



TOWN OF BURLINGTON, MA  
BOARD OF SELECTMEN  
Minutes ó General Session  
Main Meeting Room, Town Hall

MONDAY, JUNE 23 2014 ~ 7:00 p.m.

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**Board of Selectmen Present:** Robert Hogan, Chairman; Daniel Grattan, Vice-Chairman (8:10 pm-#187-195); Ralph Patuto; Michael Runyan; Christopher Hartling (7:22pm-#173 & #176-195)

**Also Present:** John Petrin, Town Administrator

**Pledge of Allegiance/Moments of Reflection**

Chairman Hogan called the general session of the Board of Selectmen (BOS) 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 emergency responders.

**173 Approval: End of FY 2014 Transfers/Town Account**

It was agreed that this agenda item would be continued to later in the meeting.

**Motion:** Selectman Patuto moved to continue the End of FY 2014 Transfers/Town Account agenda item to later in the meeting. Seconded by Selectman Runyan and approved. (3-0-0)

**Motion:** Selectman Patuto moved to bring back this issue for discussion later in the meeting. Seconded by Selectman Runyan and approved. (4-0-0)

Paul Sagarino, Town Accountant, explained the annual requisition for the end of fiscal year 2014 transfers to accommodate departmental shortfalls per Mass General Laws guidelines. No new funds are being requested, and most funds would be transferred from a surplus line item of the requesting department. If BOS approval is received, the request will be presented to Ways and Means on June 25.

**Motion:** Selectman Patuto moved to approve the end of FY 2014 line item requests as presented by the Town Accountant. Seconded by Selectman Hartling and approved. (3-0-1 with Selectman Runyan abstaining)

**174 Approval: Bond Anticipation Notes**

Brian Curtin, Town Treasurer, said he was present seeking BOS approval and signatures for a Bond Anticipation Note in the amount of \$1,995,000 for the purchase of land at 10 Great Meadow Road. Sale Bid Results were provided indicating that Century Bank was the winning bidder with a coupon rate of .30%. The temporary financing will be available June 25, 2014 and will mature July 25, 2014 at which time, he said, a request will be presented to the BOS to re-issue the note.

**Motion:** Selectman Patuto moved to approve the Bond Anticipation Note in the amount of \$1,995,000 from Century Bank with note to mature July 25, 2014, as presented by the Town Treasurer. Seconded by Selectman Runyan and approved. (3-0-0)



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

**Motion:** Selectman Patuto moved to approve the new All Alcohol License for Abbondanza, LLC d/b/a Margutta, a restaurant to be located at 19 Third Avenue, with said license being within the geographic area of Northwest Park. Seconded by Selectman Runyan and approved. (4-0-0)

**Motion:** Selectman Patuto moved to approve the proposed Manager of Record, John Baker. Seconded by Selectman Runyan and approved. (4-0-0)

**177 Approval: Sewer Allocation  
New England Executive Park**

Andrew Gallinaro, National Development, and Attorney Robert Buckley, Riemer & Braunstein, representing New England Executive Park (NEEP) were present seeking BOS approval of a sewer allocation request for certain lots located within NEEP. Attorney Buckley said Engineering sent calculations, comments, and recommendations, and the applicant is aware of the Town's policy for a sewer allocation. Mr. Gallinaro said there will be a slight increase in office space, and the required site plan approval was received from the Planning Board.

T.A. Petrin said allocations are consistently monitored, and the town currently has the capacity to support sewer allocation requests. The allocation request includes undertaking inflow and infiltration projects as directed by the town's sewer allocation policy. The Town's Sewer Bank Report was reviewed, and Selectman Runyan recommended that Engineering come before the BOS to review the complexities of the sewer bank.

**Motion:** Selectman Patuto moved to approve the sewer allocation for New England Executive Park per the Engineering Department's conditions and recommendations. Seconded by Selectman Hartling and approved. (4-0-0)

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

Tim Brett, new general manager, was present as well as Attorney Robert McGovern representing Boston Burlington Marriott Hotel seeking BOS authorization for a change to the manager of record as well as an alteration of the premises for an outdoor terrace in the location of the existing garden with cosmetic renovations to include proper entry/egress, paving, lighting and railings and with the addition of tables and chairs for thirty occupants.

Attorney McGovern said the four bar-height tables (with no chairs) were designed for dining, and T.A. Petrin said they were not included in the occupancy count, and a revised floor plan was requested to reflect the accommodation of thirty occupants for all tables shown on the plan. The plan should also indicate "terrace dining." Attorney McGovern agreed.

The hearing was opened to the public, no one spoke, and the public hearing was closed.

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

**Motion:** Selectman Patuto moved to approve the change of manager of record to Tim Brett and alteration of premises with condition that revised plan be submitted indicating "terrace dining" and reflecting the accommodation of thirty occupants for all tables for the All Alcohol License for Boston Burlington Marriott Hotel, 1 Burlington Mall Road. Seconded by Selectman Hartling and approved. (4-0-0)

**179 Discussion: Fourth of July Parade**

Selectman Runyan said plans are moving along with more than 50 confirmed contingents. Activities on the Town Common will take place from 8:30a.m. to 11:00a.m. The parade will step off at 11:00a.m. Town departments and volunteers were thanked for assisting and/or for planning to participate. Some of the major sponsors included Lahey Clinic, The Gutierrez Company, Wegmans, Riemer & Braunstein, Olde Towne Liquors, and Rotary Club of Burlington. The parade will start in the area of the Burlington Car Wash and ends at the Memorial School.

**180 Recognition: Police**

To be discussed at a future meeting.

**181 Recognition: Burlington Community Life Center**

Christine Shruhan, Executive Director of Burlington Community Life Center (BCLC), was present with Marilyn Belmonte, Co-Chair of the Burlington Drug and Alcohol Task Force, who has been instrumental in reaching out into the community and working on activities and projects for young adults to resist drugs and alcohol. She has also been keeping BCLC up to date on issues relating to medical marijuana. Ms. Shruhan said that after twelve years of working with BCLC, Ms. Belmonte had retired. The BOS thanked Ms. Belmonte for her involvement and a certificate of recognition was read thanking Ms. Belmonte for her years of service. Ms. Belmonte said she was pleased to have worked with the Town.

**182 Discussion: Burlington Community Life Center Name Change**

T.A. Petrin said a brief discussion had taken place at the February 24, 2014 BOS meeting with respect to discussing to be held to rename Burlington Community Life Center to the more commonly known name of Youth and Family Services. Ms. Shruhan said the BCLC Board of Directors agreed with this recommendation.

**Motion:** Selectman Patuto moved to change Burlington Community Life Center to Burlington Youth and Family Services. Seconded by Selectman Hartling and approved. (4-0-0)

**Appointments**

- 1. Board of Appeals**
- 2. Boards and Committees**
- 3. Master Plan Steering Committee**
- 4. Purchasing Analyst**

**1. Board of Appeals (2 alternates to permanent/1 reappointment of permanent member)**

The BOS is responsible for appointments to the Board of Appeals (BOA). Permanent member, Neil Kane, is moving out of town and stepped down from his position. William Gaffney, permanent member, was recently appointed to the Planning Board. James Halloran and Charles Viveiros, alternate members, were present and both said they regularly attend the meetings, vote in the absence of permanent members, and were willing to become permanent members.

**Motion:** Selectman Runyan moved to appoint James Halloran as a permanent member of the Board of Appeals in the slot which expires in 2015 and to appoint Charles Viveiros to the slot which expires in 2016. Seconded by Selectman Hartling and approved. (4-0-0)

Permanent member, Joe Morandi's term expired, and he was present for reappointment. Mr. Morandi said he has served for five years and is ready to sit for another five.

**Motion:** Selectman Patuto moved to reappointment Joe Morandi as a permanent member of the Board of Appeals. Seconded by Selectman Hartling and approved. (4-0-0)

All were thanked for their service to the Town.

T.A. Petrin announced that the Town is seeking two alternates for this important board and those interested should contact his office. A press release will be placed.

**2. Boards and Committees**

T.A. Petrin said all the committees he is responsible for appointing will remain and appointments will be made at an upcoming meeting. He reminded the community to contact his office if they wish to serve as there are openings available on certain committees. The list of all commissions and committees is available on the town's website.

**3. Master Plan Steering Committee**

The Planning Board is working on developing a planning committee in preparation for a comprehensive master plan. A public workshop will be held on June 25 to review what is involved in preparing a town master plan. The Planning Board will be seeking a 20 member Steering Committee to work with consultants and town staff in the development of the plan. The committee will consist of:

- 4 citizens (2 appointed by the Planning Board and 2 by the BOS);
- 3 Planning Board members
- 2 Board of Selectmen members
- 3 Town Meeting members

and a member of the Board of Appeals, Board of Health, Conservation Commission, School Committee, Council on Aging, Recreation Commission, and Chamber of Commerce and property owner/business representative.

Chairman Hogan recommended Selectman Hartling and Selectman Grattan be considered for appointment to the Master Plan Steering Committee.

#### **4. Purchasing Analyst**

To be discussed at a future meeting.

#### **184 Approval: American Legion Post 273 Temporary Extension Request**

Selectman Runyan and Selectman Hogan acknowledged their membership at the American Legion and that a disclosure was on file with the Town Clerk. Chairman Hogan requested that Selectman Patuto chair this agenda item.

Paul Glazer and Kirk Post of the American Legion Post were present seeking BOS authorization for a temporary, one-day permit to sell beer in containers outdoors on Saturday, October 4, 2014 for the Second Annual Keira Callahan Foundation Fundraiser and tournament. Activities will take place under a tent in the grassy area at the end of the parking lot. This permit will be under an extension of their existing club license. 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.

The applicants agreed that last year's conditions as set by the BOS to control alcohol worked well and will be the same for this event:

**Motion:** Selectman Patuto moved to approve a permit to allow the American Legion to sell beer outdoors as an extension of the club's liquor license, for a fund raising event to be held on Saturday, October 4, 2014 from 11:30 a.m. to 6:00 p.m. with the following conditions

- Outdoor sale of containers of only beer is for one day, October 14, 2014, to start at 11:30 a.m. and to cease at 6:00 p.m.;
- Volunteer personnel/monitors ensuring compliance inside and out;
- Temporary, one-day snow fence around the tournament area;
- One service station manned by TIPs certified bartenders of the American Legion;
- Only signed in donators/participants to receive wristlet to purchase beer outdoors
- One selling station and beer 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)

**185 Hearing: Wine & Malt License/Change of Manager  
Bickford's Grille, 6 Cambridge Street**

Present were Anne Ferguson and Attorney Ronald MacKenzie representing Bickford's Grille, seeking BOS approval of the request of Bickford's Grille to have Ms. Ferguson as the new manager. Attorney MacKenzie said Ms. Ferguson has been working with Bickford's for 17 years. She said she is currently the dining room manager. T.A. Petrin reminded her of the town's rules and regulations and that alcohol consumption is a subsidy to the function of eating, and she said she understood.

**Motion:** Selectman Patuto moved to approve Anne Ferguson as the new manager of Bickford's Grille, 6 Cambridge Street. Seconded by Selectman Hartling and approved. (4-0-0)

**186 Hearing: All Alcohol License/Change of Manager  
Bonefish Grill, 4A Wayside Road**

Present was Leigh Bull seeking BOS approval of the request of Bonefish Grill to have Ms. Bull as their new manager. Ms Bull said she has been in the restaurant business for more than 30 years in various restaurants. T.A. Petrin reminded her of the town's rules and regulations and that alcohol consumption is a subsidy to the function of eating, and she said she understood.

**Motion:** Selectman Patuto moved to approve Leigh Bull as the new manager of Bonefish Grill, 4A Wayside Road. Seconded by Selectman Hartling and approved. (4-0-0)

**187 Approval: Street Opening  
Lexington Street**

Maura DiTucci, 68 Lexington Street was present seeking BOS approval for a street opening for the purpose of switching over to gas. Ms. DiTucci said they recently purchased the home but were awaiting financing. The current oil burner is 57 years old and the home inspector said it is beyond life expectancy and did not turn it on during inspection. The water heater is not properly connected to the oil burner. The oil tank is also 57 years old, and the inspector found leakage. The basement walls were built around the current tank and a new tank would not fit through the current doorways.

Selectman Runyan asked where the gas line was located on the street. She said she did not know and the has company has not yet marked the roads.

The conditions set by DPW were noted. Chairman Hogan said he is not comfortable approving this request since the street was recently paved and based on DPW's recommendation and the ultimate cost to the town. He also explained that the BOS would be discussing the moratorium issue at their meeting on July 14.

Selectman Patuto added that it appears there is a situation beyond the homeowner's control and other similar requests were approved, but agreed it would be helpful to know where the opening would be.

Selectman Runyan suggested the installation of gas equipment using propane which could be outfitted for natural gas after the moratorium period passes. Ms. DiTucci responded that propane is costly.

Selectmen Patuto and Runyan agreed this could qualify as a hardship and an emergency. Selectman Grattan added that another hardship request had been denied during winter months. He also stated that the BOS have a responsibility to be the caretaker of the town and noted the upcoming discussion on the street opening moratorium.

Selectman Hartling and Patuto asked if the closing was contingent upon switching to gas, and Ms. DiTucci said that it is a piece of it.

**Motion:** Selectman Patuto moved to approve the street opening for 68 Lexington Street as presented with the conditions as requested by the Burlington DPW Engineering Department. Seconded by Selectman Hartling and approved. (3-2-0 with Chairman Hogan and Selectman Grattan voting against)

**188 Approval: Block Party/Old Colony Road**

T.A Petrin said a request was received with regard to a permit for an annual block party on Old Colony Road to be held on Sunday, June 29, 2014 from noon to 11:00 p.m.

**Motion:** Selectman Patuto moved to approve a neighborhood block party on Old Colony Road on Sunday, June 29, 2014 from noon to 11:00 p.m. Seconded by Selectman Hartling and approved. (5-0-0)

**189 Discussion: Fox Hill Road**

Dave Woodilla, 3 Barnum Road and Patrick Niedermeier, 229 Fox Hill Road, were present representing the Fox Hill Road neighborhood which was petitioning to keep the speed bumps on Fox Hill Road after it is repaved. 123 signatures were received requesting they remain.

Mr. Niedermeier talked about the work done by the community in the past to have the speed bumps in place and reviewed various discussions from BOS minutes going back 40 years approving and making adjustments to the speed bumps.

Mr. Woodilla said the potential for cars to speed on this road would endanger the safety of the neighborhood and indicated that the speed bumps have worked for 40 years.

Chairman Hogan agreed that the neighborhood has the right to object to their removal after their being in place for such a long period of time. Selectman Patuto added that the past minutes reflected former Chief of Police Charles Ferguson's comments that accidents had decreased because the bumps slow the traffic down.

Selectman Grattan asked if there was anyone present in opposition to the speed bumps and there were none.

**Motion:** Selectman Patuto moved to approve the reinstallation of the speed bumps after Fox Hill Road is repaved. Seconded by Selectman Hartling and approved. (5-0-0)

**190 Approval:**

**Minutes:**

**1. June 9, 2014 Special Joint Session**

**2. June 9, 2014 General Session**

**1. Motion:** Selectman Patuto moved to approve the minutes of the special joint session of June 9, 2014 as submitted. Seconded by Selectman Runyan and approved. (5-0-0)

**2. Motion:** Selectman Patuto moved to approve the general session minutes of June 9, 2014 as submitted. Seconded by Selectman Runyan and approved. (5-0-0)

**191**

**Subcommittee Reports**

**Selectman Runyan**

Construction by DPW continues for the Terrace Hall water main with construction starting this week near the Francis Wyman School for the water main improvements and should continue until mid-August. Paving continues on Lexington Street with completion expected for late August. Residents were thanked for their patience.

Stream cleaning will start next week on Bedford Street.

Doug Gillingham is retiring after more than 40 years of service to the town and his recent retirement party was well attended and a fine tribute.

Movies Making Kids, a non-profit organization, will be holding a "2014 Movies Making Kids Film Festival" on June 27 at the high school auditorium. All are invited to watch movies made by kids for free.

**Selectman Patuto**

The public was reminded to assist those senior citizens in need during the hot summer months.

**Selectman Hartling**

He wished the 4th of July Committee good luck for a wonderful event.

Well wishes were extended to Doug Gillingham on his retirement.

He noted that Burlington Police Chief Michael Kent announced the department has rolled out Nasal Narcan in all police vehicles as a result of strong cooperation between the BPD supervisors and Patrol Unions. Selectman Patuto recommended that an official from the Department come before the BOS to provide an official update.

**Selectman Grattan**

The 8th grade graduating class was congratulated, and the teachers thanked.

**192**

**Town Administrator's Report**

Mass DOT Secretary and CEO Richard Davey was in attendance at the recent Middlesex 3 Coalition Meeting. A commitment was received to have a liaison to talk about issues and visions for the Middlesex 3 area.

The Recreation Department has started their summer programs including concerts and movies on the Town Common. All events and programs are listed in their summer brochure, and the department was congratulated for doing a good job.

This being Doug Gillingham's last week, he was congratulated for his more than 40 years in the same community, and it was noted that his love for the town is evident.

Summer residents were reminded about pool safety.

**193 Chairman's Report**

Residents were reminded to be cautious in the area of the Town Common as there are many events taking place.

A recent Eagle Scout event for Colin Raposa was attended. He commented on the amount of work done on projects to become an Eagle Scout. Mr. Raposa participated in the recent Memorial Day event as a member of the band and read a letter about D-Day in French that was sent to the town from a mayor in France.

**194 Old/New Business**

No one spoke.

**195 Citizen's Time**

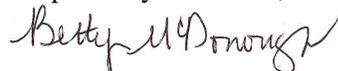
Arlington Road: Sue Mayo, 30 Arlington Road, said she received an abutters notice about repaving of the parking lot and sidewalk work inside the high school property. Her concern was that the notice did not include that Arlington Road was being narrowed by five feet to add a sidewalk on the high school property or that the guardrail at the end of the road was going to be moved and this is a safety concern. T.A. Petrin said he would check on the plans and would update the BOS.

Bow Hunting: Joe Morandi, representing the Landlocked Forest bow hunting committee, asked if discussions could start in order to prepare for the upcoming season. Selectman Grattan recommended it be placed on an upcoming BOS agenda.

**Adjourn**

**Motion:** Selectman Patuto moved to adjourn at 8:53 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 6 MONDAY, JUNE 23, 2014

Agenda

- 173 Approval: End of FY 2014 Transfers/Town Account -6/19/14 memo from K Forgett to BOS re end of year transfer/sources and explanation; MGL re transfers
- 174 Approval: Bond Anticipation Notes -Vote of the BOS for clerk and for BOS/memo from B Curtin to BOS re bond anticipation note and back up data
- 175 Vote: Chapter 32 Health Insurance - memo from J Petrin to BOS re Health Insurance Trust Fund
- 176 Public Hearing: All Alcohol License/New/Margutta, 19 Third Avenue, NW Park - memo from J Petrin to staff re all alcohol license for Northwest Park responses from staff; public hearing notice to be published on 6/11/14; ltr from R&B to JP re Abbondanza dba Margutta; application for retail alcoholic beverage license; section 10 interest in the license; manager's certificate; minority investor list; data base for licenses; disclosure of license disciplinary action; action by written consent of the members; floor plan; personal information form; tips information; resume; distributed: floor plan- street plan packet;
- 177 Approval: Sewer Allocation/New England Executive Park - 6/12/14 memo from JP to T Hayes re sewer allocation/NEEP; 6/19/14 email from B White to PG re NEEP sewer allocation request; town of Burlington Sewer Bank Report; 6/9/14 ltr to JP from R&B re NEEP sewer allocation; 5/28/14 ltr from Vanasse Hangen Brustlin to R&B re sewer generation calculation; sewer allocation request application
- 178 Public Hearing: All Alcohol License/Alter of Premise/Chg. Mgr./Boston Burlington Marriott Hotel/1 Burlington Mall Road -6/12/14 memo from JP to staff and responses; public hearing notice to be published on 6/11/14; 6/5/14 ltr from McDermott Quilty & Miller to PG and BOS re app for change of manager of record and alteration of licensed premise Burlington Marriott; petition for change of license; certificate of vote - Burlington Hotel LLC; manager application; personal information form; tips certificate; 2 floor plans
- 179 Discussion: Fourth of July Parade -
- 180 Recognition: Police -
- 181 Recognition: Burlington Community Life Center -
- 182 Discussion: Burlington Community Life Center Name Change -
- 183 Approval: Appointments: 1. Board of Appeals/2. Boards and Committees/3. Master Plan Steering Committee/4. Purchasing Analyst -announcement for public workshop on the Burlington Comprehensive Master Plan; current list of BOA members; 6/4/14 group email from K Kassner re description of Steering Committee
- 184 Approval: American Legion Post 273 Temporary Extension Request -5/27/14 ltr to TA from Legion re request of 1 day liquor permit for 10-4-14; overhead map of tournament area
- 185 Hearing: Wine & Malt License/Change of Manager/Bickford's Grille, 6 Cambridge Street - 6/12/14 ltr from R MacKenzie to BOS re change of licensed manager; petition for change of license; manager application; personal information form; vote of managers to appoint; tips certification
- 186 Hearing: All Alcohol License/Change of Manager/Bonefish Grill, 4A Wayside Road - 6/6/14 ltr from Flaherty & O'Hara to PG BOS re Bonefish Grill change of manager; petition for change of

- license; certificate of bonefish grill management; manager application; personal information form; employment history; tips certification
- 187 Approval: Street Opening/Lexington Street -6/23/14 street opening form ltr from DPW to BOS; 6/12/14 email from T Hayes to PG re street opening; 6/9/14 memo from JP to TH re street opening meeting date; ltr from applicant to BOS; 6/3/14 sign off on responsibilities;
- 188 Approval: Block Party/Old Colony Road - 6/12/14 memo from JP to M Kent S Yetman re block party; 6/17/14 email from M Kent to PG; email from S Yetman; 6/12/14 ltr from S Hardy to BOS re block party
- 189 Discussion: Fox Hill Road -minutes of previous BOS meetings; list of local residents opposed to removal of road bumps
- 190 Approval: Minutes/June 9, 2014 Special Joint Session and June 9, 2014, General Session
- 191 Subcommittee Reports -
- 192 Town Administrator's Report -
- 193 Chairman's Report -
- 194 Old/New Business -
- 195 Citizen's Time -