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

MONDAY, OCTOBER 26, 2015

Board of Selectmen Present:  Michael Runyan, Chairman; Christopher Hartling, Vice-Chairman (7:45 p.m.); 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.

193 Continued   Retail Establishment Temporary 24-Hour Opening
Public Hearing:   Kohl's Department Stores, 150 Lexington Street
Kohl's District Manager Sarena Bearce was present seeking BOS approval for a Special Temporary 24-Hour Retail Store Opening License in order for the store to be open from 1:00 a.m. to 12:00 a.m. on the day after Thanksgiving, Friday, November 27, 2015.  T.A. Petrin said this is the second consecutive year this retail establishment has made this request, and there were no issues last year.  The wording on the license was written by Town Counsel.  Selectman Hogan corrected the amount of time they will be open to be 23 hours and license is still required to cover the hours requested.  The petitioner was reminded to adhere to all the provisions of Burlington's General Bylaws, including additional public safety as deemed necessary.

Motion:  Selectman Grattan moved to close the public hearing.  Seconded by Selectman Hogan and approved.  (4-0-0)

Motion:  Selectman Hogan moved to approve the Retail Establishment Special Temporary 24-Hour Retail Store Opening License for Kohl's Department Stores, 150 Lexington Street for Friday November 27, 2015 from 1:00 a.m. to 12:00 a.m. with regular hours being 9:00 a.m. to 11:00 p.m.  Seconded by Selectman Grattan and approved.  (4-0-0)

194 Approval:    Sale of Christmas Trees/Burlington Lions Club
Chairman Runyan said this is an annual request by the Burlington Lions Club, a charitable organization, to sell Christmas trees at Shaw's parking lot from November 21, 2015 through December 24, 2015.

Motion:  Selectman Hogan moved to approve the sale of Christmas trees at Shaw's parking lot from November 21, 2015 to December 24, 2015.  Seconded by Selectman Morandi and approved.  (4-0-0)

The BOS agreed to discuss agenda item #200 at this point during the meeting.
195 Review: Consideration for Elder Needs in Our Town/Dr. Wayne Saltsman
Dr. Wayne Saltsman said that although he works at Lahey Medical Health, he was not present representing Lahey. Dr. Saltsman is a board certified geriatrician and advocates for the healthcare needs of seniors. He is on the Master Plan Steering Committee and is disappointed with the lack of focus the committee has addressed for elder citizens. There are a great number of solitary elders with no family support. He recommended there be a supplement to the Master Plan to address the aging population so they have the ability to remain and give back to the community. Dr. Saltsman thanked the BOS and offered his services for any future discussions and consideration for elder needs in the town, including the planning process for the renovation of the Council on Aging.

196 Hearing: All Alcohol License/Change of Manager, Del Frisco's Grille of Massachusetts d/b/a Del Frisco's Grille
Attorney Howard Wayne, Wayne, Richard & Hurwitz was present with new Del Frisco general manager Robert Stadtman. Selectman Morandi reminded Mr. Stadtman of the town's regulation on the sale to minors, and Mr. Stadtman said he has almost nineteen years in the restaurant business with no violations. T.A. Petrin asked if he understood that the serving of alcohol is a subsidiary to dining, and he said he understood and would ensure compliance with respect to all the town's alcohol rules and regulations.

Motion: Selectman Hogan moved to approve the All Alcohol License change of manager to Robert Stadtman for Del Frisco's Grill of Massachusetts d/b/a Del Frisco's Grille. Seconded by Selectman Morandi and approved. (4-0-0)

197 Approval: Health Care Premiums for Employees
Present was Town Treasurer Brian Curtin to review proposed increases to the annual 2016 health care premiums for employees. The increases have been consistently reviewed with the unions and consultants. BOS approval will be required.

Proposed increases to take effect January 1, 2016

Blue Care Elect  4%
Blue Cross HMO Blue  3%
Harvard Pilgrim Plus  4%

With respect to senior plans, the town is unable to control increases to the community rated Medicare plans and the increases will be:

Blue Cross Medex  5%
Blue Cross managed Blue  7%
Harvard Medicare Enhanced  6%
Tufts Preferred HMO  2%
Tufts Preferred Supplemental  3%.

The town is in good financial condition. The current trust fund balance is $4,353,248 and the Other People's Employment Benefits (OPEB) trust fund for future retirees is also in good condition at close to $4 million.
Selectman Hogan asked how the Cadillac Tax Legislation taking effect in 2018 will affect the town. Mr. Curtin said certain plans will have fees to be paid. Discussions are ongoing to attempt to reduce the liability when the law takes effect and it will become part of the budget.

Chairman Runyan asked why there is a need for an increase in the trust fund balance. Mr. Curtin explained that the trust fund needs to be built up as protection for a bad year.

Motion: Selectman Hogan moved to approve the 2016 health care premium proposal for active and senior employees as presented by the Town Treasurer. Seconded by Selectman Morandi and approved. (5-0-0)

198 Recognition: DPW/Water Treatment Plant
Water Plant Manager Russell Makiej was present with John Sanchez, DPW. The BOS congratulated Mr. Makiej for his recent recognition by the American Water Works Association for consistent and outstanding service in providing quality water supply to the public. Mr. Sanchez said he was one of two individuals recognized from the New England chapter for 2015. He was congratulated by the board, and T.A. Petrin who said he is doing a great job and has improved communication and morale in the department. Other members of the department were present at the meeting in support of Mr. Makiej.

199 Discussion/Update: Sidewalks
Mr. Sanchez was present with Tom Hayes, Town Engineers to discuss sidewalk concerns expressed at the September Town Meeting at which time they amended the $50,000 Warrant Article for sidewalk repairs on Bedford Street to $100,000.

DPW has been working under the policy in place and replacing sidewalks and curbing with in-kind material. Town Meeting members expressed desire for more concrete and granite versus pavement. Mr. Sanchez explained that concrete and granite replacement could create a major funding issue. DPW is seeking BOS recommendations on how to move forward with Town Meeting expectations. Construction materials were discussed and what holds up better in New England.

Town Meeting member Shari Ellis said she has been involved with sidewalk discussions and understands the regulations with respect to only heavy traffic areas having concrete and curbing. She suggested policy consideration be made as neighborhoods change such as Terrace Hall.

Selectman Hartling said this issue has come forward at Master Plan meetings. Mr. Sanchez said that the additional $50,000 would not go far because of the high cost of cement and granite. T.A. Petrin said a financially sound decision for the completion of Bedford Street is necessary, and Chairman Runyan said the subcommittee will continue this discussion and return to the full board with recommendations.

Selectman Hogan thanked Mr. Hayes for the fine job done with the pathways down to the Town Common. The final cost to the handicapped parking fine fund was approximately $50,000
200 Approval: Municipal Aggregation Update

Mark Cappadona, Consultant, Colonial Power Group was present to address the BOS. Also present was Kate Moskos, Purchasing Analyst. Mr. Cappadona will manage the aggregation program. T.A. Petrin explained that the Town is moving forward with the aggregation program in an attempt to save money for residents.

Mr. Cappadona said the residents would receive a packet with a choice to opt out within 30 days. Residents may also opt out after the start of the program in December. Those who wish to participate do nothing. The rates will be competitive and when the program starts in December, residents will be paying 5% lower than the current rate, and the rate is guaranteed for twelve months. The bills will still be coming from Eversource.

Any questions from the public will be referred to Colonial Power. Chairman Runyan recommended press releases and notification for the senior bulletin.

Mr. Cappadona said anyone who pays taxes to the town, including businesses, are eligible. T.A. Petrin said many communities are turning to this process and it is beneficial to the residents. Ms. Moskos was thanked for the work she put into the aggregation program and she will be placing information on the town's website.

No vote was necessary.

201 Discussion/Approval: Grandview Commons, Residential Agreement Renewal

T.A. Petrin, Chairman Runyan, Selectman Hogan and Assistant Assessor Jim Doherty have been working to renew the Grandview Commons residential agreement. The original agreement was finalized ten years ago and the town has been working off that original document for the condo unit owners. At this time the existing list has been exhausted of those able to accept a unit. The new agreement will have five conditions with applicants still applying through the Selectmen's Office. Notices will be sent to those on the current list, the newspapers, and the Council on Aging.

Motion: Selectman Hogan moved to approve the renewal agreement for the Grandview Commons. Seconded by Selectman Morandi and approved. (5-0-0)

202 Approval: EMD Millipore/Tax Increment Financing Agreement (Warrant Article)

T.A. Petrin said the Tax Increment Financing Agreement (TIF) for EMD Millipore is being finalized and because deadlines, the Moderator has agreed and the Town Clerk has been notified of a November 16, 2015 Special Town Meeting. The wording will remain the same as written September Town Meeting at which time the article was withdrawn. Selectman Grattan thanked those who have been working on the agreement.

Motion: Selectman Hogan moved to approve the Special Town Meeting Warrant for Monday, November 16, 2015 as submitted. Seconded by Selectman Hartling and approved. (5-0-0)
Approval: Minutes

April 13, 2015 Executive Session

Approval postponed.

August 17, 2015 General Session

Motion: Selectman Hogan moved to approve the General Session minutes of August 17, 2015 as submitted. Seconded by Selectman Morandi and approved. (5-0-0)

September 14, 2015 General Session

Motion: Selectman Hogan moved to approve the General Session minutes of September 14, 2015 as submitted. Seconded by Selectman Morandi and approved. (5-0-0)

September 21, 2015 General Session

Motion: Selectman Hogan moved to approve the General Session minutes of September 21, 2015 as submitted. Seconded by Selectman Morandi and approved. (5-0-0)

September 28, 2015 General Session

Motion: Selectman Hogan moved to approve the General Session minutes of September 28, 2015 as submitted. Seconded by Selectman Morandi and approved. (5-0-0)

October 5, 2015 Executive Session

Approval postponed.

Subcommittee Reports

Selectman Hartling attended the Area Chamber of Commerce's Annual Meeting. A key note speaker was Jay Ash, Massachusetts Secretary of Housing and Economic Development.

Condolences were expressed to the family of Jim Curtin who was a coach and educator in Burlington for 52 years.

Selectman Morandi said work continues on the retaining wall, and they are doing a great job.

Selectman Hogan will contact the new Veterans Agent for information about Veterans Day. He also said the Fire Department did a fine job with their open house.

Town Administrator’s Report

Interest has been shown for the Friendly 40B Housing concept, and more information will be provided at future meetings.

T.A. Petrin again congratulated Water Plant Manager Russell Makiej on his award and also commented on the fine job done by all general government employees and the Board of Selectmen.

Chairman’s Report

The Chairman also commented on the sad passing of Jim Curtin.

Old/New Business

Selectman Morandi welcomed Roma's Bakery to Burlington.
Citizens' Time

- Town Meeting member Ernie Zabolotny thanked the town for taking care of the overgrowth at the corner of Bedford Street and Meadowvale.

The walkway into the Town Common designed for the handicapped is different from what was originally proposed but he is of the opinion that the final design is better. He recommended a policy be in place for future work to be done on the Town Common.

Mr. Zabolotny read more information with respect to health insurance rates for retirees. He also talked about consideration being made that OPEB be Town Meeting discussion. Chairman Runyan thanked him for the information and added that discussions on these benefits are held on a regular basis. Selectman Hogan recommended Mr. Zabolotny call to request to be placed on the agenda and that back up be submitted prior to the meeting.

2. Dave Van Cramp, 11 Brown Avenue, was present to report the aggressive pruning as well as attitudes of the Eversource employees. There was no arborist present during the pruning as promised in correspondence to the neighborhood. They over pruned a tree on his property. He said Mr. Sanchez has agreed to speak with the chief arborist at Eversource about the aggressive pruning. T.A. Petrin said he would call the town's representative.

Adjourn

Motion: Selectman Hogan moved to adjourn at 9:25. Seconded by Selectman Morandi and approved. (5-0-0)

Submitted by,

Betty McDonough
Recording Clerk
BURLINGTON, MA BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING – MONDAY, OCTOBER 26, 2015

Agenda
193 Continued Public Hearing: Retail Establishment Temporary 24-Hour Opening, Kohl's Department Stores, 150 Lexington Street - public hearing notice posted 9/21/15; email from Kohl's to Betty McDonough (bm) re postpone; draft temporary 24-hour license retail establishment; request for temporary 24-hour license retail establishment form; dates and times chart; 8/27/15 letter from Kohls to BOS re request for 24 hour opening; copy of 24-hour bylaw; abutter list
194 Approval: Sale of Christmas Trees/Burlington Lions Club - event form for sale of trees; 9/30/15 ltr to BOS requesting permit to sell xmas trees; 9/16/15 approval letter from Shaws
195 Review: Consideration for elder Needs in Our Town; Dr. Wayne Saltsman -
196 Hearing: All Alcohol License/Change of Manager, Del Frisco's Grille of Massachusetts/d/b/a Del Frisco's Grille - 9/10/15 ltr from Wayne Richard & Hurwitz attorneys re change of manager; petition for change of license; manager's application; personal information form; passport; license; ServSafe certificate; Certificate and Action of Manager of Del Frisco's Grille dated 8/31/15
197 Approval: Health Care Premiums for Employees - Health Insurance Proposal for 2016; Health Insurance Renewal for 2016; trust fund estimates
198 Recognition: DPW/Water Treatment Plant -
199 Discussion/Update: Sidewalks - 9/27/95 memo from David Owen Burlington previous Town Administrator re adopted policy for sidewalks and curbs stating all sidewalks constructed in town center and along major thoroughfares will be concrete and accompanied where appropriate by granite or precast concrete curbing; 10/14/97 ltr from D Owen to Shari Ellis re thank you note; 5/18/15 email from J Sanchez (js) to John Petrin (jp) re paving and sidewalk costs
200 Approval: Municipal Aggregation Update - 10/19/15 memo from Kate Moskos to BOS re municipal aggregation update
201 Discussion/Approval: Grandview Commons, Residential Agreement Renewal - Grandview Commons residential agreement renewal
202 Approval: EMD Millipore/Tax Increment Financing Agreement - Tax Increment Financing for EMD Millipore Corporation Warrant Article
203 Approval: Minutes
   April 13, 2015 Executive Session - postponed
   August 17, 2015 General Session
   September 14, 2015 General Session
   September 21, 2015 General Session
   September 28, 2015 General Session
   October 5, 2015 Executive Session - postponed -
204 Subcommittee Reports -
205 Town Administrator’s Report -
206 Chairman’s Report 192 Old/New Business -