The meeting of the Board of Selectmen was called to order at 6:35pm by Chairman Patuto with Selectman Grattan, Selectman Hogan, Selectman Runyan and Selectman Patuto present and Selectman Zenkin arriving late.

Chairman Patuto held a moment of silence for the men and women serving in the armed forces in the U.S.A.

Citizens’ Time

Burlington resident Ben Dada came to wish Selectman Zenkin well in the election and show his support in the Town of Burlington. His said his allegiance is with the Town of Burlington and he wished the Town success in years to come.

Approval: Personnel Appointment

Budget Analyst

At the recommendation of Joanne Faust and Paul Sagarino Town Administrator John Petrin (T.A. Petrin) put forth the name of Kevin Forgett to the position of Budget Analyst and requested the BOS waive the standard 15-day waiting period.

Motion: Selectman Hogan moved to waive the 15 day waiting period. Seconded by Selectman Grattan and unanimously approved. (4-0-0)

Public Hearing: Wine & Malt License with a Cordials and Liqueurs License

Wing Jarn, Inc. d/b/a Mrs. Chans
91 Middlesex Turnpike

A public hearing was held on the Wine & Malt License with a Cordials and Liqueurs License, Wing Jarn, Inc. d/b/a Mrs. Chans, 91 Middlesex Turnpike. Attorney Thomas Murphy was present representing Walter Chan. Mr. Chan, who was also present, has been opened since February of this year and had hoped to apply for a liquor license at that time, however there were none available. He recently learned that Villa Franca will be closing and an agreement has been worked out to transfer the license from Villa Franca to Mr. Chan's. There was no one opposed to the presentation.

Motion: Selectman Zenkin moved to close the public hearing. Seconded by Selectman Hogan and unanimously approved. (5-0-0)

Motion: Selectman Hogan moved to approved the Wine & Malt License with a Cordials and Liqueurs License, Wing Jarn, Inc. d/b/a Mrs. Chan's, 91 Middlesex Turnpike. Seconded by Selectman Zenkin and unanimously approved. (5-0-0)

Approval: Personnel Appointment

Police Chief (3 year appt.)

T.A. Petrin said Chief Kent's three year contract with the Town is due to expire in March 2013 and per contract conditions, the town is to inform the Chief of their upcoming intentions to extend his contract. He said Chief Kent is a true professional and an excellent chief of police, and it would be his pleasure to continue to work with him and made an advance appointment for an additional three year period. BOS approval to waive the 15-day waiting period was recommended.

Motion: Selectman Zenkin moved to waive 15 day waiting period. Seconded by Selectman Hogan and unanimously approved. (5-0-0)

Approval: Health Insurance Rates 2013
Tax Collector/Treasurer Brian Curtin came before the Board with no increase to the health insurance plans until further notice. He said the trust fund balance is $1,700,000 through September 2012. The senior plans have close to 700 members. The only plan that has an increase is Harvard Enhanced with a less than 10% increase. The other senior plans have decreased. Brian Curtin asked the Board to approve the open renewal and maintain the rates until he comes back before the Board with changes.

Motion: Selectman Zenkin moved that there be no increase in health insurance rates effective January 1, 2013 for active employees and the town continue with the same carriers. Seconded by Selectman Grattan and approved. (5-0-0)

239  Signatures:  Contract Burlington Police Command Officers Union

TA Petrin said Town Meeting had approved funding last spring. The MOU has been incorporated into the contract which is effective from June 1, 2011 to June 30, 2013. The Board signed the Burlington Police Command Officers Union Contract.

240  Approval:  Street Opening
        11 Phillip Avenue

Resident Al Hodgin, 11 Phillip Avenue, came before the BOS requesting authorization for a Street Opening. He said he is applying for a hardship because his heating system is twenty-five years old and needs to be replaced and at this time would prefer to convert to gas. He also requested the Board waive the $3,000 surety because of the multiple road patches in his area and because Phillip Ave. is in its last year of the Town’s 5 year moratorium.

Motion: Selectman Zenkin moved to approve the Street Opening and waive the $3,000 cash security requirement. Seconded by Selectman Grattan and unanimously approved. (5-0-0)

241  Approval:  Burlington Lions Club Christmas Tree Sales

Motion: Selectman Hogan moved to approve the Burlington Lions Club Christmas Tree Sales. Seconded by Selectman Zenkin and unanimously approved. (5-0-0)

242  Approval:  Alcohol Rules and Regulation Amendment

T.A. Petrin said a change had been made in Section 1:1 and Section 2:1 of the Alcohol Rules and Regulations. The main change is the BOS is going to be allowed to approve a function area. Restaurants with a service area, with pre-approval of the board, can grant a liquor license to that portion of the restaurant.

Motion: Selectman Zenkin moved to accept the Alcohol Rules and Regulations as amended. Seconded by Selectman Grattan and unanimously approved. (5-0-0)

243  Discussion:  Burlington Drug and Alcohol Task Force
        Ballot Question 3

Burlington Community Life Center employee and Co-Chair of the Burlington Drug and Alcohol Task Force Charlie Franich and Marilyn Belmonte Co-Chair of the Burlington Drug and Alcohol Task Force came before the Board to discuss Question 3, Massachusetts Medical Marijuana Initiative.

Mr. Franich encouraged everyone to look at the website www.mavotenotenonquestion3.com before voting. They are concerned about the regulations and loopholes and the law is written very loosely. They would like to discuss this further at a later date on how to handle the sale of marijuana products, because once the law goes into effect it
will be difficult to change. Selectman Runyan said he would like to go on record that he does not endorse any ballot or candidate for tomorrow’s election.

244 Discussion: Landlocked Parcel/Bow Hunter Restrictions

T.A. Petrin said this has been an issue that has come up in the past not only at the Landlocked Parcel but also at the reservoir. Town by-law dictate that there be no discharge of any firearm in the community but does not have a no hunting rule. Conservation does have a no hunting rule. General Law states no hunting allowed unless approved by the community. He said the question is; do we allow hunting on property governed by the Board. Selectman Patuto said there has never been a prohibition of bow hunting in Burlington. The Board has been silent on it.

Martha Simon, member of the Friends of the Landlocked Forest, agreed that a decision needs to be made. The Landlocked Parcel is used as passive recreation, and there appears to be a conflict and mentioned potential liability to the town should someone become injured.

Resident Joe Morandi said he has been hunting at the Landlocked Parcel for 30 years. He also said that with bow hunting the target is very close proximity; only 20-30 yards away. He said as far as it being dangerous, a resident could also get hurt biking or hiking on the parcel. He said there are many rules and regulations and suggested a meeting to discuss this.

Selectman Grattan offered to put together a sub-committee to discuss a plan. Selectman Patuto said he is only speaking about the Landlocked Parcel and would not be in favor of bow hunting at the reservoir because of the proximity of the neighborhoods.

245 Signatures: Veterans Day Proclamation

Selectman Hogan said Veterans Day is Sunday, November 11, 2012. There will be a ceremony beginning at 9:00 a.m. on the Town Common. It is the 50 year anniversary of the Vietnam conflict and 30 year anniversary of the Veterans Memorial. He asked the Selectmen to sign a proclamation to be read on Sunday.

246 Approval: Minutes:

May 14, 2012 General Session

Selectman Runyan moved to approve the General Session minutes of May 14, 2012. Seconded by Selectman Hogan and unanimously approved. (5-0-0)

May 21, 2012 General Session

Selectman Runyan moved to approve the General Session minutes of May 21, 2012. Seconded by Selectman Hogan and unanimously approved. (5-0-0)

247 Subcommittee Reports:

Selectman Grattan gave an update on the ISAC. He said the first review of the recommendations is complete. Comments are being incorporated and they are working on archiving, security review and assets.

Selectman Zenkin congratulated the Pop Warner football team. He also congratulated the HS band and Pop Warner cheering squad. They are going to Disney.

Selectman Hogan said the Fire Department is currently participating in an emergency vehicle operator’s course taught by MA Firefighting Academy. Chief Yetman wants to thank Jim Atkins for the use of the Mall parking lot. He said Chief Yetman also thanked the Dept for extraordinary actions during Hurricane Sandy. The Chief wants to remind everyone to change the batteries in their smoke and carbon monoxide detectors.
Selectman Runyan extended his thoughts to the family of Mary Clancy. The DPW has being doing quite a bit of activity on the Mall Road. They have replaced the concrete with loam and seed. The sewer force main is near completion. He thanked the neighbors for their patience. The Cemetery sub-committee is going to meet to discuss the columbarium design; bids came in higher than expected. He reminded residents that the yard waste program is in progress. Tree limbs greater than 3 inches in diameter are the responsibility of the homeowner. Anything smaller than 3 inches must be cut three feet in length and bundled neatly for pick up. He also cautioned residents about unsolicited contractors offering to clean up their yards.

248 Town Administrator’s Report:
T.A. Petrin said he commended our Departments after hurricane Sandy. He commended Fire Chief Yetman and Assistant Fire Chief Patterson for their efforts. The tax rate setting is on November 19th. We are beginning our budget process for FY14. He informed residents that Veteran’s Day is on Sunday, November 11th and we will be closed on Monday, November 12th. BHS will hold an assembly this Friday morning recognizing our Veterans. Election day is tomorrow and the polls are open from 6:00am-8:00pm at the BHS.

249 Assistant Town Administrator’s Report:
The winning bidder from 44 South Bedford Street had to be disqualified because that party could not secure financing. They went with second winning bidder and are securing the purchase and sale for $250,600.

250 Chairman’s Report:
The COA newsletter did not go to print because of the hurricane and they apologize for the inconvenience. Marge McDonald took a Red Cross Shelter class which will be helpful for the next storm. Hurricane Sandy power outages that lingered in Town were in areas heavily treed. We fared better than the storm last year. He thanked NSTAR, Verizon and the Fire Dept for coordinating with the Civil Defense. He said Mary Clancy will be missed. He reminded residents to vote tomorrow.

251 Old/New Business:
None.
Selectman Hogan moved to adjourn 8:15 p.m. Seconded by Selectman Zenkin and unanimously voted. (5-0-0)

Respectfully submitted,

Laura Nichols
Recording Secretary