Selectman Hartling moved to approve the MIS budget in the total amount of $554,103 with an increase of 0.18%. Seconded by Selectman Grattan and approved. (4-0-0)

**DPW - $10,784,250**
Director John Sanchez said energy management has shown a significant savings in occupancy and that budget was decreased.

**Motion:** Selectman Hogan moved to approve the DPW budget in the total amount of $10,784,250 with an increase of 0.20%. Seconded by Selectman Grattan and approved. (4-0-0)

**055  Appointments:**
- Police
- DPW
- Boards and Committees BDAC

**Police**
Police Chief Michael Kent was present recommending Nikolas Saledas to the position of Patrolman to fill a recent vacancy. T.A. Petrin agreed with this recommendation and appointed Mr. Saledas to the position and recommended the BOS waive the standard fifteen-day waiting period.

**Motion:** Selectman Hogan moved to waive the standard fifteen-day waiting period. Seconded by Selectman Grattan and approved. (4-0-0)

**Boards and Committees BDAC**
Burlington Disability Access Commission (BDAC) member Maura Mazzocca was present with Alfredo Arno. She said the BDAC had voted to recommend that he be appointed as a member of the BDAC. Selectman Hogan, BDAC liaison, agreed with this recommendation adding that Mr. Arno had already attended a meeting. Mr. Arno said he is looking forward to this opportunity. Town Administrator John Petrin (T.A. Petrin) agreed with this recommendation and appointed Mr. Arno as a member of the BDAC and recommended the BOS waive the standard fifteen-day waiting period.
Motion: Selectman Hogan moved to waive the standard fifteen-day waiting period. Seconded by Selectman Morandi and approved. (5-0-0)

DPW
Mr. Sanchez was present with recommendations to three positions: T.A. Petrin agreed with the recommendations and asked the BOS to vote to waive the standard fifteen-day waiting period.

1. Jamie Phillion as Pumping Station Operator to start March 15

Motion: Selectman Morandi moved to waive the standard fifteen-day waiting period for the appointment of Jamie Phillion as Pumping Station Operator. Seconded by Selectman Grattan and approved. (5-0-0)

2. Rich Lembo as Special Motor Equipment Operator to start March 15, and

Motion: Selectman Morandi moved to waive the standard fifteen-day waiting period for the appointment of Rich Lembo as Special Motor Equipment Operator. Seconded by Selectman Hartling and approved. (5-0-0)


Motion: Selectman Morandi moved to waive the standard fifteen-day waiting period for the appointment of Nicole Runyan-Noorigian as Maintenance Craftsman. Seconded by Selectman Hogan and approved. (4-0-1 with Chairman Runyan recusing)

Approval: Warrant for April Election
Town Clerk Amy Warfield was present seeking BOS approval to hold the annual town local election on Saturday, April 9, 2016 from 8:00 a.m. to 8:00 p.m.

Motion: Selectman Grattan moved to approve the Warrant for the annual town election on April 9, 2016 as discussed. Seconded by Selectman Morandi and approved. (5-0-0)

Approval: Walk-a-Thon Marshall Simonds Middle School Teen LIGHT Leadership Team
Marshall Simonds Middle School 8th grade teacher, Cheryl Mantia, was present with students of the Teen LIGHT Leadership Team. The students each explained this year's Walk for Teen Light proposal and mission which is to raise awareness and money in support of teenagers battling cancer or other serious childhood illnesses. The route for the Annual Teen LIGHT Walk-a-Thon on Saturday, June 4, 2016 were distributed. The BOS congratulated the students on their efforts to raise awareness. Ms. Mantia said the Police Department are aware of the event.

Motion: Selectman Hartling moved to approve the Annual Teen LIGHT Walk-a-Thon with the route as submitted with event to be held on Saturday, June 4, 2016. Seconded by Selectman Hogan and approved. (5-0-0)
058 Approval: Use of Town Common
Recreation Department
Program Coordinator Kelly Lehman was present seeking approval for events to take place May through October. It was noted that the Farmers Market will be taking place this year on the Common on Thursdays starting in June. They changed locations from the Human Services Building because it is easier to access for the differently abled, there is need for electricity for the vendors, and the grassy area in the front of that building is expected to be under construction. All programs are well monitored.

Ms. Lehman was asked about trucks for the vendors. She said they will be utilizing the entry across from the Post Office as with other functions, and there will be minimal impact. The recreational sites will be cleaned by the Recreation Department staff.

Motion: Selectman Hogan moved to approve the use of the Town Common for the months of May through October as discussed. Seconded by Selectman Morandi and approved. (5-0-0)

059 Approval: Block Party
14 and 15 Old Colony Road
Marie Coscia-Rufo was present seeking BOS to have a graduation block party on Old Colony Road on June 11, 2016 from 12 noon to 9:00 p.m. Staff did not have issues with the request. The Fire Department requested that provisions be made for the entry of emergency vehicles. There will be a band playing from 4:00 to 8:00. The BOS asked about the safety of the young people, and Ms. Coscia-Rufo said that no alcohol will be allowed. Selectman Hogan recommended that the Fire and Police Departments be made aware that there will be a large crowd. Selectman Hartling recommended asking the safety officers for input about the parking of cars.

Motion: Selectman Hogan moved to approve the block party at 15 and 16 Old Colony Road on June 11, 2016 from 12 noon to 9:00 pm with the condition that coordinators discuss the parking of vehicles with the Police Department. Seconded by Selectman Morandi and approved. (5-0-0)

060 Public Wine and Malt License (with cordials & liqueurs)/Transfer
Hearing:
From: Wing Jarn, Inc. d/b/a Mr. Chan's
To: Sichuan Kitchen, Inc. d/b/a Sichuan Gourmet-Burlington
91 Middlesex Turnpike (no address change)
Present were Attorney Meihuel Hu representing the applicant. Also present was proposed new manager Shamin Summer, Zhong Li and Cheng Dong Lai. Walter Chan has sold Mr. Chan's Restaurant to Zhong Li and the restaurant will be called Sichuan Gourmet Burlington. There will be no changes to the floor plan.

T.A. Petrin reminded them of the town's alcohol rules and regulations and that the serving of alcohol is secondary to the serving of meals. They said they understood. Ms. Summer has ten years of experience in the restaurant business, and she said she has studied the ABCC and local guidelines. The servers are ServSafe certified. Ms. Hu said Sichuan Gourmet Restaurants have received high magazine ratings and status.

There were no comments from the public.
Motion: Selectman Grattan moved to close the public hearing. Seconded by Selectman Morandi and approved. (5-0-0)

Motion: Selectman Grattan moved to approve the application for the transfer of a wine and malt (with cordials and liqueurs) from Wing Jarn, Inc. d/b/a Mr. Chan's to Sichuan Kitchen, Inc. d/b/a Sichuan Gourmet Burlington with the change of manager, 91 Middlesex Turnpike. Seconded by Selectman Morandi and approved. (5-0-0)

061 Information: Mama Bear Affect for Child Abuse Prevention Month
Adrienne Simeone was present to provide the BOS information on upcoming plans to help to raise awareness and getting people involved to help to prevent child abuse. Mama Bear Effect, she said, is a not-for-profit organization, and their plans are to set up pinwheel displays on the common and selected town buildings. The BOS thanked her for the work of this organization.

062 Hearing: All Alcohol License, Change of Manager
Tuscan Kitchen Burlington LLC d/b/a Tuscan Kitchen
24 District Avenue
Petitioner requested this be postponed to the next meeting.

063 Acknowledgement/Response/Vote: Open Meeting Law Complaint Acknowledgement
-Open Meeting Law Complaint from Steven Stamm dated and received February 26, 2016, concerning an alleged violation of the Open Meeting Law
-Open Meeting Law Complaint from Ernest Zabolotny undated and received March 7, 2016, concerning an alleged violation of the Open Meeting Law. Acknowledge receipt of complaints, consider possible responses thereto, and vote to resolve the same

Chairman Runyan acknowledged and addressed the above two Open Meeting Law complaints. They were similar in nature, he said, in that they implied the appearance of the BOS having discussed a resolution prior to the meeting held on February 22, 2016 when the BOS took no action on the vote to eliminate health insurance for elected officials. Another part of the complaint regarding the February 22, 2016 meeting was that no testimony was accepted from the public. Chairman Runyan delivered the vote for its elimination. No second for discussion was made to that motion.

Response from Board of Selectmen:
Chairman Runyan reviewed each of the items that were in the backup and said had also fully outlined this backup at the February meeting. He said it was not a public hearing, and he was satisfied with not accepting any further testimony since over time much testimony had already been taken. At no time had he discussed the issue with the other members outside of a meeting.
Selectman Hogan said he was unaware there would be no comments taken and to imply collusion is incorrect.

Selectman Grattan likewise said there was no discussion ahead of the meeting.

Selectman Hartling said he fully supports all that was described by the Chairman.

Selectman Morandi also said that there was no talk prior to the meeting. He had no knowledge of what was going to occur at the meeting, and he supports the Chairman's decision 100%

At the February 22, 2016 meeting a motion was made by the Chairman to change the policy for elected officials' health insurance. The motion did not receive a second, and the Chairman said he was taking this as a 1-4 vote.

T.A. Petrin explained that if there is no second for discussion then the motion fails. He added that the law does not state that comments are required unless it is a public hearing. Town Counsel will review the necessary meetings and the excerpt provided by the recording clerk of the February 22 meeting and a report of findings will be sent to the Attorney General. The Attorney General will provide the town with a response to the complaint.

**Motion:** Selectman Hogan moved that the Board of Selectman agree that they did not violate the Open Meeting Law based on statements and that the board would take no further action and allow town counsel to review material and meeting recordings and that the board would agree on town counsel comments as prepared for the Attorney General. Seconded by Selectman Morandi and approved. (5-0-0)

**064 Review/Approval:** *Return of Excess Funds/Bond Elimination*

T.A. Petrin explained that Gutierrez Corp. approached the Town expressing interest in paying off the $1.5 million bond that the Town had issued for the construction of the Grandview Barn in FY 2009/2010. Gutierrez's obligation to reimburse the Town for this bond was negotiated in conjunction with the three-way-land swap. In January of 2015 the BOS accepted a payment of $950,000 and authorized the Treasurer to repay the bonds. This amount represented a conservative estimate made by the Town's financial advisor of the total required to complete the transaction. The Grandview bond was eliminated through a defeasement in March of 2015. Mr. Sagarino has reported that there remains a balance of $83,264.92 from this transaction to be returned to Gutierrez Corp. which is the difference of the amount provided by Gutierrez Corp. for this purpose and the Town's actual cost to complete the transaction.

**Motion:** Selectman Hogan moved to return to the Gutierrez Corp. the remaining balance from the defeasement in the amount of $83,264.92. Seconded by Selectman Grattan and approved. (5-0-0)

**065 Review/Approval:** *40 B Local Initiative Project (Housing)*

Jim Doherty, Assistant Assessor, was present. He and BOS subcommittee members have had meetings with the proponents. The discussion continued as to what direction the town wishes to take with respect
to a friendly 40B. The goal is to select a proponent to partner with in order to protect the town if population numbers increase after the 2020 census. The town received two interesting proposals which were discussed at length.

**Motion:** Selectman Grattan moved that the Board of Selectman move forward and select a project that best meets the needs of the town. Seconded by Selectman Hogan and approved.

**Discussion:** T.A. Petrin recommended discussions continue in order to set the direction. Mr. Doherty recommended reviewing the locations in order to respond to the needs of the community. The members agreed that all considerations will be studied.

Motion passed. (5-0-0)

066 **Discussion:** **Facilities Update**
Schedules will be coordinated in order to hold a facilities meeting the following week.

067 **Subcommittee Reports**
Selectman Hogan congratulated DPW staff member Patti Robichaud on achieving the highest rank as Exalted Ruler of the Woburn Lodge of Elks. She is the first female to attain this rank in the 112 year history of the organization.

Selectman Grattan attended the Mass Municipal Association meeting where issues of senior housing and efforts to help local officials take action on the opioid abuse epidemic.

068 **Town Administrator's Report:** None.
069 **Chairman's Report:** None.
070 **Old/New Business:** None.
**Citizen's Time:** No one spoke.

**Adjourn**

**Motion:** Selectman Hogan moved to adjourn at 9:25 p.m. Seconded by Selectman Morandi and approved. (5-0-0)

Submitted by,

Betty McDonough
Recording Clerk
BURLINGTON, MA BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING – MONDAY, March 14, 2016

Agenda
054 Discussion/Review/Approval: FY 2017 Budgets - Accounting backup
055 Appointments: Boards & Commissions/DAC 3/9/16 ltr from c Hanafin re Alfred Arno as new member; 12/31/15 email from a Arno to dac re position/DPW, 3/1/16 email from j Faust re Jamie phillion, rich lembo, nichele Runyan noorigian; resume of j phillion; resume of rich lembo and nichele Runyan noorigian/Police: 3/9/16 ltr from m Kent to j Petrin re police officer appointment
056 Approve: Warrant for April election
057 Approval: Walk a thon Marshall Simonds middle school teen light leadership team - 1/25/16 ltr to bos; map of walk area; names of teen light student leadership team
058 Approval: Use of town common recreation department - reasons for changing location of farmers market; list of functions at common
059 Approval: Block Party, Old Colony Road - event request; 3/4/16 email from Steve yetman w conditions; 2/10 email from m Kent re no issues
060 Public Hearing: wine and malt license/transfer from wing jarn, inc d/b/a Mr. Chan's to Sichuan kitchen, inc d/b/a Sichuan gourmet-Burlington 91 Middlesex turnpike (no address change) - Burlington - 3/10/16 email from s Lumenello no issues; 3/10/16 email from m Kent no issues; legal notice; certificate of good standing; petition for transfer; application for retail alcoholic beverage license; applicant's statement; corporate vote; manager application; personal information form shamin summer and resume; certificate of naturalization; responsible serving of alcohol summer; personal information form zhong li; and resume; certificate of naturalization; passport; food handler certif; allergen awareness; personal information form cheng dong lei and resume passport and license; personal information form jenny yu and resume; food handler certificate; passport and license; corporations division business entity summary; assignment of lease and guaranty of rents; purchase and sale agreement of assets;
061 Information: Mama Bear Affect for Child Abuse Prevention Month; website article about child abuse handed out; 2/20/16 email from adrianne to b Hogan re appearing before bos
062 Hearing: All Alcohol License, Change of Manager; Tuscan Kitchen Burlington LLC d/b/a Tuscan Kitchen 24 District Ave - Michael Winthrop: petition for change of license; manager application; personal information form; manager's certificate; action by written consent of the members; passport
063 Acknowledgement/Response/Vote: Open Meeting law complaint acknowledgement-open meeting law complaint from Steven Stamm, dated and received February 26, 2016; concerning an alleged violation of the Open Meeting Law- Open Meeting law complaint from Ernest Zabolotny undated and received March 7, 2016, concerning an alleged violation of the Open Meeting Law. Acknowledge receipt of complaints, consider possible responses thereto, and vote to resolve the same; 1 resident also called against the health insurance on 3/14 - Open Meeting Law Complaint Form (Steven Stamm); Open Meeting Law Complaint Form (Ernest Zabolotny)
064 Review/Approval: Return of Excess Funds/Bond Elimination - 11/4/15 memo from Paul Sagarino to bos re return of excess funds to Gutierrez corp.
065 Review/Approval: 40 B local initiative project (housing) - handout of housing numbers from Mr. Doherty
066 Discussion: Facilities Update - capital item sheet
067 Subcommittee Reports -
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068  Town Administrator's Report -
069  Chairman's Report -
070  Old/New Business -
      Citizen's Time -