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

MONDAY, JULY 18, 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.

168 Appointments: • Board and Committees/Annual Appointments
• Police Department
• DPW

Promotion: • Fire Station Building Committee

• Board and Committees/Annual Appointments
Town Administrator John Petrin (T.A. Petrin) put forth his recommendations for reappointments to the Youth & Family Services and Rink Oversite Committees and requested the BOS waive the standard 15-day waiting period. Some committees which still have vacancies.

Motion: Selectman Morandi moved to waive the standard 15-day waiting period for the reappointments to the Youth & Family Services and Rink Oversite Committee. Seconded by Selectman Hartling and approved. (5-0-0)

• Police Department
Postponed.

• DPW
DPW Director John Sanchez was present to recommend resident Brian McCarthy to the position of Motor Equipment Repairman who has experience in the repair of diesel engines and heavy equipment and hydraulics. T.A. Petrin agreed with this recommendation and appointed Brian McCarthy to the position and 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 Brian McCarthy as Motor Equipment Repairman. Seconded by Selectman Morandi and approved. (5-0-0)
Promotion:  ▪ Fire Station Building Committee
T.A. Petrin appointed the following as members of the Fire Station Building Committee: Bob Hogan, Selectman liaison; John Petrin, Town Administration; Steve Yetman, Fire Command; Michael Hardy, Ways & Means; Adam Senesi, Capital Budget; Kent Moffatt, Citizen, John Sanchez as a non-voting representative for Facilities. At this time they are still seeking a representative for the Fire Union. He requested the BOS waive the standard 15-day waiting period.

Motion: Selectman Morandi moved to waive the standard 15-day waiting period for the Fire Station Building Committee. Seconded by Selectman Hartling and approved. (5-0-0)

169 Update:  ▪ DPW - Water and Roads
John Sanchez said that the Department of Environmental Protection declared a drought watch for the area. He was seeking BOS approval for additional restrictions for outdoor irrigation to be limited to one day a week per precinct outside the hours of 9:00 a.m. and 5:00 p.m. or completely disallowing outdoor watering. The public would be made aware through reverse 911, the newspaper and BCAT. DPW monitors usage and warnings and fines will be sent to those not in compliance. Newly established lawns and gardens may be watered outside of the hours of 9:00 a.m. and 5:00 p.m.

Mr. Sanchez also requested that the Town Administrator be allowed to implement a full water ban if necessary. Well owners at this time are not regulated. Full information will be on the Town's website.

Motion: Selectman Morandi moved support the request to allow irrigation watering per precinct and to allow the Town Administrator to implement a full water ban if necessary. Seconded by Selectman Hogan and approved. (5-0-0)

MISCELLANEOUS:
Paving Update:
Mr. Sanchez said upcoming road improvements include Burlington Mall Road from South Bedford Street to Cambridge Street; south on the Middlesex Turnpike from Terrace Hall; and the new sidewalks on Bedford Street with projects expected to be completed by the end of August. The main Town Hall parking lot is completed and future projects include the Center Street Fire Station and Simonds Park parking lot. Illegal dumping was discovered at the Ice Palace and paving at this location has been delayed. The Middlesex Turnpike MassWorks grant project from 128 to the Lexington town line and the Lucaya Pump Station rehab are both out for bid.

170 Approval:  ▪ Disability Access Commission/Handicap Parking Fine Fund
  1 ▪ Handicap Parking Ticket Funds for Special Detail/Parking Enforcement and Portable Restrooms for Recreation Programs
  2 ▪ Evaluation of Handicap Parking Fine Program

1 ▪ Handicap Parking (HP) Ticket Funds for Special Detail/Parking Enforcement and Portable Restrooms for Summer Recreation Programs
Disability Access Commission (DAC) Coordinator Chris Hanafin was present with member and Co-Chair Ken Tigges and Officer William Trelegan seeking BOS approval to use the handicapped parking fine fund for the following Disability Access Commission approved items:

- $5,000 Special Police detail - to enforce HP parking in conjunction with initiatives put forward by the state;
- $3,192 Recreation - to offset the cost to rent HP portable restrooms for eight program sites for six months.

Mr. Hanafin and Officer William Trelegan updated the BOS on the results of the Town's aggressive HP enforcement program which has been recognized by the state. The officers were commended for their continued diligence and recognized Officer Trelegan's leadership in ensuring the program is successful and his position on the state's task force.

**Motion:** Selectman Hogan moved to approve the use of the Handicap Parking Fine fund in the amount of $5,000 to cover special details in support of State Handicapped Parking Enforcement program. Seconded by Selectman Morandi and approved. (5-0-0)

**Motion:** Selectman Hogan moved to approve the use of the Handicap Parking Fine fund in the amount of $3,192 for HP portable restrooms as requested. Seconded by Selectman Morandi and approved. (5-0-0).

2 • Evaluation of Handicap Parking Fine Program

Mr. Hanafin reviewed the Town's adoption of the very successful HP fine fund program adopted in 1998 and recommended the BOS approve this program on a permanent basis through their authority under Mass. General Laws, Chapter 40, Section 22G. Funds collected are used for upgrades for the handicapped on town properties. Commission Co-Chair agreed that the program is successful and to keep it running. Selectman Hogan commented that in the past, DAC members were registered and trained with the Police Department to write up violations, but this was practice was ceased as unsafe at the recommendation of the Police Department. Chairman Grattan agreed that this worthwhile program should continue.

**Motion:** Selectman Hogan moved that the Board of Selectmen adopt Massachusetts General Law, Chapter 40, Section 22G on a permanent basis. Seconded by Selectman Morandi and approved. (5-0-0)

171 Approval: Veterans Services - Burlington/Purple Heart Town

Veterans' Director Chris Hanafin was present to request consideration to officially proclaim the Town of Burlington as a Purple Heart Town. He explained the awarding of the Purple Heart. If approved by the BOS he said this would establish that Burlington recognizes those who were wounded serving and defending their country. Mr. Hanafin would handle the submission process, and if accepted, a proclamation will be created to hang in the Town Hall.

**Motion:** Selectman Hogan moved that the Veterans' Office apply to have Burlington designated as a Purple Heart Town. Seconded by Selectman Morandi and approved. (5-0-0)

172 Approval: Treasury - Bond Anticipation Note

Brian Curtin, Town Treasurer, was present to request the BOS review, and if approved, sign the necessary documents and the bond Anticipation Notes for the financing for several projects as submitted. He included Sale Bid Results for the projects. Century Bank was the winning bidder with a coupon rate of 1.20% for the $730,000 note for
Meadowbrook School HVAC upgrade. Jeffries LLC was the winning bid of 0.7304% for the $4,400,000 projects as submitted. The temporary financing will be available on July 22, 2016 and will mature July 21, 2017.

**Motion:** Selectman Morandi moved to approve one Bond Anticipation Note in the amount of $730,000 as discussed. Seconded by Selectman Hogan and approved. (5-0-0)

**Motion:** Selectman Morandi moved to approve one Bond Anticipation Note in the amount of $4,400,000 as discussed. Seconded by Selectman Hogan and approved. (5-0-0)

**Approval:**

**173 Block Parties**

1 • Drake Road

2 • Arthur Murray Dance Studio/Annual Request

171 Cambridge Street

**1 • Drake Road**

Alyson Magliozzi, 93 Drake Road, was present seeking BOS approval to close a portion of Drake Road for a block party on August 14 from 2:00 p.m. to 6:00 p.m. The area would be from Chandler Road to Spring Valley Road. As requested by Police and Fire, movable barriers would be used for emergency vehicle access and bouncy houses would not be allowed on the public street. Parking of vehicles is not recommended for the area, but if this is impossible, parking would only be allowed on one side.

**Motion:** Selectman Morandi moved to allow a block party on Drake Road as described on August 14, 2016 from 2:00 p.m. to 6:00 p.m. Seconded by Selectman Hogan and approved. (5-0-0)

**2 • Arthur Murray Dance Studio/Annual Request/171 Cambridge Street**

It was noted that this is an annual event that takes place in the parking lot of the Arthur Murray Dance Studio. The requester is to follow standard Fire and Police Department recommendations. The request is for July 22, 2016 from 6:00 p.m. to 9:30 p.m.

**Motion:** Selectman Hogan moved to allow a block party in the back parking lot of the Arthur Murray Dance Studio on July 22, 2016 from 6:00 p.m. to 9:30 p.m. Seconded by Selectman Runyan and approved. (5-0-0)

**Approval:**

**174 Town Clerk**

1 • Election Workers

2 • Warrant for September 8, 2016 State Primary

3 • Early Voting - November 2016 Presidential Election

4 • Annual Town Election - April 8, 2017

5 • September 26, 2016 Town Meeting/

   Two Day Postponement to September 28

**1 • Election Workers**

Amy Warfield, Town Clerk, was present. The list of elections workers for FY 2017 was presented.

**Motion:** Selectman Hogan moved to approve the list of election workers as submitted for FY 2017. Seconded by Selectman Morand and approved. (5-0-0)
2 • Warrant for September 8, 2016 State Primary

Motion: Selectman Hogan moved to approve the Warrant for 2016 State Primary. Seconded by Selectman Morandi and approved. (5-0-0)

3 • Early Voting - November 2016 Presidential Election
Ms. Warfield said early voting for the Presidential and senatorial, etc. elections would be allowed to take place on week days for a two week period prior to November 8 election day. Early voting will take place in the main hearing room at Town Hall.

Motion: Selectman Hogan moved to approve the use of the main hearing room for early election to take place the two weeks prior to the election with times as submitted. Seconded by Selectman Morandi and approved. (5-0-0)

4 • Annual Town Election - April 8, 2017
Ms. Warfield recommended that the Annual Local Town Election take place on April 8, 2017.

Motion: Selectman Hogan moved to approve that the Annual Local Town Election take place on April 8, 2017. Seconded by Selectman Morandi and approved. (5-0-0)

5 • September 26, 2016 Town Meeting/ Two Day Postponement to September 28
T.A. Petrin explained that it has been requested that Town Meeting be postponed two days from Monday, September 26 to Wednesday September 28, 2016 because Lahey Clinic is having a major opening of their emergency room with town officials and town meeting members potentially attending. This request was reviewed with Town Counsel. The Board of Selectmen's meeting would also be moved to September 28.

Motion: Selectman Hartling moved to approve to postpone Town Meeting and the Board of Selectmen's meeting by two days from Monday, September 26 to Wednesday, September 28, 2016. Seconded by Selectman Hogan and approved. (5-0-0)

Motion: Selectman Hartling moved to approve to move the Regular Board of Selectman from Monday, September 26 to Wednesday, September 28, 2016. Seconded by Selectman Morandi and approved. (5-0-0)

175 Approval: Restrictive Covenant/Town of Burlington and NEEP Investors Holdings LLC and NEEP Hotel Realty, LLC
400 District Avenue

The BOS were comfortable with the work done on the Restrictive Covenant by the Zoning Board of Appeals and agreed that it be signed.

Motion: Selectman Hogan moved to approve and sign the Restrictive Covenant/Town of Burlington and NEEP
Investors Holdings LLC and NEEP Hotel Realty, LLC, 400 District Avenue. Seconded by Selectman Morandi and approved. (5-0-0)

176 Cont'd Public Approval/New All Alcohol License (Special Legislation)
(cont'd from 6/27/16)

American Multi-Cinema, Inc.
d/b/a AMC Theatres Burlington 10
20 South Avenue

Present was Attorney Joseph Tarby, Murtha Cullina; Attorney Andrew Upton and Michael Farr, Manager of the Burlington AMC. T.A. Petrin said an issue of concern had been site conditions with respect to rubbish and broken fences. Mr. Farr said that these issues would be corrected.

The subcommittee and the proponents had met to prepare conditions and an addendum for the Towns’ Alcohol Policy and Regulations. Minor changes were made to the service bar and chairs were removed.

With respect to Condition #4, Attorney Tarby asked if addendum could be changed to include that the monitor could also seat patrons in the theater. This has worked well in one of their other facilities. They also asked if more than two drinks could be allowed. T.A. Petrin explained that guests will not be at this location for a long period and the subcommittee decided that a two drink maximum would be sufficient.

Selectman Hogan was not satisfied with a vote being taken with these requests on the table and recommended the subcommittee meet again to review the requests.

The public was invited to comment.

Burlington Parents Stand Together's co-founders Lisa Arsenault and Marilyn Belmonte talked about their organization which was formed to address risky behaviors by young adults. They said parents are concerned because the AMC Theater currently is a safe harbor without alcohol, and they are concerned there could be alcohol abuse. Attorney Tarby said it will be highly monitored.

Motion: Selectman Hogan moved to continue the public hearing for AMC to August 15, 2016 at 7:45 p.m. Seconded by Selectman Morandi and approved. (5-0-0)

177 Discussion/ Open Meeting Law AG Ruling
Review

There was a separate Open Meeting Law Complaint re-filed and the Attorney General fully reviewed the facts and concluded that the BOS did not violate the Open Meeting Law and that they consider the complaint addressed to be resolved.

178 Approval: Grant of Easement/Acceptance of Easement

1 • NEEP Investor Holdings
2 • Linear Retail

Town Counsel has advised the BOS to vote on these two warrant articles.

1 • NEEP Investor Holdings - Traffic Lights
**Motion:** Selectman Morandi moved to approve the Grant of Easement/Acceptance of Easement for NEEP Investor Holdings. Seconded by Selectman Hogan and approved. (5-0-0)

2 • Linear Retail - traffic lights

**Motion:** Selectman Morandi moved to approve the Grant of Easement/Acceptance of Easement for Linear Retail. Seconded by Selectman Hogan and approved. (5-0-0)

179 Approval: Minutes: May 23, 2016 General Session

**Motion:** Selectman Morandi moved to approve the minutes of May 23, 2016 as submitted. Seconded by Selectman Hogan and approved. (5-0-0)

180 Subcommittee Reports

Selectman Hogan announced that he would be organizing a dignified, special 9-11 ceremony to recognize first responders to be held on the Town Common.

Selectman Runyan said the Farmers Market is now on the Town Common on Thursdays through October from 2:30 to 6:30 pm.

Selectman Morandi said the bow hunting season opens in October. Applications can be found on the Town's Conservation Department website. The deadline for submission is September 1, 2016.

Selectman Hartling announced that the Master Steering Plan Committee is seeking community involvement as Burlington's future is discussed. There is a survey for residents to complete on the Town's website.

181 Town Administrator's Report

Burlington Fire and Police Community Safety Night will take place on August 3, 2016 at Wegmans. They will be highlighting equipment and Police and Fire safety.

The 4th of July committee was thanked for another successful day with music, a parade and fireworks. All volunteers were thanked.

Father Capuci of St. Malachy Church and parishioners were thanked for addressing having a mass for law enforcement community on Sunday July 17, 2016. Support was shown through singing and prayer.

182 Chairman's Report

Chairman Grattan also thanked Father Capuci and all involved in the St. Malachy Church service.

The next BOS Strategic Planning Session to set priorities will take place on July 25, 2016.

183 Old/New Business: None.
Citizen's Time: No one spoke.

EXECUTIVE SESSION:
The Chairman recommended and the BOS agreed to enter into executive session at 9:15 p.m. to continue to discuss strategy with respect to collective bargaining as an open meeting may have a detrimental effect on the bargaining position of the public body with the regular meeting convening solely for the purpose of adjourning the General Meeting.

Motion: Selectman Hogan moved the Board of Selectmen adjourn to executive session to discuss the status of the negotiation with the police patrol, police command, fire, DPW, BMEA unions and A&P and that the Board would reconvene into General Session upon conclusion of the executive session for the purpose of adjourning the General Session. Seconded by Selectman Morandi with Selectman Morandi voting aye, Selectman Grattan voting aye, Selectman Hogan voting aye, Selectman Hartling voting aye, and Chairman Runyan recusing himself. Motion approved. (4-0-0)

GENERAL SESSION RESUMED

Adjourn:

Motion: Selectman Hogan moved to adjourn at 9:45 p.m. Seconded by Selectman Hartling and approved. (5-0-0)

Submitted by,
Betty McDonough
Recording Clerk
Agenda

168 Appointments: • Board and Committees/Annual Appointments - Appointment list with Y&FS, MAPC Rep, MBTA Advisory Com and Rink Oversight Committee; • Police Department; DPW - motor equip repairman recommendation
Promotion: • Fire Station Building Committee - fire station building committee list

169 Update: DPW - Water and Roads - Drought Water Conservation report; water ban watering days

170 Approval: Disability Access Commission/Handicap Parking Fine Fund -
1 • Handicap Parking Ticket Funds for Special Detail/Parking Enforcement and Portable Restrooms for Summer Recreation Programs back up for special detail and portable enforcement bathrooms; req from recreation dept
2 • Evaluation of Handicap Parking Fine Program - backup from 1998 original req for hp parking fine program; and recommend to keep the current program

171 Approval: Veterans Services - Burlington/Purple Heart Town - 7/5/16 memo to BOS from C Hanafin for Purple Heart Town

172 Approval: Treasury - Bond Anticipation Note - 7/14/16 memo from b Curtin to BOS re bond anticipation note sale results for financing for capital projects; municipal purpose loan data

173 Approval: Block Parties
1 • Drake Road - 7/13 Event Request and map of area; invitation
2 • Arthur Murray Dance Studio/Annual Request/171 Cambridge Street - 6/1/16 ltr from Arthur Murray

174 Approval: Town Clerk
1 • Election Workers
2 • Warrant for September 8, 2016 State Primary - warrant for 2016 state primary
3 • Early Voting - November 2016 Presidential Election - floor plan for town hall meeting room
4 • Annual Town Election - April 8, 2017
5 • September 26, 2016 Town Meeting/Two Day Postponement to September 28

175 Approval: Restrictive Covenant/Town of Burlington and NEEP Investors Holdings LLC and NEEP Hotel Realty, LLC, 400 District Avenue - BOA's Restrictive Covenant for signatures

176 Cont'd Public: Approval/New All Alcohol License (Special Legislation)/American Multi-Cinema, Inc./d/b/a AMC Theatres Burlington 10/20 South Avenue - public hearing notice; Additional Liquor Licenses; memo to staff and responses; seating plan; lobby plan; cover letter for request for license; application for retail alcoholic beverage license; applicant's statement; manager application; personal information forms - MF, AA, JM, CR, KC, corporate vote for general manager MF; affidavit; certificate of amendment of articles of inc.; AMC Entertainment Holdings balance sheet; lease

177 Discussion/Review: Open Meeting Law AG Ruling -6/28/16 ltr from Attorney General re Open Meeting Law Complaint stating BOS did not violate OM law

178 Approval: Grant of Easement/Acceptance of Easement -
1 • NEEP Investor Holdings
2 • Linear Retail

179 Approval: Minutes: May 23, 2016 General Session

180 Subcommittee Reports -
181 Town Administrator's Report -
182 Chairman's Report -
Old/New Business: -
Citizen's Time -