BOARD OF SELECTMEN
MINUTES - GENERAL SESSION
MAIN MEETING ROOM, 2ND FLOOR
29 CENTER STREET
BURLINGTON, MA

MONDAY, DECEMBER 10, 2012

Board of Selectmen Present:  Ralph Patuto, Chairman; Robert Hogan, Vice-Chairman; Walter Zenkin; Michael Runyan; Daniel Grattan
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.

Citizen's Time
Resident Ben Dada recommended town email addresses include the BOS; to have meeting notes readily available; and stated concern about restaurants potentially over-serving alcohol. He asked that non-working lights on Burlington Mall Road be corrected.

262 Approval: Personnel Appointments

DPW
Special Motor Equipment Operator/Laborer: Town Administrator John Petrin (T.A. Petrin) said interviews took place, and Burlington resident, Daniel Matarazzo, who holds a CDL was appointed to the position of Special Motor Equipment Operator/Laborer. The BOS congratulated him, and T.A. Petrin requested the BOS waive the standard 15-day waiting period.

Motion: Selectman Zenkin moved to waive the standard 15-day waiting period for the appointment of Daniel Matarazzo. Seconded by Selectman Hogan and approved. (5-0-0)

Water System Maintenance Craftsman: T.A. Petrin said interviews took place, and Aaron Chase, who has necessary qualifications and a CDL was appointed to the position of Water System Maintenance Craftsman, and T.A. Petrin requested the BOS waive the standard 15-day waiting period.

Motion: Selectman Zenkin moved to waive the standard 15-day waiting period for the appointment of Aaron Chase. Seconded by Selectman Hogan and approved. (5-0-0)

Fire
T.A. Petrin said at the recommendation of Fire Chief Steve Yetman and Ms. Faust, Michael Bennett was appointed to the position of firefighter. Chief Yetman said Mr. Bennett is currently a dispatcher in another community and he had his initial medical exams. The BOS congratulated him, and T.A. Petrin requested the BOS waive the standard 15-day waiting period.
Motion: Selectman Zenkin moved to waive the standard 15-day waiting period for the appointment of Michael Bennett. Seconded by Selectman Hogan and approved. (5-0-0)

Human Resources
T.A. Petrin said he and Ms. Faust conducted interviews for the position of Human Resources Coordinator and at the recommendation of Ms. Faust and her background experience, he appointed Cheralyn Rosati the position, and T.A. Petrin requested the BOS waive the standard 15-day waiting period.

Motion: Selectman Zenkin moved to waive the standard 15-day waiting period for the appointment of Cheralyn Rosati. Seconded by Selectman Hogan and approved. (5-0-0)

263 Approval: New Water and Sewer Rates
Mr. Sanchez reviewed the FY14 Water and Sewer Rate Increase for water usage which would take effect on January 1, 2013. There has not been an increase since October 2010. He said the need for rate increases is directly related to expenses and the MWRA sewer assessment and explained the increase was developed by reviewing proposed expenses and capital expenses and debt service for FY13 and a projection for FY14. The new rates goal is to produce water revenue in the amount of $3,165,000 and sewer in the amount of $5,819,000.

Motion: Selectman Zenkin moved to approve the FY14 Water and Sewer Rate Increase effective January 1, 2013 for water usage with the rates as presented with the rate increase billing being sent to residents in July and to commercial base in April. Seconded by Selectman Runyan and approved. (5-0-0)

264 Discussion: Massworks Grant
T.A. Petrin said Burlington was awarded a $1 million grant from the state’s Massworks Infrastructure Program for roadwork improvements in the Middlesex Turnpike and South Avenue area to mitigate expected extra traffic. The total cost of the improvements is $2.1 million and The Gutierrez Company is assisting with $500,000. The additional required $600,000 is currently being reviewed and the BOS will be kept posted.

265 Discussion: Fire Truck
Chief Steve Yetman said Engine One is currently at Minuteman Truck for ongoing issues. A representative from the manufacturer, Pierce Manufacturing, evaluated the truck and recommended a refurbishment of the electrical system and the potential replacement of the frame rails. The department submitted to the BOS the following options for consideration: 1. refurbishing the truck; 2. trading in the truck toward the purchase of the department’s approved new engine; purchasing a stock or demo engine; purchasing a new engine. The Fire Department’s recommendation is to refurbish Engine One at a cost of approximately $265,000. A discussion ensued regarding options, and it was agreed to have a warrant article in place for the January Town Meeting. Further discussion on the available options will continue at a future BOS meeting.

266 Discussion/Vote: Budget Guidelines FY14
T.A. Petrin, Paul Sagarino and Kevin Forgett from Accounting reviewed the meeting held with representatives from the BOS, School Committee and Ways and Means to discuss the FY14 budget guideline. On the general government side, most departments have been able to keep their budgets level
funded. It was decided that a blended 4% increase in operations and a 5% increase in accommodated accounts would be required to level service the budget with no more than a 4.5% tax levy increase.

**Motion:** Selectman Zenkin moved to approve a budget guideline of a 4% operating accounts, 5% accommodated accounts and a no more than 4.5% tax levy increase for the FY2014. Seconded by Selectman Grattan and approved. (5-0-0)

267 **Discussion: Medical Marijuana Sales**
The recent law passed on the possibility of individuals or firms seeking locations for marijuana dispensaries and growing marijuana for personal medical care was discussed. T.A. Petrin said the Planning Board voted to support a six month moratorium on such sales in order to review potential impacts and to allow the town time to develop local legislation with decisions based on regulations passed by the Department of Health. It was agreed that a letter be sent to State Representative-Elect Ken Gordon on the behalf of the BOS requesting a delay in the implementation of the new legislation in order to prepare with zoning and local regulations.

**Motion:** Selectman Hogan moved that the Board of Selectmen submit a letter to delay implementation of the new legislation in order to prepare for local regulation amendments. Seconded by Selectman Zenkin and approved. (5-0-0)

268 **Discussion: Town Meeting Warrant Articles**
T.A. Petrin informed the BOS that that there would be four zoning articles from the previous Town Meeting that did not go forward. Town Meeting had voted for these zoning articles to be placed as the first four on the Town Meeting Warrant.

269 **Approval: Sleeper Drive Sub-Division Utilization of Remaining Funds**
Assistant Town Administrator Tom Hickey (A.T.A. Hickey) reviewed the Sleeper Drive sub-division past negotiations.

**Gutierrez Corp. / Ruping Corp. / Town of Burlington**
On August 2001, it was agreed by the above parties that funds would be gifted to the Town of Burlington (Town) by GVF, LLC (Ruping Corp., hereinafter, “GVF”) under Section 7(b) of the Land Development Agreement (LDA). Although the LDA does not specify how the funds are to be used, the parties understood that such funds would be used by the Town to construct Sleeper Drive, and that the Town intended to rehabilitate Grandview Farm. Section 7(b) states that GVF…“will pay to the Town twenty (20) annual payments of Twenty-Five Thousand ($25,000) each.” It was contemplated in the LDA that these payments constitute a gift of funds for use by the Town.

Rather than making annual payments to the Town, GVF made a lump sum payment of $380,000 to the Town in 2002. Of the $380,000, $260,000 has been expended by the Town to improve Sleeper Drive and to make related improvements, without Town Meeting appropriation. The Town now wishes to expend the remaining $120,000 to continue the rehabilitation of Grandview Farm.
Town Counsel confirmed that under the General Laws of Massachusetts, Chapter 44, Section 53A, the Town “may accept grants or gifts or funds from...a private corporation and may expend such grants or gifts or funds for the purposes of such grants or gifts or funds...in towns with the approval of the Board of Selectmen...without further appropriation.” Therefore, the Administration seeks the approval of the Board of Selectmen to utilize the remaining funds ($120,000) for the specific purpose of completing Phase II of the Grandview Farm Project.

**Motion:** Selectman Zenkin moved to utilize the remaining $120,000 from the Ruping gift of 2001, which was reassigned in 2002, that was part of the land deal agreement of Sleeper Drive to continue the rehabilitation of Grandview Farm. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

**270 Discussion: Information Systems**
T.A. Petrin reviewed the Memorandum of Understanding between the Burlington Board of Selectmen and the Burlington School Committee with respect to consolidating the management positions for information systems and providing professional management for both school and general government starting in January of 2014. The School Committee will be reviewing this agreement at their next meeting. The members of the ISAC Committee were thanked for their efforts.

**Motion:** Selectman Grattan moved to accept the recommendation of the administration to develop a joint IT Director position within the town government and school department, with the Director being within the purview of the school department and subject to annual review. Seconded by Selectman Zenkin and approved. (5-0-0)

**271 Approval: All Alcohol/New Year's Eve Extension of Hours**
Café Escadrille/26 Cambridge Street

**Motion:** Selectman Hogan moved to approve the request for an all alcohol/New Year's Eve extension of hours to 2:00 a.m. for Café Escadrille, 26 Cambridge Street on New Year's Eve, Monday, December 31, 2012. Seconded by Selectman Zenkin and approved. (5-0-0)

**272 Discussion: Appointment Zoning Board of Appeals**
T.A. Petrin said according to the town’s bylaws, the BOS is the appointing authority of the Board of Appeals. Since the terms of several positions have expired and one member has resigned, he recommended the BOS announce there are three main positions and two alternate positions open for interviews. Recommendations for improvements for this board are as follows: 1.) Chair rotation; 2.) Appear before the BOS on an established schedule with decision report; 3.) Actively review sign bylaw with BOS, Land Use and Planning Board; 4.) Keep website FAQs up to date; 5.) Continue to post minutes; 6.) Keep website up to date; 7.) Review laws governing ZBA annually; 8.) Consistent training of members.

It was agreed that Joseph Morandi, senior member of the Board of Appeals, could be present for the interviews.

**273 Discussion: Shawsheen Valley Tech. High School Budget Amendment**
T.A. Petrin said Shawsheen Valley Technical High School voted to amend their FY2013 budget by an additional $1,003,429 in order to replace the boiler with funds being paid through available funds in their Excess & Deficiency account.

274 Approval: Oracle TIF Agreement Amendment
Present was Attorney Robert Buckley, Riemer & Braunstein to review and discuss the Oracle TIF Agreement amendment stating Oracle is seeking BOS approval for an extension period of three additional years on the agreement to allow full development of the site on or before the end of fiscal year 2016.

Motion: Selectman Zenkin moved to approve to extend the time period for full development of the Oracle site for a period not to exceed three years. Seconded by Selectman Grattan and approved. (5-0-0)

275 Hearing: Change of Manager
Burtons Grill
Christopher Little, General Manager was present and said he had worked at Burtons Grill in another location and he also had twelve years of experience as a general manager at Outback Steakhouse. He is TIPS and ServeSafe certified. Selectman Patuto asked that the Licensee portion on the Petition for Change of License be completed.

Motion: Selectman Zenkin moved to approve the application for the Change of Manager to Christopher Little at Burtons Grill, 43 Middlesex Turnpike, Unit 10 with the one correction on the Petition for Change of License as discussed. Seconded by Selectman Hogan and approved. (5-0-0)

276 Approval: License Renewals

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Alcohol: Selectman Patuto had concerns with compliance issues, as noted by Inspector of Buildings John Clancy and Police Sgt. Thomas Browne. T.A. Petrin recommended that any or all licenses be approved with the stipulation that all conditions are met and all paperwork in compliance by December 31, 2012 or the license will not be re-issued.

Motion: Selectman Zenkin moved to approve all liquor licenses as shown on pages 1, 2, & 3 of the Liquor Licenses listing dated December 3, 2012 provided all conditions are met by the licensee by December 31, 2012. Seconded by Selectman Grattan and approved. (5-0-0)

The BOS were satisfied with the remaining licenses.

Motion: Selectman Zenkin moved to approve the following remaining licenses provided all conditions are met by the licensees by December 31, 2012: Amusement, Auto, Class I, Auto Class II, Cafeteria,
Entertainment, Inn Holder, Livery, Theater, Victualler, and Weigher. Seconded by Selectman Grattan and approved. (5-0-0)

277 Discussion: Restaurant Alcohol Licenses
T.A. Petrin said a subcommittee reviewed the issue of additional alcohol licenses and it was agreed to move forward with a Home Rule Petition for Town Meeting approval for ten additional licenses.

The comments from the BOS were: more studies are recommended; traffic is a concern; small businesses are selling their licenses to large restaurants. Town Moderator, Phil Gallagher, was present to talk about the licenses available for Northwest Park and to express concern about accidents and alcoholic related disturbances.

After much discussion, the BOS agreed to request ten additional licenses through a Home Rule Petition.

Motion: Selectman Zenkin moved to include a request for ten additional liquor licenses for, potentially, the January 2013 Town Meeting. Seconded by Selectman Grattan and approved. (5-0-0)

278 Signatures: Mount Hope Christian Center Lease Amendment
Papers were signed for the lease agreement.

279 Subcommittee Reports

Selectman Grattan
A bow hunting report is being put together for BOS review.

Selectman Zenkin
Attended the Middlesex3 Economic Development meeting in Lowell which focused on life sciences and grants being awarded for people to get degrees in this field.

Selectman Hogan
The “Nitwits” were thanked for donating lap blankets to the VA Hospital.

There are two more free-service Saturdays for the B-Line. The Burlington Mall was thanked for their contribution to this service.

The Board of Health announced that a sharps drop off is now in place in the lobby of the Fire Station.

Selectman Runyan
The Recreation Department was thanked for the fine work done on the tree lighting at the Town Common.

Congratulations were given to the Burlington High School football team for a fine season.
DPW has announced that the Miter Link will be open as of December 16

280  Town Administrator's Report
T.A. Petrin said he also attended the Middlesex3 meeting. The Life sciences innovation is for the entire area and representatives from Burlington businesses were present.

He also commended the lighting on the Town Common and opening night for the tree lighting was enjoyable.

Effective January 6, 2013, the Town Hall will be open on Wednesday from 8:30 a.m. to 7:00 p.m. and on Friday from 8:30 a.m. to 1:00 p.m. Monday, Tuesday, and Thursday hours will remain the same.

281  Assistant Town Administrator's Report
None.

282  Chairman’s Report
Chairman Patuto reminded people to remember seniors that are in need of help and announced that the fuel assistance program is open and available to qualified seniors at the Council on Aging.

283  Old/New Business
Assistant Town Administrator Tom Hickey said 44 South Bedford Street is being sold and the new owners would like to move forward with the purchase immediately. Since the signing of the Purchase and Sale could take place prior to the BOS’s next meeting, he recommended a vote be taken to allow the Town Administrator to sign necessary documents.

Motion: Selectman Hogan moved that the Board of Selectmen approve the sale of the town-owned property at 44 South Bedford St. to Matthew and Yvonne Guy and to execute the Purchase and Sale agreement and Rider A thereto in the form presented to town counsel and further to execute any and all deeds, affidavits, and other closing documents necessary or convenient to execute the sale and further to authorize the Town Administrator to sign any affidavits and other closing documents on the Selectmen's behalf. Seconded by Selectman Grattan and approved. (5-0-0)

Adjourn
Motion: Selectman Zenkin moved to adjourn at 10:17 p.m. Seconded by Selectman Grattan and approved. (5-0-0)

Respectfully submitted,

Betty McDonough
Acting Recording Clerk