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.

321 Approval: Appointments
1. Department of Public Works
2. Budget Analyst
3. Town Administrator Committees

1. Department of Public Works

John Sanchez, Department of Public Works Director, said interviews were conducted by Norman Lavigne, Water Treatment Plant Manager; Russell Makiej, Chief Operator and Cheralyn Rosati, Human Resources to fill the position of Water Treatment Plant Operator. Based on the interviews and candidate qualifications, including 15 years of water treatment plant experience, Mr. Sanchez was recommending Paul Dubois for the position and said Mr. DuBois holds the required CDL truck driver's license. Town Administrator John Petrin (T.A. Petrin) agreed with the recommendation and said he was appointing Paul DuBois to the position 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 Paul DuBois to the position of Water Treatment Operator. Seconded by Selectman Hartling and approved. (5-0-0)

2. Budget Analyst

Paul Sagarino, Town Accountant, said twenty-two qualified applications were narrowed down to four finalists, and he was recommending Nichole Coscia for the position of Budget Analyst. Ms. Coscia is about to complete her Masters Degree in Business Administration, has worked in local government and excels in Munis software. T.A. Petrin said Ms. Coscia will bring important skills to the position and appointed her to the position of Budget Analyst. He recommended 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 Nicole Coscia to the position of Budget Analyst. Seconded by Selectman Hartling and approved. (5-0-0)

3. Town Administrator Committees

T.A. Petrin said he was appointing Mark Burke, Susan DeRosa and Frances Cioffie to three-year seats on the Council on Aging, a standing committee. To the one year ad hoc Housing Partnership he appointed Ernest Covino, Phyllis Etsell, Virginia Mooney, Michael Runyan (Selectman), Robert Young, Henry Wu, James Doherty (Assessor), Kent Moffatt, and Charles Viveiros. He recommended the BOS waive the standard 15 day waiting period.

Motion: Selectman Patuto moved to waive the standard 15 day waiting period for the appointments to the Council on Aging Committee and the Burlington Housing Partnership as reported. Seconded by Selectman Hartling and approved. (5-0-0)

322 Approval: Disability Access Commission

1. Handicapped Parking Fines
2. Police Detail for Handicapped Parking

Sgt. Gerry McDonough and Disability Access Commission (DAC) member Mary Jane Fietze were present seeking BOS approval for the use of handicapped parking funds. Ms. Fietze said the DAC has discussed and support utilizing handicapped parking funds for a pilot program of special details by the Burlington Police Department to exclusively monitor HP parking spots. Sgt. McDonough said the Police Department is in full support of the DAC’s efforts to increase the enforcement of handicapped parking violations.

Chairman Hogan, who is also the DAC Coordinator, said the DAC is proposing several details before Christmas and after Christmas, and if the program is a success, more details will be encouraged in the future. The special details will administer tickets to violators in order to keep HP spaces available to those with valid placards and plates. This type of program is taking place and has been successful in other communities. The goal of the program, he continued, is to not have to write tickets and to make sure there are HP spaces available for those in need. The amount of $10,000 was recommended for the pilot program which would pay the police detail several days prior to Christmas and after Christmas.

Motion: Selectman Patuto moved that the amount of $10,000 be allowed to be allocated from the Handicapped Parking Fine Fund to cover the cost of special detail officers for the handicapped parking pilot program during the holiday season. Seconded by Selectman Hartling and approved. (5-0-0)

T.A. Petrin thanked Sgt. McDonough, Officer Trelegan and other officers who have taken it upon themselves to spend time on this type of enforcement. Chairman Hogan recognized DAC members Maura Mazzocca and Tom Carlson who were also present.
Approval: All Alcohol/New Year’s Eve Extension of Hours
Café Escadrille/26 Cambridge Street

Café Escadrille submitted a request for a one-hour extension of their closing time until 2:00 a.m. for New Year’s Eve, December 31, 2014.

Motion: Selectman Patuto moved to approve the request of Café Escadrille and allow a one-hour extension of closing until 2:00 a.m. Seconded by Selectman Hartling and approved. (5-0-0)

Approval: Street Opening
56 Lexington Street

Mr. Sanchez was present. Also present were Chad and Jill Deforce, property owners, seeking BOS approval for a street opening. He explained that they purchased this historic property six months ago at which time they planned a gut rehab. The house was in much worse condition than they realized and they took it past the point of gut rehab. It took many months of planning with the Historical Commission, and they were finally satisfied with the final design. In November the contractor asked to have the water turned on. Mr. Deforce said he was unable to obtain a permit because it was past the date for a street opening to tie into the street with a new line. He is seeking approval for a temporary line and to finalize the work in the spring. T.A. Petrin explained street opening date regulations, of which Mr. Deforce said, he was unaware.

Mr. Sanchez recommended, and the BOS agreed, that a temporary line be connected with a bond in place to ensure the rest of the work is completed in the spring. T.A. Petrin suggested this item be tabled as Engineering may be able to handle the request.

Motion: Selectman Patuto moved to table the request for a street opening at 56 Lexington Street as discussed. Seconded by Selectman Hartling and approved. (5-0-0)

Approval: Curb Cut
9 Lexington Street

Phyllis Etsell was present representing Murray Hills Inc. T.A. Petrin said this particular roadway falls under BOS jurisdiction. Correspondence from Brian White, Assistant Town Engineer, explained that a curb cut had been made without a permit at 9 Lexington Street for a house under construction. Murray Hills was advised by Engineering that this particular curb cut would require BOS approval. The new curb cut was made for a driveway where the new garage is located. An existing asphalt sidewalk was removed. Engineering and Traffic Safety did not have an issue with this request for a curb cut.

Motion: Selectman Runyan moved to approve the new curb cut on 9 Lexington Street. Seconded by Selectman Hartling and approved. (5-0-0)
Approval: Sewer Allocation 85 Wilmington Road

Woosok Chang was present representing a nail salon opening at 85 Wilmington Road. The applicants wish to have a seven seat salon which requires a sewer allocation of 625 GPD and are seeking BOS approval for 200 GPD (over the allowed allocation amount of 500GPD). Engineering provided copies of Burlington’s Sewer Bank Report.

Motion: Selectman Patuto moved to approve the sewer allocation request for a total of 625 GPD for a nail salon at 85 Wilmington Road. Seconded by Mr. Hartling and approved. (5-0-0)

Hearing: All Alcohol License, Change of Manager Hilton Garden Inn, 5 Wheeler Road

The applicant requested this item be postponed until a future meeting.

Hearing: All Alcohol License/Change of Manager Kings, 52 Second Avenue

Present from Kings Bowl were Joshua Rossner, Frank Stryjewski, and General Manager Donald MacLean seeking BOS approval to place Mr. McLean on their liquor license. He has been working with other Kings Bowl over a five year period. T.A. Petrin explained to the applicant that the serving of alcohol is subsidiary to the serving of a meal, and Mr. McLean said he understands.

Chairman Hogan thanked the ownership of Kings for offering to find employees placement at other Kings locations after the fire at the establishment which was still under the final stages of construction.

Motion: Selectman Patuto moved to approve the All Alcohol License/Change of Manager for Kings, 52 Second Avenue as submitted. Seconded by Selectman Hartling and approved. (5-0-0)

Hearing: All Alcohol License/Change of Manager Rainforest Café, One Burlington Mall

Attorney Tom Murphy, Shea, Murphy & Gulde, was present representing Rainforest Café. Also present was Edward Hannon, new General Manager for Rainforest Café. Mr. Hannon said he has been in the restaurant business for twenty years. This establishment has been having difficulty and he was asked to assist. He and all the other servers have received documentation with respect to the town’s rules and regulations on the serving of alcohol.

Motion: Selectman Patuto moved to approve the All Alcohol License/Change of Manager for Rainforest Café, Inc., One Burlington Mall Road. Seconded by Selectman Hartling and approved. (5-0-0)
Hearing: All Alcohol License/Change of Manager
Romano’s Macaroni Grill, 50 South Avenue

New manager, Andrew Guthrie, was present to request BOS approval for him to be placed as the new manager at this location. All necessary paperwork has been submitted. Mr. Guthrie said he has been in the restaurant business for twenty-nine years and is fully aware of the town’s alcohol rules and regulations. He was advised of the necessity to come back before the BOS if he remains at this location if the restaurant undergoes a name change.

Motion: Selectman Patuto moved to approve the All Alcohol License, Change of Manager application for Romano’s Macaroni Grill, 50 South Avenue. Seconded by Selectman Hartling and approved. (5-0-0)

Approval: 2015 License Renewals

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<td>Cafeteria</td>
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The BOS reviewed the provided alcohol license renewal reports and lists for renewal. T.A. Petrin said they continue to monitor tax payments necessary to receive their license and recommended BOS approval of all licenses.

Selectman Runyan asked about the alcohol I.D. cards policy with servers registering at the Police Department. Not all establishments/or servers comply and he wondered if just the manager of record or one or two key members be required to register.

T.A. Petrin said this practice was the recommendation of past members of the BOS. He has been doing research and it does appear to serve a good purpose. Pauline Gillingham and members of the Police Department will be meeting to review the program. Selectmen Patuto and Runyan agreed that the program warrants review and look forward to comments from that meeting.

Motion: Selectman Patuto moved to approve all reviewed licenses as follows: Alcohol, Amusement, Auto Class I, Auto Class II, Cafeteria, Entertainment, Inn Holder, Livery, Theater, Victualler, and Weigher pending payment of license fees and any outstanding taxes. Seconded by Selectman Hartling and approved. (5-0-0)

Approval: Gutierrez Land Development Agreement

Brian Curtin, Town Treasurer and Paul Sagarino, Town Accountant, were present. T.A. Petrin discussed the current yearly payment of $75,000 made by Gutierrez as part of the past land swap deal. Gutierrez still owes fifteen years of this payment. The amount is used to help pay off debt incurred from the Grand View Farm reconstruction. Gutierrez recently sold a building on Wall Street that was part of the land
swap and asked if the debt could be paid in one final lump payment. Town Counsel, Mr. Curtin and Mr. Sagarino as well as financial consultants have determined the final payment amount to be $950,000. This amount may be invested at conservative rates allowing the town to continue to make the required payment of $75k per year. The paperwork has been prepared by Town Counsel, and a vote by the BOS is necessary to allow this to occur. Mr. Sagarino said the benefit of this one-time payment will lock in the revenue and guarantee the full amount will be paid. Mr. Curtin agreed stating the funds will be kept in escrow.

**Motion:** Selectman Patuto moved to accept the offer of Gutierrez and to sign the release for a one-time, final payment for the land swap in the amount of $950,000, as determined by the town’s financial consultants, and to invest this amount at conservative rates and continue to make the yearly payment of $75,000 for the next fifteen years and to allow the Board of Selectmen Chairman to sign the final paperwork to collect the sum of $950,000 from Gutierrez. Seconded by Selectman Hartling and approved. (5-0-0)

### 333 Budget Operating Guidelines for FY16

The BOS reviewed the annual budget guideline for FY16. Members of the BOS, the School Committee and Ways and Means met with staff and discussed the guideline request for FY16. Ways and Means approved 4% for the general budget (combined between general government and schools), 5% accommodated account, and no more than a 4.5% levy increase. The approved guideline has been the same for the last two years.

FY14 was closed out with free cash in the amount of $9.1 M. The stabilization account is currently at $6.8M, the OPEB fund is approaching $2M, and the levy cap was increased to $4.2M.

The BOS set an increase of 2.49% to the average FY16 residential tax bill and the total levy was increased by 3.76%, which was below the guidelines that had been set.

Much work has been done by staff looking at the community rate profile and comparisons. Headway has been accomplished by combining the Building and Cemetery Department with DPW but Capital and facilities still need review.

Mr. Curtin said the town is financially sound and in unique position. Because of all the construction on Middlesex Turnpike, the town will need to consider more fire and police protection which will affect budget and infrastructure. T.A. Petrin added that the town continues to be proactive with the OPEB account in order to build a reserve fund.

**Motion:** Selectman Patuto moved to approve the financial operating guideline at 4% general operating account (combining schools and general government), 5% accommodated accounts, and no more than a 4.5 tax levy increase. Seconded by Selectman Hartling and approved. (5-0-0)
Review: FY 16 Budget Overview
January 2015 Town Meeting Articles

Town Meeting will be held January 26, 2015. Yearly articles will be presented in order to fund the Reserve and Stabilization funds and OPEB.

Approval: Minutes/November 17, 2014

Motion: Selectman Hartling moved to approve the General Session minutes of November 17, 2014. Seconded by Selectman Runyan and approved. (4-0-1 with Selectman Patuto abstaining)

Subcommittee Reports

Selectman Runyan
All were wished a Merry Christmas and Happy New Year. The community, employees and volunteers were thanked for their efforts throughout the year.

Selectman Patuto
The public was reminded to check on senior neighbors and others they feel may need assistance. Seniors can call the COA if they need help, and there are fuel assistance funds available for seniors through the COA. There has been a slight increase in the number of people using the food pantry. The pantry workers and contributors were thanked. He thanked everyone for making this a great town to live and work in and extended wishes for happy holidays.

Selectman Grattan
The annual financial audit is almost complete and the auditors will be coming before the BOS at a January meeting. There will be an annual holiday concert this Wednesday at the Performing Arts Center, and the School Department announced their concert would be this Sunday. Happy holiday greetings were extended.

Selectman Hartling
Thanked the workers for the Christmas lights on the Town Common and for being on hand for another successful tree lighting event. He wished everyone happy holidays.

Town Administrator's Report
Long Term Facilities Discussion

T.A. Petrin recommended a special meeting in January to discuss the long-term facility requirements.

Happy holidays were extended to employees and residents and volunteers. Recreation was thanked for the tree lighting.
The Board of Fire Prevention Regulations voted to adopt a national model fire code, and the new code adopts NFPA fire codes with Massachusetts amendments. Massachusetts is one of nearly 20 other states that use the model code for their fire code.

338  Chairman’s Report:

The Chairman wished that all enjoy the upcoming holidays.

339  Old/New Business:  None.

      Citizen’s Time:  No one spoke.

ADJOURN

Motion:  Selectman Patuto moved to adjourn at 8:24 p.m and the motion passed.

Respectfully submitted,

Betty McDonough
Recording Clerk
Agenda

321 Approval: Appointment/DPW 11/24 memo from J Sanchez to J Petrin re recommending P Dubois/resume

Approval: Appointment/Budget Analyst 11/24 memo from S Yetman to PG re no issues; 11/2 email from T Hayes to B Murray to JP re recommendation

Approval: Disability Access Commission - Handicapped parking fines/Police detail for handicapped parking 12/15 memo from DAC to BOS re pilot program for special details/email from G McDonough to MJ Fietze, DAC member re pilot program

322 Approval: All Alcohol/New Year’s Eve Extension of Hours/Café Escadrille/26 Cambridge St 12/1 ltr from B Murray to JP re request

323 Approval: Street Opening/56 Lexington Street 12/2 email from Chad Deforce to request back up

324 Approval: Curb Cut/9 Lexington Street 12/9 email from B Schipelliti to T Hayes, P Gillingham, P Etsell; 12/11 email from S Yetman to PG re no objections; photographs of site; 12/5 memo from JP to Chf Kent re curb cut request for comments; 12/3 ltr from B Murray to BOS re curb cut request; site plan

325 Approval: Sewer Allocation/85 Wilmington Road 11/10 email from B White to PG re comments on sewer allocation policy along with 9 page sewer bank report; 11/18 memo from JP to B White re sewer allocation request; 11/17 ltr from Wooseok Gio Chang to BOS re request for a hearing re sewer allocation request; sewer allocation req application; floor layout plan, ceiling/lighting layout plan

326 Hearing: All Alcohol License, Change of Manager/Hilton Garden Inn, 5 Wheeler Road 10/21 ltr from Demakis Law Office to PG and BOS re application of Urban Hotels Burl the licensee for a change of manager; 2 petitions for change of license; personal information form; manager application; L Casillo resume and passport w/photo id; authorized person certificate

327 Hearing: All Alcohol License/Change of Manager/Kings, 52 Second Avenue 11/17 ltr from Riemer & Braunstein to JP re Kings change of manager; petition for change of license; authorized person certificate; letter of consent; manager application; D MacLean resume; personal information form & license with photo i.d.; servsafe certification; certification for crowd manager training

328 Hearing: All Alcohol License/Change of Manager/Rainforest Café, One Burlington Mall 1 petition for change of license; manager application; personal information form; board of directors certification and license w photo i.d.; certification for beverage server training; servsafe certification

329 Hearing: All Alcohol License/Change of Manager/Romanos’ Macaroni Grill, 50 South Avenue 1 petition for change of license; manager application; personal information form and license with photo i.d.; written consent of member to adopt resolutions

330 Approval: 2015 License Renewals/Alcohol/Amusement/Auto Class I/Auto Class II/Cafeteria/Entertainment/Inn Holder/Livery/Theater/Victualler/Weigher 12/12 memo from JP to BOS re license lists for renewal; 10/30 memo from JP to JClancy re alcohol license renewal; 12/2 memo from Sgt T McDonough to JP re alcohol licenses; 11/18 memo from police dept Officer S Cross
to JP re efforts to register alcohol servers and to issue i.d. cards; lists of all licenses; 11/10 & 14 memos from G McDonough to BOS re Class II licenses; Tof B bylaws affecting payment of taxes or assessments

332 Approval: Gutierrez Land Development Agreement -
333 Budget Operating Guidelines for FY16 -
334 Review: FY 16 Budget Overview/January 2015 Town Meeting Articles ï Financial Discussion December 15 for FY 14, FY 15 and FY 16 and future discussions; FY 16 guideline request
335 Approval: Minutes/November 17, 2014
336 Subcommittee Reports -
337 Town Administratorâ€™s Report/Long Term Facilities Discussion -
338 Chairmanâ€™s Report -
339 Old/New Business -
Citizenâ€™s Time