Board of Selectmen Present: Michael Runyan, Chairman; Robert Hogan (to 7:50 p.m.); Daniel Grattan; Joseph Morandi
Not Present: Christopher Hartling, Vice-Chairman
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.

208 Public Hearing: Retail Establishment Temporary 24-Hour Opening
Kohl's Department Stores, 150 Lexington Street
(December Openings)
Lisa Smith, Manager of the Burlington Kohl's Department Store was present seeking BOS approval for a 24-Hour License in order to remain open on specific dates during the month of December. A public hearing was held at the BOS meeting of October 26, 2015 and Kohl's received approval for a 24 hour license on November 27, 2015.

This second public hearing was to request a temporary license to remain open for 24 hours during the month of December. One change was made to original request: December 26 was changed from 5am-12am to 7am-11pm. Town Administrator John Petrin (T.A. Petrin) said this adjustment would be worked out with staff. The following are the dates for the 24-hour openings:
Thursday, December 17: 7am-12am;
Friday, December 18 to Wednesday, December 23: 12am-12am;
Thursday, December 26: 12am-6pm, and
Saturday, December 26: 7am-11pm.

This is their second consecutive year requesting to be open 24 hours and there were no issues last year. Town Counsel created the wording for the license. The petitioner was reminded to adhere to all the provisions of Burlington's General Bylaws, including additional public safety as deemed necessary.

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

Motion: Selectman Hogan moved to approve the Retail Establishment Special Temporary 24-Hour Opening for Kohl's Department Stores, 150 Lexington Street for December as discussed with the condition that additional public safety be requested as necessary. Seconded by Selectman Morandi and approved. (4-0-0)
Public Hearing: Transfer All Alcohol License from Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse to Slesar Bros. Brewing Company d/b/a Burlington Beer Works
Transfer of Manager (New Manager)
Alteration of Premises

Present were Joseph Slesar, Owner, President and Director of Slesar Bros. Brewing Company and Attorney Paul Sporn representing Slesar Bros. Brewing Company. Attorney Sporn explained that the Outback Restaurant had closed. The buyer has entered into a lease with Burlington Crossroads, which includes the right of purchase of the All Alcohol Liquor License. The Purchase and Sale Agreement was submitted for BOS review and they will be doing business as Burlington Beer Works.

Selectman Hogan asked about their affiliation with Boston Beer Works. Mr. Slesar replied that the Boston location is across from Fenway Park. They adjust their name accordingly with the name of the town or city they are located within. They are currently working on their building permit and Special Permit with the Planning Board.

Attorney Sporn said Mr. Slesar will be listed temporarily as the manager. Prior to the opening of the new restaurant, a request for a change in manager will be submitted for BOS approval.

The initial application did not indicate the alteration of premises and per Town Counsel, alterations could only be addressed at a new public hearing. Attorney Sporn said they would return to the BOS on December 14, 2015 with the floor plan currently under review by the Inspector of Buildings.

T.A. Petrin advised Mr. Slesar of Burlington's Rule and Regulations as to the serving and alcohol and that it is a subsidiary to dining, and Mr. Slesar said he understood.

Motion: Selectman Hogan moved to close the public hearing for the transfer of license and new manager. Seconded by Selectman Morandi and approved. (4-0-0)

Motion: Selectman Hogan moved to approve the transfer of the All Alcohol License from Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse to Slesar Bros. Brewing Company d/b/a Burlington Beer Works and to approve Joseph Slesar as the manager of record for all issues as they relate to alcohol. Seconded by Selectman Morandi and approved. (4-0-0)

Presentation: July 4th Committee/2015 Grand Marshalls
4th of July committee members Terri Clement and Mary Nohelty were present with Virginia and John Mooney, 2015 4th of July Grand Marshalls. The Mooneys were presented with a Memory Portrait drawn by Faces of Remembrance portrait artist Gina Johnson in recognition of the Mooney's ties to the community and volunteerism. Mr. and Mrs. Mooney expressed their appreciation for the gift and also thanked all the volunteers and supporters of the 4th of July Parade.

Approval: Grant of Location/Eversource/Middlesex Turnpike
Present was Town Engineer, Tom Hayes. Shirley Gillis was present representing Eversource Energy. She said the petition and plan is being presented by the NStar Electric Company/Eversource Energy for
the purpose of obtaining a Grant of Location to install 450 +/- feet of conduit in Middlesex Turnpike to provide additional electric capacity to New England Executive Park.

Mr. Hayes said Eversource had been in contact with Engineering to discuss arrangements and recommended the work be done in the sidewalks. Replacement of the sidewalks and granite curbing will be required. The Engineering Department will contact Eversource to work out capacity and street opening dates and fees with the petitioner. The recommendation of the Town Engineer will be made part of the permit. The season for roadwork closes on Friday, November 13 and will reopen in April.

A condition of approval is that they work with the Town Engineer as discussed.

**Motion:** Selectman Grattan moved to approve the petition and plan as presented for the purpose of obtaining a Grant of Location to install 450 +/- feet of conduit in Middlesex Turnpike as discussed. Seconded by Selectman Morandi and approved. (4-0-0)

### 212 Approval: Sewer Allocation Policy

John Sanchez, Director of DPW, was present with Tom Hayes and Anthony Reppucci, Junior Civil Engineer seeking BOS approval to update the Sewer Allocation Policy in order to address capacity. Mr. Hayes explained that they have been working towards better options for I/I. Water from Burlington flows through the line under Horn Pond in Woburn and discussions were held with DEP to change the Administrative Consent Order (ACO). References to the sewer bank have been removed and issuance of permits will be project based. The ratio will remain 5 to 1 at a cost of $250.00 a gallon. With the receipt of the new ACO, work on the line that Burlington uses at Horn Pond will begin in the Spring.

**Motion:** Selectman Hogan moved to approve the Sewer Allocation Policy with changes as submitted and discussed. Seconded by Selectman Morandi and approved. (4-0-0)

### 213 Approval: Street Opening/Utility Connection Rules & Regulations

Mr. Sanchez, Mr. Hayes, and Mr. Reppucci were present seeking BOS approval to amend the Street Opening/Utility Connection Rules & Regulations. Mr. Reppucci explained the modifications:

Under Section IV., General Conditions, there will be no paving of streets after October 1 and the permit fee has been adjusted.

Under Section IV, General Conditions, Testing on the Water Mains has been updated for the allowable leakage. The testing procedure will remain the same.

Street opening requests are no longer the jurisdiction of the BOS, and Chairman Runyan asked if there have been any changes in the number of street openings. Mr. Sanchez reported that unfortunately requests are still constantly being received to open newly paved streets, such as for utility work, which creates a defect in the roadway.

**Motion:** Selectman Hogan moved to approve the modifications to the Street Opening/Utility Connection Rules & Regulations. Seconded by Selectman Morandi and approved. (4-0-0)
214  Discussion: Tax Classification of all Taxable Property

Present were Jim Doherty, Town Appraiser/Assistant Assessor, Paul Sagarino, Town Accountant, and members of the Board of Assessors: Paul Sheehan, Catherine O'Neil, and Louis Crocker to discuss real estate tax classification options for FY 2016 in preparation. The official approval will take place at a public hearing on November 16, 2015.

Mr. Doherty talked about the Town's tax history, growth, and the BOS considered the various tax rates presented for residential and commercial properties and said the Town is getting a reasonable tax load per square foot. Comparative data of surrounding towns were reviewed indicating Burlington's sound financial condition and maintains a AAA rating. Mr. Sagarino said all the options presented represent a 4% tax levy and any of the options would provide the Town with enough tax dollars to balance the budget and set the tax rate for FY16. The members thanked staff and Assessors for the presentation and work done on the options.

Selectman Hogan departed at 8:07 pm.

215  Approval: Tax Increment Financing Agreement/EMD Millipore/ November 16, 2015 Special Town Meeting

Present were Lynn Tokarczyk, Government Incentives Consultant, Business Development Strategies, Daniel Trinkle, Assistant General Counsel for EMD Millipore, Paul Asmar and Kate Cingolani of EMD Millipore seeking BOS approval of a Tax Increment Financing (TIF) Agreement and the Memorandum of Understanding for community benefits. Also present was Scott Weiss, Gutierrez Company.

T.A. Petrin explained that they negotiations have taken place to bring EMD Millipore to Burlington at the Gutierrez property at the summit on Wheeler Road. The first phase will be to build a 285,000 s.f. office structure. The second phase will be to build out another 70,000 s.f. for a total of 350,000 s.f. and in approximately ten years they expect to repurpose the current building at the location for additional space as needed. This will be a 15% TIF for fifteen years, and the expected tax savings for each step was reviewed as well as the expected new taxes and benefits coming in to the Town.

With the expectation of EMD Millipore coming to Burlington, the Town received a 2.45 million grant from the State to finish all the road improvements along Middlesex Turnpike including the realignment of the on ramp to 128/95.

Each of the BOS were pleased with the diversity of this economic development for a life sciences company in Burlington and were satisfied with the TIF Agreement and benefit package.

T.A. Petrin announced that a public information session will be held on November 10 with Millipore making a presentation with the financial components being addressed. A Special Town Meeting for a vote on the TIF agreement will be November 16, 2015.

Motion: Selectman Grattan moved to recommend that Town Meeting approve a proposed 15-year Tax Increment Financing (TIF) Agreement, pursuant to MGL c. 40, Section 59, between EMD Millipore Corporation and Burlington January 1998 Realty Trust and the Town of Burlington for the proposed
property and authorize the submission of same for approval to the Massachusetts Economic Assistance Coordinating Council (EACC). Seconded by Selectman Morandi and approved. (3-0-0)

Motion: Selectman Grattan moved to recommend that Town Meeting approve the acceptance of proposed Certified Project application by EMD Millipore Corporation and authorize the submission of same for approval to the EACC. Seconded by Selectman Morandi and approved. (3-0-0)

216 Approval: Festival of Trees on the Town Common
Selectman Morandi announced the sixth year for residents and businesses to donate $100 towards the purchase of a tree to decorate for display on the Town Common. Proceeds will go towards the purchase of the tree with the remainder being donated to the Burlington High School Scholarship Fund. One non-political sign up to 12" X 18" is allowed per tree. Selectman Grattan will reach out to the scouting community to assist with the program. Schools are invited to purchase and decorate as well with the only cost being that of the tree. Any trees and decorations not removed by January 8, 2016 will be removed by the Town.

Motion: Selectman Morandi moved to approve the use of the Town Common for the Festival of Trees as discussed from November 29 through January 8, 2016. Seconded by Chairman Runyan and approved. (2-0-1 with Selectman Morandi abstaining)

217 Approval: Minutes
1. October 5, 2015 General Session
2. October 26, 2015 General Session

October 5, 2015 General Session
Motion: Selectman Morandi moved to approve the General Session minutes of October 5, 2015 as submitted. Seconded by Selectman Grattan and approved. (3-0-0)

October 26, 2015 General Session
Motion: Selectman Morandi moved to approve the General Session minutes of October 26, 2015 as submitted. Seconded by Selectman Grattan and approved. (3-0-0)

218 Subcommittee Reports
Selectman Hogan's report was presented by Selectman Grattan. The Fire Department completed a Senior SAFE program to provide and install smoke alarms and carbon monoxide detectors in 70 homes of senior citizens. This program coincides with SAFE Student Awareness Fire Education program.

Selectman Grattan reported that on November 6, 2015 the Burlington High School Music Boosters held their Gala Concert and Silent Auction to support their trip to march in Disney World.

The Audit Committee will be meeting on November 12, 2015 to review the Town's auditor's preliminary report.
219 Town Administrator's Report
T.A. Petrin reported that two letters of interest have been received with respect to the outreach for a Friendly 40B as discussed at a special BOS meeting on September 21, 2015. A subcommittee will be formed to fully review these plans.

220 Chairman's Report
Chairman Runyan said he was pleased to be present at the well attended November 4 interfaith event at the Islamic Center of Burlington in the wake of the vandalism at the mosque.

221 Old/New Business: None.

Citizen's Time: No one spoke.

Adjourn

Motion: Selectman Grattan moved to adjourn at 8:50. Seconded by Selectman Morandi and approved. (3-0-0)

Submitted by,

Betty McDonough
Recording Clerk
BURLINGTON, MA BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING – MONDAY, NOVEMBER 9, 2015

Agenda
208 Public Hearing: Retail Establishment Temporary 24-Hour Opening; Kohl's Department Stores, 150 Lexington Street (December Openings) - Emails from Chief Kent and Chief Yetman re no issues; office copy of public hearing notice; 9/17/15 letter from Kohls to BOS; 24-Hour license from Kohls with December dates; Permit created by office sent to Kohls with approved dates; by law
209 Public Hearing: Transfer All Alcohol License from Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse to Slesar Bros. Brewing Company d/b/a Burlington Beer Works /Transfer of Manager (New Manager)/Alteration of Premises - office copy of public hearing notice; petition for transfer of ownership; application for retail license for transfer; applicant's statement; resolution of Slesar Bros; Manager Application; Personal Info form; certificate of good standing; articles of organization; license purchase and sale agreement
210 Presentation: July 4th Committee/2015 Grand Marshalls -
211 Approval: Grant of Location/Eversource/Middlesex Turnpike - 11/3 email from Tom Hayes re Grant of Location; 10/27 memo from J Petrin to T Hayes; 10/27 ltr to Eversource; 10/27 letter to abutters re GOL; 10/19 ltr from Eversource to BOS; Petition of NStar; 2 diagrams; order for location for BOS signature
212 Approval: Sewer Allocation Policy - 11/5 email from T Hayes re revised sewer allocation policy and street opening rules and regs; Sewer Allocation Policy amendments
213 Approval: Street Opening/Utility Connection Rules & Regulations - street opening rules amendments;
214 Discussion: Tax Classification of all Taxable Property -
215 Approval: Tax Increment Financing Agreement/EMD Millipore/November 16, 2015 Special Town Meeting - 2 approval motions for BOS; Town Meeting Article; Backup; memorandum of understanding for community benefits EMD Millipore; TIF Agreement; Property owner's assent; assessor map of area; MassWorks Infrastructure Program 2015
216 Approval: Festival of Trees on the Town Common - past BOS minutes re festival of trees; flyer for the program distributed
217 Approval: Minutes: 1. October 5, 2015 General Session and October 26, 2015 General Session-
218 Subcommittee Reports -
219 Town Administrator's Report -
220 Chairman's Report -
221 Old/New Business -