

MINUTES OF THE MEETING OF THE BOARD OF SELECTMEN  
FEBRUARY 9, 2009

The meeting of the Board of Selectmen was called to order at 6:45pm by Chairman Rollins with all Selectmen present. Selectman Gianino moved the Board adjourn to executive session to discuss litigation. Seconded by Selectman Fay with Selectman Zenkin voting aye, Selectman Fay voting aye, Selectman Rollins voting aye, Selectman Patuto voting aye and Selectmen Gianino voting aye. The time estimated was fifteen minutes. The Board stated they would reconvene in public session.

The Board reconvened in public session at 7:05pm

Chairman Rollins, on behalf of the Board, sent condolences for the passing of celebrated Veteran Joseph Arena who was also a member of the Housing Authority.

Town Administrator Mercier received a letter of resignation from Brendan Egan of the Recreation Department. Don Roberts is resigning from the Ice Palace Committee and recommends his replacement, Don Lorinovich.

CITIZENS' TIME:

Paul Raymond came before the Board asking if there were negotiations or discussions with the City of Boston about the possible use of the Cummings property for fields. He asked if there was a sub-committee of the Board of Selectmen and if there had been discussions. Selectman Gianino said that there has been some discussion. He read a letter he received, dated January 8, 2009, explaining usage as recreational and educational

387: APPROVAL: Committees/Appointments and Resignations  
Hanscom Air Force Base Committee

Presented by Town Administrator Mercier, Hanscom Air Force Base has invited surrounding towns to celebrate their history and heritage at the Air Force Base. Selectman Zenkin said that the theme will be Burlington past and present. He has been speaking with School Superintendent Dr. Conti about a contest for 16-18 year olds to design a new Burlington flag with a ribbon cutting ceremony to be held on April 1, 2009. Selectman Fay expressed concern about replacing the Burlington flag and said the Town should vote on it. Town Administrator Mercier put forth the names of Veterans Services Director Robert Hogan, Chamber of Commerce Director James Murphy, and Historical Commission members Toni Faria and Michael Tredeau to the Hanscom Air Force Base Committee. Selectman Zenkin moved to waive the fifteen day waiting period. Seconded by Selectman Gianino and unanimously voted. (5-0)

388: UPDATE: Common Cause

Amy Warfield of the Town Clerks Office came before the Board and said the Massachusetts Campaign for Open Government is preparing for the annual e-Government Awards and is currently reviewing the websites. She said she was confident that Burlington can win the award this year.

389: APPROVAL: Military Housing/Refinance  
131 South Bedford Street

Kenny Mayo came before the Board requesting to refinance his home to lower his interest rate. Selectman Gianino moved to approve the Military Housing/Refinance/131 South Bedford Street. Seconded by Selectman Fay and unanimously voted. (5-0)

390: APPROVAL: Common Victualler License:  
Ruby Thai Kitchen/75 Middlesex Turnpike  
Sodexo/3 Burlington Woods

Kai Sum Chan came before the Board to request a Common Victualler License for Ruby Thai Kitchen to open for business in June 2009. Selectman Fay moved to approve the Common Victualler License/Ruby Thai Kitchen/75 Middlesex Turnpike. Seconded by Selectman Patuto and unanimously voted. (5-0)

Mike Dimick came before the Board to request a Common Victualler License for Sodexo to open for business on February 17, 2009. Selectman Gianino moved to approve the Common Victualler License/Sodexo/3 Burlington Woods. Seconded by Selectman Patuto and unanimously voted. (5-0)

391: PRESENTATION: Citizen's Award

Police Chief Fran Hart presented Arthur Lehmann with a Letter of Appreciation and a Chief's Challenge Coin for the apprehension of a robbery suspect at the Market Basket in Burlington.

392: PUBLIC HEARING: Alcohol Violation/Chili's Grill & Bar  
108 Middlesex Turnpike

A public hearing was held on the Alcohol Violation/Chili's Grill & Bar/108 Middlesex Turnpike. There was no one present opposed to the presentation. Present at the hearing was Dave Mason and Shawn Leonard. Presented by Police Chief Hart, on December 29, 2008 Police Officers Michael Minichiello, Matthew Leary and Sergeant Thomas Browne conducted a compliance check at Chili's Grill & Bar and alcohol was served to a minor. Selectman Fay moved to close the public hearing. Seconded by Selectman Gianino and unanimously voted. (5-0) Selectman Fay moved for a one day alcohol license suspension for Monday, February 16, 2009. Seconded by Selectman Patuto and unanimously voted. (5-0)

393: PUBLIC HEARING: Alcohol Violation/Hilton Garden Inn Burlington  
5 Wheeler Road

A public hearing was held on the Alcohol Violation/Hilton Garden Inn Burlington/5 Wheeler Road. There was no one present opposed to the presentation. Present at the hearing was Michael Towle. Presented by Police Chief Hart, on December 29, 2008 Police Officers Michael Minichiello, Matthew Leary and Sergeant Thomas Browne conducted a compliance check at the Hilton Garden Inn and alcohol was served to a minor. Selectman Fay moved to close the public hearing. Seconded by Selectman Patuto and unanimously voted. (5-0) Selectman Patuto moved to impose a first violation alcohol suspension for Monday, February 16, 2009. Seconded by Selectman Fay and unanimously voted. (5-0)

394: APPROVAL: Alcohol One-Day License/The Real School of Music  
56 Middlesex Turnpike

Tom Schneider from The Real School of Music came before the Board requesting a One-Day Alcohol License on March 7<sup>th</sup> from 7:00pm-10:00pm for a charity event to raise money for student scholarships to the school. Selectman Fay moved to approve the Alcohol One-Day License/The Real School of Music. Seconded by Selectman Patuto and unanimously voted. (5-0)

395: SIGNATURES: Easement/EMD Serono Research Center, Inc.  
45A Middlesex Turnpike/Update on Tri-Town Project

Selectman Fay moved to accept the gift of easements for the Tri-Town Project. Seconded by Selectman Zenkin and unanimously voted. (5-0)

396: APPROVAL: Grandview Farm Complex Bid

Town Administrator Mercier said that he has proceeded with the letter of award to Linwood Construction for a low bid of \$789,000, inclusive of bid alternates 1 and 2, which will replace the siding, roofs, doors and windows for the main house and the EI connection, and will allow for the deconstruction of the barn component. This will secure the building for future use. Selectman Fay moved to approve the Grandview Farm Complex Bid. Seconded by Selectman Zenkin and unanimously voted. (5-0)

397: APPROVAL: Reserve Fund Transfer/Human Services Elevator

Selectman Patuto moved to approve the Reserve Fund Transfer/Human Services Elevator for \$4,485.00. Seconded by Selectman Zenkin with Selectman Gianino, Selectman Rollins, Selectman Zenkin and Selectman Patuto voting in favor. (4-0)

398: APPROVAL: Budget Review for FY2010

Town Administrator Mercier said that all the budgets, excluding the Schools', have been submitted to his office. Many of the budgets include negotiated settlements. He said he has been having positive discussions with the unions on wage adjustments. Overall the increase has come in at 2.26%.

399: DISCUSSION: Strategic Planning/Goals

Chairman Rollins said that five different areas had been addressed in 2009:

- A) Combine/Reorganize/Consolidate various Departmental functions and service delivery systems.  
Discussions have been ongoing with the School Department concerning a combined IT/MIS Department and combined facilities.
- B) Develop a plan to address the issue of the Grandview.  
Contract bids have been received and a contractor has been chosen. The lot on 42 South Bedford Street did not have to be sold.
- C) The Wildwood School site and its disposition during 2009.  
The demolition has been completed and the site has been restored to a natural condition. The Board has been having discussions with interested parties.
- D) The Board has established a goal of open and accessible government for all residents.  
The Board has taken leadership to assure that the Town's government will be open and accessible.
- E) The West Burlington Development.  
Infrastructure improvements are being discussed including a new public safety building. Chairman Rollins believes that by the end of 2009 they will be in solid shape to meet the goals.

400: DISCUSSION: Summit on Consolidation of Services/Facilities  
and Land Use

Chairman Rollins said that the Board has had this discussion with the School Department and the Ways and Means. There have been a lot of discussions about the future of the Wildwood parcel. She said it is important to have the Elected Boards in one room to discuss the possibilities. The Board has made a commitment to the Recreation Commission to have a decision by the end of February/early March on the parcel. The Board agreed that it is important to have a discussion with the Elected Boards and would like to have it as an agenda item for the February 23<sup>rd</sup> meeting.

401: APPROVAL: Minutes:  
January 12, 2009 Executive Session  
January 12, 2009 General Session  
January 26, 2009 General Session

Selectman Fay moved to approve the Executive Session Minutes of January 12, 2009. Seconded by Selectman Patuto and unanimously voted. (5-0)

Selectman Fay moved to approve the General Session Minutes of January 12, 2009. Seconded by Selectman Zenkin and unanimously voted. (5-0)

Selectman Zenkin moved to approve the General Session Minutes of January 26, 2008. Seconded by Selectman Patuto and unanimously voted. (5-0)

402: SUBCOMMITTEES' REPORTS:

Selectman Fay said the snow and sanding operations continue; the equipment is holding up. There were three water breaks. He asked the residents to keep the sidewalks and fire hydrants in front of their homes clear of snow. The food pantry is in their second phase of construction and it is almost complete. He attended the K of C Rotary turkey dinner and all attendees had a great time. The Sound Barrier Committee is still on target.

Selectman Zenkin attended the MMA meeting. He said that even though our State Aide is being cut, we are not relying on it as much as other communities. He said the Town is second in line on the green application.

Selectman Patuto said Retired Sergeant Daniel Clark will be visiting the Senior Center to sing on April 15<sup>th</sup> at 2:00pm. He said he spoke with energy consultants at the MMA meeting and there is plenty of money available. The COA will lose about \$2,200 in 9C cuts this year. The Cable Advisory Group will meet on Wednesday at 2:00pm and will open contracts with RCN.

Selectman Gianino spoke about people reaching out and helping others in need and taking the time to assess a situation and get appropriate help. He spoke of Firefighter Kadilak following through with assistance at the Lowell Arena and thanked Letter Carrier Susan Stryke for acting out by alerting the Fire Department of a situation. The Massachusetts Office of Disabilities will be meeting with the Disability Access Committee on March 10<sup>th</sup> to explore how to ensure people with disabilities have proper access.

403: TOWN ADMINISTRATOR'S REPORT:

Selectmen Fay and Gianino will meet with T.A. Mercier tomorrow morning with the auditor about the Grandview Commons project. He is continuing dialogue with the unions and hopes to have something to report to the Board in

the near future. The Ways and Means is meeting on Wednesday night. Both Representative Murphy and Senator Donnelly asked when they may come before the Board.

404: CHAIRMAN'S REPORT:

The 3A Sub-committee will meet next Wednesday. Please call if anyone is interested in being on the committee. The new routes for the BLINE began on January 5<sup>th</sup>. There are two buses doing four routes saving the Town \$51,000. The MBTA money is stable at \$80,000. Ridership in January decreased a little bit. More passes were sold this January than last year in January. The BLINE has FAQ and schedules posted on the Burlington website. Farmers Market discussions have begun. Representative Murphy would like to have a discussion with the Board in March.

Selectman Fay moved the Board adjourn the meeting at 9:20pm. Seconded by Selectman Zenkin and unanimously voted. (5-0)

Respectfully submitted,

Laura Nichols  
Recording Secretary