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

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

187  Introduction:  Town Counsel
Attorney Karis North, Murphy, Hesse, Toomey, Lehane, was introduced and welcomed as the BOS's new representative to town counsel replacing Brandon Moss.  Attorney North said she is pleased to be working with Burlington.

188  Approval:  All Alcohol License/Alteration of Premises
Public Hearing:  Tuscan Kitchen Burlington LLC
d/b/a Tuscan Kitchen/2400 District Avenue
Present were manager Ron LeDuc with Attorney Mark Vaughan, Riemer & Braunstein, representing Tuscan Kitchen which is seeking BOS for an alteration of premises to make on-site renovations with existing tenant space to relocate the existing reception area and repurpose the existing casual dining/food service counter area adjacent to the main entrance to improve functionality.  The alcohol subcommittee, Selectmen Hogan and Morandi and Inspector of Buildings John Clancy reviewed and approved the request with conditions.  Attorney Vaughan distributed a color coded floor plan to reflect the area of existing liquor service and expanded liquor service area.  There will be a total of 30 seats in the expanded liquor service area with 26 seats within the sit down dining area plus the allowance of four stools at the counter in the casual cafe dining area.  Since liquor is being served, these seats will require a full service menu per BOS regulations.  Selectman Hogan recommended a condition of approval be that these changes will not result in an increase in the amount of seating for the serving of alcohol, and it was confirmed that seating will be so arranged within the remaining dining areas so as to not increase the current amount of seating.

No alcohol is to be served in the office lobby and Attorney Vaughan said Tuscan has agreed to place two "no alcohol beyond this point" signs for patrons to see at the exit from the restaurant into the lobby and the exit from the main entrance.

Selectman Tigges said there have been no police issues at this location.
No one from the public spoke.

**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 All Alcohol License/Alteration of Premises for Tuscan Kitchen Burlington LLC d/b/a Tuscan Kitchen located at 2400 District Avenue as depicted on the floor plan submitted on this date with the condition that the 30 seats in the casual cafe dining area are allowed to be served alcohol by a server with a full service menu, and that there be two signs indicating no alcohol beyond a certain point at the entrance and exit of the outside seating area. Seconded by Selectman Morandi and approved. (5-0-0)

**189 Dedication:** Flag Drop Box

**Disabled American Veterans and Disabled and Limbless Veterans, Inc.**

Ed Tedesco, Commander and Andy Giordano, member and former Commander, Disabled American Veterans and Dominic Marcellino, Vice President, Disabled and Limbless Veterans were present to donate a flag drop box to be placed at the front of the main Town Hall for residents to properly retire the U.S. flag. At this time the DAV will make stops to empty the drop box. Selectman Hogan commented on the popularity of the first drop box located at the American Legion on Winn Street [dedicated April 14, 2002]. The groups were thanked for their efforts in having this item donated to the town.

**190 Public Hearing:** Grant of Location/Middlesex Turnpike and Greenleaf Way Comcast/Construct Telecommunication Line to Provide Service to Greenleaf Way

David Flewelling, construction specialist with Comcast was present representing same seeking BOS approval for a grant of location for Comcast to install a conduit system on the Middlesex Turnpike that will provide service to the businesses on Greenleaf Way. There will be no double poles being created by this petition and abutters were notified. Mr. Flewelling was asked if he understood Town Engineer Tom Hayes's comments and recommended conditions: "Although the conduit is proposed within the layout of Middlesex Turnpike, the project as currently designed will disrupt landscaped areas and driveways of abutters. Prior to start of construction, the applicant needs to obtain agreements for property restoration from the abutters affected, otherwise the conduit should be installed in the sidewalk, pavement, or grassed area on the other side of Middlesex Turnpike. Also prior to construction, the applicant needs to provide a structural design for the bridge crossing." He said he understood and agreed with the conditions. T.A. Petrin confirmed that staff would work with Mr. Hayes to confirm any conditions and recommendations are met.

Public comment was from Mr. Patel, who works at the daycare center. He is concerned with the safety of the children and Mr. Flewelling was advised to ensure there is no effect to the roadways where children would be located during their daycare sessions. Mr. Flewelling agreed. Chairman Hartling advised him to work with BOS staff and Engineering prior to the start of work.

No other comments were received from the public.

**Motion:** Selectman Hogan moved to close the public hearing. Seconded by Selectman Morandi and approved. (5-0-0)
**Motion:** Selectman Runyan moved to approve the Grant of Location for Middlesex Turnpike and Greenleaf Way as requested by Comcast/Construct Telecommunication Line in order to provide service to Greenleaf Way with the condition that the engineer is satisfied that all conditions have been met. Seconded by Selectman Hogan and approved (5-0-0)

191 **Approval:**

**Use of Landlocked Parcel**

**Greater Boston Youth Mountain Bike Program**

Paul Benson of the Great Boston Youth Mountain Bike Program was present seeking BOS approval to use Burlington’s Landlocked Forest on two of the four dates submitted (September 23, September 30, October 7, October 21) for their third annual Youth Mountain bike program that teaches youth 6-14 how to ride mountain bikes safely. Mr. Benson said the program is extremely popular, and they filled their forty openings. Copies of counsel-approved applications and waivers were provided. Since deer hunting season at Landlocked is October 16-December 30, the BOS recommended the dates of September 23 and 30 and Mr. Benson agreed.

**Motion:** Selectman Morandi moved to approve the use of Landlocked Forest for the third annual Greater Boston Youth Mountain Bike Program on September 23 and September 30, 2017. Seconded by Selectman Tigges and approved. (5-0-0)

192 **Appointment:**

**Youth and Family Services**

Christine Shruhan, Director of Youth and Family Services was present with David Miller, to recommend David Miller as a counselor in this department. Mr. Miller has been working at various times in this department and has a Masters in Science. T.A. Petrin agreed with this recommendation and appointed David Miller to the position of full-time counselor and requested the BOS waive the standard fifteen day waiting period.

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

193 **Discussion:**

**Coalition for Health Care – Burlington**

No discussion.

194 **Approval:**

**16R Briarwood Lane Easement & Compensation Proposal**

Brendan Egan, Director of Recreation was present with Kevin Sullivan, Chair of the Recreation Commission and Joe Pandolfo seeking BOS approval of a compensation proposal. In May 2017 Town Meeting approved to authorize the BOS to grant an access easement for the benefit of the property located at 16R Briarwood Lane which would allow access to a small piece of land for the use of their driveway. The property owner submitted an appraisal of the piece of property as well as a proposal to cover costs for the installation of new equipment at Regan Park playground as compensation for the easement at 16R Briarwood Lane. The site work is $5,745 and the assessed value of the easement is $4,400. The Recreation Commission voted in favor of this proposal.

It was the recommendation of town counsel at an earlier meeting with staff that the BOS review the submission documents to reach a conclusion that the proposal submitted along with the property appraisal appears to be a fair agreement. Selectman Morandi said he had also reviewed this with Mr. Egan. The easement remains as town property.
Motion: Selectman Morandi moved to approve the proposal as submitted for 16R Briarwood Lane access easement. Seconded by Selectman Tigges and approved. (5-0-0)

195 Update: People Helping People
Chowder Festival at Atria Longmeadow Place and Updated Logo and New Website

Janet Sullivan Fitzgerald and Judy Walsh were present represent People Helping People. They announced the upcoming 5th annual Chowder Festival taking place on September 27, 2017 at Atria Longmeadow. The public is welcome to attend. They described their new website and People Helping People logo. The website is http://peoplehelpingpeopleinc.org/. The site will aid in reaching more people and will describe events and fundraising and has contact information. The logo has been created for the events and for the website. They described the recent fund raising events and the selling of raffle tickets to aid various causes.

196 Approval: Town Meeting Warrant Review
Index of Articles

Article 15 - Create a Zoning Bylaw Review Committee by Adding a New Section 2.8 to Article V of the Burlington General Bylaws

At the meeting August 14, 2017 meeting the BOS had discussed the warrant article relating to the creation of a Bylaw Review Committee and decided that it not be placed on the warrant at this time. Chairman Hartling said the BOS may vote to support an article but not disallow it from going on the warrant. The members agreed that they hope the Bylaw Review Study Committee would allow more time for them and other boards and committees to review and discuss this article.

Motion: Selectman Tigges moved to support Article 15, to Create a Zoning Bylaw Review Committee by Adding a New Section 2.8 to Article V of the Burlington General Bylaws. Seconded by Selectman Hogan.
Discussion: Selectman Tigges agreed discussions on the warrant may not be complete but it is a start. Selectman Hogan said he is concerned that there is not a clearer understanding and would like to review it further.

Motion Failed: (2-3-0 with Selectmen Morandi, Hartling and Runyan voting to not support)

Article 5 - Amend Administrative and Professional Classification Plan

Motion: Selectman Hogan moved to approve Article 5 Amend Administrative and Professional Classification Plan. seconded by Selectman Morandi and approved. (5-0-0)

Article 6 - Fund the Part-Time Compensation Plan

Motion: Selectman Hogan moved to approve Article 6 Fund the Part-Time Compensation Plan. Seconded by Selectman Morandi and approved. (5-0-0)

Article 7 - Fund the Burlington Police Patrolmen’s Association Contract
Withdrawn.

Article 8 - Fund the Burlington Police Command Officers’ Contract
Withdrawn.
Article 9 - Fund the Burlington International Firefighters’ Association Contract
Withdrawn.

Article 10 - Bond Authorization - Fire Station 2
Seeking additional funds in the amount of $225,000 to add to the amount approved for this project at the May 9, 2016 meeting for additional necessary additional costs for sidewalks, tree replications and a study to review geopiers to support the building.

Motion: Selectman Hogan moved to approve the additional funds as requested for Article 10. Seconded by Selectman Morandi and approved. (4-0-1 with Selectman Runyan recusing)

Article 13 - Home Rule Petition - Special Legislation Concerning Special Police Officers: An Act Relative to Special Police Officers in the Town of Burlington:
Motion: Selectman Hogan moved to support Article 13. Seconded by Selectman Morandi and approved. (4-0-1 with Selectman Tigges abstaining)

Article 14 - Changes to Revolving Funds Amendment to Town General Bylaws
Motion: Selectman Hogan moved to support Article 14. Seconded by Selectman Morandi and approved. (5-0-0)

Article 16 - Amend General Bylaws - Prohibition on Marijuana Establishments
T.A. Petrin said the Town is receiving advice from counsel on this issue. This is to support the general by law but a change is being requested for both the General and Zoning bylaws, and the BOS will be voting only on the general bylaw.

Motion: Selectman Tigges voted to support Article 16. Seconded by Selectman Hogan and approved. (5-0-0)

Vote to support warrant as printed:
Motion: Selectman Hogan moved to support the warrant as printed. Seconded by Selectman Morandi and approved. (5-0-0)

197 Subcommittee Reports
Selectman Runyan said he is pleased with the public events which occur in town and reminded the public that Truck Day would be held on Sunday, September 16, 2017.
The Farmers Market is held every Thursday on the grounds of the Grand View Tavern.
Selectman Hogan said the first of two 9/11 ceremonies was held on the Town Common Sunday, September 10, 2017 to dedicate the two 14’ 700 lb. rails gifted to the Burlington Police and Fire Departments. These rails were originally located under the destroyed twin towers. A plaque for this memorial was also unveiled.
The town's first responders organized the second ceremony held on Monday September 11.
He thanked Al Fay for the work being done in anticipation of Truck Day this Sunday.
Selectman Tigges thanked opioid addiction volunteers. Burlington Overcoming Addiction will host a vigil in memory of those whose lives have been lost due to drug addiction. The event is being held on the Town Common September 28, 2017 from 6:30-8 p.m.
He thanked Mr. Hogan for putting together the 9/11 memorial unveiling ceremony.
The Water Subcommittee meeting has been meeting and he expects a small presentation to be done at the September Town Meeting and another in January.

**Selectman Morandi** said the salt shed rebuild project is going well; street paving projects are being completed; the Francis Wyman School parking lot paving is finished; and the summer waste week of September 25 will be the last week for summer yard waste pick up.

### 198 Town Administrator’s Report

T.A. Petrin thanked the many people behind the scenes as well for the special 9/11 unveiling, including Fred Salvucci, veterans groups, BOS staff for assistance with the invitations, and other town staff who assisted in the preparation of the event.

Lt. Glen Mills is coordination the next citizens' police academy.

Officer Bob Aloisi was thanked for his assistance with opioid vigil.

### 199 Chairman’s Report

Chairman Hartling thanked Selectman Hogan for the work done on the fine 9/11 unveiling, tribute ceremony held Sunday. He appreciated the comments made by all the speakers.

### 200 Old/New Business

- None

### Citizen’s Time

- No one spoke.

**Adjourn**

**Motion:** Selectman Runyan moved to adjourn at 7:35 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, SEPTEMBER 11, 2017

Agenda

187 Introduction: Town Counsel

188 Approval/Public Hearing: All Alcohol License/Alteration of Premises Tuscan Kitchen Burlington LLC
d/b/a Tuscan Kitchen/2400 District Avenue - color floor plan distributed marked A1.0; 9/6/17 email from Chief Kent-no issues; 9/11/17 email from Chief Yetman-no issues; 9/11 email from M Vaughan re allowable changes and conditions; public hearing notice; staff responses; 8/22/17 ltr from R&B; bldg inspector approved floor plan and 2013 plans; amendment application for an alteration of premises or change of location; management letter; 7/10/17 ltr from R&B; quitclaim deed; lease standards

189 Dedication: Flag Drop Box Disabled American Veterans and Disabled and Limbless Veterans, Inc. - 9/5/17 flag box donation letter from the two groups

190 Public Hearing: Grant of Location/Middlesex Turnpike/and Greenleaf Way Comcast/Construct Telecommunication Line to Provide Service to Greenleaf Way - 9/11/17 GofL town cover letter; comments of conditions from T Hayes; 8/29/17 ltr from JP to TH re gol; 8/15/17 ltr from comcast to bos; petition; plans - 2; order for conduit location (not to be used - we have our own form)

191 Approval: Use of Landlocked Parcel Greater Boston Youth Mountain Bike Program - waivers handed in at meeting; 9/9/17 email from chief kent - no issues; 9/6/17 ltr of request from Paul Benson to BOS, map of landlocked forest route

192 Appointment: Youth and Family Services - resume David Miller

193 Discussion: Coalition for Health Care – Burlington

194 Approval: 16R Briarwood Lane Easement & Compensation Proposal - 9/6/17 ltr from Pandolfo Company re Briarwood Road easement proposal; 9/6/17 email from BMcdonough to Brendan Egan re zoning articles for September and update on 16R briarwood; minutes adjourned meeting 5/15/17 re 16R briarwood lane; note from recreation regarding compensation request involving work to be performed and assessed value; appraisal; May warrant article

195 Update: People Helping People/Chowder Fest at Atria Longmeadow Place and Updated Logo and New Website - flyer for Chowderfest

196 Approval: Town Meeting Warrant Review/Index of Articles 197 Subcommittee Reports

198 Town Administrator’s Report

199 Chairman’s Report

200 Old/New Business

Citizen’s Time