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

MONDAY AUGUST 12, 2019

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

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

EXECUTIVE SESSION
Chairman Morandi moved that Pursuant to G.L. c. 30A § 21(a)(3) the Board of Selectmen will convene to executive session for an update on litigation in the matter of ground water contamination as an open meeting may have a negative effect on the negotiation position of the public body and that the BOS would adjourn from the executive session and reconvene in open session as authorized by G.L. c. 30A, Sec 21(b)(4). Seconded by Selectman Hogan followed by a roll call vote with Selectman Hogan voting aye, Selectman Priest voting aye, Selectman Runyan voting aye, Selectman Tigges voting aye and Chairman Morandi voting aye.

GENERAL SESSION - - Continued

160 Appointments:  Boards and Committees:
Cyber Security Committee
Cyber Security Committee
Culture Council

Cyber Security Committee
Town administrator Paul Sagarino appointed David Hughes and Steve Nawaichik to the Cyber Security/ISAC committee commenting on their impressive background 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 Tigges and approved. (5-0-0)

Cultural Council
Town Administrator Paul Sagarino (T.A. Sagarino) re-appointed Joyce Fay as a member of the Cultural Counsel and recommended the BOS waive the standard 15-day waiting period. Ms. Fay had been on this committee for a six year period and was required to step away for one year per Massachusetts Cultural Council regulations.
Motion: Selectman Hogan moved to waive the standard 15-day waiting period. Seconded by Selectman Tigges and approved. (5-0-0)

161 Appointments:

Departmental:
- Police – Special Officer
- Fire - Firefighter
- Fire - Interim Fire Chief
- Treasury - Town Treasurer Collector
- DPW - Lead Foreman / Buildings and Cemeteries
- DPW - P.T. Office Assistant

Police – Special Officer
Chief Michael Kent submitted a recommendation for the appointment of Officer Charles Ferguson as a Special Police Officer effective August 17, 2019. He will be retiring August 16, 2019. He has been a great role model and will be recognized by the BOS at a future date. T.A. Sagarino agreed with this recommendation and appointed Officer Charles Ferguson as a Special Police Officer 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 Tigges and approved. (5-0-0)

Fire - Firefighter
Fire Chief Steve Yetman was present to recommend the appointment of Benjamin Elwell as a full-time firefighter. Mr. Elwell's first day with the town is expected to be Tuesday, February 18, 2019, upon his entry into the Massachusetts Firefighting Academy. With the Chief's recommendation T.A. Sagarino approved to appoint Benjamin Elwell to the position of firefighter upon his entry into the Massachusetts Firefighting Academy and recommended the BOS waive the standard fifteen-day period.

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

Fire - Interim Fire Chief
Chief Steve Yetman was present with Assistant Fire Chief Michael Patterson with Chief Yetman recommending Assistant Chief Patterson for the position of interim Fire Chief. T.A. Sagarino agreed with this recommendation and appointed Assistant Fire Chief Michael Patterson as interim Fire Chief effective August 31, 2019 and requested the BOS waive the standard 15-day waiting period. T.A. Sagarino and members of the Board of Selectmen congratulated Assistant Fire Chief Patterson on attaining this interim position and also congratulated Chief Yetman on his upcoming retirement after 41 years of service with the town.

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

Treasury - Town Treasurer Collector
Brian Curtin was present and announced he would be retiring on June 30, 2020 after 44 years of service. He offered to work with the BOS on the selection committee for an appointed Town Treasurer/Tax Collector. He said it has been an honor to work with the town. Mr. Curtin was thanked for all he has done for the town and the community, and Mr. Curtin said that the support of the board has been appreciated.
DPW - Lead Foreman / Buildings and Cemeteries
John Sanchez, Director of Public Works, was present recommending Nicole Noorigian-Runyan for a promotion to the position of Lead Foreman / Buildings & Cemeteries position. She holds all the credentials and qualifications necessary for the position. T.A. Sagarino agreed with the recommendation and appointed Nichole Runyan 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 for the promotion of Nicole Noorigian-Runyan to the position of Buildings & Cemeteries Lead Foreman. Seconded by Selectman Tigges and approved. (5-0-0)

DPW - P.T. Office Assistant
Mr. Sanchez recommended Danielle McKenney for the open position of Part Time Office Assistant. T.A. Sagarino agreed with the recommendation and appointed Danielle McKenney for 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 for the promotion of Frank Anderson to the position of Buildings & Cemeteries Superintendent position. Seconded by Selectman Tigges and approved. (5-0-0)

162 Recognition: DPW - Snow Plow Roadeo
Mr. Sanchez was proud to inform the BOS that Patrick Duran and Michael DeSimone took first place at the Massachusetts Highway Association Drivers Skills and Training competition. There were over 30 teams from all over the state. Burlington will be representing the State at the National Competition in Colorado in September of 2019 and where they will also take part in training courses. The BOS noted their skills and extended congratulations.

163 Update: COA/Town Transportation Initiatives
John Sanchez, DPW Director was present with COA Director Marge McDonald to present the plans for the transportation subsidy which will be on the September 23 warrant for a transfer of funds from the B-Line revolving account. At the May 2019 Town Meeting, the town recommended seeking other options to replace the current bus service effective July 2020. After thorough review the administration is proposing a subsidy program for residents in need of transportation. Ms. McDonald and Mr. Sanchez have been working on a grant to subsidize this program.

Millie Nash, B-Line committee member and Town Meeting member, recommended that discussions continue.

164 Update/Approval: Street Parking Lot Plan
T. A. Sagarino said he and members of DPW and the Human Services Building walked the parking lot at 61 Center Street seeking alternatives for more green space than the original plan allowed. Engineering put together a plan that brings the original drawing from 54 parking spaces to 23. More spaces can be created in the future as necessary. In reviewing the plan, it was noted and agreed that the handicapped spaces would be properly marked.

Motion: Selectman Tigges moved to approve the street parking lot plan at the Human Services Building, 61 Center Street with corrections as discussed. Seconded by Selectman Priest and approved. (5-0-0)

165 Approval: Block Party - College Road
Meghan Worsham, 7 College Road, was present representing the applicant. The location of the event will be the Bedford Street end of College Road and all residents are being invited to attend. The date will be September 7, 2019 from 4:00 p.m. to 8:00 p.m. with a rain date of September 8. This will be the 8th year for the block party. The barriers will be moved for emergency vehicles and residential cars.

**Motion:** Selectman Tigges moved to approve the block party on College Road on September 7, 2019 from 4:00 p.m. to 8:00 p.m. with a rain date of September 8 at the same time with the condition that it is approved by the Police Department. Seconded by Selectman Priest and approved. (5-0-0)

166 **Approval:** Grant of Roadway and Sidewalk Easement and Easement Plan of Land – Second Avenue

Tom Hayes was present. Mr. Hayes explained that Town Meeting in 2009 voted to obtain the easement in conjunction with roadway improvements as part of a MassWorks grant and it needs a vote of approval by the BOS prior to being registered in land court.

**Motion:** ...Selectman Tigges moved that the Board of Selectmen accept the easement from the Gutierrez Company over its land as shown on the Concept Plan entitled "SOUTH AVENUE PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN," dated July 31, 2007, for the purposes of the widening of Second Avenue and installation of sidewalks, pursuant to the vote Article 3 of the September 30, 2009 Town Meeting. Seconded by Nick and approved. (5-0-0)

167 **Approval:** Remote Access for Town Boards

T.A. Sagarino explained that various board would benefit from being able to conduct occasional meetings remotely. Town Counsel reviewed this subject and created a Remote Participation Policy for the Town of Burlington. In order for any board in Town to meet remotely, with the exception of the Disability Access Commission, the BOS must approve that all town committees be allowed to conduct meetings through remote participation. Each committee next takes an individual vote and reports their vote to the Town Clerk. Selectman Runyan is not yet confident with the process of remote access. It was recommended that remote access be allowed and that a report be provided by the Town Clerk with regard to its effectiveness in September of 2020.

**Motion:** Selectman Tigges moved that the Board of Selectmen authorize remote participation pursuant to the requirements of G.L. c. 30A, Section 18-26 and 940 CMR 29.10 for all future meetings of multimember bodies in the Town of Burlington, and further that the Board of Selectmen Remote Participation Policy date August 12, 2019 is hereby adopted and with the condition that the Town Clerk report back to the BOS in September 2020 to provide an evaluation of its effectiveness. Seconded by Selectman Priest and approved. (4-1-0 with Selectman Runyan voting against)

168 **Approval:** Disclosure - Volunteer YFS Board of Director Member

David M. Cullen is a volunteer on the Burlington Youth and Family Services Board of Directors. He submitted a disclosure of financial interest in a municipal contract as required by G.L. c 268A, Section 20 (b). Mr. Cullen is a security consultant who has worked with the Burlington Police and Burlington public schools to design and install security upgrades at the school systems. As part of the renovations at Y&FS renovation offices at 33 Center Street, the town is pursuing similar security upgrades and as a volunteer board member, Mr. Cullen is technically an employee of the town and he would be prohibited from participating in this volunteerism as he may have a potential financial interest in a resulting contract to perform the work. This disclosure being presented to the BOS recognizes this in advance. This has been reviewed by Town Counsel prior to beginning the process, and Town Counsel has determined
that Mr. Cullen could continue as a volunteer board member and participate in the project with BOS approval. The disclosure form describes the potential financial interest in the securities upgrade project and the board's vote would be provided to the Town Clerk.

**Motion:** Selectman Runyan to allow David Cullen to continue his work with Burlington Youth & Family Services while also working to install security upgrades at 33 Center Street per the disclosure submitted. Seconded by Selectman Tigges and approved. (4-0-1 with Selectman Priest abstaining)

**169 Update:** Fire Chief Interviews

With the appointment of Assistant Fire Chief Patterson as interim Fire Chief, T.A. Sagarino explained that the BOS can now move forward to implement a selection committee to interview potential internal candidates who are currently at Captain level or above. Members of the search committee participating in the interview process will include:

- Selectman
- Town Administrator
- Human Resources Director
- Burlington Police Chief
- A representative of the Fire Union, and
- A Fire Chief from a neighboring community.

Selectman Tigges as a member of the Fire subcommittee, said he would be willing to serve on the search committee.

**170 Discussion:** Pedestrian Signal / Veterans' Park

Postponed. Requester was not present.

**171 Approval:** LAU Housing Application - 160 Cambridge Street

This item was in regard to an application to the state for two affordable housing units at 160 Cambridge Street. These two units will be included in the Town's affordable housing inventory. The town received a payment of $195,750 for the share of .9 of a unit generated by the project as negotiated by the Planning Board. This application packet will be submitted to the state in order to receive approval to allow these two units to be added to the inventory.

**Motion:** Selectman Tigges moved to approve the LAU Housing Application for 160 Cambridge Street in order to allow the application to be submitted to the state for approval to include two units to the town's affordable housing inventory and to accept the payment of $195,750 representing the share of .9 generated as part of the negotiating settlement. Seconded by Selectman Hogan and approved.

**Discussion:** Selectman Runyan expressed his disappointment with the resulting .9 of a unit as under the zoning agreement 10% is supposed to be designated as affordable and the 10% was not rounded up to three units. Jim Doherty, Affordable Housing Coordinator, was thanked for working with the applicant to try to obtain a total of three units and for looking out for the best for the community.

Motion approved: (5-0-0)

**172 Review/Approve:** September Town Meeting Warrant Articles

The BOS approved the list of warrant articles that will be on the September Town Meeting Warrant.
Motion: Selectman Hogan moved to approve the warrant articles as submitted for the September 23, 2019 Town Meeting. Seconded by Selectman Tigges and approved. (5-0-0)

At 8:15 p.m. Selectman Chair Tigges assumed the position of Acting Chair.

173 Approval: Minutes:

• April 18, 2019 Executive Session
Motion: Selectman Hogan moved to approve the executive session minutes of April 18, 2019. Seconded by Selectman Runyan and approved. (4-0-0)

• July 15, 2019 Regular Session
Motion: Selectman Hogan moved to approve the regular session minutes of July 15, 2019. Seconded by Selectman Runyan and approved. (4-0-0)

174 Subcommittee Reports
Selectman Runyan congratulated the Recreation Department for wonderful summer programs and the parks are looking great.
Selectman Hogan congratulated Selectman Tigges on another successful Community Safety Night.
Selectman Tigges said that at Community Safety Night there were hundreds of police officers and fire fighters present as well as, fire trucks, fire boat, and motorcycles for the public enjoyment. It was well attended and Wegman's was thanked for being a fine community partner.

175 Chairman’s Report
None.

176 Town Administrator’s Report
T.A. Sagarino reported that health insurance advisory meetings are taking place in preparation for FY2020. Cooperation continues between the bargaining groups and administration. Union representatives were thanked.

ABCC came to Burlington to provide a great training session with staff and Selectman Priest present. Also provided was best practice advice.

Coming before the BOS at upcoming meetings to provide updates will be Uno's, Besito and Burlington Beer Works. ABCC explained that the time clock starts on any issue with an establishment when a public hearing is held with the issues outlined for the record.

177 Old/New Business
None.

Citizens' Time:
None.

ADJOURN
Motion: Selectman Hogan moved to adjourn at 8:30 p.m. Seconded by Selectman Priest and approved. (5-0-0)

Submitted by,
Betty McDonough, Recording Clerk
EXECUTIVE SESSION -
GENERAL SESSION -
160 Appointments: Boards and Committees:  • Cyber Security Committee • Cultural Council: list of names for committees and background info on two ISAC members
161 Appointments: Departmental:  • Police –Special Officer letter from chief
• Fire - Firefighter backup from Fire Chief
• Fire - Interim Fire Chief
• Treasury - Town Treasurer Collector
• DPW - Lead Foreman / Buildings and Cemeteries backup document from director
• DPW - P.T. Office Assistant backup document from director
162 Recognition: DPW - Snow Plow Roadeo: email on event and info on recognition
163 Update: COA/Town Transportation Initiatives: warrant article and warrant backup;
164 Update/ Street Parking Lot Plan, Approval: Human Services Building - 61 Center Street
165 Approval: Block Party - College Road: event form with info and map
166 Approval: Grant of Roadway and Sidewalk Easement and Easement Plan of Land – Second Avenue: motion; email from Tom Hayes; adjourned town meeting description from town clerk of article 3
167 Approval: Remote Access for Town Boards; motion for remote access; remote access policy; legal opinion on remote access; open meeting law; open meeting law checklist; open meeting law executive session reasons; remote participation policy draft sample with no town name;
168 Approval: Disclosure - Volunteer YFS Board of Director Member: disclosure signed form;
169 Update: Fire Chief Interviews
170 Discussion: Pedestrian Signal / Veterans' Park: description of note from resident seeking traffic signal; STAC backup for request;
171 Approval: LAU Housing Application - 160 Cambridge Street: form signed by town administrator for community support narrative, project description and documentation; municipal contact information; project description; LIP regulatory agreement and declaration of restrictive covenants for rental project red lined; MCO maximum property rents; summary of allowance for tenant furnished utilities and services; fy2019 income limits documentation; MCO Residences at Simonds Park re affordable rental units; how units will be leased; amenities, etc., developer and contractor certification; DHCD filing; letter from state re in accordance with MGL; certification of organization; state compliance sheet; planning decision; decision heritage trail;
172 Review/ September Town Meeting Warrant Articles Approve: draft list of articles
173 Approval: Minutes: • April 18, 2019 Executive Session • July 15, 2019- Regular Session
174 Subcommittee Reports
175 Chairman’s Report
176 Town Administrator’s Report
177 Old/New Business