The General Session of the Board of Selectmen (BOS) was called to order at 6:00 p.m. by Chairman Hogan.

EXECUTIVE SESSION

A quorum having been determined, Chairman Hogan moved that the Board of Selectmen (BOS) convene in executive session for the purpose of receiving updates on: 1.) collective bargaining, 2.) land negotiation, and 3.) litigation on: Calvo vs. Town of Burlington, et al Montello vs. Burlington Planning Board; Peach Orchard Place, LLC vs. Burlington Planning Board; Sealzilli, Trustee, A.V. Realty Trust vs. Burlington Planning Board; Sim vs. Burlington Zoning Board of Appeals; Town of Burlington vs. Sands with the General Session to follow at or around 7:00 p.m. with Chairman Hogan voting aye, Selectman Hartling voting aye, Selectman Runyan voting aye, Selectman Patuto voting aye, and Selectman Grattan voting aye and motion approved. (5-0-0)

GENERAL SESSION

Pledge of Allegiance/Moments of Reflection: The General Session of the 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 members of the armed forces and emergency responders.

173 Discussion: Attorney John Giorgio, Kopelman & Paige

Legal Update

Attorney John Giorgio gave a brief update on litigation stating that there are not many cases pending and many matters have been resolved, and the Town is in excellent condition as compared to many other communities.

174 Approval: Appointments

1. Election Workers
2. Audit Committee

1. Election Poll Workers: Town Administrator, John Petrin (T.A. Petrin) presented his appointment of 76 poll workers and requested BOS approval to waive the 15-day waiting period.
Motion: Selectman Patuto moved to waive the 15-day waiting period for the appointment of 76 poll workers as presented. Seconded by Selectman Grattan and approved. (5-0-0)

2. Audit Committee:

At a recent meeting, the BOS approved to set up a seven member Audit Committee to assist the Town’s financial team with the auditing process. The current members will consist of the Brian Curtin, Town Treasurer; Paul Sagarino, Town Accountant; Craig Robinson, School Director of Finance; Susan Harrigan, Ways and Means; Michael DeSimone, School Committee Member and one member of the BOS and one member of the community. Chairman Hogan recommended Selectman Grattan be appointed and he agreed. T.A. Petrin recommended Gary Gianino as resident member of the committee who had applied for the position. Mr. Gianino is a CPA and a former member of the BOS.

Motion: Selectman Patuto moved to appoint Gary Gianino as resident member. Seconded by Selectman Grattan and approved. (5-0-0)

Motion: Selectman Patuto moved to appoint the remaining names as submitted to complete the seven member Audit Committee. Seconded by Selectman Grattan and approved. (5-0-0)

175 Approval: Vote to approve Bond Anticipation Notes $9,430,000

Town Treasurer, Brian Curtin, was present seeking BOS approval of a Bond Anticipation Note totaling $9,430,000 to float on-going capital projects as well as new projects approved by Town Meeting. Jefferies LLC was the successful bidder of this Bond Anticipation Note. The temporary financing will mature on July 25, 2014. The Town currently holds a AA+ credit status.

Motion: Selectman Patuto moved to approve Bond Anticipation Notes totaling $9,430,000 at a rate of .01820%. Seconded by Selectman Hartling and approved.

Discussion: Selectman Grattan asked when these would be moved to permanent debt, and Mr. Curtin said it would have to be done within three years with most projects going out on a 20-year bond issue.

Motion passed: (5-0-0)

176 Hearing: All Alcohol License/New Officer/Director/Chg. Mgr.
Burlington Country Club, 1 Country Club Lane

Present were Mary Emerson, Brian Pupa and Paul Boodakian, members of Burlington Country Club’s Board of Directors, seeking to update the current list of Board of Directors as well as to change the name of the Manager of Record to Mary Emerson in order to request to transfer their license.

Motion: Selectman Patuto moved to accept the updated information as it pertains to the All Alcohol License for Burlington Country Club. Seconded by Selectman Runyan and approved. (5-0-0)
177 Public Hearing: All Alcohol License/New Officer/Director/Stockholder Romano's Macaroni Grill, 50 South Ave.

Traci Spinelli, General Manager, was present representing Romano’s Macaroni Grill, with updated, mandatory information for the restaurant’s All Alcohol License. No change is being made to the manager of record.

No comments were 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 to approve the updated All Alcohol License as submitted. Seconded by Selectman Grattan and approved. (5-0-0)

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

Present were Karen Simao and Shahrihr Pasdar, Burlington Marriott Hotel seeking BOS approval to change the manager of record to Mr. Pasdar, who has prior experience in this capacity. Approval with respect to the alcohol license is also being sought for the Alteration of Premises. The dining area, bar and reception areas will be opened up to create a “great room.” They will not be expanding the number of seats. The ballroom section will be redesigned to allow for three additional break out meeting rooms. The plan received approval from the Planning Board. For the record, there will be no outdoor patio seating as is stated on the plan. There will be changes made to the Summer/Winter restaurant.

T.A. Petrin reminded the applicants of the Town’s serving policies and stated that approval must be received for every area where alcohol will be consumed. They said they understood the regulations.

No comments were 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 to approve the All Alcohol License Alteration of Premise and Change of Manager for Boston Burlington Marriott Hotel, 1 Burlington Mall Road. Seconded by Selectman Grattan and approved. (5-0-0)

179 Public Hearing: All Alcohol License/New Tuscan Kitchen, 24 New England Executive Park

Present representing Tuscan Kitchen were Attorney Mark Vaughan, Riemer and Braunstein, LLP; Edward Payne, Director of Operations; Christina DeCloux, Manager, and Doug Annino, Architect of
The Tuscan Kitchen Restaurant is a high quality, full-service restaurant, and they intend to renovate an existing office building and add an approximately 4,806 s.f. one-story addition to accommodate 543 seat, including 101 outdoor seats. The plans include a market area. BOS authorization is being sought for transfer of Burlington Country Club’s All Alcoholic Beverages License for use at Tuscan Kitchen.

Chairman Hogan asked where patrons would wait to be seated. Mr. Annino said they may visit the market place or bar area. It was made clear to the applicant that alcoholic beverages could not be taken into the market area.

Outdoor seating is well defined and the reception area will be monitored to restrict where alcohol is consumed. Attorney Vaughan said that a full menu will be offered in all locations where alcohol is served.

Selectman Grattan noted that the Manager of Record still holds a New Hampshire address, and she replied that she was moving in order to be closer to the restaurant. Selectman Patuto asked about the market, and Mr. Payne said they would be selling many items such as bread, homemade pasta, and deserts.

T.A. Petrin asked if they understood Burlington’s alcohol policy, and Mr. Payne said they did.

The required Town staff were satisfied with the plan as submitted, and there were no comments from the public.

**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 transfer of the All Alcoholic Beverage License currently issued to the Burlington Country Club (Burlington Swim and Tennis Club) to Tuscan Kitchen Burlington, LLC. Seconded by Selectman Hartling and approved. (5-0-0)

**180 Discussion: Ambulance Rates**

Present were Steve Yetman, Fire Chief; Mike Patterson Assistant Fire Chief; Mark Firefighter, Mark Saia seeking BOS authorization to raise the ambulance transport rate to 150% above Medicare. Assistant Chief Patterson said after review of like towns, it was found that the average transport charge is 160% above what Medicare rates allow. T.A. Petrin said that the Town’s current transport rate was set in 2009 and is 30% above Medicare’s formula. It would affect those who are not part of Medicare, and insurance companies would be billed. Those without insurance may contact the Town.

Selectman Runyan said he did not see a need to raise the rate because other towns were raising theirs and Lt. Saia explained the Medicare rate formula. Selectman Patuto recommended having an estimated amount of the cost to the Town to run the ambulance service. T.A. Petrin said the call volume and operating costs have increased and are in excess of what the Town receives back.
Motion: Selectman Hartling moved to raise the ambulance transport rate from 30% to 150% above what Medicare rates allow. Seconded by Selectman Grattan and approved. (3-2-0 with Selectman Runyan and Patuto voting against)

181 Recognition: Emergency Management

This agenda item was postponed.

182 Approval: Block Party/Arthur Murray Studio/Parking Lot

The Arthur Murray Studio submitted a request seeking approval to hold their annual block party on Friday, July 19, 2013 in the back parking lot of the studio from 6:00 p.m. to 9:30 p.m. They will ensure that emergency vehicles will have access to the facility, will apply for a temporary food permit, and will be considerate of neighbors.

Motion: Selectman Patuto moved to approve the Arthur Murray Studio block party on July 19, 2013 from 6:00 p.m. to 9:30 p.m. in the back parking lot of their facility at 171 Cambridge Street. Seconded by Selectman Hartling and approved. (5-0-0)

183 Discussion: Policy on Street Opening

A discussion ensued regarding the Policy in place states that no street opening permits may be issued on newly constructed/paved roads for a period of five years. BOS approval must be received for a permit.

Currently requests are being approved by the BOS, some bypassing the DPW’s Engineering’s (DPW) recommendation to deny.

Selectmen Grattan and Runyan stated that they make a determination based on the circumstances and comments from DPW. Chairman Hogan said it is up to the BOS to make more of an effort to deny certain requests based on the recommendation of DPW. Selectman Patuto suggested that emergencies be clearly defined.

T.A. Petrin is recommending consistency in order to treat each request equally or to perhaps allow DPW to provide the applicant with a determination.

184 Approval: A. Sewer Allocation/201 Middlesex Turnpike

Present was Andrew Manning, P.E., Bohler Engineering, John Sanchez, DPW Superintendent and Tom Hayes, DPW Engineer, were present. Mr. Sanchez said the plans were reviewed and a conditional approval is recommended while awaiting an updated interior floor/seating plan in order to confirm components of required calculations. Engineering was able to ascertain that the estimated sewer flow increase for the proposal is 904 GPD. The potential for the developer to choose to purchase the full required allocation amount from the Town was reviewed.
Motion: Selectman Patuto moved to approve the sewer allocation request of 904 GPD for the proposed redevelopment at 201 Middlesex Turnpike with the condition that an updated interior floor/seating plan be provided as discussed. Seconded by Selectman Grattan and approved. (5-0-0)

B. Street Opening/76 Center Street

James Adams, owner, was present seeking BOS approval for a street opening at 76 Center Street for a gas connection. He said National Grid was denied because the road had been paved in 2010, and he is seeking a variance for a connection on Birchcrest Street, which is adjacent to the property. Although that road was also repaved in 2010, the gas line is about a foot outside and away from the curb towards his home and there does not appear to be a need to touch the road. Mr. Hayes said they are still asking for surety because of the close proximity to the road, and Mr. Adams said he understood all the conditions.

Motion: Selectman Patuto moved to approve the street opening for 76 Center Street as presented with the conditions as requested by the Burlington DPW Engineering Department. Seconded by Selectman Runyan and approved. (5-0-0)

C. Street Opening/7 Indian Hill Road

Varghese Koonan, owner, was present seeking BOS approval for a street opening in the next few months for a gas connection. He said his home is the last on a dead-end street. Mr. Hayes said the road was microsurfaced last year.

Motion: Selectman Patuto moved to approve the street opening for 7 Indian Hill Road as presented with the conditions as requested by the Burlington DPW Engineering Department. Seconded by Selectman Runyan and approved. (5-0-0)

D. Sewer Mitigation Agreement

Mr. Sanchez reviewed the finalized Sewer Mitigation Agreement between the Town and Nordblom Development Company, Inc. for Northwest Park, a mixed use development.

Motion: Selectman Patuto moved to approve the Sewer Mitigation Agreement as presented. Seconded by Selectman Hartling and approved. (5-0-0)

185 Discussion: Winn St. Condo Complex - Trash Pickup Request

Phil DeVilmorin, President, Al Manzelli, Treasurer, and Aida Galeb, Secretary of Winn Street Commons Trust, 260-262-264 Winn Street were present seeking BOS approval for trash and recycling services for these taxpayers.

Mr. DeVilmorin explained that the 12 townhouse community has no concrete slab for its unsightly dumpster and it is occupying a parking space, and the location has limited parking spaces.
Mr. Sanchez said there are several issues: the units are too close together, there is no space for totters and recycling bins, and it would be a change in policy.

T.A. Petrin said that Town Counsel reviewed the law and reported that municipalities have the authority to decide not to provide solid waste services to condominiums and outlined many factors which could potentially create future issues.

Selectman Runyan said he researched the Planning Board’s decision and it did not include rubbish collection in the site approval decision.

The Chairman asked for a motion, none was presented, and the request denied.

186 Approval Minutes/June 24, 2013, General Session

Motion: Selectman Patuto moved to approve the BOS minutes of June 24, 2013. Seconded by Selectman Hartling and approved. (5-0-0)

187 Approval: 33 Center Street
1. Lease
2. Purchase Agreement

1. Lease: The key terms of the lease for 33 Center Street were reviewed for approved with T.A. Petrin explaining that the tenant on the second floor, Russo Barr Associates, Inc., will stay for an indefinite time but for no longer than ten months, in accordance with bid laws.

Selectman Grattan asked for confirmation that he knew of the timeline, and T.A. Petrin said he is aware.

Motion: Selectman Patuto moved to approve the lease for tenant, Russo Barr Associates, Inc. for no longer than ten months, at 33 Center Street. Seconded by Selectman Grattan and approved. (5-0-0)

2. Purchase: T.A. Petrin informed the BOS that documentation was ready for BOS approval with respect to the purchase of 33 Center Street.

Motion: Selectman Patuto moved to approve deed documents relative to the purchase of 33 Center Street. Seconded by Selectman Hartling and approved. (5-0-0)

188 Discussion: Bow Hunting Update

Selectman Grattan said that several meetings had been held in order to discuss and consider issues relative to developing a Bow Hunting Policy bow hunting policy with other town’s policies being reviewed. It is hoped that a policy will be ready for review at the August meeting.

189 Discussion: Facilities Reorganization
T.A. Petrin said he would continue to work with department heads on plans for the facilities noting that the Town campus is growing. A special Town Meeting will be necessary to review plans for transitional phases.

190 Discussion: Liquor License

The Burlington Area Chamber of Commerce will be coming before the BOS at their August meeting to discuss the Home Rule Petition and how best to move forward with a request for additional liquor licenses. A formal presentation is expected to be made at Town Meeting requiring a placeholder with respect to the Home Rule Petition and Liquor Licenses.

Motion: Selectman Grattan moved to request a placeholder for the September Town Meeting with respect to Home Rule Petition Special Legislation as it pertains to liquor licenses. Seconded by Selectman Hartling and approved. (5-0-0)

191 Subcommittee Reports

Selectman Grattan

ISAAC expects to be meeting on a quarterly basis.

Selectman Runyan

DPW is constantly monitoring water levels, and a water quality report was recently mailed to residents and is available online.

A reminder was made that the new commingling recycling program was in place.

The 4th of July parade and events were a success and the Burlington Breakfast Rotary Club and all volunteers were thanked for their efforts.

Events on the Town Common for Celebrate Burlington will be taking place on August 3 with a concert and fireworks in the evening.

Selectman Patuto

A reminder was made to check on any senior neighbors during the hot weather spell.

Selectman Hartling

With respect to Phase IV for the Grandview Tavern landscaping and outdoor plans, the site inspection bids were recently opened, and the low bids were in line with the anticipated budget. Work is expected to commence in August, and a ribbon cutting is anticipated for the fall.
He attended Middlesex County Sheriff Peter Koutoujian's recent Youth Public Safety Academy graduation which focuses on the education of young people and their challenges, proper conduct. The academy is well done, there is no cost, and it fosters good relationships between the young graduates and law enforcement. Other dignitaries were also present.

192  
**Town Administrator's Report**

The events on July 4th were enjoyed, and he commended the Police Honor Guard, members of the COA, and others in the parade.

He also attended the Youth Public Safety Academy graduation ceremony. The Fire and Police Departments were thanked for opening the station to the students.

He reminded the community of the many Recreation Department events.

FY13 was closed satisfactorily and those involved in the process were thanked.

193  
**Assistant Town Administrator's Report**

None.

194  
**Chairman's Report**

On July 21, the 2nd Annual motorcycle Run to Benefit the Fisher House in Boston and Homeless Veterans. Several hundred motorcycles will make a loop to Waltham and back to Burlington.

195  
**Old/New Business**

None.

**Citizen's Time**

None.

**Adjourn**

**Motion:** Selectman Patuto moved to adjourn at 9:25 p.m. Seconded by Selectman Hartling and approved. (5-0-0)

Respectfully submitted,

Betty McDonough
Recording Clerk
BURLINGTON, MA BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING – JULY 15, 2013

173  Discussion: Attorney John Giorgio, Kopelman & Paige
Legal Update Review Report
174  Approval: Appointments
1.  Election Workers: Pollworker List
2.  Audit Committee: Application Gary Gianino
175  Approval: Vote to approve Bond Anticipation Notes $9,430,000
Memo from Brian Curtin dated 7/15/13 with breakdown of projects
176  Hearing: All Alcohol License/New Officer/Director/Chg. Mgr. Burlington Country Club, 1 Country Club Lane: letter from Law Office of Brian Pupa re change items; petition for change of license
177  Public Hearing: All Alcohol License/New Officer/Director/Stockholder Romano's Macaroni Grill, 50 South Ave.: Legal notice; application for retail alcoholic beverage license; personal information form
178  Public Hearing All Alcohol License/Alter of Premise/Chg. Mgr. Boston Burlington Marriott hotel, 1 Burlington Mall; legal notice; memo to staff for approval and receipt of approvals; revised floor plan and letter dated 7/11/13; certificate of decision on special permit application; emails from Karen Simao; petition for change of license; description of proposed alteration of premises; manager application; personal information form and attachments; two floor plans
179  Public Hearing: All Alcohol License/New Tuscan Kitchen, 24 New England Executive Park; legal notice; memo to staff for approval and receipt of approvals; letter from Riemer & Braunstein; application for retail alcoholic beverage license; applicants statement; Action of the member and the manager by written consent; manager application; personal information form and attachments; floor plan
180  Discussion: Ambulance Rates; memo from Steve Yetman 7/11/13; ambulance fees and additional information;
181  Recognition: Emergency Management
182  Approval: Block Party/Arthur Murray Studio/Parking Lot; letter of request
183  Discussion: Policy on Street Opening; copy of policy;
184  Approval:
A. Sewer Allocation/201 Middlesex Turnpike; memo from Brian White Asst Town Engineer re allocation request; sewer allocation forecast dated 7/11/13; memo from Brian white to Tom Hayes; letter from Bohler Engineering and sewer allocation request; email from Tom Hayes; letter and application from applicant; photos of property line;
B. Street Opening/76 Center Street; street opening request letter from Engineering; memo to Tom Hayes from Town Admin;
C. Street Opening/7 Indian Hill Road; street opening request letter from Engineering; email from Tom Hayes; memo to Tom Hayes from Town Admin; letter and application from applicant
D. Sewer Mitigation Agreement; copy of agreement;
185  Discussion: Winn St. Condo Complex - Trash Pickup Request; letter requesting trash pickup; letter from Town Counsel re; condo trash pickup; letter to Matthew Gaines re Hallmark Gardens for Bob Mercier;
186  Approval Minutes/June 24, 2013, General Session
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