

MINUTES OF THE MEETING OF THE BOARD OF SELECTMEN
December 13, 2010

The meeting of the Board of Selectmen was called to order at 6:30 p.m. by Selectman Patuto with Selectman Gianino, Selectman DiTucci, Selectman Hogan, Selectman Zenkin and Selectman Patuto present. Selectman Gianino moved the Board adjourn to executive session to discuss collective bargaining/litigation. Seconded by Selectman Zenkin with Selectman Hogan voting aye, Selectman DiTucci voting aye, Selectman Patuto voting aye, Selectman Gianino voting aye and Selectman Zenkin voting aye. The time estimated was thirty minutes.

The Board reconvened in public session at 7:03 p.m.

Chairman Patuto held a moment of silence for the armed forces and for the service men and women who have made the ultimate sacrifice.

CITIZENS' TIME:

Burlington resident Gregory Smith came before the Board with issues about the double poles especially the one on Middlesex Turnpike across from the Candlewood Suites. He feels that they are falling behind in pole removal. Selectman DiTucci said there are a small percentage of double poles in Town.

Selectman Gianino moved to take item 272 out of order. Seconded by Selectman Zenkin and unanimously voted. (5-0)

269: VOTE: Revisions/Sewer Allocation Policy

Town Engineer Tom Hayes said per request of the Board he spoke with Town Counsel John Giorgio and he found the Revisions to the Sewer Allocation Policy to be acceptable. Selectman DiTucci moved to approve the Revisions/Sewer Allocation Policy. Seconded by Selectman Zenkin and unanimously voted. (5-0)

270: VOTE: Health Insurance

Treasurer/Collector Brian Curtin and Insurance Advisor Louis Ricci came before the Board with updates on the health insurance open enrollment. Selectman Gianino said he was disappointed in the migration to the new plans. T.A. Mercier said he has had good and constructive dialogue and believes the employees are our most valuable asset and wants to maintain them. Selectman Zenkin moved to accept the high deductible plans. Seconded by Selectman DiTucci. Selectman Gianino asked T.A. Mercier if voted tonight would the BOS be in violation of Chapter 150E. T.A. Mercier said some attorneys would say just because an agreement wasn't reached doesn't mean there was a violation. Selectman Gianino said he could not put the Town into litigation. Selectman Patuto concurred with Selectman Gianino and said he was concerned about families with catastrophic issues. Brian Curtin said they could set up a fund for catastrophic issues. Selectman Patuto also asked if we could give the employees more time to negotiate and migrate over. Brian Curtin said he thinks that whoever was going to migrate over have done so already and prolonging it will not

help much. Selectman DiTucci said the employees need to help the Town and is disappointed that more didn't migrate over and thinks they should move forward with it tonight. BEA President Diana Marcus said that there are options and they will work on an unfair labor charge. IAFF President Ed McLean said he was taken aback by the vote and asked if they could give the retirees more time. Brian Curtin said they could wait another two weeks. Past BEA President Ann Marciano said people need more time. To eliminate the HMO would be a hardship to some people. Selectman Zenkin said we have a \$1.8 million increase; we don't want layoffs. Selectman Zenkin, Selectman DiTucci and Selectman voted in favor, Selectman Patuto abstained and Selectman Gianino voted against. (3-1-1)

271 VOTE: Intention to Alter Layout of Middlesex Turnpike and Third Avenue

Selectman DiTucci moved to approve the Intention to Alter Layout of Middlesex Turnpike to allow construction of a sidewalk. Seconded by Selectman Gianino and unanimously voted. (5-0)

272 DISCUSSION: Sale of Lots

T.A. Mercier said they received sealed bids on Lots A & B and would ask the Board to accept the bids individually. The closing would be completed in January 2011. He said they need to consult with the housing authority on the South Bedford Street lots because the lots have contingencies. Selectman Zenkin moved to accept the bid from Donna Brustin for \$310,000 for Lot A for a single family dwelling and authorized the proceeds from Lot A to be spent on the Grandview Farm complex. Seconded by Selectman DiTucci and unanimously voted. (5-0) Selectman Zenkin moved to accept the bid from Scott Gibson for \$285,444.44 for Lot B for a single family dwelling and authorized the proceeds from Lot B to be spent on the Grandview Farm complex. Seconded by Selectman DiTucci and unanimously voted. (5-0) Selectman Hogan moved to authorize T.A. Mercier to send a letter to the Housing Authority as soon as possible for a joint meeting to discuss the South Bedford Street lots. Seconded by Selectman DiTucci and unanimously voted. (5-0)

273 VOTE: MetroPCS License Agreement

Assistant T.A. Hickey explained that this agreement is to allow Metro PCS to sublet a line on the pole in Pine Haven Cemetery. Selectman Hogan moved to accept the contract for the MetroPCS License Agreement. Seconded by Selectman Zenkin with Selectman DiTucci, Selectman Gianino, Selectman Hogan and Selectman Zenkin voting in favor. (4-0)

274 DISCUSSION: FY12 Budget

T.A. Mercier said the Ways & Means set the tax levy at 4% with a 3% increase in operating budgets. The Town will comply with the 3% and will most likely come in a little less. The departments have a deadline of January 15, 2011 to submit their budgets.

275 APPROVAL:

License Renewals:

Alcohol	Inn Holder
Amusement	Livery
Auto Class I	Theater
Auto Class II	Victualler
Cafeteria	Weigher
Entertainment	

T.A. Mercier said he received a letter from the Attorneys for Bugaboo Creek, the holder of a seven day All Alcoholic Beverages License has ceased operation. Selectman Hogan moved to allow Bugaboo Creek six months to hold the license inactive and revocable. Seconded by Selectman Zenkin with Selectman DiTucci, Selectman Hogan, Selectman Patuto and Selectman voting in favor and Selectman Gianino voting against. (4-1)

Selectman Zenkin moved to approve the Amusement License Renewals. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Zenkin moved to approve the Auto Class I License Renewals. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Zenkin moved to approve the Auto Class II License Renewals. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Zenkin moved to approve the Cafeteria License Renewals. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Zenkin moved to approve the Entertainment License Renewals. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Zenkin moved to approve the Inn Holder License Renewals. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Zenkin moved to approve the Livery License Renewals. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Zenkin moved to approve the Theater License Renewals. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Zenkin moved to approve the Victualler License Renewals except for Bugaboo Creek. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Zenkin moved to approve the Weigher License Renewals. Seconded by Selectman DiTucci and unanimously voted. (5-0)

276 APPROVAL:

Minutes:

September 20, 2010

September 27, 2010

October 4, 2010

October 18, 2010

Selectman Zenkin moved to approve the minutes of September 20, 2010. Seconded by Selectman DiTucci with Selectman Hogan, Selectman Patuto, Selectman Zenkin and Selectman DiTucci voting in favor and Selectman Gianino abstaining. (4-1-0)

Selectman Zenkin moved to approve the minutes of September 27, 2010. Seconded by Selectman DiTucci with Selectman Hogan, Selectman Patuto, Selectman Zenkin and Selectman DiTucci voting in favor and Selectman Gianino abstaining. (4-1-0)

Selectman Zenkin moved to approve the Minutes of September 30, 2010. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Zenkin moved to approve the Minutes of October 4, 2010. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Selectman Zenkin moved to approve the Minutes of October 18, 2010. Seconded by Selectman DiTucci and unanimously voted. (5-0)

277 SUBCOMMITTEE REPORTS:

Selectman Gianino said the Fire Department was awarded \$5,400 for the 2011 Safe Grant Program. He informed the Board on the passing of Donald Robinson. He also informed the Board that Dick Wilde is quite ill.

Selectman DiTucci said the Terrace Hall Force Main bids opened December 3, 2010 and they have received very good bids. The lowest bid came in at \$5,927,777. Two other bids came in just over \$6 million. The DPW responded to icy conditions yesterday morning and the roads were treated. Newport Construction is gearing up for clearing and grubbing along the Middlesex Turnpike corridor. The work will be started between MITRE and Plank Street in Billerica.

Selectman Zenkin said the Shawsheen students have 95% of the plumbing done and the framing has been completed. The Sign By-law Committee has been meeting every Wednesday at 8:00 a.m. and they are very close to finalizing.

Selectman Hogan said the Library is having the Burlington Reads program again. The Disability Access Commission will be coming before the Board for permission to spend for some new cameras. After the overhaul on the BLINE busses there is increased ridership by young people. He asked T.A. Mercier to continue working with the unions.

278 TOWN ADMINISTRATOR'S REPORT:

There will be a meeting with the business community about the Middlesex Turnpike Tri-Town Project and residents of Corcoran and Crowley Roads will be notified of the construction. He said they are advertising the Executive Director of the BCLC position and have reduced the hours to 30.

279 CHARIMAN'S REPORT:

The COA will be receiving a van in March donated by the Lahey Clinic. He wished everyone Happy Holidays.

Selectman DiTucci moved to adjourn the meeting at 8:45 p.m. Seconded by Selectman Zenkin and unanimously voted. (5-0)

Respectfully submitted,

Laura Nichols
Recording Secretary