TOWN OF BURLINGTON, MA  
BOARD OF SELECTMEN  
MINUTES  
General Session - 7:00 p.m.  
Burlington Town Hall, Main Hearing Room  
MONDAY, JUNE 13, 2016

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

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 and a moment of silence for all who have lost their lives during recent tumultuous events.

141 Recognition:  Accounting/Certificate of Achievement for Excellence 7:02 p.m. In Financial Reporting
Postponed.

142 Appointments:  Board and Committees/Annual Appointments
• Cultural Council: Town Administrator John Petrin (T.A. Petrin) appointed two new members, Roberta Lasky and Dorothy MacDonald, to the Cultural Council and re-appointed the remainder of the committee.

The members of the following committees were reappointed by T.A. Petrin:
• Beautification Committee  • Conservation Commission  
• B-Line Advisory Committee  • Council on Aging  
• Board of Registrars  • Disability Access Commission  
• Cable Advisory Committee  
• Cemetery Oversight Committee  
• Housing Partnership: Housing and Board of Appeals member Charles Viveiros understands that he must recuse himself from any 40B items that come before the Board of Appeals.

The BOS were requested to waive the standard 15-day waiting period on these appointments.

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

Board of Appeals: The BOS agreed to wait on the reappointments of the Board of Appeals (BOA) until comments are received from BOA Chairman John Alberghini.
Approval: Use of Town Common/Youth Public Safety Academy Community Day

Middlesex Sheriff's Office

Kenneth Doucette, Director, Community Affairs at the Middlesex Sheriff's Office was present seeking BOS approval for the Youth Public Safety Academy (YPSA) to use the Town Common for lunch and activities during their annual event taking place on Wednesday July 6, 2016 from 8:15 a.m. to 2:30 p.m. Requests have been submitted for the group to visit the Police and Fire Departments. The BOS agreed stating this is a successful program.

Motion: Selectman Hogan moved to approve the use of the Town Common by the Middlesex Sheriff's Office for the Community Affairs Youth Public Safety Academy for activities and lunch taking place on Wednesday July 6, 2016 from 8:15 a.m. to 2:30 p.m. Seconded by Selectman Morandi and approved. (5-0-0)

Approval: Street Closing for Private Wedding/1 County Road

Tarel Patel was present representing applicant Pinal Patel who is seeking BOS approval to close for safety reasons County Road July 15, 2016 during a private wedding ceremony with music from 8:00 a.m. to 1:00 p.m. Activities will take place in the family's yard. They are expecting 300 guests. The Burlington Church of Christ across the street is allowing parking for up to 40 vehicles. T.A. Petrin commented that details would be necessary for the guests crossing Cambridge Street. The family will be contacting the Police Department to work out the logistics for detail. The BOS recommended Ms. Patel seek approval from the neighbors and T.A. Petrin asked that the petitioner apprise staff of a parking plan and conversations that take place with police.

Motion: Selectman Hogan moved to approve the request to close County Road, on July 15, 2016 from 8:00 a.m. to 1:00 p.m. with conditions that the applicant contact neighbors and work with staff and police with respect to a parking plan and police detail. Seconded by Selectman Morandi and approved. (5-0-0).

Approval: Certificate of Adoption/A Resolution Adopting the Town of Burlington Hazard Mitigation Plan/FEMA

T.A. Petrin explained the final step required for formal FEMA approval of Burlington's Hazard Mitigation Plan Update as submitted by the Planning Department for emergency management planning. Each town is required to have a plan. The Planning Board and Board of Health were congratulated for their continued work on emergency management.

Motion: Selectman Hogan moved to approve the Certificate of Adoption, A Resolution Adopting the Town of Burlington's FEMA Hazard Mitigation Plan. Seconded by Selectman Runyan and approved. (5-0-0)

Cont’d. Approval/Earth Moving Permit 154-160 Cambridge Street

Public Hearing: (Formerly Building 19 ½)

(From 5/23)

T.A. Petrin said meetings have been held with the Planning Board, Board of Health and the developer. There is a plan in place to ensure that all the unpermitted dirt placed at the site is completely removed and the site inspected following removal. It was recommended that a motion be made to continue this item to June 27, 2016 at which time all the earth is expected to be removed and the proponents may then request to withdraw their request for a permit.

Motion: Selectman Hogan moved to continue the public hearing for an earth moving permit for 154-160 Cambridge Street until June 27, 2016. Seconded by Selectman Morandi and approved. (5-0-0)
Discussion: Municipal Aggregation Update
T.A. Petrin reported that new rates released by Eversource at 8.208 cents per kilowatt hour are lower than the 9.62 cents on the town's municipal aggregation agreement with Colonial Power Group. The savings seen over the first seven months were reviewed, and if residents wish to opt out of the agreement, they are to call Colonial Power Group.

Cont’d. Approval/Application for New Wine & Malt License
Public Hearing Gasoline Retailers, Inc. d/b/a Burlington Mobil
(from 4/11 & 5/23) 173 Bedford Street
Present were Assad Nasr, owner, with Attorney Mark Vaughan, Riemer & Braunstein seeking BOS approval for a wine and & malt license for this combination gas station/convenience store on the Bedford town line. The product floor plan will be reconfigured to accommodate regulations for the control of sale of alcohol and cash register will be fitted to register an alcohol sale. The owner has five similar locations with alcohol licenses and has a great deal of experience. With respect to public need, Attorney Vaughan commented that the next closest seller of alcohol is one mile away and there are no direct residential abutters. A petition of approval with 120 signatures was submitted. They understand the BOS's concerns regarding traffic at this location and Attorney Vaughan stated that records indicate this is not a high accident area.

The BOS agreed this is a good business neighbor, but the majority agreed with the submitted comments provided by the Planning and Police Departments indicating that they were opposed to the sale of alcohol in a convenience store setting. Chairman Grattan stated his concern for the potential of the store to be left unattended if cashier must attend to the pumps.

There were no comments from the public.

T.A. Petrin noted that concerns include traffic, parking lot configuration and capacity, separation of alcohol and non-alcoholic items is an issue as well as capacity and stock and whether or not Burlington residents were mainly being serviced.

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

Motion: Selectman Morandi moved that the Board of Selectman deny approval of the Application for a new Wine & Malt license for Gasoline Retailers, Inc. d/b/a Burlington Mobil, 173 Bedford Street. Seconded by Selectman Hartling and approved. The motion passed to deny the request for a wine and malt beverages alcohol license. (4-1-0 with Chairman Grattan opposing)

Public Approval/Application for New All Alcohol License
Hearing ICOB Burlington, LLC d/b/a Island Creek Oyster Bar
300 District Avenue (Special Legislation)
Present were Attorney Vaughan with manager, John Phillip Shorey Gregory seeking BOS approval for a new all alcohol license for ICOB Burlington, LLC d/b/a Island Creek Oyster Bar, 300 District Avenue. The application includes a request for a Pledge of License for ABCC review. This request is one of three all alcohol licenses granted under special legislation and would be restricted to this district.
Attorney Vaughan said this full service restaurant will specialize in seafood. Seating capacity will be 265 of which 40 will be in the outdoor patio area. There will be an oyster bar station. Parking will be behind the building with valet parking available.

The members reviewed the seating plan of the restaurant and patio and seating at check-in area. The petitioner was reminded of the town's strict alcohol regulation and that drinking is secondary to eating. Guests waiting to be seated may wait inside, and there will be signage that only patrons seated in an area for dining will be served alcohol. All seating areas will have a full menu.

A question was raised about the pledge of license, and T.A. Petrin explained that the local licensing authority approves the alcohol license floor plan application with the petitioner being responsible for the pledge of the license. It does not affect the special legislation and this license will be tied to this district.

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 Morandi moved that the Board of Selectman approve the Application for a new All Alcohol License for ICOB Burlington, LLC d/b/a Island Creek Oyster Bar, 300 District Avenue under Special Legislation per the district with the floor plan as submitted. Seconded by Selectman Hartling.

*Discussion: Upon questioning by Chairman Grattan Mr. Gregory said he will continue to be the manager after the opening of the restaurant.*

Motion approved. (5-0-0)

**Approval:** Minutes: April 11, 2016 General Session

**Motion:** Selectman Hogan moved to approve the minutes of April 11, 2016 as submitted. Seconded by Selectman Hartling and approved. (5-0-0)

**Subcommittee Reports**

Selectman Runyan offered condolences to the victims of Orlando nightclub shooting.

Representative Ken Gordon has announced that the Federal Highway Administration approved a plan for improvements along Rt. 128/Rt. 3 corridor. He commented on the forum that was held by Rep. Gordon were Department of Transportation officials outlined improvement plans. Construction is expected to begin before the end of the year. Rep. Gordon and Senator Ken Donnelly were thanked for their efforts on this project.

Cheryl Shafman and other volunteers were thanked for the fine work accomplished for the recent Relay for Life and the overnight walk at Burlington High School.

A July 4th fireworks fundraiser is being held on June 14 at Kings Bowl.

Selectman Morandi mentioned that the Board of Selectmen had proclaimed June 5, 2016 as Miss Massachusetts Whitney Sharpe day in Burlington. She did a fine job representing Massachusetts in the Miss USA contest.
Town Administrator's Report
T.A. Petrin congratulated Chris Hanafin and Jen Goldsmith on their first Memorial Day program and stated there was a good crowd. The event was held indoors because of rain. The grounds of the cemeteries are in great shape.
Selectman Hogan thanked Steve Doyle, custodian, for the quick set up for the indoor ceremony and refreshments.

Residents were reminded of the Farmers Market on the Town Common and summer recreation programs.

Chairman’s Report
Chairman Grattan congratulated Burlington High School seniors on their recent graduation. The event was held indoors because of rain. Kings Bowl and staff were thanked for hosting the All Night Graduation Party.

Old/New Business
Set Date/Strategic Planning Session
July 18, 2016 was selected for the Strategic Planning Session.

Citizen's Time
Kelly Kaloosi, student in Community Psychology was present to do a course study in a community meeting. Selectman Morandi said he would speak with her after the meeting.

Adjourn
Motion: Selectman Hartling moved to adjourn at 8:50 p.m. Seconded by Selectman Morandi and approved. (5-0-0)

Submitted by,

Betty McDonough
Recording Clerk
Agenda

141 Recognition: Accounting/Certificate of Achievement for Excellence In Financial Reporting - summary of grading; 5/23/16 letter from Government Finance Officers; certificate to present to town; certificate to resent to accounting; news release from town

142 Appointments: Board and Committees/Annual Appointments - letters from Lasky and MacDonald for Cultural Council;

143 Approval: Use of Town Common/Youth Public Safety Academy Community Day/Middlesex Sheriff’s Office ltr received 6/6/16 from Middlesex Sheriff’s Office re request to use common for youth public safety academy one day request; support letters from police and fire no issue

144 Approval: Street Closing for Private Wedding/1 County Road - 6/8/16 event request for 7/15/16 wedding; permission to park letter from Burlington Church of Christ; 6/10/16 email from S Yetman no issue; 6/8/16 email from M Kent no issue

145 Approval: Certificate of Adoption/A Resolution Adopting the Town of Burlington Hazard Mitigation Plan/FEMA - Certificate of Adoption of Resolution Adopting the Town of Burlington Hazard Mitigation Plan 2016 Update; 5/27/16 email from kristen kassner re vote required of selectmen

146 Cont’d. Public Hearing: Approval/Earth Moving Permit: 154-160 Cambridge Street (Formerly Building 19 ½) - public hearing notice; 5/4/16 memo from J Petrin to staff re earth moving permit; bnens article re earth placement; 6/7/16 email from bos staff to j clancy re earth removed no permit needed; 6/2/16 email from boh to bos re earth removal; 6/6/16 email from betty to kristen re earth moving; 5/6/16 email from T Hayes re no comments; 5/9/16 email from S Yetman re no issue; 5/16/16 email from john keeley to bos staff re conservation comment; 6/6/16 email from M Kent re will differ to other staff recommendations; 4/19/16 ltr from riemer re earth moving; 1/13/16 email from mark vaughan, riemer to kristen kassner re earth moving

147 Discussion: Municipal Aggregation Update - 6/8/16 bnews article re increase in power rate

148 Cont’d. Public Hearing: Approval/Application for New Wine & Malt License, Gasoline Retailers, Inc. d/b/a Burlington Mobil (from 4/11 & 5/23) 173 Bedford Street - public hearing notice; 3/21/16 ltr from mark vaughan to bos re petition for issuance of on premises retail wine and malt beverages license; 5/16/16 email from kristen kassner to bos staff re convenience store request to sell alcohol; 4/10/16 memo from m kent to john petrin re liquor license; Application for retail alcoholic beverage license; applicant's statement; personal information form, assad nasr; personal information form and license and passport for suzanne nasr; personal information form stephanie nasr and passport and license; personal information form mohamed neglawi; manager application; passport and license and resume for neglawi; secretary's certificate; Exhibit A Gasoline retailers, inc certificate of vote; amendment and extension of PMPA franchise agreement; mass. articles of organization; mass statement of change of supplemental information; petition from approx. 120 Burlington residents supporting application

149 Public Hearing/Approval/Application for New All Alcohol License Hearing ICOB Burlington, LLC d/b/a Island Creek Oyster Bar 300 District Avenue (Special Legislation) - 5/18/16 memo to staff and responses; public hearing notice; 5/12/16 ltr from riemer to j petrin re application; interior plans - 3 pages, application for retail alcoholic beverage license; applicant's statement; petition for change of license; manager application and resume for john philip shorey gregory; personal information form, passport, TIPS cert; Exhibit A approving request from management; state annual report

150 Approval: Minutes: April 11, 2016 General Session
151 Town Administrator's Report -
152 Chairman's Report -
153 Old/New Business: Set Date/Strategic Planning Session -
   Citizen's Time -