TOWN OF BURLINGTON, MA  
BOARD OF SELECTMEN  
MINUTES  
General Session - 7:00 p.m.  
Main Meeting Room, 2nd Floor, Town Hall  
MONDAY, NOVEMBER 17, 2014

Board of Selectmen Present: Robert Hogan, Chairman; Daniel Grattan, Vice-Chairman; Ralph Patuto (7:10p.m.); Michael Runyan; Christopher Hartling  
Also Present: John Petrin, Town Administrator

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.

303  Approval:  
Appointment  
A. Department of Public Works -  
   1. Water & Sewer Working Foreman  
   2. Motor Equipment Repairman  
B. Fire Department  
   1. Two Positions to Permanent Intermittent Firefighter List

A. Department of Public Works  
1. Water & Sewer Working Foreman: John Sanchez, Public Works Director, said he, Cheralyn Rosati, Human Resources, and Paul Bieren, Superintendent for Water and Sewer, completed three internal interviews for the open Water and Sewer Working Foreman position and Matthew Davis was recommended. Mr. Davis, he said, is currently employed in the sewer section of the Water and Sewer Division. Prior to Burlington he worked in the Water and Sewer Departments in Framingham and Winchester. He recently passed the distribution license D-1 test. Town Administrator John Petrin (T.A. Petrin) agreed with the recommendation and appointed Mr. Davis to the position and requested the BOS waive the standard 15-day waiting period. Mr. Davis was congratulated.

Motion: Selectman Runyan moved to waive the standard 15-day waiting period for the appointment of Matthew Davis to the position of Water and Sewer Working Foreman. Seconded by Selectman Hartling and approved. (4-0-0 with Selectman Patuto not yet present)

2. Motor Equipment Repairman: Mr. Sanchez said he, Ms. Rosati and George Lee, Superintendent of Central Maintenance, completed interviews for the open Motor Equipment Repairman position and Justin Dekow was recommended. Mr. Dekow's experience as a mechanic, he said, started immediately out of Universal Technical Institute and he has continued in the field and has experience in diesel trucks and equipment as well as automotive repairs. T.A. Petrin agreed with the recommendation and appointed Mr. Dekow to the position and requested the BOS waive the standard 15-day waiting period. Mr. Dekow was congratulated.
Motion: Selectman Runyan moved to waive the standard 15-day waiting period for the appointment of Justin Dekow to the position of Motor Equipment repairman. Seconded by Selectman Hartling and approved. (4-0-0 with Selectman Patuto not yet present)

B. Fire Department
Present were Fire Chief Steve Yetman and Assistant Fire Chief Mike Patterson. Chief Yetman explained that the department has been in the process of conducting interviews and background investigations of eligible candidates for a Permanent Intermittent Firefighter list. Brandon Gonzalez and Tyler Falconer were recommended for placement on the list. Mr. Gonzalez is currently a corrections officer and is a member of the Coast Guard. Mr. Falconer was discharged recently from the Navy. T.A. Petrin explained the two were selected for the appointment list through the Civil Service process and requested the BOS waive the standard 15-day waiting period. Mr. Falconer and Mr. Gonzalez were congratulated.

Motion: Selectman Patuto moved to waive the standard 15-day waiting period for the placement of Tyler Falconer and Brandon Gonzalez on the Permanent Intermittent Firefighter list. Seconded by Selectman Hartling and approved. (5-0-0)

T.A. Petrin recognized various members of those divisions present supporting the new appointments.

304 Approval: AMC Burlington 10/Extension of Operating Hours Request
Tricia MacDonald, General Manager, AMC Burlington was present seeking BOS approval to continue to allow the theatre to extend operating hours for showings at the end of Thursday, Friday, Saturday and holidays without prior approval from the BOS. This request had been approved for a temporary six month period at the BOS's April 28, 2014 meeting at which time it was agreed the theatre would supply a tally of how many patrons attend the evening showings and police activity would be reviewed after the completion of the six month trial period.

T.A. Petrin said this set up has been helpful, data had been compiled by AMC as requested and Police Chief Michael Kent reported there had been no relevant issues. Selectman Grattan recommended reviewing this request on an annual basis.

Motion: Selectman Grattan moved to approve on an annual basis the extension of operating hours for film showings at the end of Thursday, Friday, Saturday and holiday evenings with the BOS continuing to review annually the attendance and any policy activity at evening showings. Seconded by Selectman Patuto and approved. (5-0-0)

305 Approval: All Alcohol License, Table Alter of Premise
Busa Liquors/34 Cambridge Street
Because of state laws governing timing deadlines, the ABCC requested an amendment to the vote taken at the BOS's October 27, 2014 public hearing which was to approve the alteration of premises for Busa Liquors pending notification by the Planning Department that the basement use has been approved. Town Counsel recommended that the BOS table their decision to approve until a final decision has been received from the Planning Board and the Building Department.
**Motion:** Selectman Patuto moved to table the discussion on the All Alcohol License Alter of Premise for Busa Liquors, 34 Cambridge Street until the Planning Board and the Building Department have reached a conclusion. Seconded by Selectman Hartling and approved. (5-0-0)

### 306 Public Hearing: Vote/Tax Classification

Present were Brian Curtin, Town Treasurer; Jim Doherty, Town Appraiser/Assistant Assessor and Paul Sagarino, Town Accountant, to review real estate tax classification options for FY-2015. This issue was fully discussed with staff at the BOS's November 10, 2014 Strategic Planning Session at which time comparative data of surrounding towns indicating Burlington's sound financial condition were reviewed.

Mr. Doherty addressed the town's five tax rate classification options and reviewed staff recommendations for BOS consideration. Commercial rates are assessed to continue to keep the town at a competitive advantage while also being fair to residents. Mr. Doherty clarified the levy and taxes and stated that the residential levy rate is below the recommended rate.

Mr. Sagarino explained that a zero percent tax levy increase would create a revenue shortfall and could affect programs and services which are subsidized through the tax levy.

T.A. Petrin noted that there is a significant shift from what the residents pay as compared to commercial. Commercial taxes cover certain services and fees for the residents and the town subsidizes water and sewer which is not done in other communities. The town is in good financial condition and has a AAA rating.

The members were satisfied with the information provided by staff and after discussion agreed that Option #B was the appropriate choice for both the commercial and residential side.

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

**Motion** Selectman Runyan moved to select Option #B as presented on the Classification Options for FY-2015 with a tax rate of 11.35 for residential rate and 29.40 for the C.I.P rate. Seconded by Selectman Patuto and approved. (5-0-0)

### 307 Approval: Holly Glen Regulatory Agreement

Present were Jim Doherty, Housing Coordinator, and Jeff Rhuda to discuss the Local Initiative Program (LIP) Regulatory Agreement, the state housing initiative which encourages communities to produce affordable housing for low and moderate-income households. Mr. Rhuda is the developer of Holly Glen and representative for the Muller Glen LLC development which contains 32 detached, single-family houses with condominium fees. The Department of Housing and Community Development sets the prices of the homes and the agreement requires a signature of the BOS Chairman.

A condition of the Planning Board included setting three homes aside for affordable housing, and Mr. Doherty explained that the marketing Regulatory Agreement which will be sent to the state. The
conditions include local preference for those who live in Burlington, work for the town or in a corporation in town.

Mr. Doherty said he is satisfied with the submitted documents. Chairman Hogan asked about the procedure for purchase of the affordable units. T.A. Petrin said it will be advertised. Mr. Rhuda added that open houses will be held.

**Motion:** Selectman Patuto moved to approve that the Chairman sign the Local Initiative Program Application for Local Action Units application. Seconded by Selectman Hartling and approved. (5-0-0)

308 **Hearing:** All Alcohol License Violation

Present were Police Chief Michael Kent and Christopher Little, General Manager of Burtons Grill. This was a continuation of the October 27, 2014 Hearing on five All Alcohol License violations. At that time, BOS agreed to continue Burton's hearing for further review when their Attorney, Gregory Demakis, requested clarification that the requested alcohol was actually as per ABCC compliance regulations.

Chief Kent said he contacted Mr. Little after the hearing. Mr. Little informed the BOS the server was terminated, and after attempts to contact her, she informed him that the alcohol had been served. The BOS accepted this explanation and set a suspension date.

**Motion:** Selectman Patuto moved to recommend a one-day suspension of the sale of alcohol at Burtons Grill on Monday, November 24, 2014. Seconded by Selectman Hartling and approved. (5-0-0)

Mr. Little said Burton's Grill is sympathetic to the issue of underage drinking, and they would be donating proceeds of non-alcoholic sales on November 24 to the senior all night party.

309 **Hearing:** All Alcohol License, Change of Manager

Hilton Garden Inn, 5 Wheeler Road

No representatives were present and discussion postponed.

310 **Hearing:** Wine & Malt License, Change of Manager

Nordstrom Blue Stove, 75 Middlesex Turnpike

Present was Stephani Dazzo, General Manager of Blue Stove seeking BOS approval of the Petition for Change of License for a change of manager. She said she recently took over but has worked for under a liquor license for Nordstrom in Natick. She added that she has been in the restaurant business since she was sixteen and holds ServSafe certification.

**Motion:** Selectman Hartling moved to approve the Wine & Malt License, Change of Manager for Nordstrom Blue Stove, 75 Middlesex Turnpike. Seconded by Selectman Runyan and approved. (5-0-0)

311 **Hearing:** All Alcohol License, Pledge of License

Tony C’s, 17 Third Avenue

The Pledge of License was temporarily withdrawn.
Hearing: Class I Automobile, New
Mercedes Benz/80-82 Cambridge Street.

Tim Martino a manager at Mercedes Benz of Burlington was present with Paul Harris, Burns & Levinson LLP, representing Mercedes-Benz's request for a Motor Vehicle Dealer's License Class I Automobile Permit to operate a new motor vehicle facility. This establishment is currently under construction on Cambridge Street, and there were no significant comments from staff.

T.A. Petrin asked when the Dealer License Agreement Letter would be received. Attorney Harris said this agreement would be sent following BOS approval of the Class I license, before December 31, 2014, and they anticipate opening day to be January 15, 2015.

The Chairman asked about protection for the town, and T.A. Petrin explained that their permit will not become effective until the agreement letter is received.

Selectman Grattan recommended and Selectman Patuto agreed that the BOS vote to approve the application so the business can move forward and the BOS can hold another hearing if the agreement is not received by December 31, 2014.

Motion: Selectman Patuto moved to approve the request for a Class I Automobile, New License Application for Mercedes-Benz of Burlington, 80-82 Cambridge Street. Seconded by Selectman Hartling and approved. (5-0-0)

Public Hearing: Verizon Cable

Present representing Verizon were Stanley Usovicz, Regional Director and Jill Reddish, Sr. Staff Consultant. Also present were Brad Bond, President of Burlington Cable Access Television (BCAT) Board of Directors and Jen Dodge, BCAT Executive Director. Also present was Kate Moskos, the town Purchasing Analyst.

T.A. Petrin said the ten-year Verizon license to run cable T.V. in the community was signed June 19, 2006 thus it will expire June 19, 2016. The BOS may now begin negotiations for a new contract and this hearing is to allow for public comments.

Conditions in the current contract include certain grants and fees to Burlington Cable Access Television (BCAT).
1. 25,000 per year for 10 years for equipment for public access T.V.;
2. 5% of the gross revenues received from Burlington are for the operation of BCAT;
3. An institutional networking grant to sustain internet and technology for town government.

Mr. Bond reviewed BCAT's programs and services and described existing equipment and requirements and upgrades necessary in the near future. Chairman Hogan asked Ms. Dodge if there is a ten-year plan, and she said there is and it would be provided. Ms. Dodge said she is satisfied with the service and work provided by Verizon. She added that Verizon hosts surrounding community network programs which subscribers appreciate and Burlington's telecasts are also shown in other towns.
Selectman Runyan asked if the BCAT is involved in the negotiation, and T.A. Petrin ensured there would be if a Cable Advisory Committee is appointed. Selectman Patuto said that committee is important during contract negotiations.

T.A. Petrin said the hearing will remain open for continuing discussion on a new contract, and the community can send their comments to the BOS office.

Ms. Reddish said they look forward to working with the town during the renewal process.

314 Approval: One Day Liquor License
Princess Jewelers, 34 Cambridge Street
Princess Jewelers was seeking BOS approval for a One Day Liquor License in recognition of their first anniversary. A discussion was held, and it was agreed to avoid setting a precedence of granting a one day license, except for special occasions such as a grand opening. Selectman Runyan said he appreciated the effort made by Princess Jewelers to make the request.

Motion: Selectman Patuto moved to deny granting a One Day Liquor License for Princess Jewelers, 34 Cambridge Street for their first anniversary. Seconded by Selectman Hartling and approved. (4-1-0 with Selectman Runyan voting against denial)

315 Approval: Inter-Municipal Agreement with Concord
The agreement was first discussed at the BOS's October 6, 2014 meeting. T.A. Petrin explained that the town of Concord hosts a Regional Housing Services Office and entered into an Inter-Municipal Agreement to share professional services and costs of a common housing service office with the towns of Acton, Bedford, Lexington, Sudbury and Weston, and Sudbury. They have expressed an interest in including Burlington in the group. It is a pay as needed service to request expert assistance to put together an inventory, and payment would be made using the Town's Housing Funds.

The town remains a 10% affordable community and staff in the BOS office would continue to maintain daily operations of the Housing Partnership. T.A. Petrin was seeking BOS approval to allow him to enter into the agreement and sign the Inter-Municipal Agreement with Concord as the lead community.

Selectman Grattan asked if the service would ensure inventory privacy, and T.A. Petrin said it would.

Motion: Selectman Hartling moved to authorize the Town Administrator John Petrin to sign the Inter-Municipal Agreement with Concord on behalf of the Board of Selectmen. Seconded by Selectman Runyan and approved.

Discussion: Selectman Patuto asked if Town Counsel had reviewed the Agreement, and T.A. Petrin said it was approved by Town Counsel.

Motion Approved: (5-0-0)
Approval: Minutes

October 27, 2014

Motion: Selectman Patuto moved to approve the minutes of the October 27, 2014 general session. Seconded by Selectman Hartling and approved. (5-0-0)

November 10, 2014

Motion: Selectman Runyan moved to approve the minutes of the November 10, 2014 strategic planning session. Seconded by Selectman Grattan and approved. (4-0-1 with Selectman Patuto abstaining)

Subcommittee Reports

Selectman Runyan
November 29, 2014 is the last day for leaf pick up.

Jayne Hyde was recognized for her retirement after nearly 30 years of public service with the town including Town Meeting, boards and committees, and as a full time Benefits Administrator in the Treasury Department.

Selectman Grattan
On Saturday, November 22, 2014, Scout Troop 555 will be collecting Shaws' pies outside of the store to donate to People Helping People for Thanksgiving meals.

Selectman Hartling
A traffic public safety reminder was given as we enter the busy holiday seasons.

Town Administrator's Report

T.A. Petrin commended the Board of Health's Burlington Volunteer Reserve Corp and said an appreciation dinner was being held on December 10, 2014. He attended the recent flu clinic and said it was run very efficiently.

The Veterans' Office was congratulated for a successful Veterans Day event. Many people attended, including scouts and their parents, veterans, public safety officials, students from Burlington High School and various honor guards. Selectmen were present to speak to those gathered.

Chairman's Report

The Chairman wished all a Happy Thanksgiving and also cautioned about driving carefully.

Old/New Business: None.

Citizen's Time: No one spoke.

ADJOURN

Motion: Selectman Patuto moved to adjourn at 8:29 p.m. and the motion passed. (5-0-0)
Respectfully submitted,

Betty McDonough
Recording Clerk
Agenda

303 Approval: Appointment/Department of Public Works/Fire Department two 11/12/14 memos from JSanchez to JPetrin re Matthew Davis and Justin Dekow with resumes for each; two 10/8/14 ltrs from Chief SYetman to: Tyler Falconer and Brandon Gonzalez conditional offer as perm inter firefighter; resume from Brandon Gonzalez

304 Approval: AMC Burlington 10/Extension of Operating Hours Request 4/28/14 BOS minutes w AMC topic; list of midnight showings

305 Approval: All Alcohol License, Table Alter of Premise/Busa Liquors, 34 Cambridge Street 10/28/14 ltr from JP to Posternak Blankstein & Lund re new vote required; 10/24/14 e mail from KKassner re topic

306 Public Hearing: Vote/Tax Classification list of classification options

307 Approval: Holly Glen Regulatory Agreement Local Initiative Program Application for Local Action Units

308 Hearing: All Alcohol License Violation/Burtons Grill Only 10/6/14 memo from Chief MKent re Burtons Grill and four other alcohol noncompliant businesses; 9/30 memo from Sgt KCooney to Chief Kent re alcohol compliance checks completed; compliance log; police report from 10/1; narrative police report of original compliance checks

309 Hearing: All Alcohol License, Change of Manager/Hilton Garden Inn, 5 Wheeler Road 10/21/14 ltr from Demakis Law Offices to PGillingham re application for a change of manager; petition for change of license; personal information form; manager application; profile for new manager Larry Casillo; passport i.d.; certification of Marcel Verbaas and Laurence Casillo

310 Hearing: Wine & Malt License, Change of Manager/Nordstrom Blue Stove, 75 Middlesex Turnpike 10/27/14 ltr from Lawson & Weitzen for application to change manager; petition for change of license; manager application; personal information form; birth certificate; certificate of secretary

311 Hearing: All Alcohol License, Pledge of License/ Tony C’s, 17 Third Avenue 11/4/14 ltr frm Sullivan and McDermott to PG re Tony C’s Sports Bar and Grill; Petition for Change of License; certificate of vote from Rebel Restaurants, Inc.; commitment for credit letter from Northern Bank

312 Hearing: Class I Automobile, New/Mercedes Benz, 80-82 Cambridge Street 11/7/14 memo to staff and their comments; 11/7/14 ltr from Burns & Levinson re application for same; General License Application; Workers Comp affidavit; insurance policy documents; 10/29/14 ltr from Mercedes-Benz re letter of intent agreement letter; copy of check to town for license app

313 Public Hearing: Verizon Cable - Discussion

314 Approval: One Day Liquor License /Princess Jewelers, 34 Cambridge Street; 11/17/14 ltr from Princess Jewelers; confirmation documentation for Boston's Best Bartending Contract; ServSafe certificate; certificate of liability;

315 Approval: Inter-Municipal Agreement with Concord - agreement with Concord to include the town of Burlington; Acton, Bedford, Concord, Lexington, Sudbury and Weston with Core Housing Services
316 Approval: Minutes - Minutes October 27, 2014, General Session; November 10, 2014, Strategic Planning
317 Subcommittee Reports -
318 Town Administrator’s Report -
319 Chairman’s Report -
320 Old/New Business -
Citizen’s Time -