The General Session of the Board of Selectmen (BOS) was called to order at 6:30 p.m. by Chairman Patuto. After the Pledge of Allegiance, a moment of silence was requested for the armed forces and for the service men and women who have made the ultimate sacrifice.

Citizens Time: No one spoke.

004 Approval: Appointment - Zoning Board of Appeals

Motion: Selectman Zenkin moved to postpone discussion of appointment of the Zoning Board of Appeal members until the arrival of Selectman Grattan. Seconded by Selectman Hogan and approved. (4-0-0)

Selectman Grattan arrived and Selectmen Mr. Zenkin explained that he would be moderating the appointment procedure. Selectman Zenkin would vote last or if a member passes on a nomination. The remainder of the nominations would be made in order of the seniority of the BOS with the order being: Selectmen Patuto, Hogan, Runyan, Grattan, Zenkin.

- **Main Member: Expires 2017**

**Nomination:** Selectman Patuto nominated Claudia Augustin. Seconded by Selectman Hogan and approved. (4-1-0 Selectman Runyan opposed)

- **Main Member: Expires 2016**

**Nomination:** Selectman Hogan nominated John Sullivan. Seconded by Selectman Runyan and motion failed. (2-3-0 Selectmen Runyan and Hogan in favor/Selectmen Patuto, Zenkin, and Grattan opposed)

**Nomination:** Selectman Grattan nominated William Gaffney. Seconded by Selectman Zenkin and approved. (4-1-0 Selectman Patuto opposed)

- **Main Member: Term Expires 2015**

Selectman Runyan elected to pass on this nomination.
Selectman Zenkin nominated Linda Keating with no second being received.

**Nomination:** Selectman Patuto nominated Neil Kane. Seconded by Selectman Hogan and approved. (5-0-0)

- **1st Alternate: Term Expires 2013**

  **Nomination:** Selectman Hogan nominated Kevin Belmont. Seconded by Selectman Patuto and approved. (4-1-0 Selectman Runyan opposed)

- **2nd Alternate: Term Expires 2013**

  Selectman Grattan nominated Linda Keating with no second being received.

  **Nomination:** Selectman Zenkin nominated Charles Viveiros. Seconded by Selectman Grattan and approved. (4-1-0 Selectman Runyan opposed)

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<tr>
<td>Main Member</td>
<td>2017</td>
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<tr>
<td>Claudia Augustin</td>
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<td>Main Member</td>
<td>2016</td>
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<td>Bill Gaffney</td>
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<td>Main Member</td>
<td>2015</td>
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<td>Neil Kane</td>
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<td>Charles Viveiros</td>
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The Board also reconfirmed the two standing members of the Board of Appeals.

**MOTION:** Selectman Zenkin moved to reconfirm the past appointments of Joseph Morandi whose term expires in 2014 and John Alberghini, whose term expires in 2013. Seconded by Selectman Hogan and approved. (5-0-0)

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<tr>
<td>Main Member</td>
<td>2014</td>
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<td>Joseph Morandi</td>
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<td>Main Member</td>
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<td>John Alberghini</td>
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Two members were not reappointed. Board of Appeals (BOA) member John Alberghini addressed the BOS stating that there are three continued BOA cases. A BOA variance requires a favorable vote from four members. Four of the remaining members were present for two of the hearings but only three were present for one of the hearings. Town Administrator (T.A.) Petrin recommended postponing the appointments to the BOA's meeting of Tuesday, February 5, and he would contact Town Counsel for an opinion. This would also allow the current board the opportunity to potentially close two of the open hearings at their January 15 meeting. He also recommended that the BOA at their January 15 meeting postpone the two new hearings until February 5.
Motion: Selectman Zenkin moved to have the appointments to the Zoning Board of Appeals take effect Tuesday, February 5, 2013. Seconded by Selectman Grattan and approved. (5-0-0)

005 Public Hearing: Earth Fill Permit - Muller Glen LLC

Attorney Mark Vaughan, Riemer & Braunstein, representing the applicant, Muller Glenn LLC explained that there was an approved Special Permit on file for the open space residential district, however the Department of Environment Protection (DEP) is concerned about potential impact to the wetlands and is requiring a reduction in the number of units from 33 to 32. This reduction created the need to file to the Planning Board for a minor engineering change. The mandatory departments reviewed the new proposal and submitted positive and/or standard comments.

Selectman Zenkin asked about the design of drainage, and Jeff Rhuda, also representing Muller Glen, replied that Engineering had reviewed and approved the plans.

Selectman Grattan recalled the volume of fill being brought to the property, and Mr. Rhuda said that the new plan is fairly consistent with what was originally approved. Selectman Hogan asked about the comments from the Board of Health (BOH), and Mr. Rhuda replied that their comments were consistent with the prior approval.

Selectman Patuto invited the public to express any concerns.

Pat O'Reilly, President and Chairman of the Friends of Mary Cummings Park, disputed this as a Minor Engineering change noting the number of alterations. He recommended the BOS consider postponing their vote until a decision was reached by the Planning Board or that their approval be contingent upon the approval of the Planning Board.

Planning Director, Kristin Kassner, was present and explained that the amount of earth disturbance and wetland filling is less than the original proposal, and this application falls within the scope of a Minor Engineering Change.

John Keeley, Conservation Administrator, was present and said that this plan was approved by the Conservation Commission.

David Webb, Eugene Road, stated his concern about retention basins and pumping stations because this area is often flooded. Selectman Grattan said correspondence was received from an abutter also concerned about infiltration basin maintenance and asked how inspections and cleanings will be enforced by new and future tenants. Mr. Rhuda replied that the maintenance and operation plan will fall under the jurisdiction of the homeowner's association adhering to the recommendations of the BOH. There is a redundant system, including a backup gas generator, in place. T.A. Petrin added that he will be reviewing the inspection and maintenance plan of the storm water system in the covenant for this property. Selectman Grattan replied that he was comfortable with the plans as submitted and approved by the Engineering Department.
MOTION: Selectman Zenkin moved to approve the Application for an Earth Fill Permit, Muller Glen. Seconded by Selectman Hogan and approved. (5-0-0)

006 Recognition: Police/Nathan's Trip

Police Chief Michael Kent and Sergeant Gerard McDonough described Sgt. McDonough's project to bring together members of the town's police force as well as forty other police agencies in New England to caravan to Virginia and hand deliver Christmas cards to a young cancer patient who had requested to receive cards and patches from police, fire and emergency medical agencies. The Selectmen and T.A. Petrin individually thanked Sgt. McDonough and the other officers for their work in coordinating this event and presented a certificate of recognition to Sgt. McDonough. Also present were Senator Ken Donnelly and State Representative Ken Gordon who presented proclamations from the State House and House of Representatives.

007 Approval: Appointments - Police Cell Monitor

T.A. Petrin informed the BOS that he approved the Police Chief’s recommendation of Michael Bozio for the position of male cell monitor and requested a waiver of the fifteen day waiting period.

Motion: Selectman Hogan moved to approve the appointment of Michael Bozio as male cell monitor. Seconded by Selectman Zenkin and approved. (4-0-1 Selectman Runyan abstaining)

008 Approval: Eagle Project on Landlocked Parcel

Burlington resident Colin Raposo was present seeking BOS approval of his Eagle Scout Project which must benefit a group outside of scouting. He has designed a plan to divert a particular trail within the Landlocked Forest running along a cliff overlooking Route 3 to a safer route. Mr. Keeley has reviewed and approved the trail design. Mr. Raposo said the New England Mountain Bike Association will also be given the opportunity to review and comment on the plans. It is proposed to have a group of scouts start the project in April or May of this year with Mr. Keeley being apprised of the schedule.

Selectman Grattan thanked Mr. Raposo for the fine job done on the plans. He and Selectman Zenkin were satisfied with the request as submitted. Selectman Hogan asked about the length of the diversion, and Mr. Raposo replied that it is approximately one half mile. Selectman Runyan was pleased with the initiative, and Selectman Patuto agreed it was a well done project and would create a safer environment.

Motion: Selectman Grattan moved to approve the Eagle Scout Landlocked Forest Trail proposal to improve the existing trail as submitted. Seconded by Selectman Zenkin and approved. (5-0-0)
009 Approval: Declaration of Restrictions/90 Middlesex Turnpike
Paul Calvo, Trustee of R.C. Trust

Attorney Robert Buckley, Riemer & Braunstein was present to address the BOS. This Declaration of Restrictions request for approval was related to a parcel of land on 90 Middlesex Turnpike with respect to development of this land under the Planned Development District (PDD). T.A. Petrin stated that this Declaration had been negotiated between the town and Paul Calvo after mitigating circumstances. The Planning Board has approved a new development project, and the Declaration must be adhered to.

T.A. Petrin said he has discussed the issue with the clients and their representation, Riemer & Braunstein, and the Planning Board staff is recommending approval.

Attorney Buckley briefly mentioned past litigation and the resultant Declaration prohibiting certain uses on this property under the PDD, with Section 3.I fully explaining "Use Prohibitions."

Selectman Zenkin asked when the Declaration would take effect, and Attorney Buckley responded that if approved and signed by the BOS, it would be immediately filed with the Town Clerk to which a twenty day appeal period would be attached.

Selectman Patuto asked about current litigation, and Attorney Buckley said litigation would cease upon its being filed.

Motion: Selectman Hogan moved to approve the Declaration of Restrictions/90 Middlesex Turnpike, Paul Calvo, Trustee of R. C. Trust. Seconded by Selectman Zenkin and approved. (5-0-0)

010 Approval: Regulatory and Monitoring Agreement
Stonebridge at Burlington, Network Drive

T.A. Petrin explained that this covenant for Stonebridge at Burlington on Network Drive outlines the agreement between the town and the facility as it pertains to affordable units.

With respect to future agreements, Selectman Hogan recommended inviting an individual from the town to come before the BOS to review the town preference and priority requirements of the affordable units. T.A. Petrin agreed.

Motion: Selectman Hogan moved to approve the Regulatory and Monitoring Agreement, Stonebridge at Burlington, Network Drive, as presented. Seconded by Selectman Zenkin and approved. (5-0-0)

011 Discussion: Sewer Allocation Policy

John Sanchez and Tom Hayes were present. Mr. Hayes reviewed the amended Sewer Allocation Policy for Administrative Consent Order from the Massachusetts Department of Environmental Protection and said that the town has been aggressive in its approach to adhere to requirements to regulate inflow and
infiltration. The town has been authorized to establish a sewer bank as described in the policy. There is a system in place for residents to pay to connect, and the amendment included dollar cost calculations for converting from private onsite sewerage disposal to the town’s sewerage disposal system for those owning a property for ten or more years and is 55 plus years of age. If approved by the BOS, this amended allocation policy would be final.

Motion: Selectman Hogan moved to approve the Sewer Allocation Policy as amended January 14, 2013. Seconded by Selectman Zenkin and approved. (5-0-0)

012 Approval: Memorandum of Understanding - Information Systems

T.A. Petrin explained that the BOS had recently approved this MOU in draft form and no changes have been made. The School Department has approved this final version, and BOS approval is now required in order to move forward to set up a joint Information Technology Department between the Town and School Department

Motion: Selectman Grattan moved to approve the Memorandum of Understanding between the Board of Selectmen and the School Committee. Seconded by Selectman Zenkin and approved. (5-0-0)

013 Approval: Town Meeting Review

T.A. Petrin reviewed the January 28, 2013 Warrant Article. The following transfers will be requested:

Article 8: Transfer Free Cash to the Reserve Fund in the amount of $100,000 to handle emergency budget requests.

Article 9: Transfer Free Cash to Stabilization Fund in the amount of $750,000.

Article 10: Transfer Free Cash to Other Post Employment Benefits (OPEB) Trust Fund in the amount of $500,000 to continue the process of setting aside funds to address the future liability for retiree health insurance. T.A. Petrin is recommending that consideration be made to request this amount annually.

Article 11: Transfer of Funds FY 2013 Various Accounts in the amount of $93,000. There are accounts T.A. Petrin said that have excess funds, and this Article is to request approval to transfer excess funds to other accounts that are now under funded.

Article 12: Transfer of Insurance Reimbursement to Grandview Farm Account in the amount of $28,522.79.

Article 13: OPEB Actuarial Study in the amount of $20,000 to cover the cost of an actuarial study which is a mandatory requirement. Selectman Runyan asked if the Assistant Town Accountant could do the study, and T.A. Petrin explained that this is a specialized area not to be performed by
an employee of the town. Selectman Patuto agreed stating he understood it could be considered a conflict of interest.

**Article 15:** Proceed of Sales of 42 & 44 So. Bedford Street. This request is to transfer the proceeds from the sale in the amount of $521,600 to the Grandview Farm Account.

**Article 16:** Grandview Farm Project (Phase IV). This request for funds is for completing the final phase of the Grandview Farm Project to cover parking, landscaping and more.

**Article 17:** Inflow/Infiltration Removal in the amount of $440,000 which is an annual grant/loan from MWRA. These funds are used to make improvements to the sewer systems throughout the town.

**Article 18:** Fire Engine Refurbishment/Replacement

T.A. Petrin said this article is broken into two recommendations with one being to refurbish the town’s existing Fire Department Engine 1 and the second recommendation is to purchase a new vehicle. Both Capital Budget and Ways &Means opted for the choice to refurbish Engine 1 at a cost of $265,000 rather than to replace the vehicle at a cost of $652,975.

BOS support is required for Articles # 8 - 13 and Articles #15 – 18, and it was agreed that the first Article to be voted upon would be Article 18, Fire Engine Refurbishment/Replacement.

**Motion:** Selectman Grattan moved to approve the first recommendation on Article 18, to refurbish Engine 1, at a cost of $265,000. Seconded by Selectman Zenkin.

**Discussion:** Selectman Grattan said he would prefer to have Engine 1 refurbished. Selectman Hogan agreed stating that he prefers not to have two new vehicles on line, and refurbishing to make the necessary repairs would assist the Capital Plan to fall into place. Selectmen Zenkin and Patuto agreed. T.A. Petrin added that there are plans in place for vehicles, including an evaluation of the fleet to see how it is managed and software to track maintenance.

The motion was approved (4-0-1 Selectman Runyan abstaining)

**Motion:** Selectman Zenkin moved to approve Articles #8, 9, 10, 11, 12 and 13 as written. Seconded by Selectman Hogan and approved. (5-0-0)

**Motion:** Selectman Zenkin moved to approve Articles #15, 16, and 17 as written. Seconded by Selectman Hogan and approved. (5-0-0)

014 Approval: Minutes
January 7, 2013 - Executive Session

**Motion:** Selectman Hogan moved to approve the January 7, 2013 Executive Session minutes. Seconded by Selectman Grattan and approved. (5-0-0)

T.A. Petrin said that this set of executive session minutes are not yet ready for dissemination.
Approval: Minutes
January 7, 2013 - General Session

Motion: Selectman Hogan moved to approve January 7, 2013 General Session minutes. Seconded by Selectman Zenkin and approved. (5-0-0)

015 Subcommittee Reports

Selectman Zenkin

Selectman Zenkin reported that the Police Department is in the process of reviewing security measures in all schools.

Officers Charles Ferguson and Joe Papsedero will be attending active shooter training at the Federal Law Enforcement Training Center in February.

Selectman Zenkin said that DPW had informed him that the switchover taking place the previous week was postponed.

He attended the Marshall Simonds Middle School (MSMS) Open House with Selectmen Hogan and Runyan and T.A. Petrin, and was pleased to see the school revitalized. He said he also attended the Weight Watchers Grand Opening.

Selectman Zenkin reported that after speaking with family, he has decided not to run for a third term as Selectman. He is proud of the board and of what he has accomplished serving the town.

Selectman Hogan

Selectman Hogan thanked members of the Police Department for their hard work in planning and coordinating the caravan trip to Virginia, but he also wanted to thank the many employees throughout the town who work as a team and do a great job.

The B-Line is doing well and the reorganization of the routes appears satisfactory and people are still actively using the B-Line.

Selectman Runyan

Selectman Runyan was pleased to be at the Grand Opening of the MSMS. He was impressed with the school and with the entertainment noting that the school is very proud of its music and art departments.

He noted an article in the Burlington Patch which stated that local resident Mike Winn is seeking teams for a charity wiffle ball tournament to be held on January 26 and 27 to benefit the families of the Newtown, CT victims. This past summer Burlington hosted a team from Newtown during a tournament. Selectman Runyan extended a challenge to employees to sign up for the event.
016  **Town Administrator's Report**

T.A. Petrin said the town has put together an emergency operation committee to review the fleet operation, and it is expected that this committee will make recommendations on how to accomplish improved coordination with respect to emergency operations.

The new hours have started and the first week was very successful. T.A. Petrin also said he attended the open house at MSMS making note of the talent of the students.

T.A. Petrin recognized the service of former firefighter, Richard Spreadbury, who recently passed away and thanked the Fire Department Honor Guard for their salute to Mr. Spreadbury.

017  **Assistant Town Administrator's Report**

None.

018  **Chairman's Report**

Selectman Patuto also spoke of Richard Spreadbury stating that he had worked with him, and he was very dedicated to his job.

019  **Old/New Business**

None.

**Adjourn**

**Motion:** Selectman Runyan moved to adjourn at 7:38 p.m. Seconded by Selectman Zenkin and unanimously approved. (5-0-0)

Respectfully submitted,

Betty McDonough
Recording Clerk
DEPT./BOARD: Board of Selectmen

DATE: January 14, 2013, General Session
       Monday
       6:30 p.m.

PLACE: Burlington Town Hall
       Main Hearing Room
       29 Center Street

Notice of Public Meeting – (As required by G.L. c. 30 A, c. §18-25)

GENERAL SESSION

Pledge of Allegiance 6:30 p.m.

Moments of Reflection in Honor of Our Service
Men and Women 6:32 p.m.

Citizen’s Time 6:35 p.m.

004 Approval: Appointment
              Zoning Board of Appeals 6:40 p.m.

005 Public Hearing: Earth Fill Permit
               Muller Glen LLC 7:15 p.m.

006 Recognition: Police/Nathan’s Trip 7:30 p.m.

007 Approval: Appointments
              Police Cell Monitor 7:45 p.m.

008 Approval: Eagle Project on Landlocked Parcel 7:50 p.m.

009 Approval: Declaration of Restrictions/90 Middlesex Turnpike
              Paul Calvo, Trustee of R.C Trust 8:00 p.m.

010 Approval: Regulatory and Monitoring Agreement
              Stonebridge at Burlington, Network Drive 8:15 p.m.
011 Discussion: Sewer Allocation Policy 8:25p.m.
012 Approval: Memorandum of Understanding Information Systems 8:35p.m.
013 Approval: Town Meeting Review 8:45p.m.
014 Approval: Minutes 9:05p.m.

January 7, 2013, Executive Session
January 7, 2013, General Session

015 Subcommittee Reports
016 Town Administrator’s Report
017 Assistant Town Administrator’s Report
018 Chairman’s Report
019 Old/New Business

ADJOURN

PRESS