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

MONDAY, OCTOBER 6, 2014

Board of Selectmen Present: Robert Hogan, Chairman; Daniel Grattan, Vice-Chairman; Ralph Patuto; Michael Runyan; Christopher Hartling
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 and a moment of silence for the members of the armed forces and emergency responders.

261 Approval: Appointment

DPW

John Sanchez, Public Works Director, said he, Cherelyn Rosati, Human Resources, and Paul Cauldwell, Buildings and Cemeteries Superintendent, Kevin Mehigan, Head Custodian completed interviews for the open Custodian position and Kevin Crehan was recommended for the position. Mr. Crehan, he said, is a BMEA town employee working as a COA van driver. He is a hard worker and has experience working as a handyman and cleaning and has demonstrated a willingness to learn. Town Administrator John Petrin (T.A. Petrin) agreed saying he was appointing Mr. Crehan to the position of Custodian and requested the BOS waive the standard 15-day waiting period.

Motion: Selectman Patuto moved to waive the standard 15-day waiting period for the appointment of Kevin Crehan to the position of Custodian. Seconded by Selectman Hartling and approved.

262 Approval: Burlington Transit Fare Increase

Mr. Sanchez reported that in reapplying for an MBTA subsidy, the town was advised that the Adult Fare and Transfer rates require adjustment in order to be in compliance. The requirement does not apply to passes. The grant is not guaranteed, but the Ride will continue to be supported.

Bus Fares: The adult fare for the town is $2.00 and the MBTA Ride is $5.00. The MBTA stipulates that the fee for the Ride cannot be more than twice the town's rate. Therefore, the Burlington Public Transit Advisory Committee recommended increasing the Adult fares to $2.50. The $1.00 discount rate will apply to seniors, students, special needs or Medicare cardholders. With BOS approval, a book of five passes may be purchased for $10.00.
Bus Transfer Rates: It was also noted that town cannot charge more than half the regular fare for transfers for seniors, students, special needs and Medicare cardholders, and the advisory committee recommended the transfer rate be changed from $.50 to $.25.

**Motion:** Selectman Patuto moved to approve an increase to the Burlington Public Transit System Adult Fare from $2.00 to $2.50 and to reduce the Transfer Rates for seniors, students, special needs and Medicare cardholders from $.50 to $.25, and to allow for the purchase of a discount book of five bus tickets at a cost of $10.00. Seconded by Selectman Hartling and approved. (5-0-0)

263 **Public Hearing:** All Alcohol License - New Officer/Director, Issuance of Stock, Transfer of Stock & New Stockholder
Outback Steakhouse, 34 Cambridge Street

Present representing Burlington Outback Steakhouse was Attorney Joseph H. Devlin, Demakis Law Offices, P.C., who explained that Bloomin' Brands, Inc., owner of Outback, applied for a change of officer and stock issuance/transfer relative to 17 different restaurant locations in Massachusetts, including Burlington's Outback Steakhouse. The transaction, he said, will not result in any changes to the operation of the restaurant.

Chairman Hogan asked if all required documents had been received, and T.A. Petrin said the submissions were acceptable as this reporting was a formality. Attorney Devlin added that the Alcoholic Beverages Control Commission (ABCC) had already reviewed all transactions and documents and found them to be in compliance.

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

**Motion:** Selectman Patuto moved to approve the All Alcohol Beverages License, new officer/director, new stockholder, transfer of stock and issuance of stock for the Outback Steakhouse Restaurant, 34 Cambridge Street and approved. (5-0-0)

264 **Approval:** 24 Hour Opening Special License

Lisa Smith, Manager for Kohl's Burlington, was present seeking BOS approval for a special, temporary permit to allow Kohl's to operate from 1:00 a.m. to 12: a.m. (midnight) on Friday, 11/28/14. And for a period of 24 hours for no more than six days between 11/28/14 and 12/25/14 and from 5:00am until 12:00am on Friday, 12/26/14. This is a total of up to 50 additional hours, as requested by the corporate office.

T.A. Petrin, noting that the dates for December had only been submitted on the date of this meeting, said requests for specific dates should be submitted in a more timely manner. Ms. Smith said the dates had not yet become available for the public.
Selectman Patuto recommended continuing this request to allow for advertising for a public hearing as recommended in the General Bylaws. T.A. Petrin said he would confer with Town Counsel. Selectman Hartling said, for the record, he was not in favor of this request, and Police Chief Michael Kent also informed him of his concerns. Chairman Hogan informed Ms. Smith that if additional requests are received from other establishments, the BOS would be required to consider safety and health factors which could incur cost for detail. She said she understood.

This agenda item was continued to the meeting of October 27 (three weeks), and T.A. Petrin was directed to have staff submit their thoughts and recommendations.

**265 Hearing:** All Alcohol License/Change of Manager
Border Cafe, 128 Middlesex Turnpike

Donald J. Chebot, new General Manager, Border Cafe, was present seeking BOS approval of Border Cafe's Petition for Change of License to place him as the new manager. Mr. Chebot said he has worked in the restaurant business for twenty years, eighteen of which have been in Boston. T.A. Petrin reminded Mr. Chebot of the town's rules and regulations and that alcohol consumption is a subsidy to the function of eating. He said he understands the town's rules and regulations pertaining to the serving of alcohol.

**Motion:** Selectman Patuto moved to approve the All Alcohol License, Change of Manager for Border as submitted for Border Cafe, 128 Middlesex Turnpike. Seconded by Selectman Hartland and approved. (5-0-0)

**266 Hearing:** All Alcohol License/New LLC Manager
Legal Sea Foods, 75 Middlesex Turnpike

Richard Heller, Sr. Vice President and General Counsel for Legal Sea Foods, was present seeking BOS approval for Matthew Chainin to be an additional manager at the corporate level at Legal Sea Foods bringing the number of managers from six to seven. This request, he said, has been approved by the ABCC.

**Motion:** Selectman Patuto moved to approve the All Alcohol License/New LLC Manager for Legal Sea Foods, 75 Middlesex Turnpike. Seconded by Selectman Hartling.

**Discussion:** Selectman Patuto noted missing documentation and stated that number 8. on the Application for Retail Alcoholic Beverage License references the terms of the lease require payments to the Landlord based on a percentage of alcohol sales and that each individual with an ownership interest with the Landlord must submit a completed Personal Information Form. Attorney Heller said it has been filed in the past with the ABCC. Selectman Patuto asked Attorney Heller to confirm if it need only be supplied once and supply a response to the BOS office.

**Motion approved.** (5-0-0)
267  Approval:  Burlington Lions Club Christmas Tree Sales

Motion: Selectman Patuto moved to approve the sale of Christmas trees by the Burlington Lions Club at the agreed upon area located in the parking lot on the property of Shaw's Supermarkets, 180 Cambridge Street, from November 29, 2014 to December 24, 2014. Seconded by Selectman Hartling and approved. (5-0-0)

268  Approval:  FY15 Community Innovation Challenge (CIC) Grant M3 Coalition

T.A. Petrin submitted for review the annual Community Innovation Challenge (CIC) Grant M3 Coalition for FY15 and recommended the BOS support applying for the grant. The FY14 CIC awarded the Coalition with $147,000 to address various transportation services and improvements for nine communities along Route 3.

Funding from the FY15 grant would be used to create a Middlesex 3 Transportation Management Association and to hire a Transportation and Workforce Development Coordinator to reach out to businesses, developers and community groups to seek more transportation options, including shuttle services.

Motion: Selectman Patuto moved to approved the FY15 Middlesex 3 Coalition Community Innovation Challenge Grant. Seconded by Selectman Hartling and approved. (5-0-0)

269  Review:  Procedure for Disposition of Surplus Property

A new policy has been created for a Procedure for Disposition of Surplus Property. T.A. Petrin said the policy will follow the MGL which provides for the disposal of supplies that are no longer useful but could potentially have resale or salvage value. The policy will be for the general government under the jurisdiction of the BOS, and the schools may also participate.

Selectman Patuto asked that the words “but are not limited to” be added to the first paragraph, second sentence so that the sentence will read: “These rules apply, but are not limited to, all tangible surplus supplies with a resale or salvage value including motor vehicles, machinery, computer equipment, furniture, and other materials and items.

Motion: Selectman Patuto moved to approve the Procedure for Disposition of Surplus Property with the addition as discussed. Seconded by Selectman Hartling and approved.

Discussion: Selectman Grattan asked about storage. T.A. Petrin said they are temporarily using Great Meadow property.

Motion approved. (5-0-0)
Discussion: Alcohol Licenses

T.A. Petrin reviewed the alcohol sales policy stating that state law allows for package stores to remain open until 11:00 p.m. but communities may determine the time when alcohol sales cease on Sunday, and the Burlington BOS had set the time as 6:00 p.m.

Wegman’s will remain open until midnight and are asking about the possibility of the BOS having a discussion about allowing liquor to be sold until 11:00 p.m. on Sunday as is done at their other Massachusetts stores. A discussion was held on the current policy, and if there is a change in the policy, it would apply to all retail establishments that sell alcohol.

Attorney Joseph H. Devlin, Demakis Law Offices, P.C. was present to address the BOS. He discussed this being the first supermarket to sell liquor in town and the creation of competition with other supermarkets.

Selectman Runyan is interested in hearing from small local businesses which may now feel compelled to remain open.

It was agreed a subcommittee of Chairman Hogan and Selectman Patuto would discuss the issue and present recommendations at an upcoming regular meeting of the BOS.

Approval: Minutes/September 22, 2014, General Session

Motion: Selectman Patuto moved to approve the General Session minutes of September 22, 2014. Seconded by Selectman Hartling and approved. (5-0-0)

Subcommittee Reports

Selectman Hartling mentioned that the Burlington Police and Fire Departments participated in a live drill at the Burlington Mall for a simulated bomb threat in an effort to gain more knowledge and practice on protecting the community.

Town Administrator’s Report

Grandview Commons: A discussion was held regarding affordable town housing services currently being handled in the BOS office. T.A. Petrin and Jim Doherty, Town Appraiser/Assistant Assessor, have been working together on an initiative to select a regional outfit to work with the town to provide assistance and expertise with all levels of housing services on an "as need" basis including professional consulting.

Changes in requirements to purchase a unit and other issues will be necessary and the BOS, as the monitoring agent, will need to review and set new policy.
Grandview Tavern: T.A. Petrin said BCAT will be airing a new Town Administrator's Corner episode featuring a tour of the Grandview Tavern. Finishing touches continue and rental availability will be advertised soon. Chairman Hogan requested a brief summary of rental activity.

New/Old Business

Taxes:
Selectman Patuto's said Mr. Doherty had suggested last January to ask questions about tax increases in the fall, and T.A. Petrin responded that he and staff will be presenting the components that make up the town's tax classification options.

Strategic Planning Session will be held on Monday, November 10, 2014 at 6:00 p.m. and will take the place of the regular general session.

274 Chairman’s Report: None.

275 Old/New Business

Signage: Selectman Runyan expressed concern about violations of the sign bylaw taking place noting that establishments remove them temporarily when confronted, but they appear again at a later date. T.A. Petrin said he would have this discussion with John Clancy, Inspector of Buildings and will also speak with Town Counsel about the town's options.

Chairman Hogan said he would also like the issue of clothing and other drop boxes to be addressed as a fair amount of clutter is left on the outside of the boxes.

276 Citizen’s Time: No one spoke.

ADJOURN

Motion: Selectman Patuto moved to adjourn at 8:10 p.m and the motion passed.

Respectfully submitted,

Betty McDonough
Recording Clerk
BURLINGTON, MA BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING – MONDAY, OCTOBER 6, 2014

Agenda

261 Approval: Appointment/DPW - 10/2/14 memo from js to jp re appt recommendation
262 Approval: Burlington Transit Fare Increase - 10/2/14 memo from js to jp re bus rider fare recommendation
263 Public Hearing: All Alcohol License - New Officer/Director, Issuance of Stock/Transfer of Stock & New Stockholder/Outback Steakhouse, 34 Cambridge Street - 7/25/14 ltr from state treasurer to local boards re certificate of change of LLC; public hearing notice to be published 9/15/14; ltr from Demakis Law Offices to pg re change of ownership of Outback for change of ownership; application for retail alcoholic bev license; applicant's statement; 2 sets personal information forms w identification for each; certificate of authority from OS Prime LLC; Affidavit in support of change; statement of authenticity; certificate of conversion; articles of organization for outback steakhouse
264 Approval: 24 Hour Opening Special License - liquor bylaw passed at May 2014 town meeting; 9/23/14 ltr from Kohl's re request for 24 hour opening; copy of license fee
265 Hearing: All Alcohol License/Change of Manager/Border Cafe, 128 Middlesex Turnpike - 8/1/14 ltr from jose tejas, inc re border cafe for change of manager; petition for change of license; personal information form; manager application; resume of new manager; jose tejas written consent for change; id
266 Hearing: All Alcohol License/New LLC Manager/Legal Sea Foods, 75 Middlesex Turnpike - 9/12/14 ltr from state treasurer; 9/18/14 ltr from legal sea foods to jp re app for new manager; interest in license data base; personal information form; applicant's statement; certificate of amendment; sec of mass, galvin's certification; certificate of assistant secretary
267 Approval: Burlington Lions Club Christmas Tree Sales - 9/29/14 from ronald perachi to bos xmas trees; 9/15/14 ltr from shaw's to bos
268 Approval: FY15 Community Innovation Challenge Grant M3 Coalition - fy15 community innovation challenge grant; middlesex 3 coalition application; back to grant; expense data base
269 Review: Procedure for Disposition of Surplus Property - procedure for disposition of surplus supplies draft new policy
270 Discussion: Alcohol Licenses - 10/2/14 from jp to bos re liquor licenses for discussion on open after 6 on sunday
271 Approval: Minutes/September 22, 2014, General Session
272 Subcommittee Reports -
273 Town Administrator’s Report -
274 Chairman’s Report -
275 Old/New Business -
276 Citizen’s Time -