

MINUTES OF THE MEETING OF THE BOARD OF SELECTMEN  
September 14, 2009

The meeting of the Board of Selectmen was called to order at 6:00pm by Chairman Patuto with all Selectmen present. Selectman Rollins moved the Board adjourn to executive session to discuss Contracts. Seconded by Selectman Gianino 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. Present in the executive session was Human Resource Director Joanne Faust and Police Chief Fran Hart.

The Board reconvened in public session at 7:20pm.

CITIZENS' TIME:

Paul Raymond came before the Board with possible ways to acquire cemetery space. He said that the Town should buy house lots that abut the cemeteries, and let the residents know that the Town is interested in their properties. Bob Roberto, member of the Coalition of Fiscal Responsibility, came before the Board with a signed petition by residents of Burlington. The petition is for a non-binding ballot referendum question to be on the General Election Ballot in April 2010 as to whether or not the Town should engage in discussions for the utilization of the Landlocked Parcel.

544: APPROVAL: Appointments/Town Administrator

Town Administrator Mercier put forth the names of Marlene Pierce to the Council on Aging Committee; Jack Gilbert, Gerald Beuchelt, Paul Nichols, and Jennifer Connor to the Information Technology Committee; and Brad Bond, John Sullivan, Gene Lane, Bill Gaffney, John Alberghini, Joe Morandi, Neil Kane and Matt Lee to the Zoning Board of Appeals. Selectman Zenkin moved to waive the 15 day waiting period. Seconded by Selectman DiTucci and unanimously voted. (5-0)

545: VOTE: Shawsheen Technical School Committee Member

Shawsheen School Committee Member Paul Gedick moved to nominate Al Verrier to fill the vacancy on the School Committee due to the passing of Jack Miller. Seconded by Tom Murphy with Christine Monaco voting aye, Paul Gedick voting aye and Tom Murphy voting aye. Selectman Gianino moved to close the nomination. Seconded by Selectman DiTucci with Selectman Rollins voting aye, Selectman Zenkin voting aye, Selectman Patuto voting aye, Selectman DiTucci voting aye and Selectman Gianino voting aye.

546: VOTE: Adoption of Public Safety Policy/Police and Fire

Fire Chief Lee Callahan came before the Board requesting that they adopt a policy requiring Bi-Directional Amplifier (BDA) radio systems, which can accommodate the radio needs of both police and fire, to be installed in certain buildings. Selectman Gianino moved to support the request by Fire chief Callahan and Police Chief Hart. Seconded by Selectman Zenkin and unanimously voted. (5-0)

547: APPROVAL: Common Victuallers License – H Mart  
Young Chow Loo, Tous Les Jours, ChoCho's & WooJeon

Town Administrator Mercier said a fifth restaurant has requested a license this evening and did not make it onto the agenda.

Selectman Gianino moved to grant the Common Victuallers License subject to Board of Health approval to WooJeon. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Gianino moved to grant the Common Victuallers License subject to Board of Health approval to Young Chow Loo. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Gianino moved to grant the Common Victuallers License subject to Board of Health approval to Cho Cho's LLC. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Gianino moved to grant the Common Victuallers License subject to Board of Health approval to SJN Management, LLC. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Gianino moved to grant the Common Victuallers License subject to Board of Health approval to SSAN, Inc. Seconded by Selectman DiTucci and unanimously voted. (5-0)

548: APPROVAL: Sewer Allocation/Skilton Lane/Oakridge Project

Attorney Mark Vaughn was present representing Murray Hills for the Oakridge Project. Selectman Rollins moved to approve the Sewer Allocation/Skilton Lane/Oakridge Project as per the policy at 3080 gallons and \$34,650. Seconded by Selectman Zenkin and unanimously voted. (5-0)

549: APPROVAL: Disability Access Committee/Use of Handicapped Funds

Veteran's Services Director Bob Hogan came before the Board to request an adjustment to the previous vote on August 17<sup>th</sup> for the Human Service Building door repair. The total amount for the repair was \$2,040.00 and only \$534.50 was approved. He is requesting an additional \$1,505.50. Selectman Gianino moved to approve \$1,505.50 for the Disability Access Committee/Use of Handicapped Funds. Seconded by Selectman DiTucci and unanimously voted. (5-0)

550: PROCLAMATION: Veteran's Services/American Legion

Veteran's Director Robert Hogan and the incoming Commander of the American Legion, Jim O'Brien, came before the Board. Chairman Patuto read aloud a proclamation; Wednesday, September 16, 2009 as Millican – MacKenzie Post 273, American Legion Day in Burlington.

551: APPROVAL: One Day Alcohol License/Simon Mall Fashion Event

Burlington Mall General Manager Rick Troizi came before the Board requesting a one hour liquor license for a fashion event. Selectman Rollins moved to approve the One Day Alcohol License/Simon Mall Fashion Event on October 3, 2009 from 6pm-7pm. Seconded by Selectman Zenkin and unanimously voted. (5-0)

552: APPROVAL: Rosary Rally/Town Common

Pauline Hayes came before the Board requesting to hold a Rosary Rally on the Town Common on October 10, 2009. Selectman Gianino moved to approve the Rosary Rally/Town Common. Seconded by Selectman Rollins and unanimously voted. (5-0)

553: DISCUSSION: Church Lane Signage

Selectman DiTucci suggested removing the Do Not Enter sign on Church Lane. He stated that the sign was put in before the sidewalks were installed. He said the no left turn onto Cambridge Street will still be enforced. Selectman Rollins said she would like to look into all of the Do Not Enter signs and requested a list of Do Not Enter streets from the Traffic Advisory Committee. Selectman Gianino said they were put up for the safety of the school children. He suggested notifying the residents of that area, have it on the agenda and request members of the Traffic Advisory Committee to be present at the meeting. Selectman Zenkin agreed with Selectman Rollins. Chairman Patuto agreed that the Traffic Advisory Committee should attend a future meeting along with the residents of that area, the Police Chief, Town Engineer Tom Hayes, and Safety Officer Schipelliti with a list of the Do Not Enter signs.

554: DISCUSSION: September 30<sup>th</sup> Town Meeting Warrant Review

Town Administrator Mercier requested the Board's position on each of the articles for the September 30, 2009 Town Meeting.

Article #3 Middlesex Turnpike/Burlington Mall  
Road Drainage and Roadway Easement

Selectman Rollins moved to support Article #3. Seconded by Selectman Zenkin and unanimously voted. (5-0)

Article #4 Chapter 137 of the Acts of 2003/Public Employees  
Serving in US Armed Forces

Selectman Rollins moved to support Article #4. Seconded by Selectman Zenkin and unanimously voted. (5-0)

Article #6 Amend Article IV/Selectmen, Section 3.0  
Board of Public Works, Subsection 3.1.1  
of Subsection 3.1

Selectman Zenkin moved to support Article #6 to allow fines. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Article #7 Term Limits/Breaks for Elected Officials

Selectman Rollins moved to defeat Article #7 as written in the Warrant. Seconded by Selectman Zenkin and unanimously voted. (5-0)

Article #8 Amend Article XIII/Public Safety,  
Section 1.0/Use of Streets and Public Places,  
Subsection 1.6

Selectman Rollins moved to postpone Article #8 indefinitely. Seconded by Selectman Zenkin and unanimously voted. (5-0)

Article #9 Elected Officials Stipends

No action was taken by the Board of Selectmen.

Article #10 FY 2010 Budget Adjustments

This item is on hold.

Article #11 Funding for the Burlington International Association  
Of Firefighters Contract

This item is on hold.

Article #12 Funding for the Burlington International  
Brotherhood of Police Officers  
(Command Officers)

This item is on hold.

Article #13 Wildwood School Athletic Fields \$904,318

Jack Ferren, Kristine Browne, Don Lorinovich, Paul Raymond and Ernie Zabolotny were present. They said the State is seeking a commitment by the community before they allocate the grant. Selectman Rollins said she was under the perception that the Recreation Commission would have come before the BOS with more information. Selectman DiTucci said it would be irresponsible not to go forward and asked for the Board's support. Selectman Zenkin said the Town should go forward with it. Selectman Gianino said a decision has to be made on whether there will be a complex constructed on the field and the perpetuity issue. T.A. Mercier said it is a \$900,000 obligation. The Board decided to vote at the next meeting on September 30<sup>th</sup>.

Article #14 Inflow/Infiltration/MWRA Grant Program \$456,000

Selectman Rollins moved to approve \$456,000 for the Inflow/Infiltration/MWRA Grant Program. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Article #15 Winn Street/Center Street \$250,000  
Intersection Design

Selectman Gianino said there should be a design and a summary or presentation for the BOS. Selectman Zenkin said he would like to see the intersection of Peach Orchard Road and Winn Street corrected in this design. Selectman Gianino moved to postpone Article #15. Seconded by Selectman Zenkin and unanimously voted. (5-0)

Article #16 Hotel/Motel Tax Increase

Selectman Rollins moved to approve Article #16. Seconded by Selectman Gianino and unanimously voted. (5-0)

555: DISCUSSION: Text Messaging During Meetings

Selectman DiTucci said the Board should adopt a policy. Selectman Gianino said he would leave the room when he responds to a message. Selectman Rollins said she has no issue leaving the room but cannot shut off her phone during meetings. T.A. Mercier said he understands the Board is looking for professional decorum and will draft something for them to approve.

556: APPROVAL: Minutes/Bedford-Burlington Meeting

Selectman Gianino moved to approve the Minutes of the Bedford-Burlington Joint Selectmen's Meeting held on August 10, 2009. Seconded by Selectman Rollins and unanimously voted. (5-0)

557: APPROVAL: Minutes June 8 and June 22, 2009

Selectman Zenkin moved to approve the Minutes of June 8, 2009. Seconded by Selectman DiTucci with Selectman Rollins, Selectman Gianino, Selectman Zenkin and Selectman DiTucci voting in favor and Chairman Patuto abstaining. (4-0-1)

Selectman Zenkin moved to approve the Minutes of June 22, 2009. Seconded by Selectman Rollins and unanimously voted. (5-0)

Selectman Zenkin moved to approve the Executive Session Minutes of June 22, 2009. Seconded by Selectman Rollins and unanimously voted. (5-0)

558: SUBCOMMITTEE REPORTS:

Presented by Selectman Gianino the Burlington Fire Fighters thank the residents in helping to raise \$9,000 for Muscular Dystrophy. Greenwood Emergency Vehicles was the low bidder for Ambulance II. The BFD will hold a 9/11 eight year remembrance ceremony on the Town Common on September 11<sup>th</sup>. The Memorial School is holding an event called Suitcases for Kids on October 10<sup>th</sup> from 10:30am-2:30pm. They welcome new and used backpacks and suitcases

Presented by Selectman DiTucci recycling is up 26%. Yard waste collection begins on October 5<sup>th</sup> and will continue for eight weeks. Final paving at the COA will be on Saturday. Paving 2009 is almost complete.

Selectman Rollins said recycling is up 26%. The Fall Fair is on Saturday, September 26<sup>th</sup>. The Burlington Chamber of Commerce is selling tickets for the Taste of Burlington to be held at the Burlington High School. The Phase I ribbon cutting for the Grandview Farm will be held the third week in October. The Economic Development Team had a vibrant discussion on what we should be doing to continue growth in Burlington. The 12<sup>th</sup> annual Truck Day was held. Selectman Rollins thanked Al Fay, the Recreation Department and the participants.

Selectman Zenkin said we are currently recruiting candidates for the Police Chief position. The application deadline is September 25<sup>th</sup>. We have received 30 candidates and have three proposals for assessment centers. The assessment should be completed by October/November. Grandview Farm Phase I is complete. Phase IA should begin in the next couple of weeks. Shawsheen Tech students will be working with SEA Consultants on Grandview. He recently hiked the landlocked forest and the directional signs are posted.

559: TOWN ADMINISTRATOR'S REPORT:

None

560: CHAIRMAN'S REPORT:

The COA parking lot is looking good. The Senior Olympics has been cancelled; they will try it again in June. We are second in the queue for the energy audit. NSTAR and National Grid have grant money available. He sent condolences to the family of Jim Marchese. Jim was the past Recreation Department Maintenance Director.

Selectman Gianino moved the Board adjourn the meeting at 10:35pm. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Respectfully submitted,

Laura Nichols  
Recording Secretary