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

Appointment: DPW
DPW Director John Sanchez was present to recommend Rachel Caplan to fill the recently vacated position of Operations Analyst. Ms. Caplan holds a Bachelor of Science in Business Management. John Petrin, Town Administrator (T.A. Petrin), agreed and appointed Ms. Caplan to the position and requested the BOS waive the standard 15-day waiting period.

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

Public Hearing: Tax Classification -
The public hearing was opened with Paul Sagarino, Town Accountant, Brian Curtin, Town Treasurer, and Jim Doherty, Assistant Tax Assessor presenting real estate classification options for setting the residential and commercial property tax rates for FY2018. Comparative data of surrounding towns demonstrating Burlington's sound financial condition were supplied as well as the town's historical tax data.

T.A. Petrin said out tax rate is the lowest in the area after Woburn, and he touched on the growth in the community. Mr. Doherty touched on the growth in the community. Mr. Sagarino explained that the options being presented will provide enough tax dollars to balance the budgets passed at Town Meeting. Mr. Curtin commented on tax deferrals approved by legislation.

The Town's financial team is recommending Option C for a tax levy increase of 3.94%. The residential rate will increase by 2.33% and the corporate rate will increase by 4.97%. The BOS thanked the financial team and the Board of Assessors for the work completed on the submitted options.

There were no comments from the public
Motion: Selectman Hogan moved to close the public hearing. Seconded by Selectman Morandi and approved. (5-0-0)

Motion: Selectman Hogan moved to accept Option C, FY-2018, for a tax levy increase of 3.94%, a residential increase of 2.33% and a corporate rate increase of 4.97% with the Avg. Res. Increase of 2.78%. Seconded by Selectman Morandi and approved. (5-0-0)

### Discussion/Update

**Bonefish Grill**

Present was Attorney Timothy Perry, Perry Krum斯iek, LLP representing Bonefish for Attorney Joe Devlin, Devlin Law Office, who could not be present. Board of Selectmen (BOS) and Town Administrator John Petrin and Attorney Timothy Perry provided an update on the Bonefish Grill All Alcohol Liquor License. Licenses will be reviewed for renewal at the December 18, 2017 BOS meeting, the BOS will tonight discuss if the license is able to move forward.

- Bonefish (Bloomin' Brands) closed January 2017.
- Bonefish working out obligations with landlord on lease which expires in 2023.
- Bonefish will broker the license.
- Attorney Perry said the landlord is considering expanding another restaurant in the shopping center, and this liquor license will not be needed in this location.
- Bonefish will renew liquor license for 2018 at the current address in order to continue to seek to transfer their license.
- Attorney Devlin is working with Darden for transfer. (Note: Att. Devlin is working with both Bonefish and Macaroni Grill)
- Bonefish has asked for 3-4 months to find another restaurant location.
- BOS concerned with the amount of time already passed and are seeking a finite timeline.
- BOS agreed to hold a revocation public hearing, also on December 18, 2017, to allow time for more information to be gathered. An update is to be provided and the following information submitted to the BOS office no later than the week prior to the December 18 public hearing.
  - When an All Alcohol License Transfer application is expected to be submitted to the BOS.
  - A timeline of the expected process.
  - An expected extension date to be requesting.
    Selectman Hogan commented that an additional public hearing could take place if the BOS is still not satisfied. Attorney Perry agreed this was reasonable.

Motion: Selectman Hogan moved to hold a revocation public hearing on December 18, 2017. Seconded by Selectman Morandi and approved. (5-0-0).

Attorney Perry said he would contact the appropriate parties regarding the public hearing on December 18, 2017 as well as and what is expected.
**Burlington Beer Works**

Present was Attorney Paul Sporn represented Joseph Slesar, owner, Burlington Beer Works. The 2018 Liquor License renewal process will take place at the December 18, 2017 BOS meeting. T.A. Petrin provided a history of what had occurred to this date and the BOS commented on ways to move forward with the liquor license.

- Outback closed July 2015.
- Transfer to Burlington Beer Works approved April 2016.
- Two alterations of premises approved through Jan 2017.
- Beer Works has submitted for renewal of 2018 liquor license.
- Town Administrator John Petrin, John Clancy and alcohol subcommittee met with representatives regarding seating and safety of patio seating. Planning also initially had concerns with patio safety.
- Representatives in March 2017 reminded to start the building permit process.
- Restaurant was expected to open end of 2017.
- Building permit application submitted in November 2017, but construction has not yet started and permits are outstanding.
- Building Department is communicating with attorney and architect re: additional items and information necessary.
- Attorney expects building permit to be received this week with construction to start immediately.
- Building is working with the Board of Health regarding external grease trap.
- Planning has received architectural specifications for special permit.
- Board is concerned with the amount of time that has passed and with the amount of lost revenue for the Town. Attorney said he and owner appreciate patience of BOS for this family-owned business.

It was agreed that a revocation public hearing would be held during the BOS’s regularly scheduled meeting of December 18, 2017 to allow for a discussion of when construction will commence following the finalization of town permits. Attorney Sporn will provide details of this meeting to the owner and of the hearing to be held on December 18, 2017.

**Motion:** Selectman Hogan moved to hold a revocation public hearing on December 18, 2017. Seconded by Selectman Morandi and approved. (5-0-0).

**Romano’s Macaroni Grill**

Present were: Attorney Timothy Perry, Perry Krumslek, LLP, for Joe Devlin, Devlin Law Offices representing potential buyer/new tenant; Attorney George Katsarakes, The Law Office of George P. Katsarakes, PC representing the landlord; and Attorney Andrew Upton, DiNicola, Seligson & Upton representing the liquor license holder for Romano's Macaroni Grill.

The 2018 Liquor License renewal process will take place at the December 18, 2017 BOS meeting. T.A. Petrin reviewed the history, and the BOS and representatives discussed Romano's Macaroni Grill's All Alcohol Liquor License.

- Macaroni Grill will submit for renewal of 2018 liquor license.
- October 2017 Mac Acquisition under bankruptcy court orders and working with creditors and attorneys.
Devlin Law filed All Alcohol License-Darden Restaurants Eddie V’s w/ binding lease. It is a prime quality fish restaurant with expected opening date of March/April 2018.

Past due taxes will be paid with proceeds of the liquor license after transfer.

Permits filed for demolition of existing building.

Issue: to renew liquor license, taxes must be paid. This needs to be discussed further.

They are willing to stipulate that the Town will be paid at closing whatever is due in taxes.

There is a bylaw re: taxes being paid prior to a license being renewed. BOS staff will work with Town Counsel on the tax and other issues.

BOS discussed a revocation public hearing on December 18, 2017. The following should be submitted no later than the week prior to the meeting:

- A report of bankruptcy status for Town Counsel and Tax Collector prior to the hearing.
- Schedule a date for the transfer application to be heard by the BOS.
- Establish a schedule of dates for submitting permit applications.
- Establish any expected extension dates.
- Establish a completion date.
- Consideration of any recommendations/possibilities to have the taxes paid prior to December 18.

The BOS staff will discuss with Town Counsel any legal questions with respect to the payment of taxes and bankruptcy protection and other issues that could be brought forward at the public hearing and to inform Counsel that a qualified applicant has submitted for the transfer.

Motion: Selectman Hogan moved to hold a revocation public hearing on December 18, 2017. Seconded by Selectman Morandi and approved. (5-0-0).

### 244 Public Hearing: Transfer All Alcohol From Burlington Forty-Niners d/b/a Knights of Columbus 8 Blanchard Road to Bickford’s Family Restaurant, d/b/a Bickford’s Grille 6 Cambridge Street

The Chairman opened the public hearing.

At the request of the applicant, the public hearing is being continued to January 22, 2018.

Motion: Selectman Hartling moved to postpone the hearing for a transfer of an all alcohol liquor license from the Burlington Forty-Niners d/b/a Knights of Columbus, 8 Blanchard Road to Bickford’s Family Restaurant, d/b/a Bickford’s Grille, 6 Cambridge Street. Seconded by Selectman Tigges and approved. (5-0-0)

### 245 Public Hearing: Transfer Wine & Malt From Bickfords Grill 6 Cambridge Street to Burlington Forty-Niners d/b/a Knights of Columbus, 8 Blanchard Road

The Chairman opened the public hearing.

At the request of the applicant, the public hearing is being continued to January 22, 2018.

Motion: Selectman Morandi moved to postpone the hearing for a transfer of an all alcohol liquor license from Bickford’s Family Restaurant, d/b/a Bickford’s Grille, 6 Cambridge Street to the Burlington Forty-Niners d/b/a Knights of Columbus, 8 Blanchard Road. Seconded by Selectman Tigges and approved. (4-0-0 Selectman Hogan not present during vote)
246  **Public Hearing:** New All Alcohol Restaurant Liquor License, Two for Seven Restaurant Group LLC and BB Burlington, LLC 400 District Avenue, Marriott Residence Inn Hotel (Reclassification as a Restaurant)

Present was Mark Vaughan representing the applicant who, at the recommendation of the ABCC, is seeking BOS approval for reclassification of their application from Hotel/Innkeeper to Restaurant for their new all alcohol liquor license for use in the operation of the full service restaurant and within portions of the adjoining Marriott Residence Inn Hotel at 400 District Avenue. The former application had been approved as "Hotel/Innkeeper" on June 26, 2017.

No one from the public spoke.

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

**Motion:** Selectman Morandi moved to approve the new All-Alcohol Restaurant Liquor License for Two for Seven Restaurant Group LLC and BB Burlington, LLC 400 District Avenue, Marriott Residence Inn Hotel (Reclassification as a Restaurant). Seconded by Selectman Tigges and approved. (5-0-0)

247  **Public Hearing:** Transfer All Alcohol From: State Road Liquor Mart, Inc. d/b/a Busa Liquors To: Total Wine Spirits Beer & More d/b/a Total Wine Spirits Beer & More (Licensee) 34 Cambridge Street, Unit 10

Present was Ed Cooper, Total Wine Vice President, James Kleeberger, Manager and Mark Vaughan representing the applicant seeking BOS approval of a transfer of an existing All-Alcohol package store liquor license from State Road Liquor Mart, Inc. d/b/a Busa Liquors to Massachusetts Fine Wines & Spirits, LLC d/b/a Total Wine Spirits & More. Total Wine intends to operate a package store within the same shopping center but in the location currently occupied by Bauer Hockey. The licensee is an independent retailer of fine wines, spirits and beer offering customers an extensive variety of products produced regionally and nationally. Tenant space will span 20,637 s.f. The licensee intends to offer a variety of educational experiences which will include tasting events in a classroom style setting. The licensee also provides training to staff relating to sale compliance.

Planning comments included that additional permits from Planning would be required if there is any sale of food or drink to be consumed on the premises.

Selectmen Hogan and Morandi met as the alcohol subcommittee with John Clancy, Inspector of Buildings and all were satisfied with the plans as submitted. They hope to open in the Spring of 2018.

Daniel Busa, owner of Busa Liquors was presented and thanked the residents for their support throughout the years. Busa Liquors renewed the 2018 license so that the transaction could continue and Busa will run the operation until approval is received from the state. Chairman Hartling commented that Busa has been a landmark business and a fine community partner.

No one from the public spoke.

**Motion:** Selectman Morandi moved to close the public hearing. Seconded by Selectman Tigges and approved. (5-0-0)
**Motion:** Selectman Morandi moved to approve the Transfer All Alcohol From: State Road Liquor Mart, Inc. d/b/a Busa LiquorsTo: Total Wine Spirits Beer & More d/b/a Total Wine Spirits Beer & More (Licensee), 34 Cambridge Street, Unit 10. Seconded by Selectman Hogan and approved. (5-0-0)

T.A. Petrin as Deputy Local License Authority will review for approval the application for the manager.

**248 Review: January Warrant Articles**
The two zoning articles have been received.

**249 Subcommittee Reports**
**Selectman Hogan** reminded the public about the People Helping People (PHP) wish tree located at the Burlington Mall which will support needy families. They are also still seeking volunteers. Donations may also be given to win a free dinner at the Capital Grill. The donations will go to PHP.

**Selectman Tigges** said the tree lighting has been pushed up to December 10 to ensure the new lighting is complete and inspected.

**Selectman Runyan** said the July 4th Committee is having a meeting and volunteers are still needed. The Board of Health will be hold their Medical Reserve Corps appreciation dinner on December 5.

**250 Town Administrator's Report**
T.A. Petrin said the salt shed is nearing completion. Minor work continues on 33 Center Street but staff has moved into the building. Work will be commencing on the second floor of 61 Center Street. OPEB will be discussed at the next Ways & Means meeting.

**251 Chairman’s Report:**
**Chairman Hartling** commented on the outstanding Veterans Day event and was proud of the veterans who withstood the cold weather. He also commented on the fine work done raising funds through a football game for a family with a medical issue.

**252 Old/New Business:** None

**Citizen’s Time:** No one spoke.

**Adjourn**

**Motion:** Selectman Morandi moved to adjourn at 8:00 p.m. Seconded by Selectman Hogan and approved. (5-0-0)

Submitted by,

[Signature]

Betty McDonough, Recording Clerk
BURLINGTON, MA BOARD OF SELECTMEN

DOCUMENTS REVIEWED AT MEETING – MONDAY, NOVEMBER 27, 2017

Agenda
241 Appointment: DPW - memo of recommendation from JS to JP
242 Public Hearing: Tax Classification - public hearing notice, classification options FY-18 A-F; Average Single Family Tax Bill FY-18 vs FY-17; tax rates of various communities; chart of average single family value and tax rate 1975-2017
243 Discussion/Update - meeting invite to reps of each; email from Planning, JC to BM update on BBW;
  ▪ Bonefish Grill -
  ▪ Burlington Beerworks -
  ▪ Romano’s Macaroni Grill -
244 Public Hearing: Transfer All Alcohol From Knights of Columbus 8 Blanchard Road To: Bickford’s Family Restaurant, d/b/a Bickford’s Grille 6 Cambridge Street - public hearing notice; letter from SMG to JP re Liquor License Transfer Burlington Forty Niners to Bickfords; Application for a retail alcoholic beverages license; minutes of special meeting of directors dated July 1, 2017; floor plan; applicant's statement; business entity summary from the state; Articles of Organization of Knights; agreement by and between Knights and Bickfords;
245 Public Hearing: Transfer Wine & Malt From Bickfords Grill 6 Cambridge Street To: Knights of Columbus 8 Blanchard Road - public hearing notice; letter from Bickfords to BOS; monetary notice; petition for license transaction; application for a retail alcoholic beverages license; applicant's statement; agreement by and between Knights and Bickfords;
246 Public Hearing: New All Alcohol Restaurant Liquor License Two for Seven Restaurant Group LLC and BB Burlington, LLC 400 District Avenue Marriot Residence Inn Hotel (Reclassification as a Restaurant) - public hearing notice; note to BOS on transaction; letter from R&B to JP re BB Burlington reclassification request; monetary transmittal; application for a retail alcoholic beverages license; applicant's statement;
247 Public Hearing: Transfer All Alcohol From: State Road Liquor Mart, Inc. d/b/a Busa Liquors To: Total Wine Spirits Beer & More d/b/a Total Wine Spirits Beer & More (Licensee) 34 Cambridge Street, Unit 10 - public hearing notice; letter to staff and responses; letter from R&B to JP re Total transfer from Busa; floor plan; application for a retail alcoholic beverages license; applicant's statement; listing of Total Wines; ownership structure;
248 Review: January Warrant Articles - list of two warrant articles for zoning
249 Subcommittee Reports -
250 Town Administrator’s Report -
251 Chairman’s Report -
252 Old/New Business -
Citizen’s Time -
ADJOURN -