TOWN OF BURLINGTON, MA
BOARD OF SELECTMEN
Minutes – General Session
Main Meeting Room, Town Hall

TUESDAY, FEBRUARY 10, 2014 ~ 7:00 p.m.

Board of Selectmen Present: Robert Hogan, Chairman; Michael Runyan, Vice-Chairman; Ralph Patuto (7:30p.m); Daniel Grattan; Christopher Hartling
Also Present: John Petrin, Town Administrator; Thomas Hickey, Assistant Town Administrator

Pledge of Allegiance/Moments of Reflection
The General Session of the Board of Selectmen (BOS) was called to order at 7:00 p.m. followed by the Pledge of Allegiance and a moment of silence for the members of the armed forces and emergency responders.

026 Discussion: FY2013 Audit Exit Conference - Powers and Sullivan
Jim Powers, Partner and Katie Senesi were present to discuss the FY13 Audit Report on Examination of Basic Financial Statements, Reports on Federal Award Programs and Management Letter. Also present were Paul Sagarino, Town Accountant and Brian Curtin, Town Treasurer.

Mr. Powers said the Town did a fine job addressing concerns addressed in the previous audit and significant improvement has been made with reconciliation. The town is in compliance with respect to federal awards and grants. The Town is budgeting conservatively and the financial statements show the solid financial shape of the Town. There are significant reserves in Stabilization in the event of an emergency and the Town has appropriate funding in the retirement system. The new tracking system put in place for police detail was commended and new monetary safeguards have commenced in the Recreation Department.

The auditors recommend a position for an official procurement officer be considered in order to confirm that the Town follows proper contracting procedures as outlined in Chapter 30B. Town Administrator John Petrin (T.A. Petrin) agreed and said the town is moving forward with this recommendation.

The auditors thanked the various offices and staff involved for their assistance. Mr. Sagarino and Mr. Curtin agreed and both were pleased the audit commission noted the improvements made with almost all previous recommendations being satisfied.

027 Public License for Storage of Flammables
Hearing: Eastern Propane for Muller Glen LLC, 36 Muller Road
Present were Jeff Rhuda, Symmes Corp. and applicant for Muller Glen; Jim Blake Eastern Propane; and Attorney Mark Vaughan representing the applicant and Eastern Propane. The applicant is seeking BOS approval for a license to store propane gas with their being nineteen tanks disbursed throughout the property – fourteen 1,000 gallon tanks and five 500 gallon tanks for heating, hot water, cooking, and fireplaces.
Attorney Vaughan there are no gas lines on Muller Road and it would be costly to connect the 32 single family development to the nearest line 1400 hundred feet away, plus Muller Road was recently paved. Mr. Blake said the Conservation Commission and Planning Board will be reviewing the application for a minor engineering change at their next meetings.

Selectman Runyan noted the written concerns of the fire department and was disappointed this request was being submitted when the site is almost complete. The applicant said discussions started with the Fire Department in October when their concerns were raised.

Selectman Grattan asked about maintenance responsibility, and Mr. Blake said Eastern Propane owns the tanks and equipment and it would be their responsibility.

Selectman Patuto said the State Fire Code provides no basis to deny the application and that the use of propane is permissible under state law. However, he recommended the BOS wait to vote until the application was approved by both Conservation and Planning.

Chairman Hogan asked how many deliveries would be made a year, and Mr. Blake said they expect approximately 28 trips.

Speaking to the BOS were new homeowners in favor of the application: Bob Duvass; Barry Gilman, a Lexington resident, and Ed Hinklan who rents in Bedford.

There was one email on record against the proposal from Judy Barker.

Burlington Fire Prevention Officer Captain Michael Hanafin addressed the BOS and said the proponent had done due diligence and knew the location of the natural gas line but decided to move forward with a request for propane against the recommendations of the Fire Department. The safety of the Fire Department was a concern because propane does not dissipate as natural gas does. Mike Patterson, Assistant Fire Chief, was concerned that an approval would set a precedent with other developers and recommended waiting for approval of the Planning Board and Conservation.

Selectman Hartling said he empathized with the clients but would advocate for the safety of the Town and the Fire Department since there was a change from the original intent of the plan and is hopeful the applicant would opt for natural gas.

There were no more comments from the public, and the BOS agreed to close the public hearing.

**Motion:** Selectman Patuto moved to close the public hearing. Seconded by Chairman Hogan. (3-2-0 with Selectmen Hartling and Runyan voting against)

**Motion:** Selectman Patuto moved to approve the request of Eastern Propane for Muller Glen LLC, 36 Muller Road for a license for Storage of Flammables for fourteen (14) 1,000 gallon tanks and five (5) 500 gallon propane tanks at 36 Muller Road on the condition the application for this minor engineering
change is approved by both the Conservation Commission and the Planning Board. Seconded by Selectman Grattan.

Discussion: Selectman Patuto said he understands the conditions of the site and the concerns of the Fire Department and he also has a concern with this storage of propane gas, however, there is no legal basis to deny the application. T.A. Petrin added that Town Council is aware of the concerns and code. Selectman Grattan agreed that the decision of the BOS is based on whether or not they meet the requirements the State code. Chairman Hogan stated that this is an opportune time to consider bylaws to prevent this from occurring again.

Motion passed. (3-2-0 with Selectmen Runyan and Hartling against)

028 Approval: Appointments

1. Engineering: At the recommendation of John Sanchez, Public Works Director, Town Administrator John Petrin (T.A. Petrin) said he is recommending Stephen Hildreth, Jr. Civil Engineer, for the position of Sr. Civil Engineer. Mr. Hildreth has worked for the Engineering Division since August 2010 and demonstrates good attitude towards work and excellent performance of duties. Selectman Grattan agreed stating Mr. Hildreth does a fine job dealing with the public. It was recommended the BOS waive the standard 15-day waiting period.

Motion: Selectman Patuto moved to waive the standard 15-day waiting period for the appointment of Stephen Hildreth to the position of Sr. Civil Engineer. Seconded by Selectman Grattan and approved. (5-0-0)

2. DPW: John Sanchez recommended Paul Bieren be appointed to the position of Water and Sewer Superintendent. Mr. Bieren has worked for the Town for 32 years in a variety of positions and holds various mandatory licenses. T.A. Petrin said he was appointing Mr. Bieren to the position of Water and Sewer Superintendent and requested the BOS waive the standard 15-day waiting period.

Motion: Selectman Grattan moved to waive the standard 15-day waiting period for the appointment of Paul Bieren to the position of Water and Sewer Superintendent. Seconded by Selectman Patuto.

Discussion: Mr. Bieren will receive the required D-4 in approximately six months.

Motion approved. (5-0-0)

3. Information Technology: Joseph Bonjorno was present. At the January 27, 2014 BOS meeting, T.A. Petrin appointed Mr. Bonjorno to the newly created position of Critical Systems Administrator of Information. Mr. Bonjorno has sixteen years of technology background, is proficient in MUNIS and will start on Tuesday, February 18.

029 Approval: DEP Water Treatment Upgrade

This issue was resolved at the staff level.
030 Hearing: All Alcohol License/Addition of Mgr. to the Board of Mgrs.
Legal Sea Foods, LLC d/b/a Legal Sea Foods/
75 Middlesex Turnpike
Marney Whittaker was present representing Legal Sea foods. The restaurant is seeking BOS approval of
an application for Addition of Manager to the Board of Managers of Legal Sea Foods, LLC with the name
change being from Jan Miller to Richard Anderson. T.A. Petrin said the request has already been
approved by the ABCC.

Motion: Selectman Patuto moved to approve the All Alcohol License/Addition of Manager to the Board
of Managers of Legal Sea Foods LLC as discussed. Seconded by Selectman Hartling and approved.
(5-0-0)

031 Hearing: Wine & Malt License/Change of Manager
Bickford's Family Restaurant, Inc. d/b/a Bickford's Grille
6 Cambridge Street
Henry Yee, manager of Bickford's, Family Restaurant was present seeking BOS approval of an
application for Petition for Change of License for a change of manager. The former manager is no longer
at this location and Mr. Yee requesting to be listed as the new manager.

Motion: Selectman Patuto moved to approve the Petition for Change of License for Bickford's Family
Restaurant, Inc., 6 Cambridge Street, with Henry Yee being listed as the new manager. Seconded by
Selectman Grattan and approved.
Discussion: Mr. Yee was reminded that a request for a Change of Manager must be received in a timely
manner and he said he understood.
Motion approved. (5-0-0)

032 Approval: 2nd Annual 5K Road Race Fundraiser (in memory of Charles
(Chuck) Doherty)/Proceeds for Bicuspid Aortic Foundation
Kori Doherty was present seeking BOS approval to hold a 2nd annual 5K road race fundraiser in memory
of Charles Doherty. She said $25,000 had been raised last year to benefit the Bicuspid Aortic
Foundation. Chairman Hogan cautioned the petitioner about potential roadwork being done on the route
of the 5K and to work with DPW with any potential detours.

Motion: Selectman Patuto moved to approve the 2nd annual road race fundraiser for Bicuspid Aortic
Foundation. Seconded by Selectman Hartling and approved. (5-0-0)

033 Approval: Task Force - Community Emergencies
At the January 13, 2014 BOS meeting, the issue of community emergencies was discussed, and it was
agreed that a task force be formed to assess capacity in order for the appropriate action to take place
during emergency events. The task force would make recommendations to the BOS and community
groups when extra attention is required. Community emergencies, he said, are not necessarily a town
function, but it is a community responsibility.
T.A. Petrin said he has approached some town boards for suggestions and consideration, and if approved by the BOS, he will take steps to move forward to speak to recommended boards, departments and community.

The list of recommendations was reviewed and Selectman Patuto asked that the Police Chief be added making it a nineteen member committee comprised of: One member from: the Board of Selectmen, Ways & Means, Board of Health, the Town Administrator or designee, the School Superintendent or designee, the Fire Chief or designee, the Police Chief or designee, BCLC Director, Board of Health Director, People Helping People representative, HELPIS representative, 2 members - Inter-Faith Clergy Group, a Chamber of Commerce representative, two members from Town Meeting Human Services Committee, and two members of the community. Ray Santilli is being recommended as the chairman because of his valuable experience in the community and skills to bring the task force together. Mr. Santilli is also the Town Manager of North Andover.

Selectman Grattan said that Town Meeting approved the recommendation for the formation of a community emergency task force.

Motion: To approve and support the creation of a Community Emergency Task Force with the submitted recommended list of committee members with the addition of the Police Chief to the submitted list. Seconded by Selectman Runyan and approved. (5-0-0)

034 Discussion: FY 2015 Budgets
T.A. Petrin reported that all budgets have been submitted and are being finalized for the BOS and Ways and Means, and the recommended guidelines will be met. Capital requests are due this week. A major change has been the request in the oversite of facilities.

035 Discussion: Selectmen's Office Operations
At this time, the recently vacated, fourth staff position in the office of the Town Administrator/Board of Selectman Office is not being filled. A central phone answering/forwarding system is being reviewed. The system has the capacity to allow callers to directly dial into an office during working hours.

In response to the retirement of the Assistant Town Administrator, the recruitment of a procurement officer is being considered which was also recommended by the Town's auditors.

036 Discussion: MMA Kenneth Pickard Municipal Innovation Award
At the Mass. Municipal Association meeting, Burlington, along with fellow regional communities Bedford, Billerica, Chelmsford, and Lowell were recognized with the Kenneth E. Pickard Municipal Innovation Award for Regional Development for their part in the Middlesex 3 Coalition. T.A. Petrin recognized former Town Administrator Bob Mercier for his efforts on this behalf.

037 Update: Yearly Licenses
All license renewals have been completed and fees received. Three businesses have property tax issues which may need to be addressed by the BOS in a public hearing.
038 Approval: Minutes, January 27, 2014 General Session
Selectman Patuto moved to approve the minutes of January 27, 2014 with amended to date of previously approved set of minutes of January 14, 2014. Seconded by Selectman Grattan and approved. (5-0-0)

039 Subcommittee Reports
Selectman Grattan
It is felt that the primary goal to reduce friction between hunters and nonhunters was accomplished. The final count has not yet been confirmed. Some administrative issues need improvement and follow up discussions will be held with the Conservation Department after which time a final report will be submitted.

Capital planning session were attended at the MMA conference.

Selectman Patuto
There are still funds available for those who need to apply for fuel assistance through the Council on Aging office.

The recent loss of Jack Gulde will be felt by many. He did a fine job as an advocate for seniors and he will be missed.

The 3C Transportation committee is scheduled to meet in March and there may be funding available. An update will be provided to the BOS.

Selectman Hartling
The MMA conference was attended and many spoke well of Mr. Petrin. He also reported that there will be a Grandview Committee meeting and tour on Wednesday.

040 Town Administrator’s Report
The town is finalizing due diligence on the Great Meadow Road property and all appears satisfactory.

Consideration for bylaws for 24 hour retail business operation with guidelines on approvals and denials will soon be presented for BOS consideration.

No one has yet stepped forward to take on the responsibility of Burlington’s July 4th celebration.

T.A. Petrin said a new Recreation Director will be coming on board in March, and unfortunately, he added, Doug Gillingham, Recreation Maintenance Superintendent will soon be retiring.

041 Assistant Town Administrator’s Report
Tom Hickey, Assistant Town Administrator also commented on the Grandview Tavern's committee meeting and viewing on Wednesday. That committee has been resurrected, and they are working on plans for a grand opening. T.A. Petrin said meetings are being held to discuss the transition to Grandview Tavern operational plans and a fee schedule.
Chairman’s Report

Burlington Rotary was congratulated on their efforts for the Senior Valentine's Day Dinner Dance held at Wilmington's Knights of Columbus which has been being held for thirty years.

Old/New Business

None.

Citizens Time

No one spoke.

Adjourn

Motion: Selectman Patuto moved to adjourn at 9:05 p.m. Seconded by Selectman Hartling and approved. (5-0-0)

Respectfully submitted,

Betty McDonough
Recording Clerk
026 Discussion: FY2013 Audit Exist Conference - Powers and Sullivan - Report on Examination of Basic Financial Statements, Reports on Federal Award Programs, Management Letter

027 Public Hearing: License for Storage of Flammables/Eastern Propane for Muller Glen LLC, 36 Muller Road - 1/31/14 public hearing notice, 1/30/14 letter to staff followed by replies; 1/28/14 ltr from Eastern Propane re request to issue license for storage; application for license; map of location, Holly Glen data base; abutter list; 2/10/14 at meeting memo from Chief Yetman re change from original approval; 2/5/14 email from Eugene and Judith Parker


029 Approval: DEP Water Treatment Upgrade – finalized at staff level and not discussed

030 Hearing: All alcohol License/Addition of Mgr. to the Board of Mgrs. of LLC/Legal Sea Foods, LLC d/b/a Legal Sea Foods/75 Middlesex Turnpike - 1/8/14 ltr to P Gillingham from Legal Sea Foods re liquor license; 11/1/13 ltr to local boards from ABCC; 10/22/13 ltr to Jack Carey ABCC re Legal Sea Foods; certificate of amendment; application for retail alcoholic beverage license; certificate of assistant secretary of Legal

031 Hearing: Wine & Malt License/Change of Manager/Bickford's Family Restaurant, Inc. d/b/a Bickford's Grille/6 Cambridge Street - Petition for Change of License application; birth certificate; Personal Information form; manager application

032 Approval: 2nd Annual Road Race Fundraiser (in memory of Charles (Chuck)/ Doherty)/Proceeds for Bicuspid Aortic Foundation - 1/15/14 memo to staff from JP followed by responses; 1/21/14 ltr from the Charles A. Doherty Memorial Foundation to Selectmen, race route map; powerpoint presentation of the organization and the purpose of race

033 Approval: Task Force - Community Emergencies -

034 Discussion: FY 2015 Budgets -

035 Discussion: Selectmen's Office Operations -

036 Discussion: MMA Kenneth Pickard Municipal Innovation Award -

037 Update: Yearly Licenses -

038 Approval: Minutes, January 27, 2014 General Session -

039 Subcommittee Reports -

040 Town Administrator’s Report -

041 Assistant Town Administrator’s Report -

042 Chairman’s Report -

043 Old/New Business -

044 Citizens Time -