MONDAY, SEPTEMBER 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 and victims of 9-11.

195 Presentation: Burlington Breakfast Rotary

Kevin McKelvey, Chairman, of the Burlington Breakfast Rotary Club Fourth of July Parade Committee presented a certificate of appreciation to the Board of Selectmen (BOS) to thank them and the Town for the generous donation of $10,000 to be used towards the 2012 Fourth of July parade and celebrations on the Town Common. The parade lineup was also provided.

196 Public Hearing: Earth Removal/BSC Group for Wegmans, 53 Third Avenue

Frank DiPietro, Senior Project Manager, BSC Group, was present representing Nordblom and Wegmans, to request approval of an application for an Earth Removal Permit for the proposed Wegmans development site at 53 Third Avenue. Mr. DiPietro explained that five buildings have been removed and there is a good deal of extra top soil. The Town’s Environmental Engineer has ensured that required analytical reviews have taken place and contaminated soil has been removed per state regulations. The Town currently has a surplus of soil, and the clean soil will be leaving Burlington. Inspector of Buildings, John Clancy, was also present to explain the process of the removal of excess top soil.

There were no comments from the public.

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

Motion: Selectman Zenkin moved to approve the BSC Group’s application for an Earth Removal Permit for the area of the proposed Wegmans development, 53 Third Avenue. Seconded by Selectman Hogan and approved. (5-0-0)

197 Approval: All Alcohol License/Addition to Board of Managers/Legal Sea Foods 1131 Burlington Mall Road

The BOS reviewed the application for an addition to the LLC Board of Managers on the All Alcohol License of Legal Sea Foods. The necessary documents were forwarded to the Alcoholic Beverages Control Commission (ABCC) which has approved this transaction.
Motion: Selectman Hogan moved to approve the All Alcohol License, Addition to Board of Managers for Legal Sea Foods, 1131 Burlington Mall Road. Seconded by Selectman Grattan and approved. (4-0-1 with Selectman Zenkin abstaining)

198 Approval: Package Store/All Alcohol License/Change of d/b/a Wegmans (to d/b/a Woodward’s Package Goods Store)
85 Wilmington Road
Greg Demarcus was present representing Wegmans. He said the BOS had originally approved a change on the All Alcohol License for the proposed Wegmans from d/b/a Woodward’s Package Goods Store to d/b/a Wegmans. A decision was made by Wegman’s that the name change could be confusing to the public, and it was decided that they would better serve their brand if the license was All Alcohol License was changed back to d/b/a Woodward’s Package Goods Store.

Motion: Selectman Zenkin moved to approve the application for a change of license on the All Alcohol License, Section 15 (off-premise/package store) from d/b/a Wegmans back to d/b/a Woodward’s Package Goods Store which is located at 85 Wilmington Road. Seconded by Selectman Hogan and approved. (5-0-0)

199 Approval: AMC Burlington 10/Midnight Movies
Tricia MacDonald, General Manager, AMC Burlington, was present seeking BOS approval for midnight movie showings to be held on Thursday nights/Friday mornings from October 4, 2012 through January 31, 2013. She explained that as each new feature is released, they would like the opportunity to offer the midnight presentations to their patrons.

T.A. Petrin recommended, and the BOS agreed, that this and future requests be coordinated through the Police Department and the Town Administrator’s office.

Motion: Selectman Hogan moved that the requests for approval of midnight showings go through the Town Administrator’s office and the Police Department. Seconded by Selectman Zenkin and approved. (5-0-0)

200 Discussion: Town Meeting
John Sanchez, Superintendent, Public Works, was present seeking BOS support for Article 7, a Collaborative Collection/Disposal, Five-Year Municipal Solid Waste Contract on the Warrant for the September 24, 2012 Town Meeting.

This contract with four other towns and Allied Waste allows the Town to keep the line item in the budget flat for five years, even with increased services. Much negotiation has taken place and Mr. Sanchez believes this one-day pick plan is satisfactory and is seeking BOS support to enter into this five-year contract with Allied Waste. The other four communities have agreed with the five-year contract.

A separate contract has been entered into with Allied Waste with respect to free pick up of white goods, computer screens, TV’s, and yard waste.
T.A. Petrin agreed that the price received for this service was satisfactory, and the one-day trash and recycle pickup is convenient for the community. A cancellation clause is built into the contract.

**Motion:** Selectman Grattan moved to support Article 7 on the Warrant for the September 24, 2012 Town Meeting to enter into a contract agreement of up to five years for the collection and transportation of municipal solid waste. Seconded by Selectman Hogan and approved. (5-0-0)

## 201 Subcommittee Reports

### Selectman Grattan

ISAAC put forth an emergency recommendation to look into archiving the Town’s MIS. Back up has started.

### Selectman Zenkin

The public was reminded that school has started. He visited the site of Marshal Simonds and he was pleased with the looks of the school.

The recent People Helping People event was well attended as well as Truck Day.

He attended and enjoyed the Taste of Burlington and said it appears to be getting bigger.

### Selectman Runyan

A reminder was made about precautions to take to protect oneself from mosquito borne West Nile Virus and Eastern Equine Encephalitis.

Burlington was listed as one of the top 50 school systems. Congratulations given to students and teachers.

Police and Fire Departments will be having a brief 9-11 ceremony on the Town Common at 9:50 a.m. to honor those lost.

### Selectman Hogan

Truck Day was successful. April Healy spearheaded an event for that day to “Fill That Bus” with hundreds of bags of food being donated to the Food Pantry as well as financial donations.

Raffles for the Capital Grille drawing are now available.

## 202 Town Administrator’s Report

Mr. Petrin said elections were held last week and the operations ran smoothly thanks to the Town Clerk and staff.

Truck Day was enjoyed with many people being in attendance. The DPW and Recreation Departments were commended for the work they did in preparation for and during the event.
The Board of Health flu clinic was well attended and it was noted that the staff and Medical Reserve Corps have practiced and are running the system smoothly.

203 Assistant Town Administrator’s Report
Mr. Hickey said he and Town Counsel are reviewing closing documents for 44 South Bedford Street. The down payment has been received.

A meeting was held with the Shawsheen Program Director, and the students will be brought back during the fall to continue work at Grandview Farm.

204 Chairman’s Report
The grant received for the traffic study for 95/128 was discussed during a recent 128/Rt. 3 Corridor Committee meeting.

Many new events are taking place at the COA. A newsletter is available and information can be found on their website.

205 Old/New Business

Grant/Middlesex Turnpike/Route 3 Transportation Improvement Project:
Mr. Sanchez said he was seeking BOS authorization to accept potential State funds for the Middlesex Turnpike/Route 3 Transportation Improvement Project as part of the Mass Works Infrastructure Grant Program for 2012. This grant will save funds for both the developer and the Town, with the Town being the applicant for the grant and the developer creating the plans.

Motion: Selectman Hogan moved to vote to authorize the acceptance of State funding for the Middlesex Turnpike/Route 3 Transportation Improvement Project, as part of the Mass Works Infrastructure Program for 2012. Seconded by Selectmen Zenkin and approved. (5-0-0)

Article 13, Human Services Building Study:

The COA and Recreation Departments need more space. Consideration is being made for an evaluation to assess this building to make it more effective and to ascertain the capacity of the building for current and future needs as well as its ability to accept additional square footage.

T.A. Petrin explained that the current design is currently inefficient for certain departments and too small for others.

Assistant Town Administrator Tom Hickey said the request for $85,000 was for the purpose of conducting mechanical, electrical and plumbing system (MEP) assessments of the building in order to determine its future suitability to handle department needs and expansion his baseline study is
recommended for the s (MEP) along with an assessment from the department heads outlining their space needs.

**Motion:** Selectman Grattan moved to support Article 13, Human Services Building Study, in the amount of $85,000 to engage appropriate firms to conduct necessary assessments of the MEP at the Human Services Building and to determine the future suitability of the facility to handle department needs and expansion. Seconded by Selectman Hogan.

*Discussion:* Records will be reviewed for any potential conditions previously placed on use allowance of the Murray-Kelly Wing of the building.

Motion passed. (5-0-0)

**Article 15, Zoning Bylaw**

The BOS reviewed Article 15 to rezone parcels of the Landlocked Forest from IG to OS.

**Motion:** Selectman Grattan moved that the Board of Selectmen support Article 15 to amend the Zoning Map by rezoning parcels of the Landlocked Forest from General Industrial (IG) District to the Open Space (OS) District. Seconded by Selectman Hogan and approved. (4-1-0 with Selectman Runyan voting against)

**Adjourn**

**Motion:** Selectman Zenkin moved to adjourn at 8:40 p.m. Seconded by Selectman Hogan and approved. (5-0-0)

Respectfully submitted,

Betty McDonough
Acting Recording Clerk