

MINUTES OF THE MEETING OF THE BOARD OF SELECTMEN
NOVEMBER 19, 2007

The meeting of the Board of Selectmen was called to order at 7:00pm by Chairman Fay with all Selectmen present.

CITIZENS' TIME:

Greg Smith, 36 College Road, came before the Board of Selectman on lighting, street parking, and sidewalk issues. A group of concerned citizens came before the Board of Selectmen to discuss the ICE facility and the building inspector's interpretation of the zoning by-laws. Selectman Zenkin moved to put a hold on 10 New England Executive Park occupancy permit until proper review. Town Administrator Mercier said the Field Director of ICE said he will not seek any action pertaining to the occupancy certificate with respect to the holding cells until December 15th. The reason they are asking for the occupancy permit is that they have a signed lease agreement. TA Mercier has the 69 page lease document and is reviewing it. He has also requested the RFP that the government had issued. Chairman Fay asked TA Mercier if the BOS can instruct the building inspector to hold back on the occupancy certificate. He said it is difficult to instruct the Building Inspector to not issue the occupancy certificate because someone could question the motives for ordering a building inspector to not issue occupancy permits in this case or any other case. The majority of people do not have issues with the Administrative use of the facility. The issue is the holding cells. There is a meeting next Monday, November 26th at 7:00pm at the Murray-Kelly Wing with representatives from ICE, GSA, and representatives with Congressman Tierney's office. Selectman Gianino would like the opportunity to speak with Building Inspector John Clancy. Selectman Zenkin said knowing there will be a special meeting after November 26th he would withdraw his motion so that they may discuss it on the 26th. Citizens' time was interrupted to take a scheduled public hearing. After the public hearing Citizens' Time was resumed. More residents expressed their concern on the ICE facility. Selectman Zenkin motioned to put a hold on the occupancy permit on 10 New England Executive Park until proper review. Seconded by Selectman Patuto with Selectman Zenkin and Selectman Patuto voting in favor and Selectman Rollins, Selectman Gianino, and Selectman Fay voting against. Selectman Rollins does not feel comfortable voting in favor of this because she has not had the opportunity to speak with ICE. Selectman Gianino is not in favor of voting this evening and would like to have the opportunity to speak with the building inspector and feels that the 26th is a more viable option. Selectman Patuto agrees with Selectman Zenkin. Selectman Fay agrees with Selectman Patuto and Selectman Gianino and said waiting until November 26th still gives the Town plenty of time to act.

254: NEW GRADUATE: Police Department/Vito Costa, Jr.

Presented by Town Administrator Mercier, Mr. Costa graduated from the academy last week with the highest academic achievement. Selectman Gianino moved to waive the

fifteen day waiting period. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

255: DISCUSSION: Health Insurance Renewal Rates

Presented by Town Treasurer/Tax Collector Brian Curtin, Benefits Administrator Jayne Hyde, and TD Banknorth Consultant Lou Ritchie, the FY 08 health insurance budget is \$9,200,000 which is 15% of the total budget. The statewide budget increase has been double digit. They looked at three vendors; Blue Cross, Harvard Pilgrim, and Tufts. Blue Cross came back with a very aggressive renewal. They looked into new plan designs with higher deductibles to help control cost. The budget they are recommending is a \$300,000/3.27% increase predicated on changing all unions to a 70% employee share and 30% Town share. Harvard Pilgrim is self funded and they are recommending going to a self funding mechanism with BC/BS. There is also a flexible spending plan that will be offered to the unions during negotiations.

Selectman Gianino moved to approve the Health Insurance Renewal Rates as presented this evening. Seconded by Selectman Zenkin and unanimously voted. (5-0-0)

256: APPROVAL: Mass Water Pollution Abatement Trust
Mill Pond Water Treatment Plant/Bond Issue

Selectman Patuto moved to approve the Mass Water Pollution Abatement Trust insurance and delivery of pool 13 for \$300,000 in financing for the additional construction costs for the Mill Pond water treatment plant and to sign the closing documents on this financing. Seconded by Selectman Zenkin and unanimously voted. (5-0-0)

Selectman Patuto motioned to take Article 259 out of order. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

257: PUBLIC HEARING: Classification of Real Estate

A public hearing was held on the Classification of Real Estate. Town Administrator Mercier, Russ Washburn, Brian Curtin and Paul Sagarino, Jr. were present to discuss the classification of real estate. TA Mercier said there was concern a few months ago and they went to Town Meeting to petition from the Administrative, Legal and Legislative perspectives that they believed it was the wrong interpretation by the DOR to effectively classify real estate and it would affect the Town in a negative way. Russ Washburn stated there are different options on the classification shifts that the Town can obtain. He suggested Option 1 which has a classification factor of .636915 with an increase of less than 1% setting the residential rate at \$9.60 and commercial rate at \$26.30 and shifting value to reduce the residential by 3% and increasing the commercial by 5%. There was

no one present opposed to the presentation. Selectman Rollins moved to close the public hearing. Seconded by Selectman Patuto and unanimously voted. (5-0-0) Selectman Patuto moved to adopt Option 1 with the residential classification factor of .636915. Seconded by Selectman Zenkin and unanimously voted. (5-0-0)

258: APPROVAL: Alcohol License/Transfer of Interest
Outback Steak House/34 Cambridge Street

Selectman Rollins moved to approve the Alcohol License/Transfer of Interest/Outback Steakhouse/34 Cambridge Street. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

259: APPROVAL: Policy for Use of the Murray-Kelly Wing Rooms

Selectman Patuto moved to approve the Policy for Use of the Murray-Kelly Wing Rooms at the Human Resources Center. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

260: APPROVAL: Alcohol License/Change of Manager/Nordstrom
Burlington Mall

Withdrawn

Presented by Attorney Trish Farnsworth they are withdrawing the General Manager and Change of Manager and will return in January.

261: SIGNATURES: Construction Easement Release/Harvard Avenue

The Board of Selectmen signed the Construction Easement Release for Harvard Avenue.

262: APPROVAL: Alcohol License/New Year's Eve Extension of
Hours/Café Escadreille/26 Cambridge Street

Selectman Patuto moved to approve the Alcohol License/New Year's Eve Extension of Hours/Café Escadreille/26 Cambridge Street. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

263: APPROVAL: Alcohol License/One-Day
Burlington Cold Cut Center/195 Cambridge Street

Selectman Rollins moved to approve the Alcohol License/One-Day/Burlington Cold Cut Center/195 Cambridge Street and congratulated them on their 25th anniversary. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

264: APPROVAL: Alcohol License/One-Day
Keypoint Partners/Wayside Commons

Selectman Rollins moved to approve the Alcohol License/One-Day/Keypoint Partners/Wayside Commons. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

265: SUB-COMMITTEES' REPORT:

Presented by Selectman Gianino, Chief Hart wanted to remind the residents of Burlington about the rash of GPS thefts. The Police Department is in the midst of accreditation.

Presented by Selectman Patuto the COA roof on the Murray-Kelly portion is complete. The total package is 80% complete. There is some fuel assistance available, to see if you qualify call 781-270-1950. For residents under 65 contact the Veteran's Office at 781-270-1960. The BOH flu clinic will be held on December 1st at the BHS. The COA van is available for transportation to the flu clinic. To schedule a ride call the COA at 781-270-1950.

Presented by Selectman Rollins, Planning Board member Ann Cummings and Selectman Rollins will be going to the Government Affairs Committee of the Chamber of Commerce and enter into discussions with some of the larger businesses about routes for the BLINE and how to tie in the residential and commercial communities. They will be meeting on December 5th.

Presented by Selectman Zenkin, he ran into a state geologist at Simonds Park. The geologist was measuring cracks in the ledge in Burlington and told him that there is a fault line in Burlington. He forwarded his name to the BHS science lab.

266: TOWN ADMINISTRATOR'S REPORT:

T.A. Mercier sent a three page document to ICE officials on Friday and was expecting to get a response by the BOS meeting. Free cash was certified for \$2,560,430, the sewer enterprise fund for \$487,513, and the rink enterprise fund at \$200,233. The RFP for engineering services to prepare the bid documents for the Wildwood School are due on December 14th with the intent to have a number for the May Town Meeting.

267: CHAIRMAN'S REPORT:

The meeting on Saturday with Congressman Tierney on ICE went well. Brian Curtin and Selectman Fay attended a couple of insurance meetings. Selectman Fay attended the Ice rink committee meeting a couple of weeks ago and there is another one in three weeks.

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Selectman Fay and Selectman Patuto attended the alcohol commission meeting. Selectman Rollins and Selectman Fay met with the Ways and Means. The Veterans' Day celebration went well. The BHS band did a great job.

268: OLD BUSINESS/NEW BUSINESS:

Selectman Gianino recalled a previous discussion about having a study done on how Burlington conducts business. He would like to see it on the agenda at the next meeting.

Selectman Gianino moved the Board adjourn the meeting at 9:25pm. Seconded by Selectman Rollins and unanimously voted. (5-0-0)

Respectfully submitted,

Laura Nichols
Recording Secretary