The general session of the Board of Selectmen (BOS) was called to order at 6:30 p.m. by Chairman Hogan who asked for a motion to enter into executive session to discuss updates on collective bargaining and that the general session would reconvene at the conclusion of the executive session.

Motion: Selectman Grattan moved the BOS adjourn to executive session to discuss updates on Collective Bargaining with the Board reconvening the general session upon conclusion of the executive session. Seconded by Selectman Hartling, with Chairman Hogan voting aye, and Selectman Hartling voting aye and Selectman Grattan voting aye. (3-0-0)

General Session

Pledge of Allegiance/Moments of Reflection
The General Session of the Board of Selectmen (BOS) was reconvened at 7:02 p.m. followed by the Pledge of Allegiance and a moment of silence for the members of the armed forces and emergency responders.

001 Approval: Appointments

MAPC
Kristin Kassner, Planning Director, was appointed by Town Administrator John Petrin (T.A. Petrin) to serve as a member of the Metropolitan Area Planning Commission representing Burlington, and he will serve as alternate member. A request was made for the BOS to approve a 15-day waiver on the appointment.

Motion: Selectman Grattan moved to waive the standard 15-day waiting period for the appointment of Kristin Kassner to serve as a member of the MAPC to represent Burlington and John Petrin, Town Administrator, to serve as the town's alternate member. Seconded by Selectman Grattan and approved. (4-0-0)

Town Accountant Appointment
At their December 16, 2013 meeting, the BOS approved the re-appointment of Paul Sagarino as Town Accountant, and the BOS reviewed the submitted contract.
Motion: Selectman Hartling moved to approve the contract for Paul Sagarino as submitted. Seconded by Selectman Grattan and approved. (4-0-0)

Information Technology Appointment
This appointment was postponed until the BOS's next meeting.

002: Public Hearing: License for Storage of Flammables
Ferrellgas for Wegman’s, 53 Third Avenue
Present was Stan Shawitz representing Ferrellgas Propane Gas Company seeking BOS authorization to temporarily store 9,000 gallons of propane gas at 53 Third Avenue for the purpose of providing heat for the construction department during the construction of Wegman's from the end of January to June 2, 2014. The discrepancy in the amount of gallons originally requested was corrected. The required department heads reviewed and approved the request based on 9,000 gallons. No comments were received from the public.

Motion: Selectman Hartling moved to close the public hearing. Seconded by Selectman Runyan and approved. (4-0-0)

003: Discussion Census
Amy Warfield, Town Clerk, gave an update on the 2014 Annual Census and said an optional survey has been added to the census centering on work location, commuting and means of transportation which will assist the Planning Department as the Master Plan is developed. Cell phone technology information is also being collected in order to develop network-tethered services for use by the community.

004 Hearing: Charity Wine License
Lowell General Hospital (function at Marriott)
The Circle Health Ball for Community Health Initiatives on behalf of Lowell General Hospital has requested BOS authorization to accept wine as a donation to be served at the Burlington Marriott Hotel at a private hospital fund raising event on March 1, 2014. The Marriot Hotel has acknowledged this request, and T.A. Petrin said the appropriate Charity Wine License paperwork was in order and will be processed in accordance to regulations under the ABCC.

Motion: Selectman Runyan moved to approve the request for a Charity Wine License for Lowell General Hospital-Circle to accept donated wine to be served at the Marriott Hotel by its staff at a private fund raising event on March 1, 2014. Seconded by Selectman Hartling and approved. (4-0-0)

005 Discussion: Eagle Scout
Burlington resident and Eagle Scout, Colin Raposo, was present to request BOS approval to sign off on his Eagle Scout project to revert to a safer direction a particular trail within the Landlocked Forest. The project was approved by the BOS at their January 14, 2013 meeting. Mr. Raposo submitted backup for his project and stated that the location was shifted slightly further into Burlington. Selectman Grattan said that the project involved many weeks of planning and the crew of scouts did a fine job. T.A. Petrin said he was satisfied with the final project. Chairman Hogan congratulated Mr. Raposo and asked that the BOS be kept apprised on the upcoming Eagle Scout ceremony.
Approval: Street Opening
22 Old Colony Road
Rong Jin Chen, property owner of 22 Old Colony Road [sic/agenda Old Concord Road], was present seeking BOS approval for a street opening permit in order to connect to natural gas. Also present was John Sanchez, Public Works Superintendent. Mr. Chen, speaking through an interpreter, explained that the home was purchased in August and in September the oil fired water heater was leaking water, and the house is not being heated adequately. A hardship letter was submitted and the proponent said that it would be wasteful to purchase a new heater, since they will be replacing it with a gas fired heater as soon as possible. They are temporarily using an electric water heater but it overloads the circuit.

Engineering discourages non-emergency requests after November 15 because the cold temperatures can cause degradation to the integrity of the restored roadway and winter plowing operations are impacted by construction work. Mr. Sanchez added that frozen debris and unpaved trenches can be dangerous.

Chairman Hogan asked why repairs were not made to the oil heater prior to the onset of winter, and was told that there was only a leak, but it has now gotten worse and is not working properly. Selectman Runyan noted that it appears markings in the street were done some time ago. Selectman Grattan suggested having an electrician check the electrical panel.

The Chairman asked for consideration of a vote and none was put forward. Chairman Hogan explained to the homeowners that since there other options available, the BOS would follow the recommendation of the Engineering Department to not open the street.

Discussion: Law Offices of Nicholas J. DiMauro for M11 Realty
80-82 Cambridge Street
Present were Attorneys Nicholas DiMauro, Richard O'Neill and Mark Burke representing M11 Realty and Mercedes-Benz of Burlington seeking BOS support for their 55,000 square foot luxury auto dealership proposal going before the January 27 Town Meeting in an effort to rezone 80-82 Cambridge Street from GI to Corporate Center PDD.

The representatives described the redevelopment and improvements to the property and said there are discussions being held with surrounding businesses to assist with funding for the creation of a master plan for the Cambridge Street corridor to improve green space and pedestrian walkways. The northerly access is proposed to be shut down for emergency vehicles and Selectman Grattan was pleased to see the egress modified. Proposals to satisfy other safety issues addressed by the neighbors were reviewed.

Chairman Hogan said he was not comfortable asking the BOS to consider a request to support the proposal prior to the final votes of other boards conducting public hearings. Attorney DiMauro said he understood and will continue to work with the town. The proponents were asked to provide the BOS with packets as reviewed by the Planning Department, Land Use and Town Meeting.

Approval: Snow and Ice Authorization
Present were John Sanchez and Paul Sagarino, Town Accountant. T.A. Petrin said the snow and ice events have depleted the town's $350,000 Snow and Ice Operation budget. Mr. Sanchez reviewed a five
year summary of snow and ice operations and requested BOS authorization for $500,000 for that budget for the remaining season bringing the total authorization to $850,000. Mr. Sagarino said rules of municipal finance allow this particular budget to briefly run a deficit in order to keep the roads safe, and T.A. Petrin added that this request will be included in the tax rate recapitulation process.

**Motion:** Selectman Runyan moved to approve authorization for an additional $500,000 beyond the original FY14 budgeted amount of $350,000 to be carried as a deficit amount to be recaptured through the tax rate recapitulation process. Seconded by Selectman Grattan and approved. (4-0-0)

009 **Signatures:** Oracle Declaration of Development Restrictions and Agreement

Town Meeting approved the rezoning of 6 Van de Graaff Drive subject to limitations in a Declaration of Development Restrictions and Development Agreement. T.A. Petrin said the Agreement has been reviewed by Town Counsel, signed by the property owner, and requires final execution by the BOS prior to its being recorded.

**Motion:** Selectman Hartling moved to approve the final execution of the Declaration of Development Restrictions and Development Agreement for the rezoning of 6 Van De Graaff Drive. Seconded by Selectman Grattan. (4-0-0)

010 **Hearing:** All Alcohol License Violation

**Olde Towne Liquors**

**Bickford's Grille**

Police Chief Michael Kent and Sergeant Tim McDonough were present to respond to any questions about the recent 32-establishment alcohol compliance check conducted by the Burlington Police Department wherein two establishments sold alcohol to a minor. T.A. Petrin said these compliance checks are very time, and violations are taken very seriously with town regulations requiring a business be suspended from selling alcohol the Monday following enforcement for a first offense.

**Olde Towne Liquors:** Owners Michael and Nicholas Toucopoulos acknowledged the incident and said they have zero tolerance and the employee was dismissed. T.A. Petrin asked what safeguards will be in place to ensure it does not happen again, and Michael Toucopoulos said he oversees the operation and has a strong presence in the store. There will be consistency and TIPS certification.

Chairman Hogan said he is aware the owners do a great deal for the town, but town policy requires a one-day suspension and enforcement must be followed. Chief Kent and staff were thanked for their efforts. No one from the public spoke.

**Motion:** Selectman Grattan moved to close the public hearing and that the sale of liquors be suspended at Olde Towne Liquors for one day per the town's Alcohol Rules and Regulations with the suspension taking place on Monday, January 20, 2014. 

**Discussion:** Chairman Hogan and Selectman Runyan noting that this date is a holiday recommended changing the suspension to Monday, January 27, 2014.

Seconded by Selectman Hartling and approved. (4-0-0)
Bickford's Grille:
Representing Bickford's was General Manager Henry Yee and Manager Derrick Gagnon who acknowledged a sale to a minor had taken place and apologized adding they have zero tolerance, and the employee was dismissed. They were asked what safeguards were in place to ensure it does not happen again, and Mr. Yee said all managers and assistants will be TIPS certified and servers will be cross trained.

Mr. Yee said the Manager of Record is no longer working there, and, T.A. Petrin said paperwork was not submitted reflecting this change. This demonstrates a lack of understanding of alcohol policy and regulations. It was confirmed that the update to the liquor license is being taken care of immediately. No one from the public spoke.

This establishment is also being allowed to have their suspension take place on Monday, January 27, 2014.

Motion: Selectman Grattan moved to close the public hearing and that the sale of liquors be suspended at Bickford's Grille for one day per the town's Alcohol Rules and Regulations with the suspension taking place Monday, January 27, 2014. Seconded by Selectman Hartling and approved. (4-0-0)

011 Approval: Town Meeting Warrant Articles

T.A. Petrin reviewed the January 27, 2014 Town Meeting Articles under the jurisdiction of the BOS:
Financial Articles:
Article 2 Zoning Bylaw was discussed under agenda item #7.
Articles 3-5 Transfers of Free Cash to Reserve Stabilization, and OPEB funds.
Article 6 Transfer of FY14 funds to various accounts as necessary.

Motion: Selectman Grattan moved to approve Articles 3-6, transfer of funds. Seconded by Selectman Hartling and approved. (4-0-0)

Article 7 Fund the Burlington Municipal Employees' Association contract: The contract has been accepted by the union.

Motion: Selectman Grattan moved to approve to transfer from the FY14 Negotiated Settlement Account the amount of $ 101,000 for the purpose of funding the BMEA contract for FY 14. Seconded by Selectman Hartling and approved. (3-0-1 with Selectman Runyan abstaining)

Article 8 Fund the DPW contract: this contract is still in negotiation but may be ready for Town Meeting.
Article 9 Fund the Firefighters contract: this contract will not be ready for Town Meeting.
Article 10 Fund the Police Command contract: this contract is still in negotiation but may be ready for Town Meeting.
Article 12 Purchase of Recycling Toters: the toters for residents will replace any containers currently used and recycling is co-mingled. A grant was approved to supplement their purchase.
Motion: Selectman Runyan moved to approve the purchase of recycling toters at a cost to the town in the amount of $280,000. Seconded by Selectman Grattan and approved. (4-0-0)

General Bylaw Articles
Solicitation and Fingerprinting
Police Chief Michael Kent provided an update on the General Bylaw request for registration and fingerprinting requirements for soliciting or canvassing in the Town of Burlington. Recommendations made by Town Counsel and the BOS were in place. The town must abide by the Attorney General's recent decision to allow door-to-door solicitation to take place until 9:00 p.m.

Motion: Selectman Hartling moved to approve the bylaw for Door-to-Door Solicitation and Canvassing and Fingerprinting as discussed. Seconded by Selectman Runyan and approved. (4-0-0)

012 Approval: Minutes, December 16, 2013 General Session
Selectman Grattan moved to approve the minutes of December 16, 2013 as submitted. Seconded by Selectman Hartling and approved. (4-0-0)

013 Subcommittee Reports
Selectman Grattan
Bow hunting season ended December 31 and it was reported that three were taken. A report will be forthcoming.

Selectman Runyan
Condolences were given to the family of Gary and Paul Cauldwell on the passing of their mother.

The Boston Globe noted the efforts being made in Burlington to maximize cemetery space.

DPW and Recreation Department were thanked for the work done during the recent storms.

014 Town Administrator’s Report
T.A. Petrin commented on the difficulty placed on manpower and equipment during the recent snow storms and freezing temperatures, and staff was commended for their efforts.

Town departments are working on their budgets.

No one has stepped forward to create a July 4th committee. If too much time passes, there will not be time to appropriately plan for this event.

The Historical Commission was thanked for the pictures now hanging in the main meeting room.

Lahey Clinic has almost reached the fund raising goal for a new emergency room, and T. Petrin met with Jeff Duran of Lahey Clinic regarding the planned major renovations which have been approved by the Planning Board.
Future Emergency Responses: Following the fire at the Lord Baron apartments and many issues surrounding the displacement of tenants, T. A. Petrin recommended the BOS move forward with a community project for a town-wide crisis support team and policy in an effort to temporarily aid those in crisis following an emergency event. The town's departmental emergency management teams are not equipped to handle long-term issues. The BOS agreed that a community group effort would be beneficial to displaced residents.

Joanne Frustaci, resident, said she would volunteer for this task force. She asked about Burlington's Emergency Reserve Corps. and was informed that it falls under the jurisdiction of the Board of Health. Paul Raymond, resident, stated that 30% of housing is now apartments or condos and suggested working with state legislators about rental insurance being incorporated into rental agreements. T.A. Petrin said the lack of insurance was an issue and apartment group policies would be helpful.

015 Assistant Town Administrator's Report
Tom Hickey, Assistant Town Administrator, said he is working on putting together information for an occupancy permit at Grandview Farm. Procedures and plans are being discussed with respect to future holding of functions.

016 Chairman’s Report
None.

017 Old/New Business
Selectman Runyan said he is concerned about the timeframe to correct the double poles on Francis Wyman Road and that it is difficult to clear snow from these sidewalks. A.T.A. Hickey said correction is expected to take place in late spring and summer. T.A. Petrin added that it is a major statewide, costly issue.

018 Citizens Time
No one spoke.

Adjourn

Motion: Selectman Grattan moved to adjourn at 9:00 p.m. Seconded by Selectman Runyan and approved. (4-0-0)

Respectfully submitted,

Betty McDonough
Recording Clerk
BURLINGTON, MA BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING – January 13, 2014

CONVENE TO EXECUTIVE SESSION

001 Approval: Appointments: MAPC, Town Accountant, Information Technology: Contract for Town Accountant

002 Public Hearing: License for Storage of Flammables, Ferrellgas for Wegman’s, 53 Third Avenue: public hearing notice, 1/9/13 ltr from Wegmans to BOS for propane storage tanks, plot plan, 1/2/14 memo to staff and responses, application for license and drawing of locations, 9/11/12 ltr from consumer affairs to Topp Const., maintenance operation list, for portable air,

003 Discussion: Census: Town of Burl Annual Census 2014

004 Hearing: Charity Wine License, Lowell General Hospital (function at Marriott): 12/9/13 ltr to BOS from Circle Health re event and wine, 12/6/13 ltr of ack from Marriott, charity application, certif. of solicitation, 1/7/14 ltr from sec of commwlth re Lowell General

005 Discussion: Eagle Scout: 1/8/14 email from Colin Raposo, 3 notebooks of presentation material and sign off paperwork

006 Approval: Street Opening, 22 Old Colony Road: 12/3/13 hardship letter from Rong Jin Chen, 1/2/14 memo to Engineering from jp re request, 1/9/14 email from engineering re reasons to discourage street opening,

007 Discussion: Law Offices of Nicholas J. DiMauro for Mll Realty, 80-82 Cambridge Street: 12/11/13 ltr from Att DiMauro re request for appearance

008 Approval: Snow and Ice Authorization: 1/8/14 memo from JS to JP re 5 year summary of snow and ice operations

009 Signatures: Oracle Declaration of Development Restrictions and Agreement: 12/16/13 ltr from Riemer re request for appearance, DDR&A,

010 Hearing: All Alcohol License Violation, Olde Towne Liquors and Bickford’s Grille: hearing procedure, 1/2/14 ltrs from JP to Olde Town and Bickford’s re appearance, alcohol compliance report, and narrative of events,

011 Approval: Town Meeting Warrant Articles: 1/27/14 Town Meeting Warrant Article

012 Approval: Minutes, December 16, 2013 General Session

013 Subcommittee Reports: -

014 Town Administrator’s Report: -

015 Assistant Town Administrator’s Report: -

016 Chairman’s Report: -

017 Old/New Business: -

018 Citizens Time: -