The joint meeting with the Recreation Commission to interview Recreation Commission candidates concluded at 6:45 p.m. with Tim Horgan being selected as interim Recreation Commissioner. The meeting of the Board of Selectmen (BOS) remained in session to discuss the recent fire at the Lord Baron Apartments.

Update Recent Fire at Lord Baron Apartments
Town Administrator John Petrin (T.A. Petrin) gave an update on the recent fire at the Lord Baron Apartments: the fire department quickly controlled and isolated the fire, but damage was done to all 35 units; all residents were displaced during building inspection and repair period; one person was hurt and released from hospital; Red Cross assisted with housing alternatives; Human Services Building was open as shelter. The building will be uninhabitable for at least two weeks, and the town staff are still working with agencies to confirm housing, etc. The town's emergency and human services personnel were commended.

Selectman Patuto expressed concern with correspondence he received about displaced residents and is not satisfied that shelter in the Human Services building is appropriate for working individuals, parents, and children and that they should be provided hotel rooms. He is hopeful an event like this does not occur again, but recommends that a quick plan of action be in place. T.A. Petrin said town administration and the human services staff will continue to work with displacement issues as well as the owners of the Lord Baron.

The 7:00 portion of the BOS meeting commenced with appointment approvals.

254 Approval: Appointments
DPW - Water Sewer Maintenance Craftsman
DPW - Special Motor Equipment Operator
Facilities - Part Time Custodian
Police - Traffic Supervisor

DPW - Water Sewer Maintenance Craftsman: T.A. Petrin said interviews were held for the Water Sewer Maintenance Craftsman position. He was pleased to appoint Burlington resident Kenneth Ganley to the position and requested the BOS waive the standard 15-day waiting period. John Sanchez, DPW Superintendent, said he is looking forward to Mr. Ganley joining the department's team.
Motion: Selectman Runyan moved to waive the standard 15-day waiting period for the appointment of Kenneth Ganley to the position of Water Sewer Maintenance. Seconded by Selectman Hartling and approved. (5-0-0)

DPW - Special Motor Equipment Operator: T.A. Petrin said Burlington resident William Ellis, who possess a CDL, has worked with Burlington as a seasonal employee and it was agreed he would make a good addition to the department as a permanent employee. T.A. Petrin was pleased to appoint him to the position of Special Motor Equipment Operator and requested 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 William Ellis to the position of Special Motor Equipment Operator. Seconded by Selectman Grattan and approved. (5-0-0)

Facilities Part-Time Custodian: Mr. Sanchez said Christopher Hayes has worked with the town as a seasonal employee. T.A. Petrin added that Mr. Hayes was interviewed and appointed to the position of Facilities Part-Time Custodian and requested 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 Christopher Hayes to the position of Facilities Part-Time Custodian. Seconded by Selectman Grattan and approved. (5-0-0)

Police - Traffic Supervisor: Chief Kent recommended Carol DeRosa be hired as a permanent Traffic Supervisor. T.A. Petrin said she has been working per diem as a Traffic Supervisor since November 28, 2011, and he appointed her as a permanent Traffic Supervisor and requested 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 Carol DeRosa as a permanent Traffic Supervisor. Seconded by Selectman Grattan and approved. (5-0-0)

Discussion Change in Departmental Titles within the DPW Department
T.A. Petrin recommended the title of "Assistant" Superintendent within certain divisions of DPW be changed to Superintendent of that particular division and the position of Superintendent of Public Works be changed to Public Works Director. This title change has been discussed with the DPW union and does not change job responsibility, grade or pay.

Motion: Selectman Patuto moved to approve the names of the organization structure within the Department of Public Works as recommended and approved by the DPW union with there being no change in responsibility, grade or pay. Seconded by Selectman Grattan and approved. (5-0-0)

255 Recognition: Burlington Transit
Present was Mr. Sanchez and DPW employee Patti Robichaud, who is also a member of Burlington's Public Transit Committee and committee member Sonya Rollins. T.A. Petrin said the transit system would be celebrating its 25th anniversary on November 15, and Mr. Sanchez provided background on the system formerly known as the B-Line. Selectman Runyan, also a member of the transit committee, read a
congratulatory proclamation recognizing the transit's integral part of the community. Mr. Sanchez said Ms. Robichaud is responsible for the transit and she was thanked by all.

Ms. Rollins said free rides will be available during the anniversary week with the cost being provided by Exit Realty, and raffles will be available. Sponsorship is also being provided by the Gutierrez Company, Lahey Clinic, and Nordblom Company. Simonds Properties were thanked for providing free rides in December.

256 Continued Grant of Location  
Public Hearing: Verizon/NStar, Princeton Road  
(from 10/7/13)

T.A. Petrin explained that it was necessary to continue the public hearing to the BOS's November 4, 2013 meeting as Verizon has not yet addressed the concerns of the neighbors.

Motion: Selectman Patuto moved that the public hearing for the Grant of Location for Verizon/NSTAR, Princeton Road be continued to the Board of Selectmen's meeting of November 4, 2013. Seconded by Selectman Grattan and approved. (5-0-0)

257 Public Hearing: All Alcohol License/New  
Tony C's, 17 Third Avenue, NW Park

Mark Vaughan, Riemer & Braunstein, was present representing Rebel Restaurants Inc. d/b/a Tony C's which is seeking BOS approval for a new All Alcohol Liquor License with Henry Pariseau as Manager of Record. Also present was the principal applicant, Robert Ciampa of The Cronin Group as well as Todd Freemont Smith, of the Nordblom Company. Attorney Vaughan presented an overview of the 3rd Avenue redevelopment project. Tony C's is a baseball themed restaurant that will be open for lunch and dinner at reasonable prices. The proposed restaurant will have 332 seats, including 80 patio seats.

T.A. Petrin said the only significant comment was from Inspector of Buildings John Clancy with respect to floor plan labeling, and he is now satisfied that it meets specified guidelines.

When questioned about the serving of alcohol and the town's policies, Mr. Ciampa said they understand the town's rules and regulations, including the dining experience requirement. Selectman Patuto was concerned about the use of a large space shown on the plan, and Mr. Ciampa said it is a beverage pick-up area for the wait staff and cannot be used as a seating area.

Motion: Selectman Patuto moved to close the public hearing. Seconded by Selectman Grattan and approved. (5-0-0)

Motion: Selectman Patuto moved to approve the All Alcohol License, New for Tony C's, 17 Third Avenue, NW Park. Seconded by Selectman Hartling and approved. (5-0-0)

258 Public Hearing: All Alcohol License/Alter of Premise/  
Kings, 52 Second Avenue
Mark Vaughan, Riemer & Braunstein, was present representing Kings as well as Todd Freemont Smith, the Nordblom Company and Frank Stryjewski and William Whitlock of King's Bowl were present. This facility was previously approved for a liquor license, however, minor adjustments were made to the internal layout of the facility which will improve internal circulation and overall operations. The changes include reorientation of the kitchen and restrooms, reducing the bowling alleys from 24 to 20, installing a bocce court and adding a billiards table with seating available while patrons wait to use these functions. Seating will not increase and there will be no issue with seating capacity.

T.A. Petrin said billiards had not been discussed, but it is a function that can occur within the regulations. Selectman Patuto asked about control of people standing around in gaming areas and Chairman Hogan asked about dealing with aggressive crowds. Mr. Stryjewski said it will be appropriately managed and staff is well trained and identification checks are conducted.

Staff had no significant comments.

**Motion:** Selectman Patuto moved to close the public hearing. Seconded by Selectman Hartling and approved. (5-0-0)

**Motion:** Selectman Patuto moved to approve the All Alcohol License, Alter of Premise, King's, 52 Second Avenue. Seconded by Selectman Grattan and approved. (5-0-0)

### 259 Public Hearing: Lemon Tree Restaurant, 211 Middlesex Turnpike

**Burlington General Bylaws Article VII, Sec. 3.0 Delinquent Property Taxes**

T.A. Petrin explained that at this time the town is still working towards a transfer of license as per Burlington General Bylaws, Article VII, Section 3.0 as it applies to delinquency of property taxes and recommended the BOS postpone the public hearing to the first meeting in December.

**Motion:** Selectman Patuto moved to postpone the public hearing for Lemon Tree Restaurant, 211 Middlesex Turnpike, General Bylaws, Article VII, Sec. 3.0, Delinquent Property Taxes, to the first meeting in December 2013. Seconded by Selectman Grattan and approved. (5-0-0)

### 260 Continued All Alcohol License

**Public Hearing:** Transfer/Change of Location/Change of Manager
(from 8/19/13, 9/9/13 & 10/7/13) **Del Frisco's Grille, 92 Middlesex Turnpike**

Present were Attorney Gene Richard, representing Del Frisco's Grille and Ross Hamlin, landlord, Middlesex Marketplace. Mr. Richard described the proposed Del Frisco's Grille as a contemporary, high end restaurant. Further testimony was taken and plans reviewed at the September 9 public hearing.

The outstanding taxes were also discussed and T.A. Petrin said there are two issues: 1. Del Frisco's Grille is seeking to purchase Lemon Tree's All Alcohol License and 2. The town is unable to transfer the license to Del Frisco's Grille, 92 Middlesex Turnpike, until the more than $470,000 in outstanding taxes owed by Lemon Tree, 211 Middlesex Turnpike, are paid. At this time it appears certain transactions are
taking place allowing taxes to be paid and town counsel approved agreements have been prepared for the BOS's review and signatures. He recommended the BOS approve the All Alcohol License transfer at this time with the actual transfer taking place when the funds are received allowing for debts to be paid.

Selectman Patuto recommended the word “bar” on the floor plan be amended to read "café" and requested confirmation that the town's alcohol regulations will be followed. T.A. Petrin said the lease addresses the requirement for a full service menu per regulations.

**Motion:** Selectman Patuto moved to close the public hearing. Seconded by Selectman Hartling and approved. (5-0-0)

**Motion:** Selectman Patuto moved to approve the All Alcohol License, Transfer/Change of Location/Change of Manager, Del Frisco's Grille, 92 Middlesex Turnpike, with the agreement as discussed between the property owner, Calvo Limited Partnership; Del Frisco's Grille; and the Town of Burlington. Additionally the submitted plan is to be modified to change “bar” to “café.” Seconded by Selectman Grattan and approved. (5-0-0)

261 **Approval:** Right of First Offer
35 Center Street

Pursuant to the vote passed at the September 23, 2013 Town Meeting, the BOS reviewed for signatures an Acceptance of Right of First Offer for property located at 35 Center Street.

**Motion:** Selectman Patuto moved to approve and sign the Acceptance of Right of First Offer as presented for property located at 35 Center Street. Seconded by Selectman Grattan and approved. (5-0-0)

262 **Discussion:** Fleet Management Update

The BOS reviewed the Fleet Management 2013 report which is being prepared on new software. It includes lists of inventory, vehicle service, repair and preventative maintenance for DPW, police, town hall and recreation. DPW employee Tom Lee was thanked for his work on the program. T.A. Petrin said he is hoping to start this practice in other departments.

263 **Discussion:** Health Insurance Rates for 2014

Present was Jack Sharry, President of Group Benefits Strategies (GBS), to review proposed health insurance rates effective January 2014. T.A. Petrin said estimates were provided and information has been received from GBS. The Blue Cross Elect will increase by 10%, Blue Cross HMO by 4% and Harvard HMO by 8%. Representatives from all unions were informed of the increases. The trust fund was also reviewed and the current balance is over $3 million, which is above the recommended trust fund balance. Mr. Sharry said he is impressed with Burlington and it was a pleasure to work with the town.

The new Affordable Health Care Act will affect the insurance rates going forward with small fees being assessed to every health plan. A brief discussion was held on the potential to purchase drugs through an international program. A vote on the health insurance rate increase proposal for 2014 is expected to take place at the BOS's meeting of November 4, 2013.
264 Discussion: FY15 Budget Process
T.A. Petrin said the Town Accountant is reviewing the budget and free cash. At this time the town is looking at debt and capital spending and reviewing funding needs in order to move forward with facilities and infrastructure. Chairman Hogan asked to have the information in outline form.

265 Approval: Minutes

   December 10, 2012, General Session
Motion: Selectman Patuto moved to accept the December 10, 2012 General Session minutes as submitted. Seconded by Selectman Grattan and approved. (4-0-1 with Selectman Hartling abstaining)

   October 7, 2013, General Session
Motion: Selectman Patuto moved to accept the October 7, 2013 General Session minutes as submitted. Seconded by Selectman Grattan and approved. (5-0-0)

266 Subcommittee Reports
Selectman Grattan: There were no major issues during the first week of bow hunting

The meeting of the Audit Committee will be November 13 and preliminary results should be available.

ISAC recently met with and Bob Cunha giving a report on short-term strategic planning and is working on long-term planning.

Selectman Patuto: The Council on Aging will be accepting applications for fuel assistance for eligible senior citizens.

Selectman Runyan: Positive feedback has been received on the Mill Pond Reservoir walks. Issues of security have arisen at this location, and further discussions will be required to identify potential funding sources.

He was pleased to be involved with the recent 5 military service flagpole and bench dedication and said it was a fine ceremony, and the flags are a wonderful addition to the Town Common. Rachel Seeley performed the National Anthem spectacularly and she and classmates are holding a fund raiser in order to perform at Carnegie Hall.

Selectman Hartling: The Burlington Area Chamber of Commerce and the Bonefish Grill are collaborating to raise funds for Relay for Life.

He had the opportunity to attend the grand opening of the family life center at Mt. Hope Christian School. They value, he said, being part of the Burlington community and thanked town administration for their assistance.

267 Town Administrator’s Report
None.

268 Assistant Town Administrator’s Report
None.
Chairman’s Report
Chairman Hogan thanked everyone who participated in the 5 service flagpole dedication and stated that Selectman Runyan was present representing the BOS. The town is appreciative of this gift from the Allied Veterans Council.

Old/New Business
None.

Citizen’s Time: None.

Adjourn:
Motion: Selectman Patuto moved to adjourn at 8:55 p.m. Seconded by Selectman Runyan and approved. (5-0-0)

Respectfully submitted,

Betty McDonough, Recording Clerk
Documents Reviewed at Meeting – October 28, 2013

254 Approval: Appointment - DPW-Water Sewer Maintenance Craftsman, 10/23/13 letter of recommendation from J. Sanchez, application; DPW-Special Motor Equipment Operator, 10/23 letter of recommendation from J. Sanchez, application; Facilities-Part Time Custodian, 10/23/13 letter of recommendation from J. Sanchez, application; 9/24/13 letter of application from Chris Hayes and resume; 10/22/13 letter of recommendation from Chief Kent for Police-Traffic Supervisor

255 Recognition: Burlington Transit Celebrates 25 years announcement; proclamation;

256 Continued Public Hearing: Grant of Location, Verizon/NStar, Princeton Road, 10/8/13 ltr from J. Petrin to Verizon re neighbor issues; 10/7/13 Grant of Location memo from engineering; 9/25/13 email from Tom Hayes re no issues; 9/20/13 memo to Tom Hayes from J. Petrin; Order for Joint or Identical Pole Locations by the BOS; Order for Joint or Identical Pole Locations to the BOS dated 9/17/13; plan for installation; map of potential issue from neighbor

257 Public Hearing: All Alcohol License/New, Tony C’s, 17 Third Ave, NW Park - floor plan distributed at meeting; public hearing notice published 10/9/13; staff memo and responses; 9/30/13 letter from Riemer & Braunstein; Application for Retail Alcoholic Beverage License; Existing interest in other licenses and disclosure; certificate of vote to appoint Henry Pariseau as manager; floor plan; manager application; Pariseau personal information form; i.d.; TIPS certificate

258 Public Hearing: All Alcohol License, Alter of Premise, Kings, 52 Second Ave - 3rd Avenue building and lot plans; public hearing notice to be published 10/15/13; staff letters and responses; 10/8/13 alteration of premises letter to administrator; petition for change of license; manager's certificate; exhibit "a" letter of consent action by written consent of the members; floor plan

259 Public Hearing: Lemon Tree Restaurant, 211 Middlesex Turnpike, Burlington General Bylaws Article VII, Sec. 3.0, Delinquent Property Taxes - public hearing notice to be published 10/10/13

260 Continued Public Hearing: All Alcohol License, Transfer/Change of Location/Change of Manager, Del Frisco's Grille, 92 Middlesex Turnpike - public hearing notice to be published 7/29/13; staff letters and responses; plan review report form; 8/14/13 email from J Clancy re concerns addressed and no further objections; 6/21/13 letter from Wayne Richard & Hurwitz LLP re application for transfer of all alcoholic restaurant license; application for retail alcoholic beverage license; personal info form and manager application; i.d. of manager Anthony Valletta; certificate and action of manager Del Frisco's Grille of Mass dated June 6, 2013; floor plans; 8/19/13 certificate of good standing and/or tax compliance

261 Approval: Right of First Offer, 35 Center Street - acceptance of right of first offer agreement for signature

262 Discussion: Fleet Manager Update - fleet management 2013 report

263 Discussion: Health Insurance - proposed health insurance rates for January 2014

264 Discussion: FY15 Budget Process -

265 Approval/Minutes

Minutes: December 10, 2012

Minutes: October 7, 2013

266 Subcommittee Reports: -

267 Town Administrator's Report: - medical marijuana zoning bylaw 11/13/13 meeting info

268 Assistant Town Administrator's Report: -

269 Chairman's Report: -

270 Old/New Business: -

Citizens Time: -

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