TOWN OF BURLINGTON, MA
BOARD OF SELECTMEN
MINUTES
General Session - 7:00 p.m.
Burlington Town Hall, Main Hearing Room

MONDAY, DECEMBER 14, 2015

Board of Selectmen Present: Michael Runyan, Chairman; Christopher Hartling, Vice-Chairman; Robert Hogan; Daniel Grattan; Joseph Morandi

Also Present: John Petrin, Town Administrator

Pledge of Allegiance/Moments of Reflection
The Board of Selectmen (BOS) meeting was called to order at 7:00 p.m. followed by the Pledge of Allegiance.

225 Approval: Appointment

1. Boards and Committees

2. Department of Public Works

1. Boards and Committees

Cultural Council: Town Administrator, John Petrin, (T.A. Petrin) said there are openings available on the Cultural Council. He appointed the following and requested the BOS waive the standard 15-day period.

Appointments - 2016: Sandra Coveno and Antoinette Faria; 2017 Joyce Fay, Barbara Fisher, Brenda Fisher; 2018: Joanne Kinchla, Judi Lichtenfels, Carolyn Little and Teresa Pignatone. A posting will be placed in the newspaper to fill existing vacancies.

Motion: Selectman Hogan moved to waive the standard 15-day waiting period for the appointments to the Cultural Council as discussed. Seconded by Selectman Morandi and approved. (5-0-0)

Council on Aging: Carol Parker was appointed as a board member of the Council on Aging by T.A. Petrin who requested the BOS waive the standard 15-day waiting period.

Motion: Selectman Hogan moved to waive the standard 15-day waiting period for the appointment of Carol Parker as a board member on the Council on Aging. Seconded by Selectman Morandi and approved. (5-0-0)

2. Department of Public Works

Highway Lead Foreman, Bob McMahon: John Sanchez, Director, DPW said Bob McMahon has been employed in the town since 1987 with the majority of experience being in the Highway Division. He recommended Mr. McMahon to the position of Highway Lead Foreman to replace retiring Jay Marchese.

T.A. Petrin agreed with this recommendation and appointed Mr. McMahon to this position and requested the BOS waive the standard 15-day waiting period.
Motion: Selectman Hogan moved to waive the standard 15-day period for the appointment of Bob McMahon to the position of Highway Lead Foreman. Seconded by Mr. Morandi and approved. (5-0-0)

Highway Working Foreman, Frank Anderson: Mr. Sanchez said Frank Anderson is employed in the buildings and Cemeteries Division and has demonstrated a supervisory quality and recommend Mr. Anderson for the position of Highway Work Foreman to fill Mr. McMahon's position. T.A. Petrin agreed with recommendation and appointed Mr. Anderson to this position and recommended the BOS waive the 15-day waiting period.

Motion: Selectman Hogan moved to waive the standard 15-day period for the appointment of Frank Anderson to the position of Highway Working Foreman. Seconded by Mr. Morandi and approved. (5-0-0)

226 Approval: All Alcohol/New Year's Eve Extension of Hours Cafe Escadrille/26 Cambridge Street
Motion: Selectman Hogan moved to approve the request for an all alcohol/New Year's Eve extension of hours to 2:00 a.m. for Café Escadrille, 26 Cambridge Street on New Year's Eve, Thursday, December 31, 2015. Seconded by Selectman Morandi and approved. (5-0-0)

227 Approval: AMC Theatre Burlington/Extension of Operating Hours Request
Former AMC manager, Trish McDonald, was present with new manager, Mike Farr, seeking BOS approval to extend viewing hours on the nights of Thursday, December 17, Friday the 18th and Saturday the 19th to start their special features late. The last showing will start at 12:30 a.m. with final guests departing around 3:00 a.m. They will coordinate with the Police Department. The Police Department had no issues with this request and there have been no incidents. The BOS were satisfied with this request.

Motion: Selectman Hogan moved to approve the request of AMC Theatre Burlington for extended hours as requested. Seconded by Mr. Grattan and approved. (5-0-0)

228 Approval: Military Low-Income Housing/Refinance 131 South Bedford Street
The property owner is seeking BOS approval to refinance the existing mortgage at this Burlington controlled low income home in order to reduce the payment period. Jim Doherty, Assistant Assessor, worked on this request with the homeowner and was satisfied with the request.

Motion: Selectman Hogan moved to approve the housing refinance at 131 South Bedford Street as presented based on the information provided. Seconded by Selectman Hartling and approved. (5-0-0)

229 Approval: Designer Selection Law/Written Designer Selection
Kate Moskos, Purchasing Analyst, was present seeking BOS approval of the Designer Selection Law. This law requires municipalities and other local public agencies to adopt written designer selection procedures to set up rules and guidelines when contracting for design services for any building
construction, reconstruction, alteration, remodeling or repair project that has an estimated construction cost of more than $100,000 and an estimated design fee of $10,000 or more. This policy must be in place.

Motion: Selectman Grattan moved to approve the Designer Selection Law for the Town of Burlington. Seconded by Selectman Hogan and approved. (5-0-0)

230 Hearing: All Alcohol License, Change of Manager
Mac Acquisition of Delaware
d/b/a Romano's Macaroni Grill, 50 South Avenue

Deana Morris was present to request BOS approval to be manager at Romano's Macaroni Grill. She said she has been with the restaurant for thirteen years, attended a culinary school, and her work experience has always been in restaurants. Selectman Grattan asked if this is her first experience as a general manager. She said she has been a service manager and now general manager and has done every task involved in the business. Her average work week is 60 hours and she is TIPS certified. T.A. Petrin asked about the status of this restaurant, and she said they were bought out in April, they are staying open, and they will not be changing the concept. T.A. Petrin reminded Ms. Morris of the town's alcohol rules and regulations and that alcohol consumption is a subsidy to the function of eating, and she said she understood.

Motion: Selectman Hartling moved to approve the change of manager for the All Alcohol License for MacAcquisition of Delaware d/b/a Romano's Macaroni Grill, 50 South Avenue. Seconded by Selectman Morandi and approved. (5-0-0)

231 Hearing: All Alcohol License, Change of Manager
Burlington Forty-Niners Inc.
d/b/a Burlington Knights of Columbus/8 Blanchard Road

Michael Judge was present to request BOS approval to be manager at the Burlington Knights of Columbus. He said he has been a long time Burlington resident and is currently the club's president. He said he works at the Score Board in Woburn and Tavern in the Square and is comfortable with being the club's manager.

Mr. Judge explained that there are 430 members and 50 are active members. T.A. Petrin discussed the hours that should be met and that the license is to be used to its capacity. He added that this is a full liquor license and holds the same status as the larger restaurants in the community and that by ABCC law they must maintain certain hours in order to keep the license. He said he understood.

T.A. Petrin reminded Mr. Judge of the town's alcohol rules and regulations, and he said he understands.

Motion: Selectman Hogan moved to approve the All Alcohol License, Change of Manager for Michael Judge at Burlington Forty-Niners d/b/a Burlington Knights of Columbus, 8 Blanchard Road. Seconded by Mr. Morandi and approved. (4-0-1 with Selectman Hartling abstaining)
232 Hearing: All Alcohol License, Change of Manager
Nordstrom, Inc. d/b/a Nordstrom Blue Stove
75 Middlesex Turnpike Suite 124

Vilma Steeves was present with Rob Brown seeking BOS approval to be manager of Nordstrom Blue Stove. Ms. Steeves said she has been in the restaurant business for the past twelve years 12 years with Unos and her background has been in the restaurant business. She described the menu and environment at the Blue Stove. T.A. Petrin reminded Ms. Steeves of the town's alcohol rules and regulations and that alcohol consumption is a subsidy to the function of eating, and he said he understood.

Motion: Selectman Hogan moved to approve the All Alcohol License, change of manager for Vilma Steeves at Nordstrom, Inc. d/b/a Nordstrom's Blue Stove, 75 Middlesex Turnpike. Seconded by Selectman Morandi and approved. (5-0-0)

233 Hearing: All Alcohol License, Change of Manager
Burlington Hospitality LLC d/b/a L’Andana Grill
86 Cambridge Street

Hoshang Dadrass was present seeking BOS approval to be manager of L’Andana Grill. Mr. Dadrass said he has been with various L’Andana Restaurants for more than nine years. He explained the hours of operation and described the menu at this restaurant. He added that the full staff is TIPS certified and registered with the Burlington Police Department. Selectman Morandi reminded Mr. Dadrass of the town's alcohol rules and regulations and that alcohol consumption is a subsidy to the function of eating, and he said he understood.

Motion: Selectman Morandi moved to approve the All Alcohol License, change of manager for Hoshang Dadrass at Burlington Hospitality LLC d/b/a L’Andana Grill located at 86 Cambridge Street. Seconded by Selectman Grattan and approved. (5-0-0)

234 Hearing: All Alcohol License, Change of Manager
Tuscan Kitchen Burlington LLC d/b/a Tuscan Kitchen
24 New England Executive Park

Postponed due to illness.

235 Approval: Change of Street Name and Building Renumbering for
ABCC Update

Effective January 1, 2016 the New England Executive Park will be called The District and the numbering system will change. There are two restaurants in this location with All Alcohol Licenses, Tuscan Grill and Tavern in the Square. The ABCC will be informed using their form and a date of approval from the BOS is placed on the form.

Motion: Selectman Hogan moved to inform the Alcohol Beverages Control Commission of the change of address from New England Executive Park to The District. Seconded by Mr. Morandi and approved. (5-0-0)
Approval: 2016 License Renewals:

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<th>Category</th>
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<td>Alcohol</td>
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<td>Amusement</td>
<td>Livery</td>
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<td>Auto Class I</td>
<td>Theater</td>
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<td>Auto Class II</td>
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<td>Cafeteria</td>
<td>Weigher</td>
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<td>Entertainment</td>
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T.A. Petrin recommended holding Auto Class II until the end for discussion. Chairman Runyan noted that in 2015 there establishments selling alcohol passed their compliance check. T.A. Petrin said staff confirms receipt of all taxes and fee due.

**Alcohol:**

**Motion:** Selectman Hogan moved to approve the Alcohol licenses as presented. Seconded by Selectman Morandi and approved. (5-0-0)

**Amusement:**

**Motion:** Selectman Hogan moved to approve the Amusement licenses as presented. Seconded by Selectman Morandi and approved. (5-0-0)

**Auto Class I:**

**Motion:** Selectman Hogan moved to approve the Auto Class I licenses as presented. Seconded by Selectman Morandi and approved. (5-0-0)

**Auto Class II:**

**Motion:** Selectman Hogan moved to approve the Auto Class II licenses as presented with the exception of Burlington Motors. Seconded by Selectman Hartling and approved. (5-0-0)

**Burlington Motors:** The owner has submitted a request to be allowed to have five additional cars on the property. He will be asked to attend the January 11, 2016 meeting to discuss violations reported by the Police Department as well as his request for the additional cars. It was recommended his license be approved through January 31, 2016.

**Motion:** Selectman Hogan moved to approve the Auto Class II license for Burlington Motors through January 31, 2016 and to invite the owner to the January 11 Board of Selectman meeting. Seconded by Selectman Morandi and approved. (5-0-0)

**Cafeteria:**

**Motion:** Selectman Hogan moved to approve the Cafeteria licenses as presented. Seconded by Selectman Hartling and approved. (5-0-0)

**Entertainment:**

**Motion:** Selectman Hogan moved to approve the Entertainment licenses as presented. Seconded by Selectman Morandi and approved. (5-0-0)
**Inn Holder:**
**Motion:** Selectman Hogan moved to approve the Inn Holder licenses as presented. Seconded by Selectman Morandi and approved. (5-0-0)

**Livery:**
**Motion:** Selectman Hogan moved to approve the Livery licenses as presented. Seconded by Selectman Grattan and approved. (5-0-0)

**Theater:**
**Motion:** Selectman Hogan moved to approve the Theater license as presented. Seconded by Selectman Grattan and approved. (5-0-0)

**Victuallers:**
**Motion:** Selectman Hogan moved to approve the Victuallers licenses as presented. Seconded by Selectman Hartling and approved. (5-0-0)

**Weigher:**
**Motion:** Selectman Hogan moved to approve the Weigher licenses as presented. Seconded by Selectman Morandi and approved. (5-0-0)

237 **Approval:** **Budget Operating Guidelines for FY17**
T.A Petrin said the budget process has commenced Ways and Means, the School and Government Departments. Guidelines have been established by Ways and Means and the Accounting Department has been working to create the backup. Ways and Means voted on a guideline of 4% for the operating budget, 6% for accommodated accounts and no more than a 4.5% tax levy with the goal being a 4% levy. The budget process, business and residential taxes as well as town services were discussed.

Paul Sagarino, Town Accountant, discussed the blended amount in the operating budget with respect to the town and schools with the total of both not exceeding the operating budget. Also reviewed were state aid and local receipts as well as hotel and meals taxes as well as the increased taxing capacity that has occurred from new growth.

**Motion:** Selectman Grattan moved to approve the budget operating guidelines for FY17 as submitted. Seconded by Selectman Hogan and approved. (5-0-0)

238 **Approval:** **Chapter 32B, Section 9 A 1/2 Release**
T.A. Petrin explained that this settlement agreement is good for the community and represents reimbursement from three communities that employed former Burlington employees.

**Motion:** Selectman Grattan moved to accept the full and complete of a liability claimed as specified in the agreement. Seconded by Selectman Hogan and approved. (5-0-0)
239 Approval: January 2016 Town Meeting Articles

Motion: Selectman Grattan moved to approve the January 25, 2016 Warrant Article index as to form as presented. Seconded by Selectman Hogan and approved. (5-0-0)

240 Approval: Hearing Board for Water Appeal

A homeowner wishes to appeal a water bill. It is the BOS's responsibility to serve as the public water works commission. A subcommittee of Selectman Hogan and Selectman Morandi was formed to meet and have a hearing with the homeowner.

Motion: Selectman Grattan moved to approve the January 25, 2016 Warrant Article index as to form as presented. Seconded by Selectman Hogan and approved. (5-0-0)

241 Approval: Hearing Board for Water Appeal

A homeowner wishes to appeal a water bill. It is the BOS's responsibility to serve as the public water works commission. A subcommittee of Selectman Hogan and Selectman Morandi was formed to meet and have a hearing with the homeowner.

Motion: Selectman Grattan moved to form a subcommittee of two members of the Board of Selectmen for the purpose of hearing appeals on water bills. Seconded by Selectman Morandi and approved. (5-0-0)

241 Hearing: Minutes

1. November 9, 2015 General Session
2. November 16, 2015 General Session

1. November 9, 2015:

Motion: Selectman Hogan moved to approve the minutes of November 9, 2016 as submitted. Seconded by Selectman Morandi and approved. (4-0-1 with Selectman Hartling abstaining)

2. November 15, 2015:

Motion: Selectman Hogan moved to approve the minutes of November 16 as submitted. Seconded by Selectman Grattan and approved. (5-0-0)

242 Subcommittee Reports

Selectman Grattan

The Audit Committee meetings are winding down and Powers and Sullivan are expected to present their exit audit report in January or February.

Selectman Hartling

The Burlington Area Chamber of Commerce is planning their annual holiday networking event.

There will be a public information session with the Selectmen, State Rep. Ken Gordon, Senator Ken Donnelly and representatives from Mass DOT on December 21 to review revisions for exits and entrances of Route 3 where it meets 95.

Selectman Morandi

Annual Christmas tree lighting was a successful event. There were refreshments and fireworks. The small Christmas tree project was cancelled due to the lack of electricity capacity. This will be addressed in the future. He met with members of the DPW, Land Use Committee and Tom Hayes to discuss future plans for the town's sidewalks.
243 **Town Administrator's Report**
T.A. Petrin reported that there will be Friendly 40B meetings and discussions.

The town's holiday party was being held December 18. T.A. Petrin said he the town has a great staff and he is proud to be part of the team.

244 **Chairman's Report**
Chairman Runyan thanked all of those who volunteered during 2015, including students.

Officer Bernie Schipelliti was on the cover of the recent AAA newsletter on the subject of seat belts.

He also thanked Bob and Elaine Zuccaro for beautifully maintaining the town common and other areas of the town.

He also thanked the town staff for all their efforts and acknowledged the efforts made by the other members of the BOS.

245 **Old/New Business:** None.

**Citizen's Time:** No one spoke.

**Adjourn**

**Motion:** Selectman Grattan moved to adjourn at 8:20. 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, DECEMBER 14, 2015

Agenda

225 Approval: Appointments -
   1. Board and Committees/10/18/15 ltr from Carol Parker to J Petrin re COA
   2. Department of Public Works/11.12/9/15 memo from J Sanchez to JP re Highway Lead Foreman; 2. 12/9/15 memo from JS to JP re Highway Working Foreman

226 Approval: All Alcohol/New Year's Eve Extension of Hours - 11/25/15 ltr from Cafe Escadrille to JP/emails to and from staff approval

227 Approval: AMC Theatre Burlington/Extension of Operating Hours Request - emails to and from staff re approval/record of attendance at amc/copy of minutes of 11/17/14 - 1 page

228 Approval: Military Low-Income Housing/Refinance - 12/9/15 emails to and from Ken Mayo home owner; letter of approval from METRO; account information; property info patriot; 12/2/15 memo from JP to J Doherty re comment; deed restriction

229 Approval: Designer Selection Law/Written Designer Selection -11/10/15 memo from K Moskos to BOS - designer selection procedures draft

230 Hearing: All Alcohol License, Change of Manager/Mac Acquisition of Delaware/ d/b/a Romano's Macaroni Grill, 50 South Avenue - 10/30/15 ltr from Macaroni Grill to BOS re change of manager; petition for change of license; manager application; personal information form; written consent MAC Acquisition LLC; birth certificate manager; ServSafe

231 Hearing: All Alcohol License, Change of Manager/Burlington Forty-Niners Inc. d/b/a Burlington Knights of Columbus/8 Blanchard Road - Petition for Change of License; Manager application; personal information form; affidavit; birth certificate of manager; tips card;

232 Hearing: All Alcohol License, Change of Manager/Nordstrom, Inc. d/b/a Nordstrom Blue Stove/75 Middlesex Turnpike Suite 124 - 12/15/15 ltr from Nordstrom to BOS re change of manager application; petition for change of license; manager application; personal information form; certificate of secretary; passport, driver's license and ServSafe for manager

233 Hearing: All Alcohol License, Change of Manager/Burlington Hospitality LLC d/b/a L'Andana Grill/ 86 Cambridge Street - 12/7/15 ltr from R&B to BOS re change of manager; petition for change of license; manager application with additional page; personal information form; manager's certificate; action by written consent of the managers and the members; approval of articles; driver's license, passport; naturalization papers; tips and servsafe cert

234 Hearing: All Alcohol License, Change of Manager/Tuscan Kitchen Burlington LLC d/b/a Tuscan Kitchen/24 New England Executive Park - petition for change of license; manager application; personal information form; manager's certificate; action by written consent of the members; passport

235 Approval: Change of Street Name and Building Renumbering for ABCC Update - 12/14/15 ltr from bcm to bos re change of street name for form 43; memo from building re neep street and number changes to the district; map and new numbers for the district;

236 Approval: 2016 License Renewals: - 12/14/15 memo from jp to bos re all license renewals; 12/3/15 memo from Sgt McDonough to JP re department check/alcohol license renewal; 12/3/15 ltr and list from Off. Sheppard re efforts to register alcohol servers; bos dept list of alcohol
<table>
<thead>
<tr>
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<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>237</td>
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</tr>
<tr>
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</tr>
<tr>
<td>239</td>
<td>Approval: January 2016 Town Meeting Articles - warrant article table of contents</td>
</tr>
<tr>
<td>240</td>
<td>Hearing: Hearing Board for Water Appeal -</td>
</tr>
<tr>
<td>241</td>
<td>Minutes/1. Nov 9, 2015 General Session/2. Nov 16, 2015 General Session -</td>
</tr>
<tr>
<td>242</td>
<td>Subcommittee Reports</td>
</tr>
<tr>
<td>243</td>
<td>Town Administrator's Report</td>
</tr>
<tr>
<td>244</td>
<td>Chairman's Report</td>
</tr>
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