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

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

152 Appointments:
- Fire
- Zoning Bylaw Review Committee

- Fire
Fire Chief Steve Yetman was present recommending Burlington resident Greg Ouellet be appointed to the position of firefighter paramedic. His background includes working as a paramedic. Town Administrator John Petrin (T.A. Petrin) agreed and appointed Mr. Ouellet as a firefighter/paramedic effective August 14, 2018 and requested the BOS waive the standard fifteen day waiting period.

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

- Zoning Bylaw Review Committee
T.A. Petrin explained that Town Meeting approved the creation of a Zoning Bylaw Review Committee. The bylaw states that the BOS appoints a voting member who is a resident and owns, manages or directs a business. Staff will reach out to the Burlington Area Chamber of Commerce and the two Rotary Clubs in Burlington. The board also appoints a non-voting member from the Building Department. John Clancy, Inspector of Buildings, agreed to be on the committee. His backup will be Andy Ungerson, Building Inspector. At the recommendation of the Chairman, both appointments will be made together at a later date.

153 Approval:
- Election Warrant
- Election Workers

- Election Warrant
Amy Warfield was present with the State Warrant for the 2018 Primary being held Tuesday, September 4, 2018 from 7:00 a.m. to 8:00 p.m. Ms. Warfield said early voting is taking place and absentee voting ballots are being mailed out at this time.
Motion: Selectman Runyan moved to approve the holding of an election on Tuesday, September 4, 2018 per the Warrant for the 2018 State Primary. Seconded by Selectman Morandi and approved. (5-0-0)

- Election Workers

Motion: Selectman Morandi moved to approve the list of Election Workers. Seconded by Selectman Hogan and approved. (5-0-0)

154 Use of Town Common - Change of Date & Rain Date
Indian Americans for Burlington
Festival of Lights / Diwali Celebration

On July 16, 2018 the BOS approved the Indian Americans of Burlington request to use the Town common on September 30, 2018 from 12:00 p.m. to 8:00 p.m. for a Diwali/Festival of Lights event. Ranjani Saigal and Menka Jethra were present at tonight’s meeting to also request a rain date of October 7 and to go over the details for the event. Approximately 800 people are expected. Fire, Police, and Recreation did not have issues so long as they work with staff and arrange for rest room facilities, and they will continue to coordinate with Recreation and the Selectmen's office staff. They are directed to contact Recreation and Police prior to event to confirm all is in place, including any locations that need to have signs for no parking. Mr. Deb asked if this could be included as a Town sponsored event, and T.A. Petrin explained they are seeking financial support. Chairman Hartling recommended this be discussed for future events.

Motion: Selectman Hogan moved to approve the Use of the Town Common for the Indian Americans for Burlington's Indian Americans for the Diwali / Festival of Lights event on September 30, 2018 from 12:00 P.M. TO 8:00 p.m. with a rain date of October 7, 2018. Seconded by Selectman Morandi and approved. (5-0-0)

155 Approval: 2 Block Parties:
- Mohawk Road
- College Road

The BOS were satisfied with the requests as long as the petitioners adhered to the conditions on the application.

Motion: Selectman Morandi moved to approve the two block parties for Mohawk Road and College Road. Seconded by Selectman Hogan and approved. (5-0-0)

156 Update: Water

DPW Director John Sanchez said the repairs at the Vine Brook Treatment Plant were complete and the Town was informed by the Massachusetts Department of Environmental Protection that the full water ban could be lifted. It is the recommendation of the Director to return to the previous policy of even/odd watering restrictions with the exception of the hours of 9:00 a.m. to 5:00 p.m. Those residents and businesses who complied with the full watering ban were thanked for their patience.

157 Discussion/Vote: Trash

Attorney Mark Burke submitted to the BOS a petition for trash pick-up at the Oakridge Condominiums. Also present were Ron Kurtz, Joseph Fazio and other residents of the facility. They are seeking BOS consideration to provide trash and recycling collection and disposal services at this facility. Other condo complexes in Town were grandfathered in to receive this service at no charge. Oakridge pays to have their trash picked up using the same blue and green receptacles, and it is their position that it is unfair to provide this service to some condos and not to others. These condos are designed with driveways and some front on Skilton Lane. They also requested the option to bring all the
toters to Skilton Lane for pick up. Submitted with the petition was a Town Counsel opinion dated August 9, 1994 that if one condominium development is provided with trash service then all units in Town would be entitled to the service. Options discussed were all condos getting trash picked up and no condos getting trash picked up or keeping things as they are.

The cost to provide trash service to all current and future condominium complexes could be exorbitant. Mr. Sanchez said the newly signed contract with Republic Service could be modified to include condos, and T.A. Petrin added that the additional expense would be required to go before Town Meeting for approval. Selectman Tigges asked for an actual cost estimate. Selectman Runyan suggested it wait until the next budget season. Chairman Hartling recommended continuing this agenda item to the September 10, 2018 meeting and requested an updated opinion from Town Counsel for this meeting.

**Motion:** Selectman Tigges moved to continue discussion on trash pick-up for the Oakridge Condominium at Burlington to Monday, September 10, 2018. Seconded by Selectman Hogan and approved. (5-0-0)

158 Continued Approval: Grant of Location Utility Pole Attachment Small Cell Communications Equipment Verizon Wireless for Installation of Small Cell Units

This request was continued from the July 25, 2018 meeting because of work that needs to be done on this issue. Staff comments as well as Town Counsel and resident comments were submitted for review. Selectman liaison to small cells Tigges also submitted his comments and concerns. He noted in the Affidavit of Radio Frequency Engineer's report that although it states there are identified gaps in service and a need to install additional facilities in order to provide reliable wireless service, no proof has been submitted that such a gap exists.

Selectmen Morandi and Runyan commented on the amount of various boxes and wires being placed at a low level on the poles for one utility company as well as the poor appearance of the equipment, and are not convinced there is not a better way to receive improved service or even one antennae that all utilities could use to satisfy any proven gaps. Mr. Klasnick explained that they are designed to be low to the ground. There are already structures on poles and wireless is a service relied upon. Selectman Morandi added that it is uncertain at this time how many other utility companies will come forward with the same request.

Barbara L'Heureux asked if the town has been receiving complaints from the businesses that there is a gap in service. T.A. Petrin said he is not aware of any. Shari Ellis thanked the board for fully reviewing this topic adding an overlay of the cells has been done in the past. Alfredo Arno said he supports the BOS making a plan and he will volunteer if the town needs assistance.

Selectman Tigges recommended this issue be postponed for a special meeting on September 17, 2018 at 6:00 p.m. and that a committee be formed and that the public and business community be invited.
At the September 17, 2018 meeting Verizon must:

- Present their case in full
- There are seven in front of the BOS at this time and seven more are expected. How many more will be requested after these fourteen.
- A map of all the locations should be provided with proof that there are gaps in coverage.

Residents, business community and Town Counsel are invited to attend.

**Motion:** Selectman Tigges moved to continue the public hearing to a special meeting to be held in the main meeting room on September 17, 2018 at 6:00 at the Town Hall, 29 Center Street, 2nd Floor and that Verizon wireless petitioners be present as well as Town Counsel. Seconded by Selectman Morandi and approved. (4-0-0 with Selectman Hogan not present during the vote)

**159 Update/ Discussion:** Burlington Beer Works

**Burlington Beer Works**

**On-Going Non-Use of All Alcohol Liquor License**

Attorney Paul Sporn was present representing Burlington Beer Works. T.A. Petrin said a revocation public hearing opened in December of 2017 and closed in January of 2018 with the attorney having promised that all issues had been settled with the Town, and they would be picking up their Building permit and construction would start immediately. The Building permit was ready in February of 2018 and not picked up until August 3, 2018 - three days before it expired per Building Department regulations.

T.A. Petrin explained that a show cause hearing could be requested at which time the licensee can explain and show just cause why this license should not be revoked.

Attorney Sporn said the Crossroads Mall at 34 Cambridge Street is in disarray with Roche Bros. and Bauer's Own the Moment both gone and construction going on at the new Target and the Total Wine locations and more construction is expected. He said if this restaurant was open they would be having a difficult time getting clientele. He said he spoke with Town Counsel David Deluca about the possibility of transferring this license. The owner he said now wants to sell the license and has placed it with a broker last week. If the license is revoked, he said, it would only hold the license up longer.

**Motion:** Selectman Morandi moved to schedule a show-cause revocation public hearing for September 10, 2018. Seconded by Selectman Runyan and approved. (5-0-0)

**160 Public Discussion:** Grant of Location - Verizon New England, Inc.

**Public Hearing:** Grant of Location - Verizon New England, Inc.

**Grant of Location - Verizon New England, Inc.**

**Dartmouth Road**

**Petition for Verizon Job #4A0EF4A-2**

This is a continuation of more work to be done at Dartmouth Road. Staff had no issues with the request. There were no comments from the public.

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

**Motion:** Selectman Morandi moved to approve the Grant of Location for Verizon New England, Inc. for Dartmouth Road, Petition for Verizon Job #4A0EF4A-2. Seconded by Selectman Hogan and approved. (5-0-0)
161 Update School / FY2018 Deficit
T.A. Petrin said the Town was notified by the School Superintendent Eric Conti that they did not have sufficient funds to close out FY2018. Payroll bills were paid as required. The numbers are still being reviewed, and the Town has been reviewing options with the auditor and the Department of Revenue. Town Accountant Paul Sagarino went before Ways & Means with Dr. Conti on August 8, 2018 to discuss solutions with the Stabilization Account being suggested to pay the outstanding balance due. Town Meeting will be asked to consider options, and a vote tally will depend on the Attorney General’s interpretation of Burlington’s continuous annual vs. special status Town Meetings.

At the request of Eileen Sickler, Town Meeting Member, Precinct 4, the Stabilization Account process was explained. Shari Ellis said she is hopeful there will be an informal seminar prior to Town Meeting so members fully understand the results of their vote. Roger Riggs, Chairman of the Ways & Means as well as Chairman Hartling said work is being done to create ways to prevent this from happening in the future. Further discussion on options will take place at a BOS special meeting taking place before the warrant is mailed.

Motion: Selectman Hogan moved to approve putting the School / FY2018 Deficit on the September Town Meeting Warrant. Seconded by Selectman Morandi and approved. (5-0-0)

162 Discussion Burlington Mall Liquor Licenses (Additional)
Vote:
Attorney Mark Vaughan, Riemer & Braunstein, was present representing Simon Property Group and related entities Burlington S&S, LLC and Bellwether Properties of Massachusetts, LP. Also present was Jonathan Murphy, Executive Vice President and Justin Feldhouse, General Manager of Burlington Mall. The first floor of Sears and adjacent automotive building are being redeveloped, and Primark will remain on the second floor. The automotive building is being raised and will be replaced with stores and restaurants. The property owner wishes to keep the mall as a desirous location, and at this time are seeking BOS approval of five additional all alcohol and four additional wines and malt liquor licenses and are hopeful to have entertainment locations as well as restaurants within the mall portion of the former Sears building. The request will be on the September 24, 2018 Town Meeting warrant. They believe this request is critical in order for the mall to flourish and compete with other mixed use malls being built in surrounding communities.

T.A. Petrin said they currently have nine licenses, three of which are unused special licenses granted in 2014. There are five quota licenses, two of which are available (Uno's and Besito). Mr. Murphy said Besito is in the middle of bankruptcy proceedings and Uno's is within the mall's control. T.A. Petrin explained that although a brief period is allowed for the purposes of transactions after a closure, it is the responsibility of the licensee or operator to come before the BOS to provide an update.

Selectman Hogan was on the subcommittee for this issue and was not yet supportive of nine new licenses as it could jeopardize the other establishments with liquor licenses. He is recommending one all alcohol license and four wines and malt. Selectman Runyan, who was also on the subcommittee, agreed with these concerns and recommendation adding that the town has already been very generous.

Attorney Vaughan explained that the unused three special licenses were planned to be used for the Sears redevelopment, but the closing took a period of time.

T.A. Petrin said the board could continue this discussion at a special meeting to be called prior to the mailing of the Town Meeting warrant. The amount of licenses could also be decided on the floor of Town Meeting.
Town Meeting member Shari Ellis asked if there would be an informational session. Attorney Vaughan replied that this will be discussed with the Town Clerk.

**Motion:** Selectman Morandi moved to approve the request for additional liquor licenses to be placed on the Town Meeting warrant with wording to be finalized at a later date. Seconded by Selectman Tigges and approved. (4-0-0 with Selectman Runyan not present during the vote)

163 **Discussion**

**Recommendations of Government Review Committee**

Vote:

Brenda Pappas, Chairman of the Government Review Committee (GRC) and GRC member Roger Riggs presented the final report and Recommendations of the Government Review Committee as per that committee’s Charge. They conducted evaluations of the current organizational structure, investigated whether changes are needed to meet the needs of the town in the future and provided options, and recommendations to the BOS relative to the direction the town may consider. The process included interviewing department heads, staff, elected and appointing authorities.

The GRC voted unanimously that additional review into the current government structure is warranted based on discussions about elected vs. appointed positions; town manager vs. town administrator; creation of reporting structure; improved communication; and having an independent agency conduct a comprehensive analysis. Options to consider include establishing a Charter Commission; revision of the current bylaws; establishment of a new committee to review the current bylaws while also utilizing the current bylaw review committee. Public forums, surveys and BCAT are recommended in order to allow for transparency.

In order to further consider the establishment of a Charter Commission, the BOS recommended this be brought back to the September 10, 2018 meeting. The committee was thanked for the time and effort involved.

164 **Discussion**

**Town Treasurer Position**

Vote:

Brian Curtin stated that although he had given his notice of retirement, he plans to remain as Treasurer/Collector because of major changes with the Town Administrator leaving and a new Town Accountant coming in.

Selectman Hogan said when Mr. Curtin announced his retirement, it was decided it was the opportunity to change the position from elected to appointed. The town budget has increased since the hiring of Mr. Curtin from $20 million to $140 million. Having the position as appointed would allow for a complete search to find a highly qualified candidate to deal with the complexities involved with this position. Remaining an elected position confines the candidates to being Burlington residents and potentially the most popular candidate with not necessarily the right qualifications. Another issue to consider is low voter turnout. The Massachusetts Department of Revenue's Division of Local Services recommends appointments for those positions that require a skill set because of the complicated state laws and rules and regulations. Almost all cities and towns have acted to convert the positions to appointed, and the town and its future AAA financial stability must be considered. Examples of the very good appointments that have been made by the BOS were provided.

Mr. Curtin is not yet convinced that the position should be appointed as since the beginning of the town's government, the position has been elected by the residents and being elected allows for an independence from boards and committees. Selectman Hogan said that with there being a new town administrator and a new town accountant he...
would prefer to have someone in the treasurer/collector's position who has experience so that the new accountant is not having to train the treasurer/collector.

**Motion:** Selectman Hogan moved that the Treasurer/Collector position being changed from elected to appointed be included on the September 24, 2018 Town Meeting warrant. Seconded by Selectman Runyan and approved. (4-1-0 with Selectman Morandi against)

165 **Approval:**

September 2018 Town Meeting Warrant Articles
Postponed until a special meeting is set up to review and approve the September 24, 2018 Town Meeting Warrant articles.

166 **Approval:**

Interview Committee - Town Accountant
Advertisements and outreach for a Town Accountant have been done and applications are being reviewed. An interview committee was recommended and dates will be discussed for the first round of candidates at the end of August or beginning of September. It is recommended that the interview committee consist of the following:

Two selectmen (one primary, one backup), one ways & means member, one audit committee member, the town accountant, treasurer/collector, human resources director, town appraiser/assistant assessor, and town moderator.

**Motion:** Selectman Hogan moved to accept the interview committee list. Seconded by Selectman Runyan and approved. (5-0-0)

167 **Approval**

Minutes:
June 14, 2018 Board of Appeals Interviews
July 16, 2018 Regular Session

168 **Subcommittee Reports**

Selectman Hogan commented on there being a subcommittee for discussions on condo trash collection. Chairman Hartling agreed that Selectmen Hogan and Morandi would be the subcommittee.

169 **Town Administrator’s Report**
None.

170 **Chairman’s Report**
None.

171 **Old/New Business**
None.

**Citizen’s Time**
Chairman Hartling invited experienced members of National Grid to speak on behalf of public safety for the town. John Buonopane, president of USW Local 12012 was present representing locked-out Mass. Gas Workers. They said they want to continue to negotiate with United Steelworkers but have been locked out of job sites by National Grid following failed contract negotiations. National Grid he said is relying on contractors and management who do not have the experience with live gas lines required to ensure public safety. Workers have been observed not taking proper
safety precautions. For safety reasons they requested the BOS to send a letter to National Grid to end the lock out while negotiations are taking place or to post a fire watch. This will be placed on the next agenda for further discussion.

Also present was Lucille Costanzo stating her concerns with the renovations at the senior center at 61 Center Street not yet being completed. She said the exercise area has caution tape around clutter and the area has not been cleaned. T.A. Petrin explained that it is still a construction site in its final stages and a little more time is needed for the contractor to finish. Chairman Hartling said her concerns have been heard and to be patient.

**EXECUTIVE SESSION**
Postponed.

**Adjourn:**
**Motion:** Selectman Hogan moved to adjourn at 7:30 p.m. Seconded by Selectman Runyan and approved. (5-0-0)

Submitted by,

Betty McDonough
Recording Clerk