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

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 service people in the armed forces as well as emergency service responders.

153  Recognition:   COA - 1.) Volunteer of the Year / Marie McShane
2.) Outreach Worker

Present was Marge McDonald, COA Director with Marie McShane who was awarded COA's Volunteer of the Year. Also introduced to the Board of Selectmen (BOS) was Brenda Pappas, the COA's newly appointed Outreach worker, who replaced the retired Joanne Fitzpatrick. Town Administrator, John Petrin (T.A. Petrin) and the BOS, thanked Ms. McShane for her many hours of volunteering at the COA and congratulated Ms. Pappas on her new position with the town.

154  Discussion:   Audit Committee

Present was Town Treasurer, Brian Curtin. Selectman Grattan had expressed concern with long-term discrepancies noted in the recently presented audit and the BOS had discussed forming a review committee. The submitted recommendation for an audit committee was one member each from: the Board of Selectmen, Ways and Means Committee, School Committee, and the community, as well as the Town Accountant, Town Treasurer/Collector, and the School Director of Finance and Operations.

Selectman Runyan did not agree with an audit committee stating he is comfortable the financial team will correct any long-term discrepancies. Chairman Hogan and Selectman Patuto were in support of the well thought out audit committee which would clarify issues, and it was noted that both the Town Accountant and the Treasurer would be on the committee. Selectman Grattan added that the findings of the committee could aid with the tools to address the findings in the audit.

T.A. Petrin added that this could be positive as it would provide the Treasurer with potential issues prior to the publishing of the audit. The committee would also review the most recent audit. Future preliminary audits could potentially commence in October.

Motion:  Selectman Patuto moved to establish a seven (7) member Audit Committee with three (3) members being elected officials with the composure of the committee being one member each from the
155 Approval:  

a.) Bond Anticipation Notes 

b.) Resolution - OPEB Funds with State 

a.) Bond Anticipation Notes: Town Treasurer, Brian Curtin was present seeking approval for ordinary, necessary short-term borrowing to cover unpaid funds after the close of FY13 on June 30. State Reimbursement funds from School Building Assistance to complete the financing for the Marshall Simonds Middle School and Memorial School has not yet been received. Being requested is: $5,000,000 note/net interest cost 0.2780%/Janney Montgomery Scott LLC and $1,500,000 note/0.30000/Century Bank. If approved, the temporary financing will be available June 26, 2013 and mature July 26, 2013 and December 20, 2013.

Motion: Selectman Grattan moved to approve the Bond Anticipation Notes for $5,000,000 and $1,200,000 financing for Marshall Simonds Middle School and Memorial School projects. Seconded by Selectman Runyan for discussion.

Discussion: Mr. Curtin said that bond anticipation notes are typically requested until the reimbursement funds are received, and all paperwork has been completed with contractor signatures expected after records are audited. Selectman Patuto asked about the interest due, and Mr. Curtin said the Town is responsible for the anticipated interest and schedules presented at Town Meeting.

Motion passed (5-0-0)

b.) Resolution - OPEB Funds with State: Mr. Curtin explained the resolution and initial investments to establish an Other Post-Employment Benefits Liability (OPEB) Trust Fund/pension reserve trust as provided in MGL Chapter 32B, Section 20. He is seeking BOS approval to allow him to serve as custodian of the interest bearing OPEB Trust Fund for the amounts of $750,000 and $500,000. The forms are created by the State and Town Counsel finalizes the wording for the Town. Mr. Curtin said he supports this professionally managed trust fund. Selectman Patuto expressed concern about additional sections of the MGL being included in the wording of the resolution, and Mr. Curtin explained that this section did not pertain to the BOS.

Motion: Selectman Patuto moved to accept, as presented, the Town of Burlington Resolution of the Board of Selectmen, for Acceptance of Chapter 32B, Section 20 (OPEB) Trust, authorizing the Treasurer/Collector to invest OPEB Trust Funds with Pension Reserves Investment Trust (PRIT) or as otherwise directed by Health Care Security Trust (HCST) and to act as custodian of the OPEB Trust Fund. Seconded by Selectman Hartling and approved. (5-0-0)
Appointments

a.) Boards and Committees: T.A. Petrin informed the BOS that he was reappointing all of the members on the boards under his jurisdiction as indicated on the submitted list and recommended the BOS waive the recommended 15 day normal waiting period.

Motion: Selectman Patuto moved to waive the 15 day waiting period for the reappointments of the submitted committees and commissions under the jurisdiction of the Town Administrator. Seconded by Selectman Grattan and approved. (5-0-0)

Board of Appeals: The members of the Board of Appeals (BOA) are appointed by the BOS in accordance with MGL, and the seats held by now Chairman, John Alberghini, as well as new alternate members James Halloran and Charles Viveiros are up for reappointment. T.A. Petrin was satisfied with the board as it stands stating that Chairman Alberghini has provided training for all members. Chairman Hogan and Selectman Grattan agreed that Chairman Alberghini expects consistent participation from the full board and has taken a positive leadership role.

Motion: Selectman Grattan moved to reappoint John Alberghini as a full member and James Halloran and Charles Viveiros as alternates. Seconded by Selectman Grattan.

Discussion: Selectman Runyan said that new members were actively sought last year and perhaps an appointment policy should be considered. Selectman Patuto noted that interviews were conducted because members' terms had expired and appointments were being done by the Town Administrator.

Motion passed. (5-0-0)

Appointments b.) Fire Chief: T.A. Petrin indicated that he was pleased to reappoint Chief Steve Yetman for an additional three years as Chief of the Fire Department and recommended the BOS waive the normal 15 day waiting period.

Motion: Selectman Patuto moved to waive the 15 day waiting period for the reappointment of Chief Steve Yetman. Seconded by Selectman Hartling and approved. (4-0-1 with Selectman Runyan abstaining)

Review: Wegmans

Present representing Wegmans were Bill Congdon, V.P. Division Manager, Wegmans of New England; Kevin Russel, Store Manager, Burlington; Shannon Lenahan, Asset Protection Manager, Wegmans of New England; Jim Reddy, Front End Manager, Northborough Wegmans.
T.A. Petrin said he, Chairman Hogan and a team from Burlington visited Wegmans in Northborough to view their alcohol sale practice and invited Wegmans to come before the BOS. Mark Leahy, Northborough Chief of Police, was also present.

Mr. Congdon distributed the current plot plan and their TIPS information and stated they are hoping to open in July. He commented on the a letter of recommendation received from the Northborough Police Department.

Mr. Russell explained training and the amount of staff, managers and team leaders.

Ms. Lenahan described security of employees and customers with there being very little theft of alcohol.

Jim Reddy described alcohol sale procedures, hours of operation, and certification/TIPS training. He also described that the registers respond to the sale of alcohol to whomever is in operation. There is also a "Lane Hawk" to detect items on the bottom of a shopping cart.

T.A. Petrin explained gated areas during non-sale of liquor hours. Alcohol located in other areas are roped off. All were satisfied with the security process of alcohol sales, but Selectmen Grattan and Patuto indicated that sales of alcohol embedded in other parts of the store will be a concern and should be locked up. Mr. Congdon said he understood. Selectman Runyan said he is satisfied with the floor plan and the system in place for sale of alcohol. Chairman Hogan asked about supervision of sales, and Mr. Reddy said there are at least two supervisors at closing.

T.A. Petrin said Burlington would work with the final plan with respect to security and non-sale of alcohol during non-allowed hours.

158 Approval: Middlesex Turnpike Temporary Signage

Town Engineer Tom Hayes explained the installation of traffic barriers which served as a reminder that through-traffic was no longer allowed going north on Middlesex Turnpike after the Bedford Street intersection. However once the barriers were removed, through-traffic was once again taking place and the barriers were reinstated. A site plan for traffic markings was distributed, and at this time Engineering is recommending "do not enter" markings be placed at the intersection for a one-year trial period, with an evaluation to be done after six months.

Motion: Selectman Patuto moved to approve temporary, one-year signage, as discussed, at the intersection of Bedford Street/Middlesex Turnpike with signage to be reviewed after six months. Seconded by Selectman Hartling and approved. (5-0-0)

159 Approval: Use of the Town Common, People Helping People Fundraiser/Cookout/Concert

Chairman Hogan said that People Helping People (PHP) requested the use of the Town Common on Saturday, August 24, 2013 from 4:00 p.m. to 6:00 p.m. for a fundraiser to continue to raise awareness of
community goodwill. Be Good Restaurant is donating the food and more. PHP will work with recreation on this event to ensure the Common is appropriately cleaned.

**Motion:** Selectman Patuto moved to allow People Helping People to use the Town Common for a community cookout and concert on Saturday, August 24, 2013 from 4:00 p.m. to 6:00 p.m. Seconded by Selectman Hartling and approved. (5-0-0)

Chairman Hogan also reported that Tavern on the Square will be hosting a "Tasting" event to benefit PHP on Monday, July 29 from 5:00 p.m. to 9:00 p.m.

### 160 Hearings: Violations of Alcohol Rules and Regulations

Police Chief Michael Kent testified that the Burlington Police Department Alcohol Compliance Unit conducted a sting operation on twenty-six establishments. He explained the procedure and said two establishments, Lester's Roadside Bar-B-Q and Mr. Chan's, sold alcohol without seeking proper identification.

**Lester's Roadside Bar-B-Q, Inc.:** Present representing Lester's Bar-B-Q was Attorney Steve Nelson of Shea & Dangora with owner, Doug Shaffer. Attorney Nelson said employee, who had not received training in the sale of alcohol, did not follow instructions. This employee is not longer employed there.

Selectman Grattan asked about safeguards in place, and Mr. Shaffer said he now is using a database listing information about registration and updates for training. Selectman Hartling noted that this establishment does not have its employees trained by the Town, and Mr. Shaffer said he uses a privately owned company. The owner expressed regret and stated he is aware of compliance.

T.A. Petrin responded that the Town does not take the violations lightly and that management needs to take better responsibility. A one-day closing suspension was recommended per the BOS liquor policy to take place the following Monday, July 1, 2013.

There were no comments received from the public.

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

**Motion:** Selectman Patuto moved that the Lester's Roadside Bar-B-Q, Inc.'s Common Victuallers Alcoholic Beverages Wine & Malt license be suspended for one day per the Town of Burlington Rules and Regulations for the Licensing and Sale of Alcoholic Beverages, with suspension to take place on Monday, July 1, 2013. Seconded by Selectman Grattan and approved. (5-0-0)

**Mr. Chan's:** Present was owner Walter Chan, and Attorney Thomas Murphy, Shea, Murphy, Gulde. Attorney Murphy said that the establishment had only recently received their wine and malt license and the employee made a mistake and was suspended for three days. All employees are TIPS Certified.
Additional safeguards put in place is to card any person appearing to be under 30 years of age. Mr. Chan is confident this will not happen again.

T.A. Petrin recommended a one-day closing suspension per the BOS liquor policy to take place Monday, July 1, 2013.

There were no comments received from the public.

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

**Motion:** Selectman Patuto moved that Mr. Chan's Common Victuallers Alcoholic Beverages Wine & Malt license be suspended for one day per the *Town of Burlington Rules and Regulations for the Licensing and Sale of Alcoholic Beverages*, with suspension taking place on Monday, July 1, 2013. Seconded by Selectman Hartling and approved. (5-0-0)

161 **Discussion:** ABCC Suspension of Section 15 Alcohol License

T.A. Petrin explained that the Town's licensing authority, the Alcoholic Beverages Control Commission (ABCC) submitted notification of a hearing which took place wherein Burlington Wine & Spirit's Common Victuallers Alcoholic Beverages license was suspended for violations with respect to the storage of alcoholic beverages without authorization and transportation of alcoholic beverages. The suspension would take place from Wednesday, July 31, 2013 through Friday, August 30, 2013, with the license being submitted to the BOS for suspension. No action is necessary by the BOS at this time.

162 **Approval:** Street Opening/Muller Road

Present was Jeff Rhuda who stated that approval for a street opening is being sought for the purpose of connecting utilities to new residential properties on Muller Road. T.A. Petrin reviewed the request as well as the standard conditions listed on the Engineering Report.

**Motion:** Selectman Patuto moved that the BOS approve the street opening for 36 Muller Road as presented with the conditions as requested by the Burlington DPW Engineering Department. Seconded by Selectman Grattan and approved. (5-0-0)

163 **Approval:** Memorandum of Agreement - 36 Muller Road

Present was Jeffrey Rhuda, Manager, Muller Glen LLC. The BOS reviewed the Memorandum of Agreement with respect to the Open Space Residential Special Permit dated May 29, 2012 from the Burlington Planning Board. Selectman Runyan is a member of the Burlington Housing Partnership and stated that Mr. Rhuda has been aggressive in marketing the affordable units. T.A. Petrin said the agreement has been reviewed by Town Counsel.
Motion: Selectman Patuto moved to approve the Memorandum of Agreement between the Town of Burlington, developer Muller Glen LLC and Monitoring Agent, Burlington Housing Partnership. Seconded by Selectman Grattan and approved and the BOS signed the Memorandum. (5-0-0)

164 A Approval: Sewer Allocation, a.) Burlington Crossroad

Present was Keith Hague, representing the property owner, Edens, and stated that a new fast-order food establishment is being developed with 39 indoor seats and six outdoor seats. They have also been approved to add 32 outdoor seats at Panera Bread and 60 outdoor seats at Outback. This project necessitates additional gallons of sewer allocation per day per submitted documentation from the DPW.

Motion: Selectman Patuto moved to approve the sewer allocation request for the Burlington Crossroads project as per the DPW's Sewer Allocation Calculation. Seconded by Selectman Runyan and approved. (5-0-0)

164 B Approval: Sewer Allocation, b.) Oakridge at Burlington

Present was Michael Murray representing Robert Murray seeking BOS approval for additional sewer allocation as specified by the DPW. Mr. Murray said it is to complete the final two units at Oakridge.

Motion: Selectman Patuto moved to approve the sewer allocation request for Oakridge at Burlington as per the DPW's Sewer Allocation Calculation. Seconded by Selectman Runyan and approved. (5-0-0)

165 Approval: Curb Cut/Prouty Road

Present was Michael Santullo, Sanco Builders, LLC, seeking BOS authorization for a curb cut at 2 Prouty Road. The existing home, located on the corner of Wilmington Road and Prouty Road was demolished. The previous home's curb cut, located on Wilmington Road, will be closed.

Chairman Hogan asked about the comments submitted by the Traffic Safety Officer and Engineering, and Mr. Santullo responded that the layout of the home and driveway would be moved 15' further away from Wilmington Road.

Motion: Selectman Patuto moved to approve a curb cut for 2 Prouty Road with the condition that the layout of the house and driveway be 15' further away from Wilmington Road and the side yard setback of the dwelling be reduced from 51' to approximately 35' as requested by the Traffic Safety Division and outlined by the Town Engineer. Seconded by Selectman Hartling and approved. (5-0-0)

166 Approval: INet Funding for Grandview Tavern

T.A. Petrin explained that MIS is seeking BOS approval to request a funds transfer in order to provide networking and communication services to the Grandview Tavern. The funding is in place in the Cable Internet Grant Account, and an amount of up to $27,000 is being recommended.
**Motion:** Selectman Hartling moved that the BOS allow the purchases as presented for networking and communication services to the Grandview for up to $27,000 from the Cable Internet Grant Account. Seconded by Selectman Patuto and approved. (5-0-0)

167 **Approval:** Minutes, June 10, 2013, General Session

**Motion:** Selectman Grattan moved to approve the minutes of the General Session of June 10, 2013 as submitted. Seconded by Selectman Hartling. (4-0-1 with Selectman Patuto abstaining)

168 **Subcommittee Reports**

**Selectman Grattan**

The committee to review a Bow Hunting policy met recently and future meetings are planned. Input is being received from the various departments, and it is hoped a draft policy will be ready for the July BOS meeting.

DPW was congratulated for the quick effort and fine job done on the repaving of Winn Street.

**Selectman Patuto**

Marie McShane was again congratulated for receiving COA's Volunteer of the Year for her enthusiastic dedication.

Visitors and staff of the COA are enthusiastic about future plans for expansion.

**Selectman Runyan**

DPW announced they were replacing shut off valves necessitating water shut off from 9:00 p.m. July 25 to 6:00 a.m July 26 in parts of Winn Street south of Peach Orchard Road.

The new program to combine all recyclables takes effect on July 1.

The entire Recreation Department staff was recognized for the fine work they do on activities as well as grooming of athletic fields. He added there are many events occurring over the summer.

**Selectman Hartling**

He attended the recent baseball event at Simonds Park which was very successful, and he also wanted to recognize the Recreation Department for their efforts.
Although defeated by Grafton, the girls softball team was congratulated for making it to the State Division 2 finals.

The annual meeting of Middlesex3 was held June 14. They have been working with the City of Lowell regarding opportunities and resources for smaller businesses.

With the upcoming retirement of Steve Duke of Emergency Management, changes will be taking place, and many factions will be picked up by the Fire Department. Mr. Duke, who has put in many hours of volunteer time, will be invited to the July BOS meeting.

The Recreation Department's website has many summer programs and events listed.

A local technical assistance grant of services was approved for Bedford and Burlington which addresses future transportation.

The Town is working with MACP in order to address job growth in the area.

**Assistant Town Administrator’s Report**

All were wished a happy and safe summer.

**Chairman’s Report**

The 4th of July parade will start in the area of the Presbyterian Church and car wash and proceed up Cambridge Street for activities in the Town Common.

The Burlington Players were congratulated for receiving the award for best production at the American Association of Community Theater's Festival beating eleven other finalists for their production of Radium Girls. He recommended inviting them to a future BOS meeting.

**New/Old Business**

Selectman Patuto recommended the Recreation Department also be recognized at a future BOS meeting for the appreciation of their services to the public.

Although the BOS had taken a vote to begin improvements at the intersection of Bedford and Lexington Streets, Selectman Runyan asked if there was still the possibility to have a trial period. Chairman Hogan added that these will be safety improvements and the work is ready to begin. T.A. Petrin does not anticipate there will be a trial period, but he will have a conversation with the DPW Superintendent.

This was the first meeting held using I Pad's, and Chairman Hogan thanked the MIS Interim Director, Bob Cunha, for putting the plan in place.
Citizen's Time: None.

Adjourn

Motion: Selectman Patuto moved to adjourn at 9:16 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 - JUNE 24, 2013

153 Recognition: COA - Volunteer of the Year / Marie McShane
   Senior Spotlight COA Newsletter

154 Discussion: Audit Committee
   6/17/13 Memo to BOS from T.A. Petrin

155 Approval: Bond Anticipation Notes; Resolution - OPEB Funds with State
   Resolution of BOS Authorizing Treasurer to Invest OPEB Trust Funds with PRIT/HCST; 6/24/13
   Memo from Brian Curtin to BOS; Series A & B General Obligation Bond Anticipation Notes;
   Municipal Purpose Loan; Chapter 32B, Section 20 (OPEB Trust); Health Care Security Trust
   Other Post-Employment Benefits

156 Approval: Appointments a) Boards and Committees; b) Fire Chief
   Committee list; 6/21/13 memo to BOS from T.A. Petrin re Fire Chief Appointment

157 Review: Wegmans
   E-mail from Bill Congdon to T.A. Petrin re items to review. Distributed at meeting: Wegmans
   Alcohol Procedures; explanation of business; 6/10/13 Letter to BOS from Northborough Police re
   recommendation; 5/22/13 Email from Trevor Estelle to Lisa Landry re Wegmans TIPS Award of
   Excellence; 1 floor plan

158 Approval: Middlesex Turnpike Temporary Signage
   6/17/13 Email from Tom Hayes re: agenda item for temporary do not enter and traffic markings,
   Middlesex Turnpike and satellite map

159 Approval: Use of the Town Common, People Helping People
   Fundraiser/Cookout/Concert
   Request from Janet Sullivan Fitzgerald, PHP

160 Hearings: Violations of Alcohol Rules and Regulations
   5/7/13 Notice of hearing to Lester's from T.A. Petrin; 5/7/13 Notice of hearing to Mr. Chan's;
   5/7/13 memo from Chief Kent to T.A. Petrin re compliance checks; 5/1/13 memo from Sgt
   Browne to Chief Kent re compliance check, reports, and logs; 5/1/13 memo and incident reports;
   licenses from both establishments

161 Discussion: ABCC Suspension of Section 15 Alcohol License
   6/12/13 Ltr from ABCC re Notice of Suspension Burlington Wine and Spirits from 7/31/13 to
   8/29/13 and hearing decision.

162 Approval: Street Opening/Muller Road
   6/24/13 Memo frm DPW Engineering re 36 Muller Road; 6/20/13 Memo frm DPW Engineering
   re Muller Glenn Street Opening Permit; 6/10/13 memo from T.A. Petrin to T.Hayes re Muller
   Glenn; 6/7/13 Ltr to BOS from Muller Glen requesting street openings; 6/7/13 responsibility
   agreement from Muller Glenn

163 Approval: Memorandum of Agreement - 36 Muller Road
   Memorandum of Agreement for BOS's signature; 3 Notary letters

164 Approval: Sewer Allocation, a) Burlington Crossroad
   6/20/13 Memo from Brian White, Asst Town Engineer to T.A. Petrin re Sewer Allocation, 34
   Camb. St.; 6/12/13 14 page Sewer Allocation Forecast; 6/7/13 Memo from Brian White to T.A.
Petrin re Sewer Allocation Burlington Crossroads; 6/7/13 ltr from Riemer re Crossroads sewer allocation; Sewer Allocation Calculation (revised 5/30/13)

164 B Approval: Sewer Allocation: Oakridge at Burlington - Townhouses
5/21/13 Memo from Brian White, Asst Town Engineer to T.A. Petrin re Sewer Allocation, Oakridge; 6/12/13 14 page Sewer Allocation Forecast; 6/14/13 Memo from Brian White to T.A. Petrin re Sewer Allocation Burlington Oakridge; 5/31/13 ltr from Robert W. Murray Real Estate Oakridge sewer allocation; 5/30/13 Sewer Allocation Request with calculations for 10 Murray Ave, 2 townhouse units; 12 Murray Ave, 3 townhouse units

165 Approval: Curb Cut/Prouty Road
6/6/13 memo from T.A. Petrin to police, fire DPW re curb cut Prouty Road and responses from each; undated ltr to BOS from Sanco Builders seeking curb cub; plot plan dated 5/31/13

166 Approval: INet Funding for Grandview Tavern
Request from MIS for hardware/networking/telephones with explanation of request; 6/17/13 memo from T.A. Petrin to BOS re same;

167 Approval: Minutes, June 10, 2013, General Session
168 Subcommittee Reports
- Town Administrator's Report
- Assistant Town Administrator's Report
- Chairman's Report
- Old/New Business
- Citizen's Time
- Adjourn
- Press
-