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

MONDAY, JUNE 22, 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.

111 Approvals: Appointments
1. Building Department
2. Boards and Committees
3. Police Department
4. Youth and Family Services

1. Building Department:
Local Building Inspector-John Luther: John Clancy, Inspector of Buildings, was present to recommend John Luther to replace retiring Bruce Clark. Mr. Luther has been a building inspector for many years and is fully certified by the Commonwealth. Town Administrator John Petrin (T.A. Petrin) agreed with the recommendation and appointed Mr. Luther to the position of Local Building Inspector and recommended the BOS waive the standard 15-day waiting period. He will come before the BOS at a future meeting.

Motion: Selectman Hogan moved to waive the standard 15-day waiting period for the appointment of John Luther as Local Building Inspector. Seconded by Selectman Morandi and approved. (5-0-0)

Part-Time Administrative Assistant-Erin Killilea: Mr. Clancy recommended Erin Killilea to fill the position of part-time Administrative Assistant. T.A. Petrin agreed with the recommendation and appointed Ms. Killilea and recommended 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 Erin Killilea as Part-Time Administrative Assistant in the Building Department. Seconded by Selectman Morandi and approved. (5-0-0)

2. Boards and Committees:
T.A. Petrin reappointed members to the following boards and committees:
Beautification Committee, B-Line Advisory Committee, Cemetery Oversight Committee, Conservation Commission, Council on Aging; Disability Access Commission, Historical Commission, Housing

BOARD OF SELECTMEN:
MICHAEL RUNYAN, CHAIRMAN • CHRISTOPHER HARTLING, VICE CHAIRMAN • ROBERT HOGAN • DANIEL GRATAN • JOSEPH MORANDI
Partnership, MAPC Representative, MBTA Advisory Committee and Rink Oversite. Also appointed was a new member to Conservation, Jane Lynch as well as Dorothy Bennett and Norma Robichaud to the Historical Commission. All were thanked for their time and effort as volunteers. Selectman Hogan will remain on the Disability Access Commission as Selectmen liaison.

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

3. Police Department:
Chief Michael Kent: Chief Kent's has been with the town for five years, and his appointment is up for reconsideration. T.A. Petrin said he is doing an outstanding job and appointed him to another five years as Police Chief. The BOS waived the standard 15-day waiting period.

Motion: Selectman Hartling moved to waive the standard 15-day waiting period for the reappointment of Michael Kent as Police Chief. Seconded by Selectman Hogan and approved. (5-0-0)

4. Youth and Family Services:
Clinical Supervisor-Katharine Channing Storey: Christine Shruhan, Director, was present to recommend the promotion of Katharine Channing Storey to the position of Clinical Supervisor. T.A. Petrin agreed with the recommendation and appointed Ms. Storey to this position which will make her second in command of the department. The BOS waived the standard 15-day waiting period.

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

Group Coordinator-Jessica Reedy: Ms. Shruhan said Ms. Reedy has been working with families and with retiring Peggi Stallings-Durand and has introduced two new successful programs. T.A. Petrin agreed with the recommendation and appointed Ms. Reedy to the position of Group Coordinator. The BOS waived the standard 15-day waiting period.

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

112 Approval: Conservation Restrictions/Network Drive
Steve Logan Nordblom Company, was present with John Keeley, Conservation Director, to discuss three Conservation Restrictions for properties at Network Drive that have been finalized. These three documents, which were reviewed by Town Counsel, were required as part of the Planning Board approval for Sun Microsystems and now require final approval and sign off from the Conservation Commission and Board of Selectmen. Mr. Logan thanked Mr. Keeley and his staff for hard their work on finalizing these documents.

1. Motion: Selectman Hogan moved to accept document named; v6-Conservation Restriction-CR#1 Revised 4_2015 44940_103-v7 Conservation Restriction CR #1 FINAL 6_5_2015-44940_103. Seconded by Selectman Grattan and approved. (5-0-0)
2. Motion: Selectman Hogan moved to accept document named: v7-Conservation Restriction-CR#2 Revised-04_2015-44940_103-v8-Conservation Restriction-CR#2 FINAL 6_5_2015-44940_103. Seconded by Selectman Grattan and approved. (5-0-0)

3. Motion: Selectman Hogan moved to accept document named: v8-Conservation Restriction-CR#3 Revised 4_2014 44940_103-v9-Conservation Restriction-CR #3 FINAL 6_5_2015 44940_103. Seconded by Selectman Grattan and approved. (5-0-0)

113 Hearing: All Alcohol License/Change of Manager
Rebel Restaurants, Inc. d/b/a Tony C’s
17 Third Avenue

Present were Ann Marie Johnnene, Sullivan and McDermott; Henry Russell Davis, last manager of Tony C's; and Steven Walsh, new manager seeking BOS approval for the new manager.

Mr. Walsh explained his background in the restaurant business and said as new manager he is aware of the town's rules and regulations as they pertain to the serving of alcohol. Mr. Walsh said he grew up in Burlington and currently resides in Salem.

Selectman Hartling recommended Tony C's consider placing pictures of sports figures from Burlington High School at the restaurant.

Motion: Selectman Hogan moved to approve the All Alcohol License Change of Manager to Steven Walsh, Jr. for Rebel Restaurants, Inc. d/b/a Tony C's, 17 Third Avenue. Seconded by Selectman Morandi and approved. (5-0-0)

114 Cont. Hearing: Wine & Malt License/New
Paul Burlington, LLC d/b/a Paul Bakery
62 Second Avenue

Attorney Robert Buckley, Reimer and Braunstein, was present requesting the new Wine & Malt License for Paul Restaurant be continued to the next BOS meeting pending policy change of the BOS's Alcohol Rules and Regulations.

Motion: Selectman Hogan moved to continue the Public Hearing for Paul Burlington LLC to the Board of Selectman meeting of July 13. Seconded by Selectman Morandi and approved. (5-0-0)

115 Public Hearing: Earth Removal and Earth Moving Permit
The District/New England Executive Park

116 Public Hearing: Earth Moving and Addition of Fill Permit
15 South Avenue

(Discussed together/two separate votes)
Present were Attorney Robert Buckley, Reimer and Braunstein; Katie Snyder, National Development; and Jeff Fishbone.
Attorney Buckley explained that former New England Executive Park now known as The District is under reconstruction and 9600 cubic yards of earth is being removed from the premises to accommodate building foundations, associated site work and roadway improvements. Soil samples revealed no concerns related to the reuse of the earth, and they plan to repurpose the materials as part of a redevelopment project at 15 South Avenue as that property is controlled by an affiliated entity of the property owner. The Board of Health is satisfied with the test results and the removal of soil. They will be taking the soil and creating temporary stock piles at South Avenue.

Ms. Snyder reviewed the site improvements, parking garage, erosion control and drainage plans at The District and the site plans for a restaurant at 15 South Avenue. There will be a substantial retaining wall at this site.

There were no comments from the public relative to the request for an Earth Removal and Earth Moving Permit for the District/New England Executive Park.

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

**Motion:** Selectman Hogan moved to approve an Earth Removal and Earth Moving Permit for The District/New England Executive Park subject to conditions as set by the Board of Health. Seconded by Selectman Morandi and approved. (5-0-0)

There were no comments from the public relative to the request for an Earth Removal and Earth Moving Permit for 15 South Avenue.

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

**Motion:** Selectman Hogan moved to approve the Earth Moving and Addition of Fill Permit from the District/New England Executive Park to 15 South Avenue subject to conditions as set by the Board of Health. Seconded by Selectman Morandi and approved. (5-0-0)

**117 Approval: Transfer of Sewer Allocation Credit**

**Robert W. Murray Real Estate**

Robert Murray submitted a request to transfer 110 gallons their Private Sewer Bank balance of 60 gallons for 185-186 Cambridge Street to be used for the construction of a new four-bedroom dwelling at 16 Maryvale Road. T.A. Petrin said the request was reviewed by DPW and they did not have any objections to the request.

**Motion:** Selectman Hogan moved to approve the transfer of Sewer Allocation Credit as requested. Seconded by Selectman Grattan and approved. (5-0-0)
118 Approval: Block Party

Arthur Murray Dance Studio Parking Lot

The BOS noted the Fire Department had no issues with the request and requested complete access at all times in the event of an emergency.

**Motion:** Selectman Hogan moved to approve a Block Party at the Arthur Murray Dance Studio, 171 Cambridge Street. Seconded by Selectman Grattan and approved.

119 Approval: Minutes

**May 11, 2015, General Session**

**Motion:** Selectman Hogan moved to approve the minutes of May 11, 2015 General Session as submitted. Seconded by Selectman Grattan and approved.

**June 8, 2015, Executive Session**

**Motion:** Selectman Hogan moved to approve the minutes of the Executive Session minutes of June 8, 2015 as submitted. Seconded by Selectman Grattan and approved. (5-0-0)

120 Subcommittee Reports -

**Selectman Hartling** noted that outgoing Officer Charles Ferguson was a member of North Eastern Mass. Law Enforcement Council (NEMLEC) for more than 20 years. He will continue on as a fire instructor.

121 Town Administrator’s Report -

**Olympics:** T.A. Petrin said he has been made aware that Olympic Organizers could potentially select Billerica's Minute Man Sportsman's Club for a portion of the 2024 Olympics, if Boston is selected for the venue. There is an entrance on Francis Wyman Road, Burlington and another entrance in Billerica. No final decision will be made until September of 2017.

**Lemon Tree Restaurant:** Through tax title process, the Town was awarded ownership of Lemon Tree Restaurant. The owners have a one year's grace period to pay their taxes. There is a tenant and the Town is working with legal counsel to ensure due diligence. The facility will be closed for the year.

**33 Center Street:** Bids for the redesign of 33 Center Street came in higher than was approved at Town Meeting. A review on the next steps to take will be completed with the architect, and the BOS will be updated.

122 Chairman’s Report -

Chairman Runyan visited the Recreation Department's Farmers' Market at the Human Services Building and commented on the many vendors in attendance. He believes this consistent location is a good idea.

Selectman Hogan congratulated the Recreation Department for their coordination efforts and a job well done.
Alcohol Rules and Regulations:
Selectmen Hogan recommended reviewing the one part of the policy which is affecting a petitioner. T.A. Petrin said he met with Selectmen Morandi and Hogan, the Alcohol subcommittee to discuss the policy. A change of wording in Section II. 4. was made to eliminate the term "fast food," and the new section will read: "Licenses will only be granted to establishments whose principal business activity is a full-service restaurant whereby food and alcohol are prepared to order and delivered by a server to the table."

T.A. Petrin recommended approval of this policy change and the subcommittee will be meeting to further review the policy.

Motion: Selectman Hogan moved to change Section II. Policy Statements, (1) to read: "Licenses will only be granted to establishments whose principal business activity is a full-service restaurant whereby food and alcohol are prepared to order and delivered by a server to the table." Seconded by Selectman Morandi and approved. (5-0-0)

Citizen’s Time

No one spoke.

Interviews: Board of Appeals Candidates -
There are two full Board of Appeals (BOA) seats open. Current alternate members Edward Mikolinski and James Tigges submitted their names for appointment to these seats.

Motion: Selectman Morandi moved to appoint current alternate member Edward Mikolinski, 8 Burton Road, as a full member of the Board of Appeals to the term that expires in 2017. Seconded by Selectman Hogan and approved. (5-0-0)

Motion: Selectman Morandi moved to appoint current alternate member James Tigges, 2 Maryvale Road, as a full member of the Board of Appeals to the term that expires in 2019. Seconded by Selectman Hogan and approved. (5-0-0)

This creates two openings for alternate members. Four applicants were present: David Kelly, Salvatore Mansueto, Kent Moffatt, and Rob Paccione. The BOS asked each candidate a series of questions relating to the BOA. This was followed by a roll call selection for each candidate.

Motion: Selectman Grattan moved to appoint Rob Paccione to the first alternate position. Seconded by Selectman Hogan and approved. (5-0-0)

Motion: Selectman Grattan moved to appoint David Kelly as second alternate. Seconded by Selectman Hogan and approved. (5-0-0)

One position (James Halloran) needs to be re-appointed. This item was not on the agenda and the BOS agreed to allow him to remain as a member until the July 13, 2015 meeting at which time a vote will be taken.
**Motion:** Selectman Hogan moved to continue James Halloran's appointment until the BOS meeting of July 13, 2015. Seconded by Selectman Grattan and approved. (5-0-0)

**Adjourn:**

**Motion:** Selectman Hartling moved to adjourn at 8:45 p.m. Seconded by Selectman Hogan and approved. (5-0-0)

Submitted by,

Betty McDonough
Recording Clerk
BURLINGTON, MA BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING – MONDAY, JUNE 22, 2015

Agenda
111 Approvals: Appointments Building Department; Boards and Committees; Police Department; Youth and Family Services - Resume, Erin Killilea; list of boards and committees; resume Jane Lynch; resume Katharine Channing Storey; resume Jessica Reedy
112 Approval: Conservation Restrictions/Network Drive - 6/5/15 email from J Keeley to J Petrin re Final CR Documents-Network Drive; copy of 3 sets of conservation restrictions
113 Hearing: All Alcohol License/Change of Manager, Rebel Restaurants, Inc. d/b/a Tony C’s 17 Third Avenue - 6/2/15 ltr from Sullivan & McDermott to BOS re Tony C’s for change of manager; petition for change of license; personal information form; manager application; birth certif; license; certificate of vote; TIPS Certification
114 Cont. Hearing: Wine & Malt License/New Paul Burlington, LLC d/b/a Paul Bakery 62 Second Avenue -
115 Public Hrg: Earth Removal and Earth Moving Permit, The District/New England Executive Park- 6/18/15 email to PG from John Clancy re NEEP Earth Removal/Moving Permit; 6/16/15 memo from Mathis to JP re Earth Removal; 4/23/15 ltr from Aldrich to NEEP re Summary of soil testing, data, and site map; 6/15/15 email from K Kassner to PG no issues; 6/15/15 email from B Schipelliti re no objections to earth moving request; 6/18/15 email from T Hayes to PG re no concerns; 6/16/15 email from J Keeley no concerns; 6/15/15 S Yetman to PG No issues; 6/9/15 Distribution to staff re Earth removal and Earth moving permit; 6/4/15 ltr from Riemer to JP re Earth moving; site maps of NEEP
116 Public Hrg: Earth Moving and Addition of Fill Permit, 15 South Avenue - 6/10/15 email from J Clancy to PG re No concerns; 6/16/15 memo from C Mathis to JP re Addition of Fill conditions; 6/15/15 email from B Schipelliti to PG re no objections; 6/19/15 email from T Hayes to PG no concerns; 6/16/16 email from J Keeley to Pg re no concerns as order of conditions is in place; 6/15/15 email from SYetman to PG re no issues; 6/9/15 memo from JP to staff distribution re addition of fill; 6/4/15 ltr from Riemer re Addition of fill; site map of proposed restaurant site where fill is to be delivered next to Chili's
117 Approval: Transfer of Sewer Allocation Credit, Robert W. Murray Real Estate - 6/16/15 email from B White to PG re transfer of sewer allocation request with comments; 6/11/15 memo to from JP to T Hayes and B White re transfer credits; 6/8/15 ltr from Robert Murray re transfer credits
118 Approval: Block Party, Arthur Murray Dance Studio Parking Lot - 6/22/15 block party description; 6/17/15 email from M Kent to PG no issues; 6/17/15 email from S Yetman to PG re complete access be available; 6/12/15 memo from JP to MK and SY re block party; 6/12/15 ltr from Arthur Murray re block party
119 Approval: Minutes May 11, 2015, General Session; June 8, 2015, Executive Session -
120 Subcommittee Reports -
121 Town Administrator’s Report -
122 Chairman’s Report -
123 Old/New Business -
Citizen’s Time -
Interviews: Board of Appeals Candidates - candidate names and sample questions; 5/21/15 ltrs and resumes from David Kelly and Rob Paccione to PG re position; resumes from Salvatore Mansueto, Edward Mikolinski; Kent Moffatt; 5/21/15 email from J Tigges to P Gillingham re full position