

MINUTES OF THE MEETING OF THE BOARD OF SELECTMEN
NOVEMBER 5, 2007

The meeting of the Board of Selectmen was called to order at 7:05pm by Chairman Fay with all Selectmen present.

CITIZENS' TIME:

Chairman Fay read a description of the ICE facility. It is a non-descript building in New England Executive Park. There is a side entrance secured by a fence. There is a control room and a secure keycard entrance. There is video surveillance throughout the building.

Per Town Counsel, Kopelman and Paige, the Town may not try to regulate immigration issues. The Town cannot regulate an area pre-empted by Federal Law.

Selectman Zenkin stated that what was proposed and passed by the Planning Board in 2006 is clearly different to what is happening now. The main intent is to hold, process, and detain. He said that the communication breakdown is unacceptable and the BOS should look into everything possible to keep the detainees out of Burlington. Selectman Rollins, Gianino and Patuto held their comments until after citizens' time.

A group of concerned citizens came before the Board of Selectmen opposed to the ICE facility located at 10 New England Executive Park.

Gregory Smith, 36 College Road came before the BOS will minor lighting issues, double pole concerns and residents not adhering to the overnight parking ban.

Selectman Gianino stated that some of the suggestions made this evening have merit and can be pursued through Congressmen and State Representatives. He believes that the residents of Burlington will be safe.

Selectman Patuto said he was as upset as everyone in this room when he received the phone call from Selectman Zenkin. He said the BOS will work out the best they can for the residents and tax payers to correct this, and make sure that the breakdowns in communications does not happen again.

Selectman Rollins said we need to be educated on ICE. She would like to schedule a meeting with a representative from ICE. The Board of Selectmen and the Planning Board do not answer to one another. She said they need to work on communication gaps. The BOS are trying to do the best by residents by following the law.

Selectman Fay agrees with most of the BOS comments. He said he will find out more information and contact the representatives and congressmen.

234: APPROVAL: Appointment/Fire Department
Retiree/Limited Duty

Selectman Patuto moved the Appointment/Fire Department Retiree/William Callahan. Seconded by Selectman Rollins with Selectman Patuto, Selectman Rollins, Selectman Zenkin and Selectman Fay voting in favor. (4-0-0)

234A: APPROVAL: July 4, 2008 Parade/Burlington Rotary Club

Kevin McKelvey, Ed Flanagan and John Tucci came before the BOS. Kevin thanked them for their support for the parade this year. He also thanked Chairman Fay for his fire engine. Ed Flanagan stated that the parade will be the same distance and they are trying to have a band this year. Selectman Patuto moved to approve the July 4, 2008 Parade/Burlington Rotary Club. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

235: APPROVAL: COMCAST License Agreement

Selectman Patuto moved to approve the new COMCAST License Agreement. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

236: APPROVAL: Discontinuance of Water Ban

Selectman Patuto moved to approve the Discontinuance of the Water Ban. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

237: APPROVAL: "Mass Recycles Paper!" Campaign

DPW Superintended John Sanchez requested the BOS sign a resolution in support of the "Mass Recycles Paper!" Campaign. It costs the State an estimated \$100 million per year to dispose of paper. Selectman Rollins said the next recycle meeting is on the 14th. Selectman Rollins moved to support and sign the "Mass Recycles Paper!" Campaign. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

238: APPROVAL: Policy/Murray-Kelly Wing Use

Withdrawn

239: APPROVAL: All Alcohol License/New Officer/Director
The Cheesecake Factory/1326 Burlington Mall

Manager Christine Sullivan was present representing The Cheesecake Factory. Selectman Rollins moved to approve All Alcohol License/New Officer Russell Bendel/Director/The Cheese Factory/1326 Burlington Mall. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

240: PUBLIC HEARING: All Alcohol License /Transfer of License
Romano's Macaroni Grille/50 South Ave.

A public hearing was held on an All Alcohol License /Transfer of License/Romano's Macaroni Grille/50 South Ave. Attorney Howard Miller was present representing Romano's Macaroni Grille. Waterloo Restaurant Ventures, Inc. has purchased 16 Romano's Macaroni Grilles, the present manager, Mark Kobuszewski, will remain the manager. There was no one present opposed to the presentation. Selectman Rollins moved to close the public hearing. Seconded by Selectman Gianino and unanimously voted. (5-0-0) Selectman Patuto moved to approve the All Alcohol License/Transfer of License/Romano's Macaroni Grille/50 South Ave. and to keep the same manager. Seconded by Selectman Zenkin and unanimously voted. (5-0-0)

241: PUBLIC HEARING: All Alcohol License/Transfer of Ownership,
Change of Manager, Change of d/b/a
Marriott Hotel/1 Burlington Mall Road

A public hearing was held on an All Alcohol License/Transfer of Ownership, Change of Manager, Change of d/b/a, Marriott Hotel, 1 Burlington Mall Road. Attorney Karen Simao was present representing Marriot Hotel and said the name change is mainly administrative. The new manager is Jeffrey Miller. There was no one present opposed to the presentation. Selectman Rollins moved to close the public hearing. Seconded by Selectman Gianino and unanimously voted. (5-0-0) Selectman Rollins moved to approve the All Alcohol License/Transfer of Ownership, Change of Manager, Change of d/b/a Marriott Hotel/1 Burlington Mall Road. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

242: APPROVAL: One-day Alcohol License
Wentworth Gallery/Burlington Mall

Selectman Patuto moved to approve two separate One-day Alcohol Licenses for Wentworth Gallery/Burlington Mall on Tuesday, November 27, 2007 and Sunday, December 9, 2007. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

243: APPROVAL: Amusement Device License/Increase
Chuck E. Cheese

General Manager Rick Belmone was present representing Chuck E. Cheese. They would like to decrease the amount of seating and offer more rides and six more games. Selectman Rollins moved to approve the increase in the Amusement Device License. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

244: APPROVAL: Permit/Selling of Christmas Trees/Lions Club
Shaw's Supermarket/180 Cambridge Street

Selectman Gianino moved to approve the Permit/Selling of Christmas Trees/Lions Club Shaw's Supermarket/180 Cambridge Street. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

245: VOTE: Letter to Governor Patrick

Presented by Town Administrator Mercier, the September Town Meeting had been posted 13 days before the Town Meeting was conducted, and not the 14 days as required by law. Selectman Rollins moved to approve the Letter to Governor Patrick to correct the error. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

246: DISCUSSION: Administrative Initiatives

Town Administrator Mercier said he has discussed with Dr. Picone the concept of combining the IT/MIS functions into a single Town Department that will be responsible for all IT/MIS functions system wide. He will solicit Town residents with expertise who will be willing to provide the Town with the time and their expertise in evaluating the current operation and needs and projecting what can be done to make the delivery of services more responsive and efficient. The Recreation Commission would like to restructure because of some impending retirements. They would like to see a re-organization model in place for the January Town Meeting. The Superintendent of Public Works, Tom Hickey and Robert Mercier have begun a process of evaluating the current method of providing for vehicle replacement and maintenance for the Town's fleet. The Human Resources Director is currently reviewing the entire Administrative and Professional plan classification and compensation schedule to assure the Town's competitiveness in the marketplace.

247: VOTE: House Bill 4048/Additional Alcohol Licenses

The petition is for Northwest Park for eight additional licenses for the sale of all alcoholic beverages and two wine and malt licenses to be drunk on the premises. Selectman Patuto

moved to wait until the Town hears from the licensing authority before approval. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

248: DISCUSSION: Preliminary FY09 Budget Projections

Town Administrator Mercier presented three scenarios that call for operating budget increases of 3%, 4%, and 5%. This year the operating budget increase at 5% had forced us to raise our levy by 7.84%. This was a correction year. A 3% increase will cause us to raise the levy by 6 ½%. The Ways and Means will be discussing this on the 14th.

**249: MINUTES: August 13, 2007
September 10, 2007
September 24, 2007**

Selectman Patuto moved to approve the minutes of August 13, 2007. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

Selectman Patuto moved to approve the minutes of September 10, 2007. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

Selectman Patuto moved to approve the minutes of September 24, 2007. Seconded by Selectman Zenkin and unanimously voted. (5-0-0)

Selectman Patuto moved to approve the Executive Session minutes of August 13, 2007. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

Selectman Patuto moved to approve the Executive Session minutes of September 10, 2007. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

250: SUB-COMMITTEES' REPORTS:

Presented by Selectman Zenkin the Fire Department just began their 24 hour shifts. The helicopter pad is moving forward with the permitting.

Presented by Selectman Gianino, Sergeant O'Meara informed the BOS that GPS units are being stolen from parked vehicles. Please be sure they are not visible.

Presented by Selectman Patuto the COA roof is 80%-90% complete. The computer program purchased last spring is up and running. The safety and wellness fair was a great success. If you require fuel assistance please call the COA at 781-270-1950. If you do not qualify thru the COA try the Veterans Administration. The COMCAST license is complete. The Board of Health is having their emergency preparedness drill on December 1st and is looking for non medical volunteers. Please call 781-270-1955 or

visit www.burlington.org.boh. The next alcohol compliance meeting is scheduled for November 14th.

Presented by Selectman Rollins the BLINE Sub-committee will meet Thursday morning to discuss routes and the 3A Sub-committee will meet on Wednesday. The map of the Town center overlay was printed in the Urban Land Institute, a national publication. The BOS didn't do well in the spelling B. Congratulations to the BEF.

251: TOWN ADMINISTRATOR'S REPORT:

House Bill 3119, relief on tax classification, has been sent to the Senate. If it passes it will provide the Town with substantial relief on the residential side. Hess is the successful bidder for the new four year natural gas contract. The Town has engaged a consultant to review the general liability insurance. The PWED limit on the Mall Road is \$1 million. The total cost of the project is \$6 million. The scoped down project from Middlesex Turnpike to the Mall is \$1.6 million. T.A. Mercier and Assistant T.A. Hickey are working on an RFP for the deconstruction of Wildwood School. He is hopeful to get a price for the May Town Meeting. Health insurance rates will be set at the next meeting, November 19th.

252: CHAIRMAN'S REPORT:

The Burlington Office of Veterans Services wishes to invite everyone to the Burlington's Veterans Day Ceremony on Sunday, November 11th at 10:00am. The traditional flag raising on the Town Common will be at 9:00am. There are still a lot of scholarship donations coming in. The Ice Palace meeting is on November 6th. The Burlington Mall has spent \$1.5 million on entrance ways. Town Meeting gave recognition to Burlington's oldest resident, Mrs. Howard. The new helicopter pad for Lahey Clinic will be located at Kimball Ave.

253: OLD BUSINESS/NEW BUSINESS:

Selectman Patuto brought up the directional signage for the Police and Fire Departments.

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

Respectfully submitted,

Laura Nichols
Recording Secretary