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

MONDAY, MARCH 11, 2013

Board of Selectmen Present: Ralph Patuto, Chair; Robert Hogan, Vice-Chair; 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. by Chairman Patuto followed by the Pledge of Allegiance and a moment of silence for the armed forces and service men and women who have made the ultimate sacrifice.

Citizens Time:

Gregory Smith, 36 College Road, was present to address his concerns for further flooding in his neighborhood. He commented on cars speeding on his street, and he is also concerned about empty homes giving the appearance of being abandoned. Mr. Smith was thanked for his update.

059 Recognition: Presentation/Certificate of Commendation

John White, former editor for the Burlington Daily Times was present to accept a certificate of commendation from the BOS in recognition of his 34 years of journalistic coverage, etc. for Burlington. The Board individually thanked Mr. White for his work at the Daily Time Chronicle and election coverage. Mr. White thanked the BOS and the town for their support.

060 Continued Hearing: Alcohol/Change of Location/Section 15/All Alcohol Package Store
State Road Liquor Mart, Inc. d/b/a Busa Wine & Spirits
34 Cambridge Street

Daniel Busa, Jr. and Domenic Sicari, Architect, representing the applicant, were present seeking BOS approval to change the all alcohol package store address from 180B Cambridge Street to 34 Cambridge Street (currently Ethan Allen). This request was continued from the February 11, 2013 BOS meeting at which time Mr. Busa discussed preliminary plans but was informed the BOS could not vote until the final plans had been submitted and all departmental comments were in place.

In reviewing the newly submitted plan, Selectman Zenkin said he was satisfied that seating had been removed from the tasting area. He added that he and Selectman Hogan conducted a site visit and there were no issues. Selectmen Grattan and Runyan said that they were satisfied with the plans as submitted.

Selectman Patuto opened the hearing to the public and there were no comments.
Motion: Selectman Zenkin moved to close the public hearing. Seconded by Selectman Grattan and approved. (5-0-0)

Motion: Selectman Zenkin moved to accept the Alcohol Change of Location, Section 15, All Alcohol Package Store for State Road Liquor Mart, Inc. d/b/a Busa Wine & Spirits, 34 Cambridge Street. Seconded by Selectman Grattan and approved. (5-0-0)

Motion: Selectman Hogan moved to change the order of the agenda in order to discuss item #062 after #060. Seconded Selectman Grattan and approved. (5-0-0) (Minutes remain in order of agenda.)

061 Public Hearing: Alcohol/New License/Section 15/Beer & Wine Package Store
Carli Convenience Plus, LLC
324 Cambridge Street

Present were John H. Fuccione, Manager, Carli Convenience Plus, LLC and Attorney Mario Patalano, Pinelli & Patalano, P.C. representing Carli which is seeking BOS approval for a Beer and Wine Package Store Alcohol License.

Attorney Patalano explained that Carli is a convenience store with a gas station. Next to Carli is an auto driving school. The BOS reviewed the plans which indicate where the alcohol would be stored and displayed.

Selectmen Grattan, Hogan, and Runyan commented on potential issues which could arise with the sale of alcohol at a convenience store such as understaffing, potential sale to minors; theft of alcohol, and how to avoid the sale of liquor during certain hours. Attorney Patalano agreed with the suggestion to rope off the aisles with alcohol during hours when sales are not allowed. Selectman Zenkin also suggested that there should be better separation between the groceries and alcohol.

Selectman Runyan noted that current town policy does not address convenience stores and suggested the BOS consider discussing guidelines. Selectman Zenkin disagreed stating that this request was no different from liquor stores that also sell groceries.

T.A. Petrin stated that the store is located across from a church, and Attorney Patalano said he was not contacted by the church after the certified mailings went out.

Selectman Patuto agreed that a convenience store must follow the hours set for package stores. As to regulations, he said that John Clancy, Inspector of Buildings, stated that the town's zoning by-laws do not regulate the types of products sold within a convenience store.

T.A. Petrin recommended the hearing be continued in order to further consider guidelines specific to the sale of alcohol in convenience stores with the inclusion of suggestions to cordon off those areas with liquor products during hours when sales are prohibited.
Motion: Selectman Zenkin moved to continue to March 25, 2013, at 7:30 p.m., the hearing for the application for a beer and wine license for Carli Convenience Plus, LLC, 324 Cambridge Street.

Discussion: Selectman Runyan suggested criteria guidelines be drafted and be reviewed by the BOS prior to the petitioner's return with guidelines to include policy for staffing, steps to avoid theft and sales to minors and sales during prohibited hours. T.A. Petrin requested a working plan and an updated floor plan reflecting separation of retail and alcohol. Attorney Patalano will confirm that the display will change and it was agreed that a photo of the change could be submitted and if approved, it would be made part of the approval process.

Motion to postpone approved. (5-0-0)

062 Approval: Walk-a-Thon Marshall Simonds Middle School
Teen LIGHT Leadership Team

Present to address the BOS was Marshall Simonds Middle School 8th grade teacher, Cheryl Mantia. The students presented their proposal and route for the 5th Annual Teen LIGHT Walk-a-Thon on Saturday, June 1, 2013 (rain date of June 2) and read the project's mission. Copies of the route were distributed, which starts and ends on the Town Common. The BOS congratulated the students on their efforts to raise awareness of children with autism.

Motion: Selectman Grattan moved to approve the use of the Burlington Town Common for the 5th Annual Teen LIGHT Walk-a-Thon on June 1, 2013 with a rain date of June 2, 2013. Seconded by Selectman Hogan and approved. (5-0-0)

Motion: Selectman Zenkin moved to continue the change to the order of the agenda with #063 being discussed before #061. Seconded by Selectman Grattan and approved. (5-0-0)

063 Approval: 5K Leprechaun Shuffle & Fun Run Fundraiser
Nashoba Learning Group, a School for Autism

Julie Coppenrath, Race Director, was present seeking BOS approval to hold a Leprechaun 5K Shuffle & Fun Run on Sunday, March 17, 2013 (rain or shine) to raise awareness for autism. All proceeds from the race will be given to Nashoba Learning Group of Bedford. The 10:00 a.m. to 11:30 a.m. race will start and end at Burlington High School. She said she was informed there would be two bicycle details.

T.A. Petrin was emphatic that requests be submitted in a timely manner as safety is a factor at this time of year. She apologized for the late request stating that she was unaware of the requirement to come before the BOS. DPW submitted comments that they will do their best to ensure the route is clear, but this group is expected to cancel if inclement weather is forecasted making it impossible for the route to be cleared. Ms. Coppenrath said she understood and agreed.
Motion: Selectman Zenkin moved to approve the 5K Leprechaun Shuffle & Fun Run Fundraiser, Nashoba Learning Group for Sunday, March 17, 2013 (rain or shine) on the condition that it will be cancelled due to inclement weather as discussed. Seconded by Selectman Grattan and approved. (5-0-0)

064 Approval: Youth Public Safety Academy Community Day
Middlesex Sheriff's Office

The BOS received a request from the Middlesex Sheriff's Office seeking BOS approval to use part of the town common for their student public safety activities on June 26, 2013.

Motion: Selectman Grattan moved to approve of the use of the Burlington Town Common on Wednesday, June 26, 2013 from 8:00 a.m. to 2:45 p.m. Seconded by Selectman Hogan and approved. (5-0-0)

065 Discussion: NSTAR Five-Year Vegetation Management Plan

The town received NSTAR's Yearly Operational Plan notification for the five-year Vegetation Management Plan for 2013-2017. The Operational Plan explains the application of herbicides along power lines and natural gas rights of way and requests updates on sensitive areas. Selectman Patuto continues to be concerned with this plan because it takes place in the area of the town's drinking water supply. Cape Cod towns, he said, are not included in the plan because of their concerns that the chemicals could pollute the region's water supply. Selectman Hogan suggested researching how this was accomplished. The BOS asked T.A. Petrin to receive an opinion from the Conservation Commission and to contact NSTAR to request that the spraying plan be modified to pull back from sensitive areas.

066 Discussion: Report on Information Systems

Based on both the Town Administrator's and the School Superintendent's recommendation, Robert Cunha, who has been working in the School Department's IT Department, was appointed as interim Director of the IT Department. T.A. Petrin said Mr. Cunha's assessment of the department will include comments on that department's preliminary budget. The ISAC played an important role in the progression of this department, and they will continue to be a resource in the future.

Selectman Hogan asked if the permanent Director position would be advertised and T.A. Petrin said that decision would be made at the end of the interim period.

067 Vote: 2nd Amendment of Master Affordable Housing Restriction Agreement, The Reserve At Seven Springs

The second amendment to the Master Affordable Housing Restriction Agreement was reviewed. T.A. Petrin said the new Schedule C includes state mandated numbers with reference to affordable sale prices in this area. Both he and A.T.A. Hickey said the Agreement had Town Counsel approval. The board was opposed to the last paragraph which states: "It being agreed and understood that SSR, may in its sole
discretion, select a qualified agent to prepare the SMP and conduct lottery.” Selectman Patuto asked that Town Counsel revisit this document, as there is no wording to include the Selectmen or its staff in the preparation of the SMP agreement or in the decisions for a lottery. T.A. Petrin said he would attend to this concern.

068 Approval: Minutes - February 25, 2013 - Executive Session

Motion: Selectman Hogan moved to approve the February 25, 2013 Executive Session minutes with amendment to the date of the meeting. Seconded by Selectman Runyan and approved. (4-0-1)

Approval: Minutes - February 25, 2013 - General Session

Motion: Selectman Hogan moved to approve the February 24, 2013 General Session minutes with amendment to the date of the meeting. Seconded by Selectman Runyan and approved. (4-0-1)

069 Approval: Network Drive

Change of Address for Fuel Storage Tanks

T.A. Petrin said the Town Clerk requested addresses for the fuel storage tanks be updated.

Motion: Selectman Zenkin moved to approve the change of address for fuel storage tanks on Network Drive. Seconded by Selectman Grattan and approved. (5-0-0)

070 Discussion: Budgets FY2014

The BOS received an outline of the budgets reporting to the BOS. T.A. Petrin said upcoming meetings will be with Ways & Means, Capital Budget and School Department, and he expects the total budget to fall within the required guideline. It was agreed that discussions on the FY2014 individual budgets would commence on the first meeting following the April 6 election.

071 Subcommittee Reports

Selectman Grattan recommended discussions on bow hunting in the Landlocked Forest be re-opened at the March 25 BOS meeting.

Selectman Zenkin said he would have an update on the Grandview Tavern at the March 25 meeting.

Selectman Hogan reported that the Board of Health is holding their annual rabies clinic on Saturday, March 23 at the DPW barn.

He also said the world-wide Pledge to Go Dark for Earth Hour, as challenged by David Meuse, will take place on March 23 to raise awareness on climate change.
Selectman Runyan reported that both DPW and private firms were called to handle the recent snow event.

The Cemetery Oversight Committee, he said, is working on a new plan for the columbarium, and an informational presentation is expected to be given at Town Meeting.

Jim Curtin was congratulated on his recent retirement from coaching varsity basketball and a dinner for him will be held on April 4.

072 Town Administrator's Report: None.

073 Assistant Town Administrator's Report: None.

074 Chairman's Report

Selectman Patuto reported that B.U. coach, Jack Parker, had announced his retirement after many seasons of coaching men’s ice hockey.

075 Old/New Business: None.

Adjourn

Motion: Selectman Zenkin moved to adjourn at 8:45 pm. Seconded by Selectman Grattan and unanimously approved. (5-0-0)

Respectfully submitted,

Betty McDonough
Recording Clerk
BURLINGTON, MA BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING - MARCH 11, 2013

059  Certificate of Commendation, John White in recognition of 34 years of journalistic coverage
060  34 Cambridge St., Busa: Letter from Julie Bello received 1/14/13, petition for change of license, affidavit of notice of mailing to abutter and others, financial information, legal notice published 1/18/13, four pages plot plans, State Road Liquor Mart/Action by written consent of the Board of Directors in lieu of a special meeting
061  324 Cambridge St., Carli: Memo to Fire and Police chiefs, BOH Director, Inspector of Buildings, Planning Director for comments and comments from same; letter requesting consideration; application for license; applicant's statement; manager application; death certificate Herbert Fuccione; attested Special Joint Meeting of the managers/members of Carli dated 2/14/12; licensee information; legal notice published 2/27/13; 3 page floor plans
062  Letter requesting approval for Teen LIGHT
063  Letter requesting approval for Leprechaun 5K Shuffle & Fun Run; email from Police Chief; email from DPW
064  Letter from Middlesex Sheriff's Office requesting approval for use of Town Common
065  Letter to municipalities from NSTAR re vegetation management plan; Map 1 and Map 2 of operational plans
066  -
067  Second Amendment of Master Affordable Housing Restriction Agreement, Seven Springs
068  Meeting minutes - February 25, 2013 General Session and Executive Session
069  Town Clerk memo to BOS re: Fuel Storage Tank Permit Changes; 2007 memo from Inspector of Buildings re address-Network Drive; 1 plot plan map of Network Drive

TND #1