

MINUTES OF THE MEETING OF THE BOARD OF SELECTMEN
FEBRUARY 12, 2007

The meeting of the Board of Selectmen was called to order at 7:02pm by Acting Chairman, Kevin McKelvey with all Selectmen present except for Chairman, Gary Gianino.

CITIZENS TIME:

Mr. John Cormier, Town Meeting member precinct 6, spoke about the banners in Town. He would like to see the issue put on the agenda for citizens time at the next Selectmen's meeting. Robert Mercier, Town Manager, said there would be something at the next meeting about the banners.

Dan DiTucci, 8 Lisa Street, requested a non binding resolution on the Wildwood School. He requested to see it on the agenda at the next Selectmen's meeting.

018. APPROVAL: Appointments/Town Administrator
Full Time Firefighter/Fire Department
Limited Assignment Firefighters/Fire Department
Recycle Committee
Council on the Arts

Town Administrator Mercier put forth the name of Thomas MacLeod as full time firefighter. Selectman Fay moved to appoint. Seconded by Selectman Patuto and unanimously voted. (4-0-0) Selectman Fay moved to waive the fifteen day waiting period. Seconded by Selectman Rollins and unanimously voted. (4-0-0)

Town Administrator Mercier put forth the names of Frederick Keene, Paul Gerbrands, Albert Brabant, Ronald Kullman, James Fay, Thomas Corbett, George Creamer, and Paul McLaughlin as Limited Assignment Firefighters. Selectman Rollins moved to appoint. Seconded by Selectman Fay and unanimously voted. (4-0-0)

Town Administrator Mercier put forth the names of Betty Gilman, Eileen Feldman, Ann Cummings, Tim Browne, Dianne Kendrigan-Creedon, and Gretchen Carey to the Recycle Committee and waive the fifteen day waiting period. Selectman Rollins moved to appoint. Selectman Fay seconded and unanimously voted. (4-0-0)

Town Administrator Mercier put forth the name of Vincent Sferrino to the Council on the Arts and waive the fifteen day period. Selectman Fay moved to appoint. Selectman Rollins seconded and unanimously voted. (4-0-0)

- 019: APPROVAL: Purchase: Fire Department/Tower Truck Replacement

Selectman Rollins moved to approve the purchase of a fire truck in the amount of \$821,932. Selectman Fay seconded and unanimously voted. (4-0-0)

020: APPROVAL: Reserve Fund Transfer/Town Clerk/Voting Machines

Selectman Fay motioned to accept the bid at \$22,750 for new voting machines. Seconded by Selectman Patuto and unanimously voted. (4-0-0) Selectman Fay moved to approve the RFT for new voting machines. Seconded by Selectman Patuto and unanimously voted. (4-0-0)

021: APPROVAL: Reserve Fund Transfer/Selectmen/Legal

Selectman Rollins moved to approve the RFT for the Selectmen Legal Account. Selectman Patuto seconded and unanimously voted. (4-0-0)

022: PUBLIC HEARING: Alcohol Licenses/Alter of Premise
Marriott @ Mall Road

A public hearing was held on the application of an alter of premise by the Marriott located on Mall Road in Burlington. This will encompass complete renovation of the restaurant known as "Allie's American Grille". James Kappel, General Manager, Marriott Hotel, was present representing Marriott. There was no one present opposed to the presentation. Selectman Rollins moved to close the public hearing. Seconded by Selectman Fay and unanimously voted. (4-0-0) Selectman Rollins moved to approve the application. Seconded by Selectman Fay and unanimously voted. (4-0-0)

023: DISCUSSION: Right of First Refusal/Military Housing
133 South Bedford Street

Jayne Hyde from the Housing Partnership was present. The Board has 30 days to exercise the Right of First Refusal. If the Town decides to exercise that right, then the Town has 120 days from the notice date of January 23, 2007 to find an eligible purchaser. The property will be offered at \$268,257. Town Administrator, Mercier expressed concern with the housing market but thinks it is still affordable for first time home buyers. Selectman Patuto moved to exercise Right of First Refusal. Seconded by Selectman Fay and unanimously voted. (4-0-0)

024: DISCUSSION: First Time Home Buyer/42 South Bedford Street

Town Administrator Mercier explained that 42 South Bedford Street is one of two homes, now owned by the Town, from the Guitierrez Company as part of a land swap. The

intention with the land swap was to use it as a first time home owner property. Assistant Town Administrator, Tom Hickey was present. Mr. John Lavoie, Shawsheen Valley Technical High School, Director of Vocational/ Technical Programs was contacted last year to renovate the house. On February 1, a work crew showed up to begin repairs on the house and noticed the home suffered extensive water and ice damage. The extent of the damage is not known at this point. The Administration's plan is to have a meeting next week with Shawsheen and Town Departments to re-assess the project, determine damage, and put together a timetable for restoration of power and heat. Selectman McKelvey requested that Mr. Hickey email the Board after the meeting.

025: APPROVAL: Alcohol License/Change of Manager
The Capital Grille @ Wayside Commons

Selectman Fay moved to approve the Alcohol License/Change of Manager. Seconded by Selectman Patuto and unanimously voted. (4-0-0) Selectman McKelvey stated he was pleased that a Burlington resident will be running the restaurant.

026: APPROVAL: Adoption of updated Rules and Regulations for the
Licensing and Sale of Alcoholic Beverages

Selectman Patuto moved to approve the updates rules and regulations. Seconded by Selectman Rollins and unanimously voted. (4-0-0)

027: APPROVAL: Post Graduation Party/Police Detail

Selectman Patuto moved to approve the Police Detail expense for the evening of the Post Graduation Party. Seconded by Selectman Rollins and unanimously voted. (4-0-0)

028: APPROVAL: Easter Egg Hunt/Recreation Department

Selectman Fay moved to approve the Easter Egg Hunt scheduled for April 5, 2007 on the Town Common. Seconded by Selectman Patuto and unanimously voted. (4-0-0)

029: SIGNATURES: Easement Agreement/Baxter Circle

Selectman Fay moved to sign for the Easement Agreement at 6 Baxter Circle. Seconded by Selectman Patuto and unanimously voted. (4-0-0)

030: APPROVAL: Budget FY08

Selectman Rollins moved to approve the Accounting FY08 budget in the amount of \$191,895. Seconded by Selectman Patuto and unanimously voted. (4-0-0)

Selectman Patuto moved to approve the Conservation Commission FY08 budget in the amount of \$170,441. Seconded by Selectman Rollins and unanimously voted. (4-0-0)

Selectman Rollins moved to approve the Emergency Management FY08 budget in the amount of \$23,202. Seconded by Selectman Patuto and unanimously voted. (4-0-0)

Selectman Fay moved to approve the Historical Commission FY08 budget in the amount of \$1,920. Seconded by Selectman Patuto and unanimously voted. (4-0-0)

Selectman Rollins moved to approve the Human Resources FY08 budget in the amount of \$65,450. Seconded by Selectman Patuto and unanimously voted. (4-0-0)

Selectman Rollins moved to approve the Legal Department FY08 budget in the amount of \$151,000. Seconded by Selectman Patuto and unanimously voted. (4-0-0)

Selectman Patuto moved to approve the Sealer of Weights FY08 budget in the amount of \$9,500. Seconded by Selectman Rollins and unanimously voted. (4-0-0)

Selectman Rollins moved to approve the Town Meetings and Reports FY08 budget in the amount of \$19,981. Seconded by Selectman Patuto and unanimously voted. (4-0-0)

Selectman Patuto moved to approve the Veteran's FY08 budget in the amount of \$162,675. Seconded by Selectman Fay and unanimously voted. (4-0-0)

Selectman Patuto moved to approve the Disability Access Commission FY08 budget in the amount of \$162,675. Seconded by Selectman Rollins and unanimously voted. (4-0-0)

031: APPROVAL: Minutes (01/22/07)

Selectman Fay moved to approve the minutes of January 22, 2007. Seconded by Selectman Patuto and unanimously voted. (4-0-0)

Minutes (10/30/06)

Selectman Patuto moved to approve the minutes of October 30, 2006. Seconded by Selectman Fay and unanimously voted. (4-0-0)

032: SUB-COMMITTEES' REPORTS

Selectman Rollins said the 3A sub-committee is having a merchants meeting on March 2. This meeting is for anyone doing business with the overlay.

The school sub-committee has gone through the process for the RFP on the architect for the Memorial School. The RFP was voted on.

There has been discussion on taking the preschool and integrating it into the public school system. It would continue to be in the accommodated account for three years and would be evaluated on whether it should stay or move to operating budget.

The first meeting of the Recycle Committee will be in February. They will be out to the Schools and Town soon.

The Bline Committee is working hard on routes. Some routes are ineffective and they are working on new routes and maps. Rider ship has increased. The rate change has not affected rider ship. Northwest has agreed to put \$5,000 a year for 5 years toward the Bline. The Bline will have new signage and the old signs will be removed.

Selectman Fay said the DPW has had a quiet winter so far. They have responded to six storm events this season. They have spent \$75,000. With the lack of snow cover, the water department has been very busy with freeze up service calls.

The Woburn Planning Board approved the landscaping project at the Mill Pond.

Selectman Patuto said the COA tables will be delivered shortly. The Cable Access commission is still in negotiations. The alcohol license and rules sub-committee have completed the task and every alcohol license holder attended the meeting. The next meeting is on March 14. Busa Wine & Spirits developed a common statement on the prevention of sale of alcohol to minors, and the Board hopes to have it posted in restaurants and packages stores.

033: TOWN ADMINISTRATOR'S REPORT

Human Resources Director, Anne Marie Tucciarone-Mahan, submitted her resignation effective February 23. Town Administrator Mercier read her letter aloud where she thanked Bob, Kathy Spinosa, the Board of Selectmen, the School Committee and Dr. Picone for their support over the past six years.

The Town received notice from DHCD that Burlington has attained a percentage of 11.23 affordable housing. It is well above the guidelines across the state.

The Executive Office of Public Safety has allocated \$4,969,269 to the Town for Homeland Security.

Tom Hickey and Robert Mercier are looking at the telecommunications issue. The annual license agreements are generating \$250,000 annually. The Town has been approached by number of people to buy out the licenses. The antennas may not be necessary in the next five to seven years and there is concerned about the revenue stream. A national corporation wants to buy the licenses, pay a lump sum, and take the risk.

There have not been successful negotiations with Papa Razzi. They agreed to postpone the initial hearing with the ABCC in hope to work out a compromise with us. The Town is preparing to go forward with the case.

Selectman Fay moved to send a letter from Board of Selectman to the MMA indicating the Boards' opposition to the legislation of the cable companies trying to do away with local control. Seconded by Selectman Patuto and unanimously voted. (4-0-0)

034: CHAIRMAN'S REPORT

Kevin McKelvey stated that the Board is proud of the Town Administrator and how fortunate the Town is to have him. Kevin had a conversation with Anne Marie and under Bob's tutorage, all that he taught her, and his experience was an immense gain in knowledge for her.

Comcast send a correction notification that the convenience fee of \$2.95 was incorrect and the actual price is \$4.00 effective March 7. This charge only applies to payments made over the phone with a customer care representative.

The Burlington Drug & Alcohol Task Force is sponsoring a parent education night on Gateway Drugs on Wednesday, March 7 from 7:00-9:00pm at the Marshall Simonds Middle School.

The Ice palace had a tank let go that resulted in interruption of ice time. It caused a depression in center ice. Repairs have been made. A special thanks to Anthony Cogliano, Facilities Manager. The heat continues to work in the stands and new mats have been ordered for the locker rooms.

This Wednesday there will be a demonstration on the Accu-Vote OS 2000 voting system at 10:00am in the main hearing room of the Town Hall.

Board of Selectmen Meeting
February 12, 2007
Page 7

035: NEW BUSINESS

Selectman Patuto requested to discuss the non binding resolution on the Wildwood School on February 26. He would like to endorse a plan for the Town Administrator and staff to research alternative energy resources.

Selectman Patuto would also like to have a discussion on the land locked parcel. The last payment is in 2008.

Selectman Fay moved the Board adjourn the meeting at 8:50pm. Seconded by Selectman Rollins and unanimously voted. (4-0-0)

Respectfully submitted,

Laura Nichols
Recording Secretary