Board of Selectmen Present: Daniel Grattan, Chairman; Christopher Hartling, Vice-Chairman; Robert Hogan; Michael Runyan
Not Present: Joseph Morandi
Also Present: John Petrin, Town Administrator

No Executive Meeting was held.

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

222 Appointments: • Board and Committees: Ice Palace
Town Administrator John Petrin (T.A. Petrin) appointed Robert Bunker to the Ice Palace Committee as a liaison to the Ways and Means Committee and requested the BOS waive the standard 15-day waiting period.

Motion: Selectman Hartling moved to waive the standard 15-day waiting period. Seconded by Selectman Hogan and approved. (4-0-0)

223 Public Hearing: Approval/RCN Cable License Renewal
The public hearing was opened. Present were Thomas Steel, RCN and Kate Moskos, Burlington’s Purchasing Agent. Ms. Moskos said the RCN ten-year cable license is ready for renewal. The other two cable companies are under the negotiating process for renewal. She described terms and agreements of the contract which is similar to surrounding communities and includes a percentage for BCAT and free access for municipal buildings. T.A. Petrin said the contract has been reviewed by Town Counsel and the current form is recommended.

There were no comments from the public.

Motion: Selectman Hogan moved to close the public hearing. Seconded by Selectman Hartling and approved. (4-0-0)

Motion: Selectman Hogan moved to approve the RCN Cable License Renewal. Seconded by Selectman Runyan.
Discussion: Chairman Grattan was satisfied that RCN is continuing their services with Burlington.
Motion approved. (4-0-0)
Public Hearing: Approval: RCN Cable Transfer Application
The public hearing was opened. Present was Tara Corvo for TPG. Ms. Moskos said RCN is seeking BOS approval of RCN’s Transfer Application and to review the new cable operator’s qualifications. Ms. Corvo said they are buying an affiliate and once TPG takes over they will keep the current management. Their goals include better quality customer service, increasing the value of the systems and to enhance the internet, including high definition for BCAT.

There were no comments from the public.

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

Motion: Selectman Hogan moved to approve the RCN Cable Transfer Application. Seconded by Selectman Hartling and approved. (4-0-0)

Approval: Kohl's Department Store
24-Hour Opening Holiday Openings
Kohl’s District Manager Sarena Bearce was present seeking BOS approval for a Special Temporary 24-Hour Retail Store Opening License in order for the store to operate from 1:00 am until 12:00 am (midnight) on Friday, November 25, 2016 and for a period of 24 hours starting Thursday, December 15, 2016 at 7:00 am through Saturday, December, 2016 at 6:00 pm and from 5:00 am until 12:00 am on December 31, 2016. She said this is their third consecutive year of requesting additional hours. The schedule created allows for flexible hours.

T.A. Petrin said Town Counsel had previously created wording for the permit, however, it was noted that New Year’s Eve has been added since last year. He and the BOS agreed that this new addition could present a public safety problem. By right they would be allowed to remain open until 11:00 p.m. Ms. Bearce said she understood.

A discussion ensued that although not needed in the past, the Town reserves the right to require public safety personnel as necessary which would be Kohl's responsibility. She agreed that Kohl's would follow the provisions of Burlington’s General Bylaws.

Selectman Hogan said he appreciates that Kohl's is following the town's regulations, but recommended a hold be put in place with respect to New Year's Eve until additional comments are received from the Police and Fire Departments.

Selectman Hartling said he is neither comfortable nor a proponent of the requested extended hours.

Selectman Runyan said correspondence from staff indicates there have been no issues in the past.

Chairman Grattan said after receiving additional comments from Fire and Police, a vote will be taken with respect to additional hours on New Year's Eve.

Motion: Selectman Hogan moved to approve the Retail Establishment Special Temporary 24-Hour Retail Store Opening License for Kohl’s Department Stores, 150 Lexington Street as submitted with the condition that the
additional hours on New Year's Eve, Saturday, December 31, 2016 not be permitted until a comment regarding that date is received from the Fire and Police Department and that special officers may be requested as deemed necessary. Seconded by Selectman Runyan and approved. (3-1-0 with Selectman Hartling voting to not support request)

226 Approval: Block Party/Sumpter Road
Tim Flaherty was present seeking BOS approval to hold a block party on Sumpter Road from the area of 1 Olean Road on October 9 from noon to 8:00 p.m. The entire neighborhood has been invited and up to 130 people are expected to attend. Standard staff comments were received that temporary barriers be easily moved for emergency vehicles. Recreation does not have an issue as there are four entrances into the adjacent park and no events are taking place. They will post an informational notification of the event on their various websites. Most attendees will to the event to alleviate cars on the road.

Motion: Selectman Hogan moved to approve the block party on Sumpter Road for October 9 from noon to 8:00 p.m. with the condition that staff comments be followed. Seconded by Selectman Hartling and approved. (4-0-0)

227 Approval/Signatures: 17 Terry Avenue/Release of Drainage Easement and New Drainage Easement
Attorney Ed Hintlian was present representing the 17 Terry Avenue easement issues and was seeking BOS approval for a Release of Drainage Easement and a Drainage Easement Agreement. He said the existing easement is in the way of plans for an expansion. Both the Release of Easement and the new Drainage Easement have been executed by the property owners. These easement items were reviewed and approved by the Planning Department as well as Town Counsel. DPW has reviewed the revised location for the new easement and do not have an issue.

Motion: Selectman Hogan moved to approve the Release of Drainage Easement and the New Drainage Easement for 17 Terry Avenue as approved by Planning and Town Counsel. Seconded by Selectman Hartling and approved. (4-0-0)

228 Approval: Use of Landlocked Forest Youth Mountain Bike Program
Paul Benson was present seeking approval to use the Landlocked Forest for a youth mountain bike training program on October 8 and 15, 2016. The BOS agreed with the request on the condition that the event was not taking place during hunting season (October 17-December 31, 2016) and that they keep the trail and parking lot free of litter. They were approved to hold this event last year and it was very successful. They will not go on the trails if there is rain.

Motion: Selectman Hartling moved to approve the Use of the Landlocked Forest for the Youth Mountain Bike Program on October 8 and 15, 2016 with conditions that these dates are prior to the start of bow hunting season and subject to any conditions as set by Police, Fire, and Conservation. Seconded by Selectman Hogan and approved. (4-0-0)

229 Informational: Master Plan/Town Common
Master Plan Steering Committee members Kristine Brown, Recreation Commissioner and Jonathan Sachs were present to discuss the potential for a sculpture trail in Burlington and how this could be accomplished. Ms. Brown said that although this subject was discussed at the Master Plan Steering Committee, they were not representing that committee.
Items they discussed were other towns that have adopted this program, sculptures relating to town history, potential locations, types of sculptures, responsibility for the various pieces and how would the program be administered. Ms. Brown and Mr. Sachs were thanked for preparing the presentation.

230 Discussion: September Town Meeting Summary
The BOS summarized the September 28 Town Meeting. Chairman Grattan said that with respect to union negotiations, it is not always possible to have material ready because of final meetings. Plans will be discussed regarding upcoming backup for other ongoing negotiations. Selectman Hartling said that information could not be available for Town Meeting because of the timing of the finalizing of complicated union agreements.

Selectman Hogan noted comments raised about increases and explained the importance of salary ranges being similar to surrounding communities and of keeping our trained employees.

231 Approval: Minutes: June 27, 2016 General Session
Motion: Selectman Hogan moved to approve the minutes of June 27, 1016 as submitted. Seconded by Selectman Runyan and approved. (4-0-0)

232 Subcommittee Reports
Selectman Hartling congratulated the Burlington Area Chamber of Commerce for another successful Taste of Burlington. The event is limited to 500 and all tickets were sold prior to the event.

233 Town Administrator's Report: None.

234 Chairman's Report
Chairman Grattan reminded the public about the complaints on the amount of telephone and email scams taking place.

235 Old/New Business:
Regarding additional alcohol licenses for the Town Center Overlay District, Selectman Hogan said the meeting process will be starting to address the submission for this request for additional license under special legislation for this district. All will be welcomed to be involved, he said.

Citizen's Time: No one spoke.

Adjourn:

Motion: Selectman Hogan moved to adjourn at 8:35 p.m. Seconded by Selectman Hartling and approved. (4-0-0)

Submitted by,

Betty McDonough
Recording Clerk
Agenda

222 Appointments: • Board and Committees: Ice Palace

223 Public Hearing: Approval/RCN Cable License Renewal – public hearing notice

224 Public Hearing: Approval: RCN Cable Transfer Application – public hearing notice; 9/15/16 ltr from KP law re summary of proposed license;

225 Approval: Kohl’s Department Store/24-Hour Opening Holiday Openings – public hearing notice; release; 8/17/16 ltr from Kohls re request to be open 24 hours; list of dates and times; application for temp 24-hour license

226 Approval: Block Party/Sumpter Road – 9/14/16 email from applicant; email to and from staff members – MK; SY; BE/Recreation

227 Approval/Signatures: 17 Terry Avenue/Drainage Easement Approval – 8/31/16 ltr from platinum re 17 terry ave; 9/28/16 email from t hayes no objection; 9/28/16 email from k kassner planning has approved the plan; release of drainage easement, selectmen’s signature page; owner signature page; Calif all purpose acknowledgment notary sheet; owner signature page; another notary sheet for state of Calif; map of parcel/drainage easement agreement; Calif all purpose acknowledgement notary sheet; owner signature page; another notary sheet for state of Calif; selectmen’s signature page; exhibit a sheet; plot plan

228 Approval: Use of Landlocked Forest/ Youth Mountain Bike Program – 9/29/16 ltr from paul benson re greater boston youth mountain bike program request

229 Informational: Master Plan/Town Common – ppp for “a sculpture train for Burlington”

230 Discussion: September Town Meeting Summary

231 Approval: Minutes: June 27, 2016 General Session

232 Subcommittee Reports -

233 Town Administrator’s Report -

234 Chairman's Report -

235 Old/New Business -

Citizen's Time