

MINUTES OF THE MEETING OF THE BOARD OF SELECTMEN

July 20, 2009

The meeting of the Board of Selectmen was called to order at 6:35pm by Chairman Patuto with all Selectmen present. Selectman Gianino moved the Board adjourn to executive session to discuss potential litigation. Seconded by Selectman Rollins with Selectman Zenkin voting aye, Selectman DiTucci voting aye, Selectman Rollins voting aye, Selectman Patuto voting aye and Selectman Gianino voting aye. The time estimated was thirty five minutes. The Board stated they would reconvene in public session.

The Board reconvened in public session at 7:10pm.

Chairman Patuto held a moment of silence for Jack Miller.

CITIZENS' TIME:

Resident Greg Smith asked the Board if the Town had received the new street sweeper. Selectman DiTucci informed him that it had been. He mentioned that he thinks there is a beaver problem at vine brook. He also said he talked to Doug Meehan at Fox 25 News about both Fire and Police Chiefs retiring.

517: APPOINTMENTS: Firefighter David Banville
Poll Workers Appointments FY2010
Police Specials List

Fire Chief Callahan introduced newly appointed firefighter David Banville to the Board. He said they hired him from a list of previously laid off firefighters.

Selectman Rollins moved to waive the 15 day waiting period for the Poll Workers Appointments FY2010. Seconded by Selectman Gianino and unanimously voted. (5-0)

Selectman Zenkin moved to waive the 15 day waiting period for Police Specials List. Seconded by Selectman DiTucci and unanimously voted. (5-0)

518: APPROVAL: Bond Anticipation Notes/General Obligation Bonds
Signatures

Tax Collector/Treasurer Brian Curtin presented the sale of \$6,100,000 General Obligation Bonds to fund five projects. The date of the sale was July 14, 2009. PNC Capital Markets was the winning bidder on the bonds with an average interest rate of 3.15%. Prior to the sale, Standard & Poor's, a municipal rating agency, affirmed its AA+ rating on the Town's bonds. This sale was handled by financial advisor First Southwest Company. He also presented Bond Anticipation Note sale results for \$3,780,000 to finance various capital projects including the varsity field, the water meter project, and the memorial school design. Jefferies & Company was the winning bidder with a coupon rate of 2.00% and a net interest cost of 0.58%. Selectman Gianino moved to accept and sign for the Bond Anticipation Notes/General Obligation Bonds as presented this evening by Brian Curtin. Seconded by Selectman Zenkin and unanimously voted. (5-0)

519: APPROVAL: Historical Commission/Town Common Use
Fall Festival/September 26, 2009

Historical Commission members Toni Faria and Joyce Fay came before the Board requesting to use the Town Common for a fall festival on September 26, 2009. They said they will be hiring a trolley to ride by ten historic sites in Burlington. They requested to offer pony rides and a petting zoo. The Board suggested using the meadow next to the Grandview Farm for the zoo animals. Selectman Rollins moved to approve the Historical Commission/Town Common Use/Fall Festival/September 26, 2009 from 10am-2pm. Seconded by Selectman Zenkin and unanimously voted. (5-0)

520: PUBLIC HEARING: Grant of Location/TCG New Jersey, Inc./Siena
Center Street

A public hearing was held on the Grant of Location/TCG New Jersey, Inc./Sienna Engineering Group, Inc./Center Street to place a 4" PVC conduit from an existing utility pole to an existing man hole. Senior Project Manager David Edgar was present representing Siena. There was no one opposed to the public hearing. Selectman Rollins moved to close the public hearing. Seconded by Selectman DiTucci and unanimously voted. (5-0) Selectman Zenkin moved to approve the Grant of Location/TCG New Jersey, Inc./Siena/Center Street pole #3/32. Seconded by Selectman DiTucci and unanimously voted. (5-0)

521: PUBLIC HEARING: Grant of Location/Verizon Petition #D09-37
Pathwoods Avenue

A public hearing was held on the Grant of Location/Verizon Petition #D09-37/Pathwoods Avenue to place an anchor four feet behind existing Pole #92/12. Paul Diboli was present representing Verizon. There was no one opposed to the public hearing. Selectman Zenkin moved to close the public hearing. Seconded by Selectman DiTucci and unanimously voted. (5-0) Selectman Zenkin moved to approve the Grant of Location/Verizon Petition #D09-37/Pathwoods Avenue pole #92/12. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Gianino requested an update on the double poles in Town at the next meeting.

522: APPROVAL: Rotary Club Brown Bag Concert on the Common

Veterans Administration Director Bob Hogan informed the Board that the Rotary Club has offered to share with the community a free Jazz Band concert on the common on Friday, August 14th at 12:00pm. Selectman Zenkin moved to approve the Rotary Club Brown Bag Concert on the Common. Seconded by Selectman Gianino and unanimously voted. (5-0)

523: APPROVAL: Wine & Malt License/Change of Officers
Nordstrom Blue Stove/Burlington Mall

Attorney Trish Farnsworth was present representing Nordstrom Blue Stove. Selectman Gianino moved to approve the Wine & Malt License/Change of Officers/Nordstrom Blue Stove/Burlington Mall. Seconded by Selectman Zenkin and unanimously voted. (5-0)

524: APPROVAL: Street Opening/Utility Gas Line
8 Terry Avenue

Robert Rosenfield of Fieldcom Realty Trust came before the Board to request a street opening to install a gas line for a back up generator. Selectman Rollins moved to approve the Street Opening/Utility Gas Line/8 Terry Ave. Seconded by Selectman DiTucci and unanimously voted. (5-0)

525: APPROVAL: Sewer Allocation/235 Cambridge Street

Phyllis Edsel of Robert W. Murray Real Estate came before the Board requesting a sewer allocation for 235 Cambridge Street for 16 units to be built; fourteen two bedroom units and two one bedroom units. Selectman Rollins moved to approve the Sewer Allocation/235 Cambridge Street. Seconded by Selectman Gianino and unanimously voted. (5-0)

526: APPROVAL: Block Party/Labor Day Weekend/September Lane

Selectman Gianino moved to approve the Block Party/Labor Day Weekend/September Lane on September 5th from 12:00pm-10:00pm. Seconded by Selectman Zenkin and unanimously voted. (5-0)

527: DISCUSSION: Local Option Tax Increases

Town Administrator Mercier said the new provisions would allow a community to increase the meals tax to 7% of which .75% would go back to the local community. In addition, the hotel/motel tax can be increased from 4% to 6% with the total increase going back to the local community. He said we anticipate we could generate an additional \$500,000 to \$1,000,000 annually to our fiscal year budget. Some of the communities around Burlington are moving quickly on this. T.A. Mercier said he would do an assessment on the trend in the local option acceptance and put forth a recommendation to the Board. T.A. Mercier said he would like to pursue the hotel/motel tax increase this fall. Selectman Gianino agreed with the hotel/motel tax increase but was concerned about the effects of the meals tax increase on small businesses. Selectman Zenkin said he agrees with Selectman Gianino and would like to see what other communities around Burlington are doing. The Board stated they would like to see this on the September Warrant.

528: VOTE: Revision to Home Rule Petition

Town Administrator Mercier urged the Board to support the revision to the Home Rule Petition for a public safety complex as stated in Section 5 of House Bill No. 4056. Chairman Patuto requested Town Council John Giorgio to check on the verbiage. T.A. Mercier asked the Board to vote on its intent. Selectman Gianino moved to approve Section 5 as intended. Seconded by Selectman Zenkin and unanimously voted. (5-0)

529: SUBCOMMITTEE REPORTS:

Selectman Gianino informed the Board on the passing of former firefighter Don Sleeper. He was a firefighter in the 1960's. He said Fire Chief Callahan would like to stress to residents if they have ashes or coal to put the embers out with water. He commended Lieutenant O'Meara for his actions of saving a home from a fire. The Town Center sidewalk on Bedford Street is in the progress.

Selectman DiTucci said the DPW would like to remind residents of the new trash and weekly recycling program. The trash toter should be placed at least three feet away from obstacles. If trash cannot fit in the

toter, orange overflow bags must be used. They can be purchased at Shaw's and at the DPW for \$2.00 each. Bulky items can be picked up by calling 1-800-442-9006. Bids for the Town wide water meter installation will be received by July 22nd. Smoke testing will be performed around Town in the manhole covers looking for leaks in the sewer lines. Street line painting has been completed. The cemetery walls are being done. The drainage project at Bruce/Alma Rd will be completed soon. The paving has continued to move along. The Bedford Street reconfiguration and Town Common sidewalk is 50% completed. The Human Services parking lot will be done within the next two weeks. Stream cleaning will be done in August.

Selectman Rollins said the BLINE has been using the new buses for two weeks and are doing well. They will be working on a new design for the buses. The brick deadline for the Grandview Farm is July 25th. The Grandview Farm Advisory Committee has a tour coming up. It is still a construction site; please do not step on the property. The Recycling Committee will soon have a link on the Town website. The 3A Subcommittee has been meeting regularly and will come before the Planning Board about the Town Center.

Selectman Zenkin said the Grandview is moving along nicely. They will be painting soon and the granite is coming in this week. There is a meeting this Friday to discuss phase 2. There is a Police cook out on Wednesday, August 5th at the Shaw's parking lot. There will be many displays.

530: TOWN ADMINISTRATOR'S REPORT:

T.A. Mercier said he received a letter from FEMA saying Burlington is eligible to apply for Mitigation Grants. The Northern Middlesex Council of Governments is committing up to \$1,000,000 on the Billerica Side of the MITRE Link Project. T.A. Mercier said he is still evaluating the impact of the reduction of the Quinn Bill. He would like to get the Subcommittee on the Schools and the Schools to talk about Winn Street pertaining to the development of Memorial School.

531: CHAIRMAN'S REPORT:

Chairman Patuto said they are planning to set a meeting for Strategic Planning in August. The COA paving is not done because of the weather. The new COA bus is very nice. The energy representative was supposed to come in June. He told the Town that we were #2 on the list. He didn't come and the money was disbursed. They are following up on it. The COA received good news from the State on the Formula Grant. Marge McDonald will come before the Board at a later date.

Selectman Rollins moved to adjourn the meeting at 8:55pm. Seconded by Selectman Zenkin and unanimously voted. (5-0)

Respectfully submitted,

Laura Nichols
Recording Secretary