Board of Selectmen Present:  Daniel Grattan, Chairman; Christopher Hartling, Vice-Chairman; Robert Hogan; Michael Runyan; Joseph Morandi
Also Present:  John Petrin, Town Administrator

GENERAL SESSION

Pledge of Allegiance
The Board of Selectmen (BOS) meeting was called to order at 7:00 p.m. followed by the Pledge of Allegiance.

090  Reorganization of the Board of Selectmen

Motion:  Selectman Hartling moved to nominate Selectman Grattan to serve as Chairman. Seconded by Selectman Morandi and approved. (5-0-0)

Motion:  Selectman Hogan moved to nominate Selectman Hartling to serve another term as Vice-Chairman. Seconded by Selectman Morandi and approved. (5-0-0)

Selectman Runyan was thanked for doing a fine job serving as Chairman. Chairman Grattan thanked all for their support in his nomination as Chairman.

091  Review/ May Town Meeting Warrant
Approval:  Capital and Warrant Articles

Fire Department:
Chief Steve Yetman and Assistant Fire Chief presented the Fire Department's requests which would be coming from available free cash.

Article 8-5 - Administrative Vehicle - $41,283
The administrative vehicle will replace existing eleven year old vehicle and requires costly repairs.

Motion:  Selectman Hogan moved to approve Article 8-5, Fire Department Administrative Vehicle in the amount of $41,283. Seconded by Selectman Morandi and approved. (5-0-0)

Article 8-6 - Command Vehicle - $55,026
The command vehicle is fifteen years old and requires costly body work.
Motion: Selectman Hogan moved to approve Article 8-6, Fire Department Command Vehicle in the amount of $55,026. Seconded by Selectman Morandi and approved. (5-0-0)

Article 8-7 - Air Compressor - $58,547
The existing air compressor has gone past its life expectancy of twenty years. It is twenty-eight years old and there could be issues if it should break down. A grant has been submitted for approved for the compressor.

Motion: Selectman Hogan moved to approve Article 8-7, Fire Department Air Compressor in the amount of $58,547. Seconded by Selectman Morandi and approved. (5-0-0)

Article 8-8 - Fire Station Access Control System - $29,942
The access control system needs to be updated for necessary access within the department. This has been coordinated with the Facilities Department.

Motion: Selectman Hogan moved to approve Article 8-8, Fire Station Access Control System in the amount of $29,942. Seconded by Selectman Morandi and approved. (5-0-0)

Police Department:
Article 8-9 - Police Department: Animal Control Vehicle - $37,085
This request is from free cash.

Motion: Selectman Hartling moved to approve Article 8-9, Police Department Animal Control Vehicle in the amount of $37,085. Seconded by Selectman Hogan and approved. (5-0-0)

DPW
John Sanchez, Director, DPW and Tom Hayes, Town Engineer were present to review the articles.
DPW Articles 8-1 to 8-23 are free cash items. Articles 8-21 to 23 are from sewer enterprise.

Article 8-1 - Stream Cleaning/Drainage Repair - $200,000
This is an annual program to clean accumulated sediment from various streams and repair existing damaged/failing drainage systems.

Motion: Selectman Morandi moved to approve Article 8-1, DPW Stream Cleaning/Drainage Repair in the amount of $200,000. Seconded by Selectman Runyan and approved. (5-0-0)

Article 8-2 - Vehicle Replacement Program - $410,000
Request is for three pieces of equipment:
Backhoe for water division to replace 14 year old backhoe;
Catch basin cleaning truck. The department will retain existing 23 year old truck;
Purchase van for building and cemetery division.

Motion: Selectman Morandi moved to approve Article 8-2, DPW Vehicle Replacement Program in the amount of $410,000. Seconded by Selectman Hogan and approved. (5-0-0)
Article 8-3 - Police Headquarters Lighting/Facility Upgrades Including Energy Conservation Measures - $70,000
This is for upgrades to indoor and some outdoor lighting.

Motion: Selectman Runyan moved to approve Article 8-3, DPW Police Headquarters Lighting/Facility Upgrades Including Energy Conservation Measures in the amount of $70,000. Seconded by Selectman Hogan and approved. (5-0-0)

Article 8-4 - Museum Painting - $24,000
This request is for funds to do much needed painting on the exterior.

Motion: Selectman Hogan moved to approve Article 8-4, DPW Museum Painting in the amount of $24,000. Seconded by Selectman Morandi and approved. (5-0-0)

Article 8-21 - Sewer Pump Station Rehabilitation - $250,000 - Sewer Enterprise:
This is the third year in a three-year program to bring station up to code and modernized.

Motion: Selectman Morandi moved to approve Article 8-21 Sewer Pump Station Rehabilitation as requested in the amount of $250,000. Seconded by Selectman Runyan and approved. (5-0-0)

Article 8-22 - Lucaya Pump Station and Force Main Construction - $1,450,000 - Sewer Enterprise:
This station needs a complete renovation with repair to force main.

Motion: Selectman Morandi moved to approve Article 8-22, DPW Lucaya Pump Station and Force Main Construction as requested in the amount of $1,450,000. Seconded by Selectman Hogan and approved. (5-0-0)

Article 8-23 - Crossroads/Wayside Road Sewer Repair - $700,000 - Sewer Enterprise
This location has experienced two major failures in the past with replacement of some manholes. Request for upgrades will prevent future failures.

Motion: Selectman Morandi moved to approve Article 8-23, DPW Crossroads/Wayside Road Sewer Repair in the amount of $700,000. Seconded by Selectman Hogan and approved. (5-0-0)

Article 9 - Sidewalk Upgrade Bedford Street - $250,000
A discussion took place on the material to be used for the sidewalks and the costs involved. Asphalt is a third of the cost of concrete. This $250,000 is in addition to the $100,000 previously approved by Town Meeting so that the granite can be considered. Selectman Morandi recommending postponing this discussion to the April 25, 2016 meeting and all members agreed.

Article 10 - Street Lights LED Conversion (Bond Issue) - $850,000
This is a bond request to replace 2600 street lights with LED lighting which will create a great savings to the town. The savings will cover the cost of the bond repayment. This lighting is cost efficient and long lasting.
Motion: Selectman Hogan moved to approve Article 10, DPW Street Lights LED Conversion in the amount of $850,000. Seconded by Selectman Morandi and approved. (5-0-0)

Phillips Lighting of Burlington approached the town for a partnership and have changed 30 lights in the common area to LED.

Article 11 - Road & Parking Paving (Bond Issue) - $3,000,000
This is for the on-going paving program to repair and upgrade town owned lots and streets. $1,000,000 is set aside for approximately 50 town-owned parking areas and $2,000,000 will go towards the roads. This request supplements Chapter 90 funds.

Motion: Selectman Morandi moved to approve Article 11, DPW Road & Paving in the amount of $3,000,000. Seconded by Selectman Hogan and approved. (5-0-0)

Article 12 - Meadowbrook School HVAC Upgrade - $730,000
This is to replace the heating side of the HVAC and the equipment's ventilator fans. The project has been put out to bid and if approved by Town Meeting, the work will start immediately and continue through the summer when school is closed. This is a bond item and a revolving fund has been created, to be approved by Town Meeting, for the Meadowbrook School. Rental payments will be deposited into that account for bond repayment.

Motion: Selectman Morandi moved to approve Article 12, DPW Meadowbrook School HVAC Upgrade in the amount of $730,000. Seconded by Selectman Hogan and approved. (5-0-0)

Article 13 - MWRA I/I Debt Service - $82,225
This article is to transfer funds from the Sewer Inflow/Infiltration funds for the purpose of paying the FY 2017 debt service on the Town’s three existing 0% MWRA I/I loans in the amount of $82,225. This is a yearly article.

Motion: Selectman Hogan moved to approve Article 13, MWRA I/I Debt Service in the amount of $82,225. Seconded by Selectman Runyan and approved. (5-0-0)

Approval of May Town Meeting Warrant
Motion: Selectman Runyan moved to approve the main May Town Meeting Warrant. Seconded by Selectman Morandi and approved. (5-0-0)

092 Review: Special Town Meeting
The BOS reviewed and approved the calling of the Special Town Meeting.

Motion: Selectman Runyan moved to approve the Special Town Meeting Warrant. Seconded by Selectman Hogan and approved. (5-0-0)

093 Recognition: Burlington Fire Department
Fire Chief Steve Yetman described events that took place on April 11, 2016 when Firefighters Eric Fitzgerald and William Toland assisted in the delivery of a child. Also present were Assistant Fire Chief Mike Patterson and fellow firefighters. After being recognized, the BOS presented certificates of commendation to the two firefighters.

094 Appointments:  
• Fire  
• Police  
• DPW

Postponed.

• Fire

Police Chief Michael Kent put forth the names of Cody Costa and Mark Hatfield for appointment as Special Police Officers to assist with detail. Both recently graduated from the Massachusetts Criminal Justice Full Time Academy. T.A. Petrin agreed with the recommendations and appointed Mr. Cost and Mr. Hatfield to this position and requested the BOS waive the standard 15-day waiting period.

Motion: Selectman Hogan moved to waive the standard 15-day waiting period for these appointments. Seconded by Selectman Morandi and approved. (5-0-0)

• Police

John Sanchez, Director of Public Works, recommended the promotion of Leo Fernandes to Master Mechanic. Mr. Fernandes has worked in the division of DPW since 2008. Town Administrator John Petrin (T.A. Petrin) agreed and appointed Mr. Fernandes to the position of Master Mechanic and recommended the BOS waive the standard 15-day waiting period.

Motion: Selectman Hogan moved to waive the standard 15-day waiting period. Seconded by Selectman Morandi and approved. (5-0-0)

095 Public Approval/Application for Wine & Malt License

Hearing: Gasoline Retailers, Inc. d/b/a Burlington Mobil

173 Bedford St.

Present were Assad Nasr, owner and Mohamad Neglawi, manager, along with Attorney Mark Vaughan representing Burlington Mobil, who explained that Burlington Mobil is seeking authorization from the BOS for the issuance of a retail wine and malt beverages license. The licensee operates Burlington Mobil which provides gasoline services and convenience food and beverage offerings. The licensee plans to install a dedicated cooler for beer and wine within its 1500 s.f. convenience store building. The licensee currently operates five other gas stations in the state with beer and wine sales and utilizes current technology and training to ensure verification of identification.

Police Chief Kent submitted comments that he is not in favor of convenience stores selling alcohol as there is normally one attendant watching the inside of the store as well as observing business at the exterior pumps. He is not convinced there is a need for convenience stores to sell alcohol.

T.A. Petrin said a site visit was made. Traffic in and out of the parking lot is tight because of the size of the lot, and he has concerns with adding additional traffic noting that vehicles exiting the lot onto Bedford Street where the lanes are
reduced. He added that there are no residential homes in the area that would be directly serviced by having alcohol sold in the location.

Selectman Morandi said he does not see the need to have beer and wine sold in this type of location and is concerned that other gas station/convenience stores will follow suit. Selectman Hogan is concerned with there being only one staff person working during certain shifts and that this staff person could be young.

Mr. Nasr said this is a location where people would pass when driving to their homes. There will be two to three attendants in the day and when business goes down at night there is one, but they are capable to respond and they do not expect to employ young people. Mr. Nasr said identification of every person will be checked and no one in their staff is under 30.

Selectman Runyan is concerned that parameters for the sale of alcohol have not yet been included in the board's alcohol regulations, such as minimum square footage for operation, staffing level, and proximity to other alcohol business. It was agreed to continue the public hearing in order to allow the subcommittee to meet and create guidelines for recommendations for counsel and full board review. Selectman Hartling said he is in agreement with the Chief of Police and does see the need for the sale of alcohol to take place in this type of setting.

No one from the public spoke.

**Motion:** Selectman Runyan moved to continue the public hearing until May 23, 2016. Seconded by Selectman Hogan. Approved 4-0-1 (with Selectman Hartling opposed.)

**096 Hearing:** Approval/All Alcohol License, Change of Manager

Tuscan Kitchen Burlington LLC d/b/a Tuscan Kitchen
2400 District Avenue

Present was new manager Michael Anthony who explained his extensive past experience in the restaurant business. He said he is familiar with the town's alcohol policy and that the serving of alcohol is secondary to eating.

**Motion:** Selectman Hogan moved to approve the All Alcohol License, Change of Manager for Tuscan Kitchen Burlington LLC d/b/a Tuscan Kitchen, 2400 District Avenue. Seconded by Selectman Morandi and approved. (5-0-0)

**097 Review/Approve:** Revision: Amended Sewer Allocation Policy

Tom Hayes, Town Engineer, was present to discuss updates in the policy to reflect a change relative to the DPW being granted the authority to approve up to 50,000 gallons per day. Gallons will now be project based and requests will go directly through the DPW. Higher requests would require Department of Environment Protection authorization. Fees charged are to cover mitigation. The BOS were satisfied with this recommendation.

**Motion:** Selectman Hogan moved to change the Sewer Allocation Policy to authorize the DPW to approve up to 50,000 gallons per day. Seconded by Selectman Morandi and approved. (5-0-0)

**098 Review/Approve:** Revision: Street Opening/Utility Connection

Mr. Hayes explained revisions to the Street Opening/Utility Connection Rules & Regulations stating that modifications made to the section on Pump Sewer Connection for purposes of standardization of pumps in order to have consistency throughout the infrastructure.
Motion: Selectman Hogan moved to approve the revision on the amended Sewer Allocation Policy as presented. Seconded by Selectman Morandi and approved. (5-0-0)

099 Public Hearing: Approval/Public Way Layout
Mr. Hayes explained that the Mass General Laws require that the Board of Selectmen formerly approve the layout. These streets will now be the responsibility of the town. Input has been received from the Planning Board. This item will go before Town Meeting after which time it will come back again to the BOS for final approval accepting the public ways.

No one from the public spoke on this issue.

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

Motion: Selectman Hogan moved to approve the public way layout of the eight streets as listed to be presented to Town Meeting. Seconded by Selectman Morandi and approved. (5-0-0)

100 Discussion/Housing/40B Local Initiative Program
Approval: Corporate Drive
At the previous meeting, the BOS moved to approve the 40B Housing Initiative for a Friendly 40B and T.A. Petrin explained that the 40B subcommittee met to discuss the support of the Local Initiative Program (LIP) Application. Selectman Grattan said the State will be reviewing the site for approval and it may be necessary to redo the LIP application. The BOS tonight will vote to approve to sign a letter to submit to the state with other documents and to instruct the Town Administrator and Chairman to move forward working with proponent on the details of the project.

Motion: Selectman Runyan moved to authorize the Board of Selectman Chairman and Town Administrator to sign off on the letter of commitment to move forward. Seconded by Selectman Hogan and approved. (5-0-0)

101 Approval: Minutes
January 25, 2016, General Session
Motion: Selectman Hogan moved to approve the minutes of January 25, 2015 as submitted. Seconded by Selectman Morandi and approved. (5-0-0)

102 Subcommittee Reports
Selectman Morandi said yard waste collection started April 11 and will end on May 16.
David Norden was congratulated for being voted in as a Recreation Commissioner through a write in campaign.

Selectman Runyan said he and Mr. Petrin attended the COA at the Hilton Gardens and it was a success. The department and donators were congratulated.
The 4th of July committee has selected Andy Giordano as the Grand Marshall of the parade. Mr. Giordano is very active in the community.
Selectman Runyan thanked department heads and school staff for completing department reports and congratulated Betty McDonough, Amy Warfield for the completion of the 2015 Annual Report. Terri Keane provided the winter cover photo on the Town Common and Joe Brown the back summer picture on the Town Common. It is also available on line.
Selectman Hartling said the Burlington Police Department Chief has announced that the Police Department will be holding an opioid awareness seminar in conjunction with the Burlington High School on May 4, 2016.

103 TownAdministrator's Report: None.

104 Chairman's Report
Chairman Grattan thanked all for the work done on the 2015 Annual Report. He also thanked all who ran in the April local election as well as those who came out to vote and congratulated all who were elected.

105 Old/New Business

New Business:

Adaptive Light System
Selectman Morandi noted a letter had been received with respect to traffic light coordination on main corridors. Mr. Hayes said the Massachusetts Department of Transportation (MassDOT) has been experimenting with adaptive light systems based on traffic load patterns. Burlington will be working with MassDOT to receive this system as traffic lights continue to be upgraded in town.

Special Town Meeting
Planning Board member Jack Kelly was present to explain the April 7, 2016 vote of the Planning Board members to join as plaintiffs in the civil suit filed by fourteen individuals acting in their capacity as Town Meeting and Land Use Committee members in the appeal of the ZBA Decision regarding the Inspector of Buildings issuance of a Building Permit for proposed Marriot Residence Inn Hotel at 400 District Avenue within the existing New England Executive Park Planned Development District.

Chairman Grattan said no vote would be taken as this item was not on the board's agenda. Selectman Hartling said he has followed this issue closely and said the Planning Board declined to accept the various opportunities provided to work out this issue and does not see the need for it to continue. Selectman Runyan said he would not be part of any lawsuit to fund counsel. Selectman Morandi said he does not want to have any further discussion on this issue.

If necessary this matter may be placed on the Board of Selectmen's April 25, 2016 or an emergency meeting could be called if it is found a vote is necessary to approve this request.

Citizens' Time

Adjourn
Motion: Selectman Hogan moved to adjourn at 9:15 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, April 11, 2016

Agenda

090 Reorganization of the Board of Selectmen -

091 Review/Approval: May Town Meeting Warrant/Capital and Warrant Articles - list of articles for approval; index of articles

092 Review: Special Town Meeting - meeting warrant article

093 Recognition: Burlington Fire Department - 2 certificates of commendation

094 Appointments: • Fire/• Police/• DPW - resume patrick goodwin; 4/7/16 memo from chief kent re special officers cody costa and mark hatfield; 4/5/16 letter of recommendation from john sanchez re leo fernandes

095 Public Hearing: Approval/Application for Wine & Malt License/Gasoline Retailers, Inc. d/b/a Burlington Mobil/173 Bedford St. - floor plan; 4/10/15 memo from chief kent re not in favor of alcohol sold in convenience store; 3/21/16 ltr to bos re sale of alcohol at burlington mobil; legal notice; passport and license stephanie nasr; personal information form stephanie nasr; passport and drivers license suzanne nasr and her personal information form; gasoline retailers lawful provisions; massachusetts corporation info for gasoline retailers; articles of organization; personal information form assaad nasr and his passport and drivers license; application for retail alcoholic beverage license; applicant's statement; secretary's certificate; exhibit a certificate of vote; amendment and extension of pmpa franchise agreement; rent schedule to the CODO lease provisions of the pmpa franchise agreement; articles of organization; manager application mohamad neglawi and driver's license

096 Hearing: Approval/All Alcohol License, Change of Manager/Tuscan Kitchen Burlington LLC d/b/a Tuscan Kitchen/2400 District Avenue - petition for change of license; personal information form and manager application and resume for michael anthony; passport, ss card and driver's license; personal information form joseph faro; manager's certificate; exhibit a action by written consent of the members

097 Review/Approve: Revision: Amended Sewer Allocation Policy - sewer allocation policy draft to update

098 Review/Approve: Revision: Street Opening/Utility Connection Rules & Regulations - street opening utility connection rules and regulations draft

099 Public Hearing: Approval/Public Way Layout - public hearing notice; list of streets to be approved

100 Discussion/Approval: Housing/40B Local Initiative Program/Corporate Drive - draft LIP agreement

101 Approval: Minutes/January 25, 2016, General Session -

102 Subcommittee Reports -

103 Town Administrator's Report -

104 Chairman's Report -

105 Old/New Business -

Citizens' Time -