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

MONDAY, AUGUST 18 2014 ~ 7:00 p.m.

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

Pledge of Allegiance/Moments of Reflection

General Session
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.

Convene to Executive Session

Discussion: Town Administrator’s Contract
Chairman Hogan recommended the BOS convene into executive session to conduct strategy in preparation for the completion of contract negotiations for Town Administrator, John Petrin, as an open session may have a detrimental effect on that reason. The BOS will reconvene the general session at the conclusion of the executive session.

Motion: Moved by Selectman Patuto and seconded by Selectman Runyan at 6:35 p.m. to go into executive session. Chairman Hogan, aye, Vice Chairman Grattan, aye, Selectman Runyan, aye, Selectman Patuto, aye, Selectman Hartling, aye. Motion passed. (5-0-0)

Reconvene General Session

218 Approval: Appointment

1. Fire Department
2. Department of Public Works
3. Election Workers

1. Fire Department
Chief Steve Yetman put forth the name of Kyle Brown for appointment as Firefighter. Town Administrator, John Petrin (T.A. Petrin) said Mr. Brown has been on the permanent interim list. There positions for firefighter opening up and making an appointment at this time would allow time for attendance at upcoming classes at the fire academy. Based on this reason and appropriate recommendations, he appointed Mr. Brown as a Firefighter and requested the BOS waive the standard 15-day waiting period. Mr. Brown was congratulated by the BOS.

Motion: Selectman Patuto moved to waive the standard 15-day waiting period as requested. Seconded by Selectman Hartling and approved. (5-0-0)
2. Department of Public Works
John Sanchez, DPW Director, interviewed for the position of Water Treatment Plant Operator and put forth the name of Sinan Emrem for the appointment. Mr. Emrem's background is in environmental engineering and waste water treatment, and he holds a B.S. in Environmental Engineering. He will be trained in the operation of both water treatment facilities. T.A. Petrin said the candidate has good background for this position and appointed him to the position of Water Treatment Plant Operator and requested the BOS waive the standard 15-day waiting period. Mr. Emrem was congratulated by the BOS.

Motion: Selectman Patuto moved to waive the standard 15-day waiting period as requested. Seconded by Selectman Hartling and approved. (5-0-0)

3. Election Workers
The list of Pollworkers, as provided by Amy Warfield, Town Clerk, was reviewed. T.A. Petrin said the pollworkers do a great job with the elections and perform a valuable service. He recommended the BOS approve the list as submitted.

Motion: Selectman Patuto moved to approve the Pollworker List 2014 as submitted by the Town Clerk. Seconded by Selectman Runay. Discussion: Selectman Runyan asked how one may apply to be on the Pollworker List, and T.A. Petrin said to contact the office of the Town Clerk. Motion approved. (5-0-0)

219 Approval: Entertainment Licenses
1. Kings
2. Wegmans

1. Kings
Present were Frank Stryjewski, Lyons Group for Kings Bowl and Joshua Rossner, Kings Bowl, as well as Attorney William Proia, Riemer & Braunstein, representing Kings Bowl. They are hopeful that Kings will be ready by December 2014 or early January 2015.

T.A. Petrin said the BOS had previously requested more detailed information with respect to live disc jockey and karaoke entertainment at Kings Bowl.

Live Disc Jockey: Mr. Stryjewski explained they are seeking authorization to allow a disc jockey to entertain for up to three evenings a week on Thursday, Friday, and/or Saturday nights and certain holiday and/or themed events. The live disc jockey would play music and take requests. Music can commence at 9:00 p.m. and would play "wrap up" style music after last call at 12:30 a.m. The facility will not provide a dance floor. Activities are monitored very closely to ensure the entertainment is appropriate for the community.

Karaoke: Kings is also seeking authorization to allow karaoke for up to three evenings a week (two weeknights and up to one weekend night) with music also commencing at 9:00 p.m., last call notification would be made and karaoke may continue to wrap up the evening.
Selectmen Grattan and Patuto expressed concern that as presented with certain other holiday and themed events included, entertainment at certain times could potentially take place more than three nights a week. Mr. Rossner agreed but said that at this time they do not use all three nights in their other locations, the proposal is to provide options since they cannot properly define which will be favorite nights in Burlington.

T.A. Petrin explained that the BOS could review activities again when their license comes up for reissue. The BOS was satisfied at this time, and T.A. Petrin explained to the applicant that the serving of alcohol is subsidiary to the serving of a meal.

**Motion:** Selectman Patuto moved to approve the Entertainment License for Kings Bowl as presented with the Motion to approve live disc jockey music for up to three evenings a week and for special holiday occasions and three evenings of karaoke. Seconded by Selectman Runyan and approved. (5-0-0)

**2. Wegmans**
Present were Kevin Russell, Manager and Alicia Elliott of Wegmans seeking BOS approval for an Entertainment/Victualler license for live music performances in support of grocery and in-store dining business, not as an attraction. At this time, there are plans to have a live jazz music performance on opening day. Every team leader and department manager will be trained in crowd management. They are confident Wegman’s opening date will be October 26, 2014.

**Motion:** Selectman Patuto moved to approve the Entertainment/Victualler License as submitted. Seconded by Selectman Hartling and approved. (5-0-0)

**220 Approval: Truck Day on the Common**
Al Fay submitted a request to use the Town Common for the 17th Annual Truck Day to be held on Sunday, September 14, 2014 from 10: a.m. to 3:00 p.m.

**Motion:** Selectman Runyan moved to approve the use of the Town Common for Truck Day, as requested. Seconded by Selectman Hartling and approved. (5-0-0)

Selectman Runyan announced that Dougie Davis, age 5, who was made an honorary firefighter for the day on July 4 and rode in a fire truck in the parade will also be at Truck Day with the fire apparatus.

**221 Approval: October 5K Road Race**
Tim Short, co-owner of North Shore Road Race Guide (NSRRG) and Luke Capodiluco of Tavern in the Square, were present seeking BOS approval to host the 1st Annual Halloween 5K Dash Road Race on Sunday, October 26, 2014 at 9:00 a.m. The race will start on Burlington Mall Road, directly across from Tavern in the Square on Burlington Mall Road and will finish near Kohl’s. The course, he said, will be the same as that to be used for the 2nd Annual 5K for C.A.D. already set for Sunday, September 14. The beneficiary of the October Halloween race will be the Burlington High School Track teams. He will be working with Tavern in the Square to host post-race activities inside the restaurant.
The BOS asked how he is connected with the Burlington High School Track Team. He explained that NSRRG is an online road race calendar, and they are working with Matt Carr, track team coach, to assist with managing the race. All proceeds after bills are paid to NSRRG will go to the track team.

Chairman Hogan asked where the participants would congregate prior to the race, and he was told on the property of Tavern on the Square. There will be police detail and insurance is through Road Runners Club of America.

Chairman Hogan informed the applicant that the customary process is for the non-profit to seek approval. Selectman Runyan agreed stating that it would be appropriate to have someone from the high school present.

It was agreed to continue this agenda item, and Mr. Short said he would contact the high school track team.

222 Approval: Street Openings

1. 93 Francis Wyman Road
2. 10 Holly Street
3. 71 Lexington Street
4. Muller Road
5. 2 Sewall Street

1. 93 Francis Wyman Road
Owners, Paul and Beth Ganley were present seeking BOS authorization for a street opening. Mr. Ganley said they are lifelong residents and recently purchased a family home which requires updating, including running updating the second floor which is currently unheated. An HVAC technician informed them that the heating and cooling system is failing and recommended converting from oil to gas as it is more energy efficient.

Chairman Hogan informed the applicant that the BOS are currently holding serious discussions with respect to street openings for roads under the five year moratorium. It is difficult to make a decision without proper documentation indicating that hooking up to oil would create a financial hardship or that other avenues have been exhausted such as temporarily hooking up with propane until the moratorium has passed. Mr. Ganley said he did not get a quote for propane.

The street opening subcommittee was meeting August 19 to discuss moratorium policy guidelines, and Mr. Ganley was asked to consider withdrawing his request until September, and he agreed.

Selectman Patuto recommended that he have National Grid evaluate the site to see if they can reach the connection without cutting into the road. T.A. Petrin stated that National Grid would work with engineering on this issue.
2. **10 Holly Street**  
Philip Cormier, Hills-More Construction, was present seeking BOS authorization for a Street Opening to update the water service to copper pipe to newly constructed dwellings, as required by the Town. There is no documentation on record indicating what type of pipe was originally used, but it is assumed to be black. Mr. Sanchez confirmed that the building code requires the material from the main to the house on new construction must be copper.

Chairman Hogan recommended that Mr. Sanchez be allowed to authorize the Street Opening if it is found the installation of copper piping is necessary. Vice Chairman Grattan added that the DPW can coordinate with the Building Department.

**Motion:** Selectman Patuto moved to allow the Director of Public Works to authorize a Street Opening at 10 Holly Street if so required based on building codes as discussed. Seconded by Vice Chairman Grattan and approved. (5-0-0)

Mr. Sanchez also an alternative to the $3,000 flat fee stating that the Department is offering residents the option to pay a flat fee of $1,000 for final trench restoration, which the DPW will undertake in accordance with the Street Opening Rules & Regulations.

3. **71 Lexington Street**  
Scott Rumel, HRC Construction, Inc. was present seeking BOS authorization for a Street Opening at this address to dig a trench about 4’x 4’ from the curb for connection to natural gas to a new home to be built at this address.

With the street opening subcommittee meeting on August 18 to discuss moratorium policy guidelines, the applicant was asked to consider withdrawing his request until September 8, and he agreed.

Chairman Hogan asked if propane had been considered until the moratorium had passed, and he was informed that it is possible to change from propane to natural gas. He also said natural gas is more efficient.

4. **Muller Road**  
Jeff Rhuda, Muller Glen LLC, was present seeking BOS authorization to trench Muller Road from approximately the location of Reserve Way to the intersection of Azalea Drive (Holly Glen). He understands the street is currently under a moratorium, and they are responsible for a 1.5” cold plane of the entire width of the street and 1.5” overlay of new pavement along with any required striping. T.A. Petrin said this is request is for road repaving after the requirement to install gas lines.

**Motion:** Selectman Patuto moved to approve the request for a trench on Muller Road as requested. Seconded by Selectman Hartling and approved. (5-0-0)

5. **2 Sewall Street**  
The homeowner withdrew her request for a street opening.
Christopher Maher, Gas Construction, was present representing National Grid which is seeking BOS approval for a Grant of Location in order to have a new gas main installed on Muller Road which will extend 360' from the existing gas line in Muller Road to supply gas to the five new homes at the development on Fantasia Lane. The applicant provided drawings illustrating the location of the new and the existing gas facilities.

Selectman Hartling asked how close this plan was to the other work being done on Muller Road. Mr. Maher said this work will be closer to the Lexington end and is coming from Eugene Road. When the two projects are finished each end of the gas line on Muller Road will be approximately 3,000' from each other.

Selectman Runyan asked if a commitment could be received from National Grid to complete the connection for the entire length of Muller Road to allow other residents to connect in the future. Mr. Maher said he would check with the Fire Department and Engineering as well as his department, but typically, he said, it is not done because of the cost.

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 Runyan and approved. (5-0-0)

Motion: Selectman Patuto moved that the BOS approve a Grant of Location to National Grid as presented with the conditions as requested by the Burlington DPW Engineering Department. Seconded by Selectman Runyan.

Discussion: Mr. Maher was asked if any effort was being made to get others on Muller Road to commit, and he responded that they are not allowed to solicit but notices are sent to neighbors to explain work being done and there is not sufficient demand to continue the rest of the road. Motion passed. (5-0-0)

David Edgar, Siena Engineering Group, was present on behalf of Teleport Communications America LLC, for Nuance to request BOS authorization to lay, maintain, and operate underground conduits, with the cables to be placed under the surface of South Bedford Street, from an existing utility pole to an adjacent Verizon manhole and one 4" PVC conduit to be placed in accordance with the requirements of DPW.

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 Runyan and approved. (5-0-0)
Motion: Selectman Patuto moved to that the BOS approve a Grant of Location to Siena Engineering Group, LLC as presented with the conditions as requested by the DPW Engineering Department. Seconded by Selectman Runyan and approved. (5-0-0)

225 Approval: Block Party College Road

A request was received from Jennifer Miskelly for BOS approval to hold an annual neighborhood block party on College Road on Saturday, September 20, 2014 from 3:00 p.m. to 8:00 p.m. with a rain date of Sunday, September 21, 2014. Conditions from the Fire Department: any barriers are easily removable and there will be no restrictions to emergency vehicles at any time. There have been no past issues with the block parties.

Motion: Selectman Patuto moved to approve the annual neighborhood block party on College Road on Saturday, September 20, 2014 from 3:00 p.m. to 8:00 p.m. with a rain date of Sunday, September 21, 2014. Seconded by Selectman Hartling and approved. (5-0-0)

226 Discussion: Board of Assessors

Following the passing of long-time Board of Assessor member, Michael Crocker, T.A. Petrin said the BOS would hold a joint session with that board on September 8, 2014 to interview and appoint an interim member who would hold that seat until the Town's 2015 annual election in April. The public is invited to serve their community with the application submission deadline being Wednesday, September 3, 2014.

227 Discussion: Subcommittee Guidelines/Street Moratorium

This discussion was postponed until after the subcommittee's August 18, 2014 meeting. The subcommittee members are Selectmen Runyan and Patuto as well as Tom Hayes and John Sanchez.

228 Discussion: DAC/Paths to Gazebo

T.A. Petrin said that for some time the Burlington Disability Access Commission (BDAC) has been seeking ways to create better accessibility to the gazebo area. This request was also presented to him by BDAC Coordinator and Selectmen Chair Bob Hogan. John Sanchez and Engineering put plans together for access from the main town hall with the expected cost to be $30,000 for a wall, ramp, and a sidewalk to be redone to meet slope requirements. The cost could be covered by the Handicapped Parking Fund, with BOS approval. Final plans will be brought to the board with construction expected to start by spring of next year with access available by summer.

The BDAC had been awaiting approval of a grant through the Recreation Department but it still not known if this grant will be approved. The BOS agreed to move forward with the project using Handicapped Parking Fine Funds.

Motion: Selectman Patuto moved to approve the use of Handicapped Parking Fine Funds in the amount of $30,000 to create access from the sidewalk to the gazebo area of the Town Common. Seconded by Selectman Hartling and approved. (5-0-0)
Overview:  September Town Meeting Warrant Articles

The financial articles under BOS jurisdiction that were reviewed:

Mount Hope Boilers: T.A. Petrin said Mr. Sanchez’s department is working on quotes.

Town Hall Column Repair: It has been discovered that the columns supporting the front portico of the main Town Hall building are hollow. This is a structural issue that must be addressed.

Approval:

Minutes: July 14, 2014, General Session

Motion: Selectman Patuto moved to approve the Minutes of the July 14, 2014 General Session. Seconded by Selectman Runyan and approved. (4-0-1 with Selectman Hogan abstaining.)

Subcommittee Reports

Selectman Runyan: The retirement party held for Bob Glover was well attended. Mr. Glover was thanked for his more than twenty years with DPW.

Tad Stephanak, BCAT Production Coordinator, will be leaving to work with WMUR. He has been with BCAT since 2007 and has done a fine job.

The local Market Basked was visited and he spoke with clerks and management involved in this unique labor action which has garnered national attention and is hopeful it will end well soon.

Selectman Hartling: The July 4th fireworks were outstanding, he said, and Herb Chambers was thanked for this donation.

Vice Chairman Grattan

Committee updates would be provided at the next meeting.

Town Administrator’s Report

Mr. Glover was congratulated on his retirement. The Garden Club and Beautification Committee were thanked for making the town look great. The DPW and Recreation also work very hard to make the Town look attractive. A current project is the island on Winn Street.

Chairman’s Report:

Chairman Hogan agreed that the July 4th fireworks went very well and were much appreciated.

Old/New Business: None.

Citizen’s Time: No one spoke.

Adjourn: Motion: Selectman Patuto moved to adjourn at 8:35 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 MONDAY, AUGUST 18, 2014

Agenda
EXECUTIVE SESSION
Discussion: Town Administrator’s Contract - Negotiation material
GENERAL SESSION
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
218  Approval:  Appointments -
   1. Fire Department:  5/18 ltr w/resume from Kyle Brown
   2. Department of Public Works:  8/13 memo from JS to JP re Water Treatment Plant Operator Recommendation and resume of Sinan Emrem
   3. Election Workers:  Pollworker list of 2014
219  Approvals:  Entertainment Licenses
   1. Kings:  7/11 email from M Vaughan re entertainment license info; 4/8 ltr from M Vaughan; General License Application
   2. Wegmans:  General License Application;2 floor plans/
220  Approval:  Truck Day on the Common - 8/1 ltr of request from Al Fay to BOS
221  Approval:  October 5K Road Race -8/11 memo from JP to staff and their responses; ltr from Tim Short, co-owner North Shore Road Race Guide; 2014 road race information sheet; route plan; 8/2 req ltr from Matt Beals, Tavern in the Square to BOS
222  Approval:  Street Openings -
   1. 93 Francis Wyman Road:  8/18 DPW street opening permit request from Paul Ganley; 8/11 email from Tom Hayes to PG; 8/5/ memo from JP to TH re street opening; 7/20 req letter from Paul Ganley to BOS; 6/5 ltr from FAF Mechanical to BOS; 8/5 form ltr from P Ganley
   2. 10 Holly Street:  8/18 DPW street opening permit req from Hills-Mor Construction; 8/11 email from TH to PG; 8/7 memo from JP to TH re street opening; ltr from Hills-Mor Construction; 8/4 form ltr from homeowner, Philip Cormier
   3. 71 Lexington Street:  8/18 DPW street opening permit request from HCR Construction; 8/11 email from TH to PG; 8/11 memo from JP to TH re street opening; 6/20 ltr from HCR Construction; 6/9 form ltr from homeowner, Brian Powderly; Open a Road Under Moratorium guideline sheet; plot plan of land; 3 pictures
   4. Muller Road:  8/18 DPW street opening permit request from Muller Glen LLC; 8/13 email from TH to PG; 8/12 memo from JP to TH re street opening; 8/12 ltr from Muller Glen LLC; 8/12 form ltr from Muller Glenn LLC
   5. 2 Sewall Street:  8/15 email from Laurie Glasser to withdraw req. Applicant not at previous meeting and application was not approved and applicant was requested to be at the 8/18 mtng; previously submitted material again submitted for BOS review (6/24/14 email from T Hayes to PG and J Sanchez re opposed; 6/24/14 memo from JP to T Hayes re street opening 2 Sewell; 6/23/14 first ltr from Laurie Glasser home owner re street opening; 6/23/14 application for street opening; 6/25/14 second ltr from Laurie Glasser home owner to BOS re street opening; 4 photos of location)
Public Hearing: Grant of Location - 8/18 DPW Grant of Location permit request from National Grid; 7/28 email from TH to PG; memo from JP to TH re grant of location; 8/6 letter from A DeFilippo, DPW re hearing; ltr from National Grid to BOS; Petition of National Grid for gas main in locations; abutter list; site plan Nationalgrid/Muller Road at Fantasia Lane

Public Hearing: Grant of Location - 8/18 DPW Grant of Location permit request from Siena Engineering Group; memo from JP to TH re grant of location; 8/6 ltr from A DeFilippo, DPW re hearing; 7/25 ltr from Siena Engineering Group to BOS; 7/25 order for conduit locations - Teleport Communications granting of permission; abutter list; certification letter not yet filled out; construction plans; Siena/South Bedford Street at Wayside Road

Approval: Block Party, College Road - DPW Block Party permit request; 8/12 memo from JP to staff re request and their responses; 8/5 ltr from Jennifer Miskelly to BOS

Discussion: Board of Assessors -
Discussion: Subcommittee Guidelines/Street Moratorium -
Discussion: DAC/Paths to Gazebo -
Overview: September Town Meeting Warrant Articles - draft Index of Articles

Approval: Minutes: July 14, 2014, General Session

Subcommittee Reports -
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Old/New Business -
Citizenâ€™s Time -