Board of Selectmen Present: Robert Hogan, Chairman; Daniel Grattan, Vice-Chairman; Ralph Patuto; Michael Runyan; Christopher Hartling

Also Present: John Petrin, Town Administrator

The General Session of the Board of Selectmen (BOS) was called to order at 7:18 p.m.

153 Public Hearing: Earth Removal Permit

Four Burlington Woods

Tom Maimone, Assistant Project Manager, DeLoury Construction Company was present seeking BOS approval for an Earth Removal Permit in order to construct a new commercial building with parking underneath. Staff did not have opposition or concern.

Motion: Selectman Grattan moved to close the Public Hearing. Seconded by Selectman Runyan and approved. (5-0-0)

Motion: Selectman Patuto moved to approve an Earth Removal Permit for Four Burlington Woods as requested. Seconded by Selectman Runyan and approved. (5-0-0)

154 Approval: All Alcohol License/Change of Manager

Kings Bowl of Burlington, LLC d/b/a Kings

52 Second Avenue

Present were Frank Stryjewski, Lyons Group for Kings Bowl; Joshua Rossner and William Sheridan, General Manager, Kings Bowl as well as William Proia, Riemer & Braunstein, representing Kings Bowl as they designate Mr. Sheridan as their permanent manager. Mr. Sheridan said Kings is in the process of being rebuilt after a fire damaged the facility. He has an extensive restaurant and liquor license background and was training at the new facility prior to the fire. Mr. Stryjewski said he has also been working in Boston at one of their upscale restaurants.

Chairman Hogan thanked Kings management for their commitment and for assisting the employees who lost their jobs following the fire. T.A. Petrin reminded Mr. Sheridan of the town's rules and regulations and that alcohol consumption is a subsidy to the function of eating, and he replied that he understands the regulations.

Motion: Selectman Patuto moved to approve the Change of Manager Application for William Sheridan as General Manager of Kings Bowl, 52 Second Avenue. Seconded by Selectman Hartling and approved. (5-0-0)
Approval: Entertainment License

King’s Bowl of Burlington, LLC d/b/a Kings
52 Second Avenue

Mr. Stryjewski explained that Kings is currently seeking approval of an Entertainment License, which would allow specifically the integration of musical entertainment into the facility. The proposed karaoke would be set up three days a week, to occur as dictated by guests after 9:00 p.m., and the proposed live entertainment would be a disc jockey in a private area, up to three days a week, for private, on-site operations and corporate functions.

Town Administrator, John Petrin, said entertainment within facilities generally cease one half hour before closing. Selectman Grattan did not have an issue since the site is not in a residential area. Selectman Runyan asked about a floor plan, and T.A. Petrin said floor plan review is required when approving a liquor license. The plans were not specific enough and T.A. Petrin agreed it was a broad request and recommended the hearing be continued in order to review and set parameters at a date closer to when the facility is completed.

Motion: Selectman Patuto moved to continue the public hearing to review and set parameters at a date close to the opening of the facility. Seconded by Selectman Runyan and approved. (5-0-0)

Public Hearing: All Alcohol License/Change of DBA/Change of Location

Wegmans, 53 Third Avenue

Present were Bill Congdon, Regional Vice President of Wegmans; Kevin Russell, manager of the Burlington store and Gregory Demakis, attorney representing Wegmans. Attorney Demakis explained that they were seeking approval for a change from d/b/a Woodwards Package Goods Store to Wegmans, and they were requesting a change of location from 85 Wilmington Road to 53 Third Avenue. They are planning to close the Wilmington Road location as soon as possible.

The new liquor store location will be a one-story, 138,000 s.f., free standing building in the 3rd Avenue Development. T.A. Petrin said the floor plan has been approved and the issue of enclosing the liquor section has been settled satisfactorily. At this time the BOS has not approved any sale or placement of liquor outside of the confines of the liquor store.

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

Motion: Selectman Patuto moved to approve the closing of the 85 Wilmington Road package goods store and to change the location to 53 Third Avenue and also to approve the change from d/b/a Woodman's Package Goods Store to Wegmans. Seconded by Selectman Hartling and approved. (5-0-0)

Hearing: All Alcohol License/Change of Manager

The Cheesecake Factory, 75 Middlesex Turnpike

Present were Marko D'Avignon, new manager, and Attorney Michael Brangwynne of DiNicola, Seligson & Upton LLP, representing the Cheesecake Factory. Attorney Brangwynne said his client is seeking
BOS approval of an application for a Change of Manager. Mr. D'Avignon, he said, is highly qualified for the position and has been working for the past eleven years at the Cheesecake Factory in Cambridge. He has received his TIPS certification.

**Motion:** Selectman Patuto moved to approve the All Alcohol License/Change of Manager at the Cheesecake Factory, 75 Middlesex Turnpike to Marko D'Avignon. Seconded by Selectman Hartling and approved. (5-0-0)

**158 Recognitions:** Council on Aging

COA Director, Margery McDonald informed the BOS that an event to recognize COA volunteers was held in April. The COA has 60 volunteers who provide important services such as monitoring and running activities. Rosemarie and Joe Groble were acknowledged by the COA for their hard work running the Bingo events. The other volunteer recognized was Muriel O'Brien for her twenty years of serving the town on the COA Board of Directors. Mrs. O'Brien recently resigned and has attended her last board meeting. The board congratulated the volunteers for their work and thanked Mrs. O'Brien for her many years of service.

**159 Approval:** Reconfiguration of Lexington and Bedford Streets

John Sanchez, DPW Director, and Tom Hayes, Town Engineer, were present to give an update on the potential reconfiguration of Lexington and Bedford Streets. The test configuration has been in place for almost a year with the intent to create better, safer site lines for Bedford Street. Mr. Sanchez said the test pattern is working well and has created a safer site line for vehicles coming up Bedford Street. They are prepared to finalize the plan upon BOS approval.

Tom Murphy, a resident of Lexington Street, was present representing Lexington Street residents who are dissatisfied with the configuration and the traffic congestion it creates during certain hours. He thanked the department for attempting to make the section safer, but at present the many vehicles lining the street are blocking residential driveways. He added that another problem is the tight curve connecting Bedford Street and Lexington Street. No comments were received, he added, with regard to public safety.

The Chairman asked if it was possible to do less of a bump out. Mr. Hayes suggested that a review be done if the board and neighbors are not yet satisfied.

Selectman Runyan recommended considering a motion to remove the barriers and to return to the original design in order to satisfy the Lexington Street problem. The BOS concluded that a study should be conducted to consider both safety issues and correcting the traffic on Lexington Street.

**160 Appointments:** DPW

Special Motor Equipment Operator/Laborer - Two Positions

Mr. Sanchez explained that openings have occurred as employees shift positions. Joanne Faust, Kevin Keene and he conducted interviews in May for two Special Motor Equipment Operator/Laborer positions.
The first name he put forth was Michael Murphy who has experience in tree work and running a variety of heavy equipment, and he holds a CDL license. T.A. Petrin agreed with the recommendation and appointed Mr. Murphy to the position and requested the BOS waive the standard 15-day waiting period.

**Motion:** Selectman Patuto moved to waive the standard 15-day waiting period for the appointment of Michael Murphy for the position of Special Motor Equipment Operator/Laborer. Seconded by Selectman Runyan and approved. (5-0-0)

The second candidate, Mr. Sanchez said, is Christopher Lavoie who has experience working with asphalt, concrete, and drainage structures as well as landscaping experience gained while running his own business. He also has experience with welding and fabrication and possesses the required CDL license. T.A. Petrin agreed and appointed Mr. Murphy to the position and requested the standard 15-day waiting period be waived.

**Motion:** Selectman Patuto moved to waive the standard 15-day waiting period for the appointment of Christopher Lavoie for the position of Special Motor Equipment Operator/Laborer. Seconded by Selectman Runyan and approved. (5-0-0)

**Cambridge Street Repaving and Re-lining - Update/unscheduled**

John Sanchez and T.A. Petrin gave an update and stated that Mass. DOT informed the town that it is the State's responsibility to decide how the road would be re-striped and until a study is conducted by the State, there will be no changes in the striping pattern.

**161 Approval: Disability Access Commission Use of Handicapped Parking Fine Fund**

Chairman Hogan recused himself from the proceedings as he is the Coordinator for the Disability Access Commission (DAC). He explained to the BOS that the DAC agreed with a request from the Recreation Department for payment towards the difference of $76.00 between a handicapped port-a-pottie unit and a standard unit for eight parks and/or playgrounds for five months for a total cost of $2,280.

Also being requested was an office printer which has a scan to talk feature for the blind at a cost of $137.40.

**Motion:** Selectman Patuto moved to approve the request to use funds from the Handicapped Parking Fine Fund for the items discussed. Seconded by Selectman Runyan and approved. (4-0-0 with Chairman Hogan not voting).

Mr. Hogan returned to his position as Chair.

**162 Approval: Grand View Farm Rules and Regulations**

At their meeting of April 14, 2014, the BOS voted to support the March 31, 2014 preliminary set of *Rules of Use and Rate Schedule for Marion Tavern at Grandview Farm* (effective May 2014). The rules have since been updated to reflect grammatical corrections/sentence structure, but the fees are the same. T.A. Petrin was seeking BOS approval on the submitted final set to be effective June 2014.
Selectman Grattan asked if town boards could use this site for meetings and T.A. Petrin said there are restrictions and the site is to be used as an event venue. There are other meeting room options available for regular board meetings.

**Motion:** Selectman Patuto moved to approve the final set of *Rules of Use and Rate Schedule for Marion Tavern at Grand View Farm* (effective June 2014). Seconded by Selectman Hartling and approved. (5-0-0)

163 Discussion: Town Administrator Appointments
Boards and Committees
T.A. Petrin said appointments and reappointments are being made over the next few weeks and advised the community to contact his office if they wish to serve as there are openings available or upcoming on certain committees. The list of all commissions and committees is available on the town's website.

164 Discussion: Board of Appeals Appointments
The BOS is responsible for appointing members to the Board of Appeals. One of the members recently resigned plus another opening occurred with the appointment of William Gaffney to the Planning Board. There are two alternates in training ready for consideration. Selectman Patuto suggested they come before the BOS for appointment and advertisements will be placed for two new alternates.

165 Vote: Town Administrator's Contract Renewal
T.A. Petrin explained that his three-year contract requires that after the second year he be given notice in June if there are no plans to renew the contract.

**Motion:** Selectman Patuto moved that discussions be started for the renewal of the Town Administrator's contract. Seconded by Selectman Hartling and approved. (5-0-0)

166 Approval: Minutes
May 19, 2014, General Session
**Motion:** Selectman Patuto moved to approve the minutes of May 19, 2014 as submitted. Seconded by Selectman Runyan and approved. (5-0-0)

167 Subcommittee Reports
Selectman Runyan
DPW Pavement Management: Pavement management is taking place on Lexington Street and other areas of town.

Recycling Totters: All residents should have received the new recycling totters.

Comment: Condolences were given to all those affected by the shooting incident which claimed the life of two police officers in Las Vegas.

4th of July: The Fire Department is providing the gear of a fireman for a young boy with cancer who has a passion for the fire department, and he will be invited to ride in a fire truck in the 4th of July Parade.
Selectman Grattan
Teen Light had their event on the Town Common this past weekend, and it appeared to be a success.

The 2014 graduation class had their ceremony and all were congratulated.

168 Town Administrator’s Report

Memorial Day
T.A. Petrin attended the town's Memorial Day ceremony and said it was a tremendous event and thanked the staff of the Veterans Office. He enjoyed the music, the speakers, and seeing the honor guards. The cemetery looked great and Paul Cauldwell and all the cemetery staff were also thanked.

Board of Health
T.A. Petrin congratulated Board of Health Director Susan Lumenello on a successful EDS site plan review. The department received an impressive 99 out of a score of 100. Under her guidance, he added, this is a very professional, well-run department.

Tom Hickey
Today was the last official day for Mr. Hickey and there was a fine gathering prior to this meeting at the Grand View Tavern to wish him well on his retirement. Paul Sagarino would commence duties as Assistant Town Administrator on June 10, 2014.

Grand View Farm
The ribbon cutting took place on Wednesday, June 4. All were thanked for their work, and T.A. Petrin said that the building looks great and staff continues to add furniture and draperies. An open house will take place on Saturday, June 7, 2014.

169 Assistant Town Administrator’s Report: None.

170 Chairman’s Report
Chairman Hogan thanked all for coming to the Memorial Day ceremonies as the 70th Anniversary of D-Day was remembered.

171 Old/New Business: None.
172 Citizen’s Time: None.

Adjourn

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

Respectfully submitted,

Betty McDonough
Recording Clerk
BURLINGTON, MA BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING ON MONDAY, JUNE 9, 2014

Agenda

153 Public Hearing: Earth Removal Permit/Four Burlington Woods. A public hearing notice was published on 5/22; memo from JP to distribution and all comments; 5/9/14 ltr from Deloury Construction to town; 2 site plans; Burlington bylaw Article 14 re responsibility when obtaining permits; 5/7/14 memo from D. Benjamin to A. Warfield re Decision for Approval of Minor Engineering Change; 9/17/13 memo from D. Benjamin to A. Warfield re Decision for Extension of time to complete site plan; 7/27/00 memo from M. Cushing, Assistant Planner to Jane Chew, Town Clerk re Decision application for approval of a site plan off Burlington Woods Drive.

154 Approval: All Alcohol License/Change of Manager/Kings Bowl of Burlington, LLC d/b/a Kings/52 Second Avenue. 4/8/14 ltr from Riemer to JP re Kings Bowl change of manager filing; petition for change of license; written consent of members; manage application for new manager; personal information form; license; birth certificate; alcohol intervention certification; ServSafe card; certificate for crowd management.

155 Approval: Entertainment License/Kings Bowl of Burlington, LLC d/b/a Kings/52 Second Avenue. 4/8/14 ltr from Riemer to JP re Kings Bowl re music; general license application for entertainment.

156 Public Hearing: All Alcohol License/Change of DBA/Change of Location/Wegmans; 53 Third Avenue - alcoholic beverage license application monetary transmittal form; Petition for Change of License; Business Certificate; corporate resolution; public hearing notice for publication on 5/27; 5/27/14 staff memo and responses; 5/20/14 ltr from Demakis Law to town re Wegmans Change of Location; Petition for change of license; resolution of board of directors; floor layout plan; 5/30/14 ltr from Demakis Law to Town re application for a change of dba from Woodwards Package Goods Store to Wegmans relative to the annual package store all alcoholic beverages license of Wegmans.

157 Hearing: All Alcohol License/Change of Manager/The Cheesecake Factory, 75 Middlesex Turnpike. 5/21/14 ltr from DiNicola to town re change of manager at Cheesecake Factory; retail alcoholic beverages license application monetary transmittal form; petition for change of license; manager application; personal information form; passport with photo; corporate vote; tips certification.

158 Recognitions: Council on Aging -

159 Approval: Reconfiguration of Lexington and Bedford Streets - street layout.

160 Appointments: DPW/Special Motor Equipment Operator/Laborer - Two Positions and Cambridge Street Repaving and Re-lining - Update/unscheduled. 6/6/14 memo from J Sanchez to JP re Michael Murphy for appointment with application for employment; 6/6/14 memo from JS to JP re Christopher Lavoie for appointment with resume and letter to town.

161 Approval: Disability Access Commission/Use of Handicapped Parking Fine Fund. 5/27/14 memo from DAC to BOS re use of handicapped parking fine fund for porta potties and printer; estimate from recreation for porta potties; receipt for printer.

162 Approval: Grand View Farm Rules and Regulations - Rules of Use and Rate Schedule for Marion Tavern at Grand View Farm.

163 Discussion: Town Administrator Appointments/Boards and Committees -
164 Discussion: Board of Appeals Appointments -
165 Vote: Town Administrator's Contract Renewal -
166 Approval: Minutes /May 19, 2014, General Session - minutes
167 Subcommittee Reports -
168 Town Administrator's Report -
169 Assistant Town Administrator's Report -
170 Chairman's Report -
171 Old/New Business -
172 Citizen's Time -