

MINUTES OF THE MEETING OF THE BOARD OF SELECTMEN
BURLINGTON TOWN HALL
MAIN HEARING ROOM/2nd FLOOR
29 CENTER STREET
SEPTEMBER 12, 2011

The meeting of the Board of Selectmen was called to order at 6:30p.m. by Selectman Zenkin with all Selectmen present. Selectman Patuto moved the Board adjourn to executive session to discuss an Update on Collective Bargaining. Seconded by Selectman DiTucci with Selectman Zenkin voting aye, Selectman DiTucci voting aye, Selectman Hogan voting aye, Selectman Patuto voting aye and Selectman Grattan voting aye. The time estimated was thirty minutes. The Board stated they would reconvene in public session

The Board convened in public session at 7:15p.m

Chairman Zenkin held a moment of reflection in Honor of Our Service Men and Women Serving Our Great Nation.

CITIZENS' TIME: None

188 APPROVAL: Appointments/Town Administrator
Sandra Covenov/Cultural Council
Julia Eggleston/Cultural Council
Toni Faria/Cultural Council
Brenda Fisher/Cultural Council
Judi Lichtenfels/Cultural Council

Town Administrator Mercier put forth the names of Sandra Covenov, Julia Eggleston, Toni Faria, Brenda Fisher and Judi Lichtenfels to Cultural Council. Selectman Hogan moved to waive the 15 day waiting period. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

189 APPROVAL: Sale of Land (Tax Title)

Town Treasurer/Collector Brian Curtin came before the Board seeking permission to sell Town owned acquired property Map & Parcel 56-13 on Middlesex Turnpike. It was taken in 1975 for non payment of taxes. It has taken 20 years through land court to obtain ownership. Selectman Patuto said he believes we should wait on selling the property because of rumors of development going on in the area, and if so, a better price may be obtained. Selectman DiTucci feels that he doesn't want to just give the land away and that bidding should begin at \$180,000. Selectman Patuto moved to postpone the sale for not more than one year to get more information on what is happening with the abutting property. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

190 HEARING
(Continued): Continued Hearing/New All Alcohol License
JRS Restaurant, Inc., 1 New England Executive Park

Attorney Mark Vaughn with Equity Office representative John Connelly, and Steven DeSousa representing JRS came before the Board. Total interior seating will be 314 and total exterior seating will be 60. The exterior will be seasonal and will be open from Memorial Day until Columbus Day. T.A. Mercier said the Planning Board has issues with the site related to the number of trees proposed to be removed as well as the final design of the drainage system, but no problem with the restaurant location. Selectman DiTucci asked them to be mindful of the trees. Selectman Hogan moved to close the public hearing. Seconded by Selectman DiTucci and

unanimously voted. (5-0-0) Selectman Patuto moved to approve the New All Alcohol License/JRS Restaurant, Inc., 1 New England Executive Park. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

191 APPROVAL: Sewer Allocation
1 New England Executive Park

Selectman DiTucci moved to approve the Sewer Allocation, 1 New England Executive Park. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

192 APPROVAL: Class I Auto License
Herb Chambers of Burlington, Inc.
DBA/MV-1 of Massachusetts, 93 Cambridge Street

Gerry Salois of The Herb Chambers Companies came before the Board requesting a Class I Auto License to sell vehicles specifically designed for handicapped accessibility. He said it is an exclusive franchise in Massachusetts. The price range is \$40,000 - \$43,000 and is a low volume seller. Selectman Patuto moved to approve the Class I Auto License/Herb Chambers of Burlington, Inc./DBA/MV-1 of Massachusetts, 93 Cambridge Street. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

193 APPROVAL: Common Victuallers License
Ruby Thai Kitchen/75 Middlesex Turnpike

Xiong Dong came before the Board seeking approval for a Common Victuallers License. Selectman DiTucci moved to approve the Common Victuallers License/Ruby Thai Kitchen/75 Middlesex Turnpike. Seconded by Selectman Hogan. Selectman DiTucci amended his motion to include contingent upon receipt of a Workers Compensation Certificate. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

194 APPROVAL: Mount Hope Christian School – Walk-a-Thon, October 22, 2011

Mount Hope Christian School Principal Elaine Driscoll and Gina Rapucci came before the Board seeking approval for a walk-a-thon along Lexington and Bedford Streets to St. Malachy Parish and back. Selectman Hogan requested the Board receive feedback from the Police Department. Selectman Patuto moved to approve the Mount Hope Christian School – Walk-a-Thon, October 22, 2011. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

195 APPROVAL: Street Opening/7 Ledgewood Drive

Gene Cormier of Hills-Mor Construction Co. was present requesting to install water service. Selectman DiTucci moved to approve the Street Opening/7 Ledgewood Drive. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

196 VOTE: Acceptance and Layout/Public Ways

Selectman DiTucci moved that we determine that public convenience and necessity require that the streets listed in the Order of Layout dated September 12, 2011 be laid out as public Town ways and that we file said Order of Layout with the Town Clerk together with the plans referenced in the Order of Layout that give the boundaries and measurements of each way, and that we recommend to the Town Meeting that said layouts be accepted.

Benson Way, Dublin Circle, Erin Lane, Kingsdale Street and Thornton Drive. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

197 VOTE: MAPC North Suburban Sustainable Community Grant

T.A. Mercier said that the Planning Board supports becoming a part of the Sustainable Community Grant. This will help Burlington with an analysis of Route 128. Selectman DiTucci moved to join the MAPC North Suburban Sustainable Community Grant. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

198 DISCUSSION: Landlocked Forest Sub-Committee

Martha Simon and Monty Pearson came before the Board to request support for a grant for the Landlocked Forest to build a new boardwalk to improve the trail system. She said it would decrease the negative impact on the wetlands. The Friends of the Burlington Landlocked Forest are submitting a proposal along with the New England Mountain Biking Association. Selectman Patuto moved to support the Friends of the Landlocked Forest to apply for a grant from the State. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

199 DISCUSSION/VOTE: September Town Warrant

Selectman DiTucci moved to approve Article #3/Discontinuance for 2nd & 3rd Avenue. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Selectman DiTucci moved to approve Article #4/Acceptance of Public Ways. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #5/Acceptance of Real Estate Exemption Provisions/Chapter 73, Acts of 1986 and Article #6/Adjustment of Real Estate Exemption Factors. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

Selectman DiTucci moved to approve Article #7/Sewer I/I Fund. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Selectman DiTucci moved to approve Article #9/Purchase of Conservation Land on Sawmill Road. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

Article #10 withdrawn and postponed.

Selectman Patuto moved to approve Article #11/Cross Connection Revolving Fund Amendment. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

Selectman DiTucci moved to approve Article #12/Phase 5 Inflow/Infiltration Construction. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #13/Center Street Water Tank Repairs. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #14/Disposition of Carpenter House. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #15/Burlington Ice Palace Revolving Fund. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

Selectman DiTucci moved to approve Article #16/Municipal Relief Fund. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #17/Amend General By-Law 1.24.6 (handicapped fines) from \$100.00 to \$200.00. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

200 DISCUSSION: Human Services Building Improvements

Assistant T.A. Hickey said the engineering firm did a comprehensive analysis. The primary focus and the problematic areas are the windows. He said they will develop a plan of action to prioritize and fund the project. Selectman Patuto said the building is extensively used days/night/weekends. He questioned whether to add to or rebuild. T.A. Mercier said the building was structurally sound and said they may consider an addition in the future. Selectman Patuto suggested looking into an expansion.

201 APPROVAL: AMC Burlington 10/Midnight Movie Presentations
Paranormal Activity and 3 Musketeers, Oct. 20th
Tower Heist, Very Harold and Kumar & Puss, Nov. 3rd
Twilight-Breaking Dawn, Part 1, Nov. 17th
Sherlock Holmes and Alvin & The Chipmunks, Dec. 15th
Mission Impossible and Girl with the Dragon Tattoo, Dec. 20th

AMC General Manager Tricia MacDonald came before the Board seeking permission for Midnight Movie Presentations. Selectman DiTucci moved to approve the Midnight Movie Presentations. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

202 APPROVAL: Minutes:
May 23, 2011, General Session
June 23, 2011, General Session

Selectman Hogan moved to approve the May 23, 2011 General Session Minutes. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

Selectman Hogan moved to approve the June 23, 2011 General Session Minutes. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

203 VOTE: MAPC/MPO Designee

T.A. Mercier said the MAPC is holding an election seeking representatives of the various sub-divisions for their newly created MPO regions. Mayor Galvin from Woburn has called and asked the Burlington Selectmen to support his candidacy as someone who will actively work on behalf of our region. He said given our strong relationship with Woburn and the myriad of similar issues we face regarding transportation matters, he recommends the Board vote to support the Mayor's candidacy for the north region MPO. Selectman Patuto moved to support Mayor Galvin as the MAPC/MPO Designee. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

204 SUBCOMMITTEE REPORTS:

Selectman Grattan said the School Sub-Committee met successfully last Wednesday. There are a number of initiatives including I-Pads. There were a couple of network glitches. The new Memorial opened. There will be a formal opening this Thursday and a general open house on Saturday, September 17th. The retention pond that is not working correctly at Memorial School is being addressed. There was a tragedy over the weekend and the school was able to contact the students to offer them support over the weekend. Selectman Grattan said he is trying to meet with the ISAC Committee between now and the next Selectmen's meeting to assess the IT needs. He may ask T.A. Mercier to appoint additional members.

Selectman Patuto said he had a meeting with the 128 C3 Committee in Waltham to voice opposition to the rerouting of trucks carrying hazardous waste. He said his opinion fell on deaf ears and he is not optimistic. He said he was disappointed that the bathrooms at the COA were not renovated yet.

Selectman Hogan passed out a draft of the Town Common Policy with new items to consider. He said Truck Day was never officially approved. Selectman Hogan moved to approve Truck Day on Sunday, September 18th. Seconded by Selectman Grattan and unanimously voted. (5-0-0) Taste of Burlington will be held at the Memorial School on Monday, September 19th from 5:30p.m.-7:30p.m. The Grandview Barn is 90% complete, the exterior gas line was installed last Friday and the Shawsheen students will be back tomorrow. He thanked everyone for the 9/11 ceremony.

Selectman DiTucci said the DPW responded to over 50 calls related to Tropical Storm Irene on Sunday, August 18th. Many streets had downed trees. The Department also responded to all sewer pump stations and the two water treatment facilities due to power outages. There were no sewer overflows or water disruptions. The yard waste collection was extended one week to allow residents to dispose of small branches and yard waste. The Center Street water tank repair continues and painting is expected before the end of the month. E.H. Perkins has re-mobilized and will be working on Third Ave. beginning September 12th. The Force main will take two construction seasons to complete. On September 24th the Conservation Commission is sponsoring a Burlington Biking Outing at the Landlocked Forest. Last Saturday was the People Helping People fundraiser on the Town Common with all of the food and supplies donated by B Good restaurant serving 365 people. Guided walks at the Landlocked Forest begin on Saturday, September 17th. People Helping People is selling raffle tickets for \$20 each for a dinner for six donated by Capital Grille and valued at \$1,000. Trail Animals Running Club event at the Landlocked Parcel is scheduled for Saturday, October 8th with a \$16.50 entry fee that will be donated to the Food Pantry. For more information visit www.trailanimals.com

205 TOWN ADMINISTRATOR'S REPORT:

T.A. Mercier said he is involved in the Middlesex 3 Coalition. Their goal is to leverage our regional competitive advantages to actively strengthen and grow economic development. Selectman Hogan and the Administration met with the utility companies about the double poles at Wayside Commons. They are going to conduct a debriefing with NSTAR about the power outages caused by hurricane Irene. The Planning Board is concerned about the warrant article being at the end of Town Meeting and not getting enough attention and discussion.

206 CHAIRMAN'S REPORT:

Chairman Zenkin presented the updated October schedule do to the Columbus Day holiday. The new schedule is October 3rd and October 17th. The Alcohol Compliance Unit conducted alcohol compliance checks and the

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result of the check was a 100% pass rate. He recently met with T.A. Mercier, Assistant T.A. Hickey and Mt. Hope on the proposed expansion of the gym. The cost is slightly over \$1,000,000 and they asked the Town to assist them, through the escrow account, to help borrow money.

Selectman DiTucci moved the Board adjourn the meeting at 9:45p.m. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Respectfully submitted,

Laura Nichols
Recording Secretary