

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

The meeting of the Board of Selectmen was called to order at 7:27pm. Chairman Gianino moved the Board adjourn to executive session to discuss issues related to an internal investigation at the Fire Department and the upcoming ABCC hearing with Papa Razzi. Seconded by Selectman Fay with Selectman McKelvey voting aye, Selectman Fay voting aye, Selectman Rollins voting aye, Selectman Patuto voting aye and Selectmen Gianino voting aye. The time estimated was 20 minutes. The Board stated they would reconvene in public session.

The Board reconvened in public session at 7:27pm.

CITIZENS TIME:

049. APPOINTMENTS: Committees:

Grandview Farm Use Committee  
Bernice Ferguson  
Marylou Quinn  
Historical Commission  
Ralph Porcello (1 year alternate)

Chairman Gianino put forth the names of Bernice Ferguson and Marylou Quinn to the Grandview Farm Use Committee and waive the 15 day waiting period. Selectmen Patuto moved to appoint. Seconded by Selectman McKelvey and unanimously voted. (5-0-0)

Chairman Gianino put forth the name of Ralph Porcello as a one year alternate to the Historical Commission and waive the 15 day waiting period. Selectman Fay moved to appoint. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

050. APPROVAL: Unnamed Street to Fr. Crispo Way

Selectman Fay moved to approve naming the unnamed street, next to St. Margaret's Parish, Fr. Crispo Way. Seconded by Selectman McKelvey and unanimously voted. (5-0-0)

051: APPROVAL: Common Victualler's License  
Dunkin Donuts at 10 Wall Street.

Selectman Fay moved to approve the victualler's license. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

052: APPROVAL: Alcohol License Transaction/Change of Manager  
Romano at 50 South Avenue

Selectman Rollins moved to approve the Change of Manager at Romano. Seconded by Selectman Fay and unanimously voted. (5-0-0)

053. APPROVAL: Alcohol License Transaction/Change of Manager  
Not Your Average Joe's at Wayside Commons

Selectman Fay moved to approve the Change of Manager at Not Your Average Joe's. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

054: APPROVAL: Easement/20 Highland Way

Selectman Rollins moved to deny the Easement at 20 Highland Way. Seconded by Selectman Fay and unanimously voted. (0-5-0)

055. DISCUSSION: Update/42 South Bedford Street

Jayne Hyde of the Housing Partnership presented with Assistant Town Administrator Tom Hickey and Town Administrator Robert Mercier. Tom had asked Shawsheen to reassess and quote what it would take to repair the house after the damage. The original quote was \$35,000 and has now increased to \$78,542. The Town insurance has denied the insurance claim because the house was vacant. Tom will continue to pursue this. Chairman Gianino suggested speaking with Town Counsel since the house was being renovated at the time. The \$78,542 will be funded from the Housing Advocacy in the Town of Burlington. Upon the sale of the house, the housing fund will be reimbursed. This house will be restricted to a Burlington family.

Selectman Fay moved to approve the \$78,542.98 from the Accommodated Housing Account. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

056: DISCUSSION: Wildwood School/Landlocked Parcel

Selectman Patuto reminded the BOS that at the last Town Meeting there was a non binding resolution to raise and restore the property. He believes the Town should hold on to the property. Selectman McKelvey believes the Town has a responsibility to see if there is any interest of development of the property and would like to see an RFP. Selectman Rollins would like to see an RFP go out and give the Town Meeting options. Chairman Gianino believes that until the Town receives approval for the Memorial School project, the Wildwood School should be put on hold. Town Administrator Robert Mercier stated that people are taking more and more interest in the landlocked parcel and it may be time to organize a new committee. Selectman Patuto agreed and said we have to know what can be done with it legally and what options are available. Chairman Gianino would like to include Town residents with expertise to participate. Bob and Tom

will get information for a future meeting about the composition of a committee. They will work together on a mission statement.

057: DISCUSSION: Preliminary Review/Intermunicipal Agreement  
Between Burlington and Billerica

Billerica would like to bring their water line up the street and connect with Burlington at their cost of approximately \$1,800,000. The BOS would like some changes to the verbiage of the contract.

058: APPROVAL: Minutes (11/27/06)

Selectman Fay moved to approve the minutes of November 27, 2006 as amended. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Minutes (12/11/06)

Selectman Rollins moved to approve the minutes of December 11, 2006. Seconded by Selectman Fay and unanimously voted. (5-0-0)

Minutes (02/12/07)

Selectman McKelvey moved to approve the minutes of February 12, 2007. Seconded by Selectman Fay with Selectman McKelvey, Selectman Rollins, and Selectman Patuto voting in favor and Selectman Gianino abstaining. (4-0-1)

Minutes (02/26/07)

Selectman Patuto moved to approve the minutes of February 26, 2007. Seconded by Selectman Fay with Selectmen Patuto and Selectman Gianino voting in favor and Selectman Rollins and Selectman McKelvey abstaining. (3-0-2)

059: APPROVAL: Budget FY 08  
Building  
Central Administration (revote Medicare total)  
Department of Public Works  
Fire  
Town Facilities

Selectman McKelvey moved to approve the Building Department FY08 budget in the amount of \$406,026. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Selectman Fay moved to approve the Central Administration Medicare line item revote at \$540,000. Seconded by Selectman McKelvey and unanimously voted. (5-0-0)

Selectman Fay moved to approve the Department of Public Works FY08 budget in the amount of \$8,149,868. Seconded by Selectman McKelvey and unanimously voted. (5-0-0)

Selectman Rollins moved to approve the Fire Department FY08 budget in the amount of \$5,182,454. Seconded by Selectman McKelvey and unanimously voted. (5-0-0)

Selectman McKelvey moved to approve the Town Facilities Department FY08 budget at \$824,107. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

060: DISCUSSION: Preliminary 10-Year Capital Plan

There are some large requests. The DPW has a listing of projects including the relocation of the highway bond and the expansion of Pine Haven Cemetery. The Fire Chief has requested \$12,500,000 for 2008. The Police have nominal requests and a major wiring project. The Selectman Facilities is getting quotes on roof replacement on the Murray Kelley wing. The Annex needs HVAC upgrades. The Town Hall and Annex need paint and repairs. Town Administrator Mercier will look into a general obligation bond for capital. The Memorial School is on hold pending the MSBA decision and the BHS needs a backup generator at \$165,000. Town Administrator Mercier stated the Town needs to invest money to keep the buildings going.

061: SUB-COMMITTEES' REPORTS.

Selectman Fay reported that the winter storms sand and operations continue as needed. The budget is down to \$140,000. The Pine Haven Cemetery retaining wall bids have been received. Heimlich Landscaping of Woburn was the lowest bidder at \$91,815. The Town of Billerica has opened their bids and the lowest bidder is Cape Ann Equipment, LLC at \$1,834,000 for the Billerica/Burlington water systems interconnection. There were water main breaks on Winn Street and Mill Street. CDM reiterated the delivery of the electrical equipment may be delayed until June at the Millpond Water Treatment Plant. According to the contract, a fine may be imposed. The Town may see partial water conservation in May and June. The Woburn special permit sub-committee met with Burlington and Metcalf and Eddy on March 5 at 7:00pm for an update on the conditions of the Mill Pond Water Treatment and there were no new issues. The next scheduled meeting is on September 24<sup>th</sup>.

Selectman McKelvey reported the alcohol and licensing meeting of the licensees is on Wednesday at 3:00pm at the Town Hall Main Hearing Room. Selectman McKelvey

asked Selectman Patuto to Chair the meeting and if he cannot then Assistant Town Administrator Tom Hickey. The Ice palace oversight committee reported that the voltage is extremely high. This may shorten the life of the mechanical systems. The committee asked the Town Administration to contact NSTAR to request they monitor the voltage coming into the building to see if the situation warrants replacing the transformer. The committee approved the proposed FY08 budget at \$750,176. On behalf of the Police Department, Selectman McKelvey thanked the BOS for their part in the Dare Graduation. The sub-committee for the Town Administrator's annual review collected data on 20 surrounding communities. The research indicates that the Burlington's Town Administrator's salary is the second lowest of the 20 communities.

Selectman Patuto reported that there is a water problem at the COA in the Kelley Murray Wing. The insurance adjuster and Service Master were called in. The Town has closed off half of the room. The Cable Access Committee is in negotiations with the cable suppliers. The next meeting is in May. The Beautification Committee will be out soon planting; please let them know what a great job they are doing.

062. TOWN ADMINISTRATOR'S REPORT.

Mt. Hope wants to talk about the existing lease and future plans. The MWRA preliminary sewer assessment reflects an increase of \$434,000. Town Counsel is checking the wireless communications' leases. Some of them are soliciting to back out of their leases for a one time payment. Town Counsel is not a proponent of one time up front payments and recommends the Town stay with what they have. After meeting with the School Administration, Bob requested a meeting with the school sub-committee about SPED.

063: CHAIRMANS' REPORT.

Chairman Gianino reported he received the projected FY08 budget increase for Shawsheen High School at \$107,674 for Burlington. He received a letter from a resident for implementing a Grandview Farm Restoration Fund like the scholarship donations on the real estate tax bills. The BOS received a complaint from a resident who was not given reasonable accommodations at a retail establishment. The resident was referred to the Disability Access Commission. MASS MPO invited letter of interest for alternative modes of transportation. The BOS received a CD containing a copy of the draft Journey to 2030. There should be copy at the library and there is a hearing meeting on Tuesday, March 27 at 3:00pm. There is a hearing before the ABCC on Wednesday regarding the challenge to a fine imposed upon Papa Razzi for violating the rules and regulations of the liquor laws. Toni Faria, of the Historical Commission, requested a letter of support from the BOS. She is writing a book on the History of the Burlington Fire Department.

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Selectman Patuto moved for a letter of support for Toni Faria. Seconded by Selectman McKelvey and unanimously voted. (5-0-0)

064: OLD BUSINESS/NEW BUSINESS.

NSTAR and Verizon are pursuing the insurance carrier of the drunk driver that took out the three poles that caused power outages on Route 62.

Selectman McKelvey reported the Town should know whose responsibility it is for the power outages in Town and what is the policy on them. He also inquired who is responsible for the relocation of wires and what the protocol is.

Selectman Rollins moved the Board adjourn the meeting at 9:50pm. Seconded by Selectman Fay and unanimously voted. (5-0-0)

Respectfully submitted,

Laura Nichols  
Recording Secretary