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

MONDAY SEPTEMBER 9, 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 - Continued

The Chairman called the Board of Selectmen (BOS) meeting to order followed by the Pledge of Allegiance.

178 Approval: Use of Town Common
Walk for Ataxia Awareness

Doug Place and Donna Bibeau Gorzela, members of the National Ataxia Foundation, were present seeking BOS authorization to use the Town Common on October 12, 2019 from 9:00 a.m. to 12:00 noon for a Walk and Roll event to raise awareness for Ataxia. He is working with the Recreation Department for common preparation and trash. Selectman Tigges recommended there be a presence available to assist participants to cross Center Street and the Police Department for details. Further details are being worked out with Selectmen staff. In the event of rain, the organizers will request to hold the event in the Marshall Simonds Middle School.

Motion: Selectman Hogan moved to approve the use of the Town Common for the Walk for Ataxia Awareness event as discussed to be held on Saturday, October 12, 2019 from 9:00 a.m. to 12:00 noon with an additional hour added for clean up and that the group continue to work with town departments. Seconded by Selectman Tigges and approved. (5-0-0)

179 Recognition: Police
Chief Michael Kent presented Patrolman Edward Mackey with a plaque detailing significant dates of his career after he retired this past July after 34 years of service with the Police Department. Officer Mackey is the longest serving patrolman in the department and holds badge #1. The BOS said he is well respected and he was congratulated for his many years of service to the Town.

180 Appointment: DPW
Director of DPW John Sanchez recommended Donald McNeil be transferred from the Buildings & Cemeteries to Building Maintenance as Craftsman-Laborer. T.A. Sagarino agreed with the recommendation and appointed Donald McNeil to the position of Building Maintenance Craftsman-Laborer effective September 9, 2019 and requested the BOS waive the standard fifteen day waiting period.
Motion: Selectman Tigges moved to waive the standard fifteen day waiting period. Seconded by Selectman Priest and approved. (5-0-0)

181 Approval: Boards and Committees Burlington Cultural Council Sandra Coveno requested to be reinstalled as a member of the Burlington Massachusetts Cultural Council. T.A. Sagarino agreed with this request and appointed Sandra Coveno as a member of the Burlington Massachusetts Cultural Council and requested the BOS waive the standard fifteen day waiting period.

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

182 Approval: Landlocked Parcel / Trail Access Improvement Martha Simond of Friends of the Landlocked Parcel was present to describe trails being created on old Kendall Road in the Landlocked Forest. John Keeley, Director of Conservation, walked this site with the New England Mountain Bike Association. They will be doing the work on the trail which will provide dry areas using a traditional boardwalk non-moveable "bridge." He recommended approval of the proposal. Selectman Hogan asked if it is handicapped accessible, and she said it is not and she will talk to the group of the width. Selectman Priest agreed with making the bridge compliant. The work is planned to be done in the fall. Chairman Morandi provided the reminder the deer hunting season at the Landlocked Forest is October 7 through December 31, 2019.

Motion: Selectman Tigges moved to approve the use of the Landlocked Parcel for the purpose of trail access improvement based on the information presented. Seconded by Selectman Priest and approved. (5-0-0)

183 Presentation/ Approval: September Town Meeting Warrant Article Northwest Park Planned Development District - Zoning Amendment Present were Todd Freemont-Smith, owner, Nordblom Company, and Attorney Robert Buckley representing the proponent who is planning to add additional apartments at Northwest Park and discussed concepts to address the need for senior housing in town which has been addressed in the Master Plan. The explained that with the proper outreach, this concept can work to benefit residents. The BOS, they said, could develop the rules and guidelines, and the proponent could provide consultants to ensure compliance. A working group will be created to study the concept. Mr. Freemont-Smith said there are currently a couple of office buildings in the area being reviewed. Selectman Runyan recommended the agreement be studied further and to return in January. Jim Doherty, Housing Coordinator, said there is a warrant article going to the September Town Meeting to change zoning. If it is approved, inclusionary 10% zoning would take effect.

Motion: Selectman Tigges moved to postpone further discussion until September 23. Seconded by Selectman Priest and approved. (5-0-0)

184 Public Grant of Location Hearing: Trench for Fiber Optic Conduit Bedford Street and Middlesex Turnpike Jeff Harrington of Cambridge Network Solutions was present seeking BOS approval to trench and install fiber optic conduit from an existing Zayo manhole to an existing Verizon manhole at the intersection of Bedford Street and Middlesex Turnpike to provide connection of two manholes with a buried fiber optic conduit. He said the proposed
trench is approximately 28” in depth and 18” wide with an approximate length of 20' with the project being completed before winter. No utility poles are involved and no new manholes are proposed. Engineering had no issues with the request. Mr. Harrington was informed that he must work with the DPW on this project.

**Motion:** Selectman Tigges moved to approve the Grant of Location to trench for fiber optic conduit on Bedford Street and Middlesex Turnpike as submitted. Seconded by Mr. Priest and approved. (4-0-0)

185  Public Hearing:

**Update Status of All Alcohol Liquor License**

Uno Restaurant, Inc.,
d/b/a Uno Chicago Grill
Formerly of 75 Middlesex Turnpike, Burlington Mall

Attorney Mark Vaughan was present representing Uno Restaurant as requested by the license holder. This is the first formal public hearing since the restaurant closed in January of 2018. Attorney Vaughan said Karma Restaurant is actively involved in a transfer and paperwork is being collected and signed and will be submitted shortly. This new restaurant will be in the same location as Uno's and next to the recently opened Pepe's Pizzaria.

**Motion:** Selectman Hogan moved to continue the public hearing to November 4, 2019 at or after 7:15 p.m. Seconded by Selectman Tigges and approved. (5-0-0)

186  Public Hearing:

**Update on Status of All Alcohol Liquor License**

Besito Restaurants Burlington LLC
d/b/a Besito Restaurant
Formerly of 75 Middlesex Turnpike, Burlington Mall

Attorney Mark Vaughan was present representing Besito Restaurant as requested by the license holder. This is the first formal public hearing since the restaurant closed in June of 2018. Attorney Vaughan said a restaurant is currently negotiating a transfer.

**Motion:** Selectman Priest moved to continue the public hearing to November 4, 2019 at or after 7:30 p.m. Seconded by Selectman Tigges and approved. (5-0-0)

187  Public Hearing:

**Approval: Beer & Wine License**

Nouria Energy Retail, Inc.,
d/b/a Middlesex Turnpike Shell #04008
61-63 Middlesex Turnpike

Selectman Runyan recused himself from the discussion as he has a financial attachment to the property.

Nicholas DiMambro, manager of record, was present seeking BOS approval of a beer and wine liquor license at Nouria Energy Retail, Inc., d/b/a Middlesex Turnpike Shell, which is a combination gas station/convenience store. After a review of the application and the comments from both departments, the BOS voted to deny the application for the issuance of a Wine and Malt Beverages License for this gasoline retailer. Issues and concerns expressed by department staff and Selectmen included:

- lack of public need in community for convenience stores to sell alcohol;
- sole employee concurrently responsible for store and possible attendance to pumps;
- attempts by minors to purchase alcohol from younger employees;
- greater responsibility for clerks at convenience stores with inside sales, watching inside patrons, tracking pump sales, calls to pumps for numerous reasons, all creating a safety risk and a risk of theft.
No one from the public had a comment.

**Motion:** Selectman Tigges moved to close the public hearing. Seconded by Selectman Hogan and approved. (4-0-0 - with Selectman Runyan abstaining)

**Motion:** Selectman Priest moved to approve a beer & wine license for Nouria Energy Retail, Inc., d/b/a Middlesex Turnpike Shell #04008, 61-63 Middlesex Turnpike. Seconded by Selectman Tigges. Motion failed. (0-4-0)

188  **Review** Treasurer/Collector Job Description

**Approval:**  
The BOS reviewed the Town of Burlington position description being submitted as well as sample job descriptions from surrounding communities. BOS reviewed the working copy of the current Town of Burlington job description for a Treasurer/Collector as presented.

189  **Review** September Town Meeting Warrant Articles

**Approval:**  
The complete list of the items received for the September Town Meeting were reviewed and approved for submission into the warrant.

**Motion:** Selectman Tigges moved to approve the General, General Bylaw, Financial, and Zoning Articles as submitted and reviewed. Seconded by Selectman Priest and approved. (5-0-0)

The next reviewed articles under their jurisdiction.

MWRA I/I Debt Service: Funds are set aside for this purpose with a payment due in May. Town Meeting Member Shari Ellis asked for the amount due, and T.A. Sagarino said he would get the information.

190  **Approval:** Minutes - August 12, 2019

Postponed.

191  **Subcommittee Reports**

Selectman Runyan said the Burlington Board of Health reported that EEE has been found in Burlington. There is information on their website.

Selectman Tigges said he has been responding to inquiries regarding Burlington's practices Small Cell policies

Selectman Hogan said that the Board of Health would be holding the next Household Hazardous Waste Day on Saturday, September 21 at the Francis Wyman School.

Selectman Priest reported that the new ISAC committee is in session.
The plastic bag ban goes into effect tomorrow.
Diwali is coming up on September 29, 2019.

192  **Chairman’s Report**
The PMC Challenge is being held at The District on Sunday, September 22, 2019.
Reminder that hunting will commence at the Landlocked Forest on October 7, 2019 and run through December 31, 2019.

193 Town Administrator’s Report
The office has been handling many calls from businesses and residents about the bag ban.
The Town is still in crisis with respect to water. A full water ban is being considered in order to perform maintenance. Selectmen Hogan asked that the board be kept up to date.

194 Old/New Business: None.

EXECUTIVE SESSIONS
Chairman Morandi requested an executive session pursuant to G.L. c. 30A § 21(a)(3) the Board of Selectmen will open the regular meeting and convene to executive session, with 48 hours having been given, as an open meeting may have a detrimental effect on the bargaining and/or litigating positions of the public body, in order to discuss/consider the following with the BOS adjourning from the executive session and reconvening in open session for the purpose of taking a vote on the Police Contract and to close the hearing.

- Litigation in the matter of Herb Chambers Cambridge Street, LLC v. Planning Board for the Town of Burlington, Land Court, 19 Misc 268
- Collective bargaining in the matter of the outstanding Burlington Police Command Officers’ Contract

Seconded by Selectman Runyan. Roll call vote: Selectman Hogan aye; Selectman Priest aye; Selectman Runyan aye, Selectman Tigges aye; Chairman Morandi aye. Motion passed. (5-0-0)

GENERAL SESSION - Continued

195 Approve:
Fund the Burlington Police Command Officers’ Contract

John Danizio, Town Accountant, was present. In executive session the BOS were satisfied with approving to fund the Burlington Police Command Officers' Contract compensation package with a wage adjustment of a 2.5% increase for FY20, a 2.25% increase in year two for FY21 and a 1.75% increase in the final year for all steps and grades on the salary schedule. The final year, FY22, of the agreement includes an additional step that applies only to members with 15 years of service or more. The agreement also includes an adjustment to holiday and detail rates. For the non-compensation items there were some language changes in the areas of vacation leave, sick leave, and electronic payroll advices. Also new to the contract language is establishing timelines for grievance filing and probationary periods for new sergeants. The Ways and Means public Safety subcommittee voted 2-0 in favor on September 9, 2019.

Motion: Selectman Hogan moved to approve to fund the Burlington Police Command Officers' Contract as outlined. Seconded by Selectman Priest and approved. (4-0-0)

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
BURLINGTON, MA BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING – MONDAY, SEPTEMBER 9, 2019

GENERAL SESSION -
178  Approval: Use of Town Common, Walk for Ataxia Awareness; emails from petitioner, emails with staff
179  Recognition: Police recommendation
180  Appointment: DPW recommendation
181  Approval: Boards and Committees, Burlington Cultural Council: request to be placed on the cultural council and historical commission
182  Approval: Landlocked Parcel / Trail Access Improvement: email trail proposal from John Keeley, maps, pictures
183  Presentation/Approval: September Town Meeting Warrant Article, Approval: Northwest Park Approval: Planned Development District, - Zoning Amendment -
184  Public Hearing: Grant of Location, Trench for Fiber Optic Conduit, Bedford Street and Middlesex Turnpike: public hearing notice; recommended motion; email of approval from staff; letter from Gill Engineering explaining the project; map; order for conduit locations for town clerk signature
185  Public Hearing: Update Status of All Alcohol Liquor License, Uno Restaurant, Inc., d/b/a Uno Chicago Grill: explanation of the public hearing; public hearing notice; letter to legal firm re attending the meeting; email from attorney explaining what is taking place
186  Public Hearing: Update on Status of All Alcohol Liquor License, Besito Restaurants, Burlington LLC, d/b/a Besito Restaurant: explanation of the public hearing; public hearing notice; letter to owners of restaurant; email from attorney explaining what is taking place; letter from Besito stating they are in receipt of our correspondence
187  Public Hearing: Approval: Beer & Wine License, Nouria Energy Retail, Inc. d/b/a Middlesex Turnpike Shell #04008, 61-63 Middlesex Turnpike: explanation of the public hearing; public hearing notice; (2) letter and emails from petitioner with all info requested; application for a new license; floor plan; parking lot plan; list and map of package stores in Burlington; lease agreement
188  Review/Approval: Treasurer/Collector Job Description; 2 community samples; 1 TOB sample
189  Review/Approval: September Town Meeting Warrant Articles: list of articles to approve
190  Approval: Minutes - August 12, 2019
191  Subcommittee Reports -
192  Chairman’s Report -
193  Town Administrator’s Report -
194  Old/New Business -

EXECUTIVE SESSIONS
• Litigation in the matter of Herb Chambers Cambridge Street, LLC v. Planning Board for the Town of Burlington, Land Court, 19 Misc 268
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GENERAL SESSION - Continued
195  Approve: Fund the Burlington Police Command Officers’ Contract -