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

MONDAY, JUNE 10, 2013

Board of Selectmen Present: Robert Hogan, Chairman; Michael Runyan, Vice-Chairman; Daniel Grattan, Christopher Hartling
Not Present: Ralph Patuto

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 Hogan followed by the Pledge of Allegiance and a moment of silence for the armed forces and service people as well as emergency responders.

132 Recognition: Inspector of Buildings, John Clancy

Present was John Clancy, Inspector of Buildings, being recognized for his receipt of the Eastern States Building Officials Federation Conference Honoree 2013 award. This organization is comprised of Building Inspectors from eight New England states, and the Conference Honoree is an award, given to one fellow inspector member each year, who has given his time, leadership to the organization and fellow inspectors.

133 Reports: Police Department
1. Retirement
2. Commendations
3. Promotions
4. Appointment

1. Retirement: Chief Michael Kent announced that Lieutenant Walter Bevis is retiring from full time police work and was presented with a commemorative plaque from the department and town, a plaque from the command unit, and a citation from the House of Representatives. Lt. Bevis was thanked by all for his more than 40 years of service in the department.

2. Commendations:
Forbes Avenue: Lt. Steve O'Meara, Officer, Officer Joe Papsedero and Officer Tom Carlson were recognized for their response and professionalism with respect to the incident on Forbes Avenue in May of 2012. The officers were thanked by all for the difficult work involved in all respects to this case. Other officers involved in the case will also receive recognition in their records.

Boston Marathon Bombing: Sergeant Timothy McDonough, Sergeant Daniel Hanafin, Officer Charles Ferguson, Officer Daniel Houston, Detective Matthew Leary, Officer Peter Abaskharoun, and Officer Joseph Papsedero were recognized for their professionalism in response for assistance with investigative
and security work on the day of the bombings on April 15, 2013 and subsequent requests for assistance through April 21, 2013. The officers were thanked by all for their dedicated commitment despite the danger and concern for themselves.

T.A. Petrin added that Chief Kent was running the marathon and Officer Jim Tigges was working as a volunteer on the day of the bombing. Selectman Hogan made note of how emergency responders run towards danger and Selectmen Runyan, Hartling and Grattan thanked all the officers for their fine day-to-day work.

3. Promotions: Chief Kent stated that due to openings, the department held a promotional process for the ranks of Sergeant and Lieutenant. T.A. Petrin stated that he and Human Resource Director, Joanne Faust, were present for the interviews and evaluations, and there were many qualified candidates.

T.A. Petrin appointed Sergeant Thomas Browne to the position of Lieutenant, and recommended the BOS waive the normal 15 day waiting period.

**Motion:** Selectman Hartling moved to waive the 15 day waiting period for the appointment Sergeant Browne to Lieutenant. Seconded by Selectman Grattan and approved. (4-0-0)

T.A. Petrin appointed Patrolman Kevin Cooney to the position of Sergeant, and recommended the BOS waive the normal 15 day waiting period.

**Motion:** Selectman Hartling moved to waive the 15 day waiting period for the appointment of Patrolman Cooney to Sergeant. Seconded by Selectman Grattan and approved. (4-0-0)

4. Appointment:

Chief Michael Kent recommended that retired Lt. Walter Bevis be appointed as a Special Police Officer. T.A. Petrin appointed Lt. Bevis to this position and recommended the BOS waive the normal 15 day waiting period.

**Motion:** Selectman Hartling moved to waive the 15 day waiting period for the appointment of Lt. Bevis as a Special Police Officer. Seconded by Selectman Grattan and approved. (4-0-0)

T.A. Petrin stated that Burlington has an excellent Police Department with excellent leadership.

134 Public Hearing: Grant of Location

National Grid - So. Bedford Street/Blanchard Road
NStar - Muller Road

**National Grid, South Bedford and Blanchard Road:**

Lien Gauthier was present representing National Grid seeking BOS approval to install approximately 2200’ of 12” 60 psig coated steel main to South Bedford Street from the existing 12’ coated steel main in
Blanchard Road to the existing 10” coated steel main in Cambridge Street for increased capacity in the future for Burlington and surrounding communities.

DPW Engineering comments state this project will have little or no significant impact on the town’s infrastructure. Since the installation falls within the town’s right of way, a condition of DPW is that National Grid receive a Street Opening Permit issued through the Public Works Department.

Selectman Runyan asked about the project, and Ms. Gauthier explained that this is a long term project with the hope in the future of an increase in pounds from 60 to a100. Selectman Grattan asked about the corridor, and T.A. Petrin responded that it is based on need at the time and receives full evaluation from engineering.

There were no comments from the public prior to closing the public hearing.

**Motion:** Selectman Grattan moved to close the public hearing for National Grid. Seconded by Selectman Hartling and approved. (4-0-0)

**Motion:** Selectman Grattan moved to approve a grant location to National Grid as presented with the conditions as requested and outlined by the Burlington DPW Engineering Department. Seconded by Selectman Hartling and approved. (4-0-0)

**NStar, Muller Road**

Present representing NStar was Maureen Carroll. NStar is seeking BOS approval to install approximately 34+ feet of conduit at pole 68/19 on Muller Road in order to provide electrical service to the new residential development.

T.A. Petrin said this request is to authorize the location of the installation, and NStar will still have to go through the permitting process with DPW Engineering. Comments from DPW were that this project will have little or no significant impact on the town’s infrastructure.

There were no comments from the public prior to the public hearing being closed.

**Motion:** Selectman Grattan moved to close the public hearing for NStar. Seconded by Selectman Hartling and approved. (4-0-0)

**Motion:** Selectman Grattan moved to approve a grant location to NStar as presented with the conditions as requested by the Burlington DPW Engineering Department. Seconded by Selectman Hartling and approved. (4-0-0)

**135 Vote:** **Allied Veterans, Flag Poles on the Town Common**

Larry Rice, Commander of Burlington's Allied Veterans, was present seeking BOS approval for the installation of five new 30' flag poles on the Town Common to permanently fly five military service flags:
on the Town Common's memorial section. This recommendation was approved by Burlington’s Allied Veterans. Offers are being made by families of veterans to purchase the poles and flags, including the family of former Selectman and Chief of Police, Charles Ferguson. Others have offered to contribute to the cost of future flags. The Allied Veterans will be responsible for the approximately $10,000 cost of the project with the poles being installed opposite the existing American flag pole and lining up with the brush line. Permission is also being sought at this time for assistance to have the ground prepared.

Doug Gillingham, Parks Superintendent, was present, and when Selectman Runyan asked for his input, Mr. Gillingham said it would be appropriate for the common. Elaine Zuccaro was also present and said it would be landscaped by the Beautification Committee.

**Motion:** Selectman Hartling moved to allow five new flag poles be installed on the Town Common for the five service organizations and to allow assistance be provided to have the ground prepared. Seconded by Selectman Grattan and approved. (4-0-0)

T.A. Petrin and the BOS thanked Mr. Gillingham and the Recreation Staff Ms. Zuccaro and the Beautification Committee staff for helping with the beauty of the town.

**136 Discussion: Disability Access Commission Logo and Accessibility Icon**

Present were Disability Access Commission (DAC) members Maura Mazzocca and Mary Jane Fietze. Also present was town Civil Engineer, Steve Hildreth and Jeff Lafata of the Accessibility Icon project, seeking BOS endorsement for the new Accessibility Icon, which meets ADA requirements, for use on town government parking spaces and HP signs. Mr. Lafata said that if approved, Burlington would be the second community in Massachusetts to utilize the icon.

Selectman Runyan said he liked the new moving forward symbol and the other members were also satisfied with the requests. Selectman Hogan explained that if approved, the DAC will return to the BOS to request funds from the Handicapped Parking Fine Fund for the logo outline.

Also displayed for the BOS’s approval was a newly created logo for the DAC. Ms. Mazzocca said that the Burlington High School Art students had created a logo with the moving forward icon, and the DAC will be requesting to create stickers to place on existing HP signs.

**Motion:** Selectman Runyan moved to approve the new "moving forward" accessible icon and the new handicapped logo for the Disability Access Commission. Seconded by Selectman Hartling and approved. (4-0-0)

**137 Discussion/Vote: Bow Hunting**

Selectman Grattan said that the BOS is attempting to come to a final decision on whether or not to allow bow hunting on the Landlocked Parcel (LLP). Many people are now using the LLP for other activities, and people are bow hunting illegally in the LLP. He suggested further discussions for a potential policy
include: consideration to allow bow hunting during a certain time within the six week hunting period; allowing only a certain number of permits be given out; and Burlington residents only. The emphasis must be to not put a burden on public safety officials. He also recommended that the final policy be reviewed by Town Counsel.

Selectman Runyan thanked Selectman Grattan for his work on the policy. He said he would be willing to support bow hunting on the LLP, and agreed further discussion is needed on the policy. He is satisfied with setting regulations such as restricting permits to Burlington residents and restricting the number of permits.

Selectman Hogan, noting the great effort made to invite people to the LLP to enjoy other activities, was not in favor of this sport taking place. He agreed that enforcement would be an issue.

The public was invited to speak. Burlington resident, Joseph Morandi, agreed with the suggestion for permits, but he did not agree with a decrease in the six week time frame. Martha Simond of Friends of the Landlocked Forest and Burlington resident said she would prefer hunting not be allowed and permits be readily seen on hunters.

Motion: Selectman Grattan moved that the Board of Selectman continue to develop a policy to approve bow hunting in the Town of Burlington. Seconded by Selectman Hartling and approved. (3-1-0 with Selectman Hogan voting against)

T.A. Petrin is concerned with enforcement and access to the property. He recommended a committee be formed encompassing members of the police force and residents with Selectman Grattan acting a chair.

138 Public Hearing: All Alcohol License/New
Redstone American Grill, 20 Third Avenue, NW Park

Michael O'Leary, Chief Operating Officer of Redstone, Todd Freemont-Smith of Nordblom, and Mark Vaughan, representing the applicant, were present seeking approval for a new All Alcohol License.

Attorney Vaughan said the 292 seat, full service Redstone American Grill restaurant would be approximately 10,000 s.f. and specialize in classic American fare.

Selectman Grattan asked about the café dining as shown in the middle of the floor plan. Mr. O'Leary explained that it will be used as a hold-over bar area as patrons wait to be seated. Selectman Grattan noted that there was another dining and bar area on the plan. Mr. O'Leary it was the outside bar area with fire pit which will also be utilized by those waiting to be seated, but there will be a full service menu at the bar area, with a two drink limit, per regulation.

Selectman Runyan asked about the holders of the license. Mr. O'Leary explained that the landlord is listed only as having interest in the license and does not have status as a license holder. Selectman Hogan asked about the outdoor dining during colder weather, and Mr. O'Leary replied that there would be outside gas heaters and warmed, granite tables.
There were no comments from the public prior to the closing the public hearing.

**Motion:** Selectman Grattan moved to close the public hearing for Redstone American Grill. Seconded by Selectman Hartling and approved. (4-0-0)

**Motion:** Selectman Hartling moved to approve the All Alcohol License for Redstone American Grill, Northwest Park. Seconded by Selectman Grattan and approved. (4-0-0)

139  **Public Hearing:** All Alcohol License/New
The Bancroft, 15 Third Avenue, NW Park

Joshua Webber, The Bancroft Chophouse, was present and said this high-end steakhouse restaurant will be located on the corner of Third Avenue and Middlesex Turnpike. Mr. Webber said he currently operates two other upscale restaurants in Massachusetts. Interior designs were displayed, and he said the restaurant is geared towards people who live and work in town.

Selectman Grattan asked about the area listed as a “dining counter” on the plan. Mr. Webber replied that this will be an area for those waiting to be seated. The owner is cognizant of town policy, and those who wish to remain in this area will be expected to purchase a meal with no more than two drinks being served. Selectman Runyan inquired about the “service counter” area on the plan. Mr. Webber explained that this is the area for service pickup and there are no stools in that location.

There were no comments from the public prior to the close of the public hearing.

**Motion:** Selectman Grattan moved to close the public hearing for The Bancroft. Seconded by Selectman Hartling and approved. (4-0-0)

**Motion:** Selectman Grattan moved to approve the All Alcohol Liquor License for the Bancroft, 15 Third Avenue. Seconded by Selectman Hartling and approved. (4-0-0)

140  **Public Hearing:** All Alcohol License/Alter of Premise/Chg. Mgr.
Boston Burlington Marriott Hotel, 1 Burlington Mall Rd.

T.A. Petrin said this request was removed from the agenda by the applicant and will be rescheduled.

**Motion:** Selectman Hartling moved to accept the withdrawal from the agenda the public hearing for an All Alcohol License/Alter of Premise/Change of Manager for Boston Burlington Marriott Hotel, 1 Burlington Mall Road. Seconded by Selectman Grattan and approved. (4-0-0)
141 Hearing: All Alcohol License/New Officer and Director
Uno Chicago Grill, Burlington Mall

Timothy Donegan, proposed new Officer and Director, Uno Chicago Grill, Burlington, was present with respect to this establishment’s request in order to cover Burlington and other communities. All appropriate paperwork had been submitted, and T.A. Petrin recommended approval.

Motion: Selectman Runyan moved to approve the request for Timothy Donegan as new Officer and Director for Uno Chicago Grill, Burlington Mall, Burlington. Seconded by Selectman Hartling and approved. (4-0-0)

142 Hearing: All Alcohol License/Change of Manager
Border Café, 128 Middlesex Turnpike

Richard Abbott, proposed new manager, Border Café, Burlington, was present to request BOS authorization to change Managers. He briefly described his background in the food service industry, including the serving of alcohol. The applicant said he understood the policies in town regarding liquor. All appropriate paperwork had been submitted, and T.A. Petrin recommended approval.

Motion: Selectman Runyan moved to approve the change of manager for Border Café, 128 Middlesex Turnpike. Seconded by Selectman Grattan and approved. (4-0-0)

143 Approval: Reconfiguration of Lexington and Bedford Streets

Tom Hayes, Town Engineer and John Sanchez, DPW Superintendent were present to describe the proposed reconfiguration of the intersection at Bedford and Lexington Streets, with the purpose of the reconfiguration is safety by providing better control with the intersecting traffic. It is not expected to significantly improve occurring traffic congestion. Selectman Runyan asked if they would be creating a test pattern before the work is started, and Mr. Hayes replied that they have done this in other areas of town and are satisfied that the results will be positive.

Motion: Selectman Runyan moved to approve the reconfiguration of Lexington and Bedford Streets as recommended by the DPW Engineering Department. Seconded by Selectman Hartling and approved. (4-0-0)

144 Approval: Street Openings

1. 18 Mountain Road
2. 14 Hampden Avenue
3. 39 Beaverbrook Road

1. 18 Mountain Road: Ed Colozzi was present seeking BOS approval to waive the town’s 5-year street opening moratorium of a newly paved street stating he will be connecting to gas. Town Engineering recommended allowing the opening with the standard conditions: temporary trench patch to match
existing pavement thickness; trench to be allowed to settle for one year; permanent patch of trench grind and inlay as written, cash bond of $3,000 to guarantee final restoration, with the applicant agreeing.

**Motion:** Selectman Grattan moved that the BOS approve the street opening for 18 Mountain Road as presented with the conditions as outlined by the Burlington DPW Engineering Department. Seconded by Selectman Hartling and approved (4-0-0)

2. **14 Hampden Avenue:** Todd Duggan was present seeking BOS approval to waive the town’s 5-year newly paved street opening moratorium stating he will be connecting to gas. This road was recently repaved in 2012 and the Town Engineering recommended against issuing a waiver permit. The applicant received and agreed with the standard conditions in the event it is approved by the BOS. Mr. Sanchez said the road was not repaved until all residents had been contacted during a period of time in which work was being done by National Grid. The resident did not contact DPW during the open-end period.

**Motion:** Selectman Grattan moved that the BOS approve the street opening for 14 Hampden Avenue as presented with the standard conditions. Seconded by Selectman Runyan and approved. (3-1-0 with Selectman Hogan voting against)

3. **39 Beaverbrook:**

Daniel Murray, Murray Realty, Inc. submitted a request seeking BOS approval to waive the town’s 5-year street opening moratorium in order to connect to gas. This road was last paved in 2009 and the applicant agreed with DPW’s standard conditions.

**Motion:** Selectman Runyan moved that the BOS approve the street opening for 39 Beaverbrook Road as presented with the standard conditions. Seconded by Selectman Grattan and approved. (4-0-0)

T.A. Petrin said DPW has a policy in place and asked the BOS to consider placing street openings on a future agenda in order to discuss how to avoid these requests from coming before the BOS. Selectman Runyan asked about the lifetime of the road after being patched, and Mr. Hayes explained that any opening causes a defect which could lead to deterioration.

145 Approval: Memorandum of Agreement - 36 Muller Road

T.A. Petrin said that this item is being postponed for further discussion.

146 Approval: Minutes

**May 20, 2013, General Session**

**Motion:** Selectman Runyan moved to approve the minutes of the General Session of May 20, 3013 as submitted. Seconded by Selectman Grattan and approved. (3-0-1 with Selectman Hartling abstaining)
Approval: American Legion Post #273 Request

Selectman Runyan and Selectman Hogan acknowledged their membership at the American Legion and that a disclosure was on file with the Town Clerk.

Paul Glazer and Kirk Post of the American Legion Post were present seeking BOS authorization for a one-day permit to sell beer in containers outdoors on Saturday, June 15, 2013 under a tent in the area next to the parking lot during a fund raiser. This will be under an expansion of their existing club license and the event will take place from 11:30 a.m. to 6:00 p.m. Legion TIP certified bartenders are the only ones allowed to serve. Apologies were made for the late notice.

Control of the beverage will include signage, a temporary, one-day snow fence around the tournament area, wristlets on donators, volunteer personnel/monitors ensuring compliance inside and out, one selling station with purchase and consumption being only under the tent, fenced in area.

Selectman Hogan said he was concerned that this request could set a precedence but is hopeful people will attend to help raise funds for those in need. T.A. Petrin agreed. Selectman Runyan asked that a specific end time be included on the permit, and Mr. Glazer agreed outside beer sales would end at 6:00 p.m.

Motion: Selectman Grattan moved to approve a permit to allow the American Legion to sell beer outdoors as an expansion of the club’s liquor license, during a fund raising event on Saturday, June 15, 2013 with the following conditions:

- Outdoor sale of containers of only beer is for one day, to start at 11:30 a.m. and to cease at 6:00 p.m.
- One service station manned by TIPs certified bartenders of the American Legion
- Signed in donators/participants to receive wristlet
- Only those with wristlet may purchase beer outdoors
- Purchase of beer outside must be consumed under the tent/tournament/fenced in area
- Liquor purchased inside the Legion may not leave the building

Seconded by Selectman Hartling and approved. (4-0-0)

Selectman Hogan said he is hopeful the Legion would not be submitting similar requests as the main purpose for a fund raiser should be the cause. Mr. Post responded that the Legion is not interested in submitting similar requests.

148 Subcommittee Reports

Selectman Grattan congratulated the Burlington graduating class of 2013, and said he volunteered for the All-Night Party which was a wonderful event, but there is a great need for more volunteers.

He also attended the Girl Scout Gold Ceremony where Christine Ryan was presented with a plaque for her service project.
He and Selectman Hartling met with the Planning Board liaison committee to discuss future liquor licenses in town. The state regulations continue to be stringent and continue to restrict new requests to site specific locations. They also discussed a potential new proposal for the property off Middlesex Turnpike formerly referred to as the Canyon site.

**Selectman Runyan** gave condolences to the family of Herb Clancy. He attended the event at the Council on Aging in memory of Larry Gianetti and commended the Veterans Office for a fine Memorial Day and also recognized the staff of the Cemetery and Recreation for the preparation of the grounds for the ceremonies at Chestnut Hill and on the Town Common.

He gave an advisory that construction work was taking place on Lexington and Bedford Streets and repaving is taking place on Winn Street.

**Selectman Hartling** said the Police Department has reported that Shaw’s has expressed interest in reviving National Night Out with the Police and Fire Departments to raise community awareness. He also said he attended the Memorial Day ceremony and was impressed and pleased with the amount of young people and families in attendance.

149    **Town Administrator's Report**

T.A. Petrin reported that the state legislature had cut in half previously approved funding for local roads.

The DPW Appreciation Day luncheon was enjoyable. He also thanked the Veterans Services staff, organizations, and volunteers who assisted with Memorial Day and the public was reminded to get involved with the many upcoming seasonal town events.

150    **Assistant Town Administrator's Report**

Mr. Hickey said the finishing touches are being made on Phase 4, landscaping and parking lot, at the Grandview Farm with bids to open the first week of July.

151    **Chairman's Report**

Selectman Hogan reported that U.S. and Massachusetts would be lowered following the death of former Governor Argeo Paul Cellucci who died on June 8.

The public, volunteers, businesses, and all who attended the Memorial Day ceremonies on May 27 were thanked. Selectman Hogan also announced that the Burlington High School girls softball team is in the MIAA Division 3 championship and won their game against Tewksbury.

**Adjourn**
Motion: Selectman Runyan moved to adjourn at 9:53 p.m. Seconded by Selectman Grattan and approved. (4-0-0)

Respectfully submitted,

Betty McDonough
Recording Clerk
BURLINGTON, MA BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING - JUNE 10, 2013

132 Recognition: Inspector of Buildings, John Clancy

Promotional recommendations (2);

134 Public Hearing: Grant of Location, National Grid - So. Bedford St./Blanchard Road, NStar - Muller Road
DPW, Grants of Location (2)

135 Vote: Allied Veterans, Flag Poles on the Town Common
Letter to BOS from Allied Vets re flag pole depiction

136 Discussion: Disability Access Commission, Logo and Accessibility Icon
Letter to BOS from DAC re new hp logo/accessible icon

137 Discussion/Vote: Bow Hunting
Policy Hunting Draft

138 Public Hearing: All Alcohol License/New Redstone American Grill, 20 3rd Ave, NW Park
Notification memo to relevant depts., approvals from all depts.; certificate of decision on special permit application to town clerk; representation letter and packet from Riemer & Braunstein; application for alcohol license; statement from applicant; Redstone tree of shareholders; manager personal application and information; written consent of Redstone; site plan

139 Public Hearing: All Alcohol License/New, the Bancroft, 15 Third Avenue, NW Park
Notification memo to relevant depts., approvals from all depts.; certificate of decision on special permit application to town clerk; public hearing notice; representation letter and packet from Reimer & Braunstein; application for alcohol license; applicant's statement; written consent of manager; manager personal application and information; site plan

140 Public Hearing: All Alcohol License/Alter of Premise/Chg. Mgr., Boston Burlington Marriott Hotel, 1 Burlington Mall Rd.
Email to withdraw appearance before BOS

141 Hearing: All Alcohol License/New Officer and Director, Uno Chicago Grill, Burl Mall
Letter from alcoholic beverages control commission re request from Uno for new officer and director; letter from Uno re new officer and director; application for retail alcoholic beverage license; statement of interest in license; resignation letter of former director; unanimous written consent of Uno's Restaurant Holdings Corp

142 Hearing: All Alcohol License/Change of Manager, Border Café, 128 Middlesex Turnpike
Letter re petition for Burl ABCC License Manger change; letter re request to change manager; petition for change of license; new manager application and information;

143 Approval: Reconfiguration of Lexington and Bedford Streets
Reconfiguration site plans from Engineering

144 Approval: Street Openings: 1 Mountain Rd, 2 Hampden Ave, Beaverbrook Rd
Notification from home owner and Engineering on each property, TA memos

145 Approval: Memorandum of Agreement - 36 Muller Road
(Postponed)

146 Approval: Minutes, May 20, 2013, General Session

147 Approval: American Legion Post #273 Request
Request for 1-day, out-door liquor permit and site plan, TA letters

148 Subcommittee Reports

149 Town Administrator's Report

150 Assistant Town Administrator's Report

151 Selectman's Report

TND #1