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

Chairman Hogan extended sympathies to Selectman Grattan on the death of a family member.

196 Recognition: Burlington Players

Rachell Fennell and other members of the Burlington Players were present before the BOS to receive a proclamation honoring the Burlington Players, an all volunteer group, for their accomplishment on winning Best Production and other awards from the American Association of Community Theaters National Championship in Indiana for their performance of Radium Girls. Ms. Fennell thanked the Town for allowing the use of the theatre property and added that she was very proud of the entire cast and crew. A description of the upcoming shows was announced.

197 Discussion: Fire Department ISO Report

Fire Chief Steve Yetman was present to report that Burlington’s state and national Fire House ratings were very high. Town Administrator John Petrin (T.A. Petrin) explained the Fire House rating procedure which rates water and fire service. The rating determines property fire insurance rates. The Fire, Police, and DPW were commended for the high ratings. Chief Yetman said current ratings are done every five years, but future ratings will taking place every four years.

198 Approval: (A) Sewer Allocation

Carlina Circle Subdivision/72A Muller Road

Mike Fantasia, Jr. was present representing the owner of the property. The existing homes on the property will be razed and five new homes will be constructed per subdivision plan, and the owner is requesting BOS approval for a sewer allocation of 1,760 GPD for the site. The Planning Board, Conservation and Board of Health have approved the plan.
Motion: Selectman Patuto moved to approve the sewer allocation request for Carlina Circle Subdivision/72A Muller Road as per the current Sewer Allocation Policy. Seconded by Selectman Hartling and approved. (4-0-0)

198 (B) Sewer Allocation
Tuscan Kitchen/24 N.E. Executive Park

Attorney Robert Buckley, Riemer & Braunstein, was present representing Tuscan Kitchen's which is seeking BOS approval for a sewer allocation pursuant to the requirements of the Administrative Consent Order between the Town and DEP since this restaurant is expected to increase sewer flows. The Special Permit was recently approved by the Planning Board.

Motion: Selectman Patuto moved to approve the sewer allocation request for Tuscan Kitchen, 24 New England Executive Park Drive as per the current Sewer Allocation Policy. Seconded by Selectman Hartling and approved. (4-0-0)

198 (C) Curb Cut/134 Bedford Street
This item was withdrawn.

198 (D) Street Opening/52 Beaverbrook Road
Keri and Andrew Byrne were presenting seeking BOS approval for a street opening for conversion to gas. The road was last paved in 2009. Selectman Hartling noted that another resident on this street recently received approval for a street opening to tie into gas.

Motion: Selectman Runyan moved to approve the street opening at 52 Beaverbrook Road to convert to natural gas. Seconded by Selectman Hartling and approved. (3-1-0 with Chairman Hogan voting against)

199 Public Hearing: Grant of Location
(A) National Grid/So. Bedford St. and Burlington Mall Rd.
Tuscan Kitchen/24 N.E. Executive Park

Lien Gauthier was present representing National Grid seeking BOS approval to install approximately 550' of 6" main in Burlington Mall Road extending from the existing 6" plastic 60 psig main in front of pole #31 to the 6" CS 60 psig main at the intersection of So. Bedford Street and Burlington Mall Road for the transmission and distribution of gas in the vicinity of Lahey Clinic. T.A. Petrin said there were no significant comments from DPW.

There were no comments from the public.

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 installation of approximately 550' of 6" plastic main as requested. Seconded by Selectman Hartling and approved. (4-0-0)
199  (B)  NStar/Second Avenue

Althea Wade was present representing NSAR in their petition to install approximately 9"+ feet of conduit at manhole #27167 on Second Avenue in order to upgrade the service in the area of the future Kings Bowling.

No comments were received from the public.

**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 installation of conduit as requested. Seconded by Selectman Hartling and approved. (4-0-0)

199  (C)  Comcast/10-20 Burlington Mall Road

Timothy Broderick, Outside Plant Supervisor of Comcast was present seeking BOS approval for a grant of location for the installation of one 4" pvc conduit at 760' +/- in a southwesterly direction from pole #38 on the southbound side of Cambridge to property of 10-20 Burlington Mall Road.

T.A. Petrin said that Town Engineering conditions include providing a fully designed and stamped set of construction drawings, or alternatively a GIS layer of the entire Comcast underground network, including the proposed work, prior to the issuance of the Street Opening Permit.

Selectman Runyan said that Engineering prefers a GIS layer. He also noted that the work is being requested to be done in the area of the Diorio Green island where irrigation systems could potentially be damaged and requested they seek an alternative route on the opposite side of the roadway. This change would require approval from Town Engineering, and Mr. Broderick agreed to continue the petition to the BOS's meeting of September 9 at 7:45 p.m. in order to confer with Town Engineering regarding the requested change.

There were no comments from the public.

**Motion:** Selectman Patuto moved to continue the Grant of Location request, Item # 199C, to the Board of Selectmen's September 9 meeting @ 7:45 p.m. with the condition that if approved, a GIS layer be provided. Seconded by Selectman Hartling and approved. (4-0-0)

200  Public Hearing:  Wine and Malt License

1.) Transfer/2.) Change of Manager  
Lester's Roadside Bar B-Q, 376A Cambridge Street

Attorney Thomas Murphy, Shea, Murphy, and Gulde, was present representing MNCL Restaurant, Inc. with respect to BOS approval for a transfer of Lester's Roadside Bar B-Q's Wine and Malt License to MNCL and approval for a Change of Manager to Thomas Menounos. Attorney Murphy said MNCL is in the process of acquiring Lester's.
Mr. Menounos was present and gave a description of his twenty plus years of experience in the restaurant business as well as his experience and knowledge of liquor licenses. He has familiarized himself with Burlington's Alcohol Policy and continued training will be taking place at this location, and he will be working with the current owner until approval has been received by the ABCC.

Selectman Runyan asked Mr. Menounos if he had long-term plans to remain at this location, and he replied that he would and that he lives in the area.

There were no comments from the public.

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

**Motion:** Selectman Patuto moved to approve the Change of Manager, Lester's Roadside Bar B-Q. Seconded by Selectman Hartling and Approved. (4-0)

**Motion:** Selectman Patuto moved to approve the Transfer of the Wine and Malt License to MNCL Restaurant, Inc. Seconded by Selectman Hartling and approved. (4-0)

**201 Public Hearing: All Alcohol License**

- **Transfer/Change of Location/Change of Manager**
- **Del Frisco’s Grille, 92 Middlesex Turnpike**

T.A. Petrin informed the BOS that the petitioner has requested this public hearing be continued to the BOS's September 9, 2013 meeting.

**Comments:** Brian Curtin, Town Treasurer, said this property has a tax lien and recommended the BOS confirm that all taxes are paid prior to a transfer taking place.

**Motion:** Selectman Patuto moved to continue to the Board of Selectmen's meeting of September 9 at 7:30 the All Alcohol License Transfer/Change of Location/Change of Manager, Del Frisco's Grille, 92 Middlesex Turnpike. Seconded by Selectman Hartling and approved. (4-0)

**202 Approval: Block Party**

- **(A) 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 21, 2013 from 3:00 p.m. to 9:00 p.m. with a rain date of September 22, 2013. Conditions from the Fire and Police Departments: Insure that the devices used to block the road are temporary (no vehicles). Residents should be able to move these items quickly and emergency personnel should be able to pass these items in the event of an emergency.

**Motion:** Selectman Patuto moved to approve the annual neighborhood block party on College Road on September 21, 2013 with conditions as stated. Seconded by Selectman Hartling. (4-0)
Approval: (B) Goodwin Street

A request was received from Carly Reidy for BOS approval to hold the 2nd annual neighborhood block party on Goodwin Street on Sunday, September 29, 2013 from 9:00 a.m. to 9:00 p.m. Conditions from the Fire and Police Departments: Insure that the devices used to block the road are temporary (no vehicles). Residents should be able to move these items quickly and emergency personnel should be able to pass these items in the event of an emergency.

Motion: Selectman Patuto moved to approve the annual neighborhood block party on Goodwin Street September 29, 2013 with conditions as stated. Seconded by Selectman Hartling. (4-0-0)

203 Approval: Truck Day on the Common

A request was received from Al Fay, resident and Truck Day coordinator, for BOS approval to hold the 16th annual Truck Day on the Town Common on Sunday, September 15, 2013 from 10:00 a.m. to 3:00 p.m.

Motion: Selectman Patuto moved to approve the 16th annual Truck Day on the Town Common on September 15, 2013. Seconded by Selectman Hartling. (4-0-0)

204 Approval: Burlington Mall Concert – Microsoft Store

Present were Rick Tonsi, former Burlington Mall Manager; Mike Connell, current manager; and Justin Beckman, Visionary Group seeking BOS approval for Microsoft to hold a grand opening celebration and concert, with the events taking place on September 18 - 21. The concert will be September 21 in the northwest parking lot which has a capacity for 2500 to 3000 guests and 100 event staff.

Mr. Beckman said Visionary Group had arranged more than forty-three events. Selectman Patuto asked about approval from the Police and Fire Departments, and Mr. Tonsi reported that permits were completed and meetings held and plans approved for security and safety with detail from Burlington Fire and Police as well as event staff. The four-day security schedule was reviewed.

A consensus has also been reached with the Building Department for the staging, tents, temporary fencing, crowd barriers and other event material.

Chairman Hogan asked about parking for the concert, and Mr. Tonsi said they will be renting the parking lot of the adjacent property. Mr. Beckman said all food vendors would have current Burlington or surrounding food licenses, and a food permit would be submitted upon confirmation of participants.

Motion: Selectman Patuto moved to approve the Microsoft grand opening and concert plans at the Burlington Mall as discussed and per submitted plans. Seconded by Selectman Hartling and approved. (3-0-1 with Selectman Runyan abstaining)

205 Approval: Town Warrant

205 (A) Update on Wheeler Road Rezoning Petition

Attorney Robert Buckley and Scott Weiss of the Gutierrez Company were present seeking BOS approval on a re-submitted proposal to amend this parcel to General Industrial for the construction of an office
Selectman Hartling asked if the new plan received endorsement from the area businesses, and Mr. Weiss replied that the businesses were in favor of the prior plan with roadway improvements. Selectman Runyan said he fully supports the plan as presented. Chairman Hogan asked about the reduction in number of trips in relation to the previously requested plan with a department store, and Mr. Buckley said there was a 70% decrease during the week and 100% reduction on weekends.

Motion: Selectman Hartling moved to approve the update on the Wheeler Road Rezoning Petition. Seconded by Selectman Runyan and approved. (4-0-0)

205 (B) Update on Liquor Licensing Special Legislation
Present were Jim Murphy, President of Burlington Area Chamber of Commerce (BACC), Sonia Rollins and other members of BACC as well as Andrew Gallinaro of National Development seeking BOS support of the district specific, Home Rule Petition for Special Legislation Concerning Liquor Beer and Wine and All Alcohol Licenses that will be before Town Meeting in September.

Ms. Rollins said the support is for the district of the Burlington Mall/South Avenue area. Selectman Patuto said he agreed with the request in order to support local business. Selectman Hartling said he also supports the special legislation.

Selectman Runyan asked about support for the Route 3A overlay district, and Ms. Rollins said there are requirements for seating which would be too large for that area. Selectman Runyan noted the traffic in the requested corridor. Chairman Hogan said he supports having extra licenses available for incoming restaurants in order to avoid small, family restaurants from selling their licenses.

Motion: Selectman Patuto moved to support the Liquor Licensing Special Legislation. Seconded by Selectman Hartling and approved. (4-0-0)

205 (C) Land Purchase – Great Meadow Road
T.A. Petrin said the Town successfully negotiated for the purchase of property on Great Meadow Road for the future site of Fire Station Two, for $1,995,000. Selectman Runyan said his objections are on record for the purchase of this property for Fire Station Two.

Motion: Selectman Patuto moved to approve the Warrant Article for the purchase of property on Great Meadow Road. Seconded by Selectman Hartling and approved. (3-1-0 with Selectman Runyan voting against.)

205 (D) Electricity Aggregation
Brian Murphy, Colonial Power Group, was present to describe how a Town takes steps to become a municipal aggregator. Colonial Power manages Community Choice Aggregation programs through the
purchase of electricity for the community in an effort to create stable rates for customers. NSTAR would continue to provide all services. T.A. Petrin said for the record that he had previously worked with Mr. Murphy on an aggregation project. Mr. Murphy explained that the choice for a property owner to enter into an electricity supply contract is optional.

T.A. Petrin said that if the BOS is satisfied with this option, they would endorse the language to be presented to Town Meeting. A majority vote of Town Meeting is required to initiate the process, and if approved by Town Meeting, Mr. Murphy expects the program to start in the summer of 2014.

**Motion:** Selectman Patuto moved to endorse the language of MGL 164 sec 134 with respect to electricity aggregation. Seconded by Selectman Hartling and approved (4-0-0)

**Motion:** Selectman Patuto moved to approve the articles as shown on the Index of Articles for the Burlington Town Meeting for Monday, September 23, 2013. Seconded by Selectman Hartling and approved (4-0-0)

206 Approval: Minutes, June 11, 2012, General Session

**Motion:** Selectman Patuto moved to approve the General Session minutes of June 11, 2012. Seconded by Selectman Runyan and approved. (3-0-1 with Selectman Hartling abstaining)

Approval: Minutes, June 25, 2012, General Session

**Motion:** Selectman Patuto moved to approve the General Session minutes of June 25, 2012. Seconded by Selectman Runyan and approved. (3-0-1 with Selectman Hartling abstaining)

Held: Minutes, July 15, 2013, Executive Session

Held.

Approval: Minutes, July 15, 2013, General Session

**Motion:** Selectman Patuto moved to approve the General Session minutes of July 15, 2013. Seconded by Selectman Hartling and approved. (4-0-0)

207 Approval: Mutual Aid Police

Burlington Police Chief, Michael Kent, was present seeking BOS support for a Mutual Aid Agreement encompassing all police in the Middlesex County area. This law will allow police officers, on duty and out of their jurisdiction, to legally enforce the laws and respond to public safety emergencies, within a defined set of guidelines.

**Motion:** Selectman Patuto moved to approve the Middlesex County area Mutual Aid program and guidelines for the Burlington Police Department. Seconded by Selectman Hartling and approved. (4-0-0)

208 Discussion: Town Administrator Evaluation

After completing his first year of service with the Town, T.A. Petrin received his first annual evaluation per his contract with the Town. Chairman Hogan, also the Veterans Services Director, abstained from participating. A summary of the evaluation was read which stated that T.A. Petrin received exemplary ratings and he exceeds expectations in many areas with his most prominent strengths being his
knowledge, that he is ethical and leads by example. They also thought his background in community government has helped him in managing the Town and guiding the BOS.

T.A. Petrin said he appreciated the BOS’s comments and that he works with a great Town staff and volunteers.

**209 Discussion: Update on Bow Hunting**
Martha Simonds, Friends of the Landlocked Forest and Town Meeting Member as well as Joseph Morandi, advocate for bow hunting and Town Meeting Member, attended several subcommittee meetings and presented for review the most current draft Bow Hunting Policy. Consideration is being made to conduct a permit lottery for residents and non-residents. Based on deer heard estimates, twenty permits are being considered with the BOS setting the fees and hunting dates. Conditions include permits being clearly visible and signage. Newspaper announcement will also be made. Mr. Morandi and Richard Bagni, also a hunter, volunteered to assist with the lottery and permitting process.

Chairman Hogan asked that the steps of the lottery and the wording for the 20 permits be very specific. Selectman Patuto asked if the policy was for deer only, and T.A. Petrin said this can be added as a condition. Selectman Patuto asked that the inspection of applications be outlined including a confirmation process for licenses. Mr. Morandi agreed and said all filing will be kept at the Conservation Department.

**Motion:** Selectman Patuto moved that Joseph Morandi and Richard Bagni be approved as volunteers to prepare for the upcoming hunting season and to allow the advertising process to commence. Seconded by Selectman Hartling and approved. (3-1-0 with Chairman Hogan voting against)

T.A. Petrin said further discussion on the finalization of the policy will take place when Selectman Grattan is present with September 9 being recommended.

**210 Discussion: Audit Committee Update**
This update will take place when Selectman Grattan is present with September 9 being recommended.

**211 Discussion: Strategic Planning**
Strategic Planning discussion will take place 6:00-7:00 p.m. prior to the regularly scheduled meeting on September 9.

**212 Subcommittee Reports**

**Selectman Runyan**
The Burlington Public Transit Committee held several meeting over the last few months. The MBTA has agreed to continue to fund the town’s transit. Outreach to Lexington Express and local businesses for assistance is planned.

The joint venture of Conservation, DPW, Recreation, and Selectman Wednesday night walks at Mill Pond have commenced. Members of the press were thanked for attending and promoting the walks.
People Helping People is sponsoring a fund raiser on the Town Common, Saturday, August 24 from 4:00 to 7:00 p.m.

213 Town Administrator’s Report
33 Center Street is officially part of the town’s facilities. Paperwork continues for the purchase of the property on Great Meadow Road for the construction of Fire Station 2.

New fire engine 1 arrived with training taking place, followed by lacing it in service. Refurbished fire engine 1 should be in service soon.

Marie Serra, part time library aid passed away.

The BOS were thanked for their support of the appreciation luncheon for the employees.

214 Assistant Town Administrator’s Report
Landscaping and parking lot activity is taking place on Phase IV, landscaping and parking, at Grandview Farm. Chairman Hogan thanked A.T.A. Hickey for all the work he has done on the project.

215 Chairman’s Report
None.

216 Old/New Business
None.

Citizen’s Time
1.) Residents of 3 Dennis Drive were present to ask for assistance with this home that has been empty for almost three years. T.A. Petrin said that although this is a difficult issue to pursue, he will contact the necessary department heads for suggestions and an opinion will be sought from Town Counsel.

2.) Sally Willard, Land Use Committee, was present to address her concerns with the lack of signage in the Middlesex Turnpike Extension area. Without the signage when traveling from Route 3, it is difficult for drivers to know which direction they are heading.

Adjourn

Motion: Selectman Runyan moved to adjourn at 9:45 p.m. Seconded by Selectman Hartling and approved. (4-0-0)

Respectfully submitted,

Betty McDonough
Recording Clerk
BURLINGTON, MA BOARD OF SELECTMEN

DOCUMENTS REVIEWED AT MEETING - AUGUST 19, 2013

196 Recognition: Burlington Players
Letter re accomplishment for production of Radium Girls, BOS proclamation,

197 Discussion: Fire Department ISO Report

198 Approval: (A) Sewer Allocation, Carlina Circle Subdivision/72A Muller Road
8/14 memo from Brian White re owner request, allocation forecast 8/14/13, 8/5 memo to Tom Hayes from T.A. Petrin, 7/25 letter from property owner, sewer allocation request application, description of homes and maps

Approval: (B) Sewer Allocation, Tuscan Kitchen/24 N.E. Executive Park
8/7 memo from Brian White re owner request, allocation forecast 8/8/13, 7/30 memo to Tom Hayes from T.A. Petrin, 7/30 letter from Riemer & Braunstein, site infrastructure memorandum for Tuscan Kitchen, sewer projects completed to date,

Approval: (C) Curb Cut/134 Bedford Street
8/19 memo from Engineering, 7/17 memo to mandatory depts and responses, 7/16 email from property owner, site drawing plan

Approval: (D) Street Opening/52 BeaverBrook Road
8/19 memo from Engineering, 8/16 email from Tom Hayes re conditions, memo to Tom Hayes from T.A. Petrin, 8/12 letter from property owner and application

199 Public Hearing: Grant of Location
(A) National Grid/So. Bedford St. and Burlington Mall Rd.
(Tuscan Kitchen/24 N.E. Executive Park
8/19 memo from Engineering with comments, 7/1 email from Tom Hayes w comments, memo to Tom Hayes from T.A. Petrin, petition and plan of National Grid for Gas Main Locations

Public Hearing: (B) NStar/Second Avenue
8/19 memo from Engineering with comments, 7/25 email from Tom Hayes w comments, 7/23 memo to Tom Hayes from T.A. Petrin, 7/8 letter from NStar, 7/8 Petition of NSTAR Electric Co for location for conduits and manholes, orders for location, map and pole breakdown

Public Hearing: (C) Comcast/10-20 Burlington Mall Road
8/19 memo from Engineering w comments, 7/25 email from Tom Hayes re meeting, 7/18 memo to Tom Hayes from T.A. Petrin, 7/11 letter of request from Comcast, order for conduit location, petition of Comcast and plans for locations for conduits

200 Public Hearing: Wine and Malt License, Transfer/Change of Manager, Lester's Roadside Bar B-Q, 376A Cambridge Street
Public hearing notice, letter from Health & Home Care re servsafe, 8/1 memo to mandatory depts plus responses, application for retail abl, personal information form and back up, manager application, 7/24 minutes of board of directors to purchase

201 Public Hearing: All Alcohol License, Transfer/Change of Location/Change of Manager, Del Frisco's Grille, 92 Middlesex Turnpike
Public hearing notice, 7/29 memo to mandatory depts and responses, fire department plan review form, 6/21 letter w legal documents, application for abl, personal information form and back up, manager application, certificate and action of manager of Del Frisco's Grille and seating plan,

202 Approval: Block Party
(A) College Road
8/19 meeting ltr to applicant, 8/1 memo from T.A. Petrin to mandatory depts and responses, 8/12 letter from applicant,

Approval: (B) Goodwin Street
8/18 meeting ltr to applicant, 8/9 memo from T.A. Petrin to mandatory depts and responses, 8/8 letter from applicant

Approval: Truck Day on the Common
8/9 letter of request to use common for truck day from applicant

204 Approval: Burlington Mall Concert – Microsoft Store
Letter of explanation, indoor map plans, bur security and staff schedule, viewing/meet&greet/early line up info, copy of badges, building permit, certificate of flame resistance, photos of past events, fire dept paid detail billing info, fire marshal application for permit, fire testing report, McLaren Stageline design plan, Stageline certification and
specifications, stage and sound drawings, heavy wind procedures, 7/29 letter from T.A. Petrin to mandatory depts and responses: 8/16 email to BOH, copy of temporary food permit-not yet completed, 8/12 email from BOH re instructions, 8/19 email from fire dept plan agreeable, 8/19 building dept ok, 8/15 police dept no issues, 8/1 engineering no issues, 8/12, 7/29 e mail from Justin Beckman re concert and grand opening with stage drawings and planned times for events

205 Approval: Town Warrant
Index of Articles-General, Financial, General Bylaw Articles, Zoning Bylaw Articles
(A) Update on Wheeler Road Rezoning Petition
(B) Update on Liquor Licensing Special Legislation
(C) Land Purchase – Great Meadow Road
(D) Electricity Aggregation

Colonial Power Presentation

206 Approval: Minutes
June 11, 2012, General Session approved
June 25, 2012, General Session approved
July 15, 2013, Executive Session held
July 15, 2013, General Session approved

207 Approval: Mutual Aid Police
7/12 letter from President Middlesex Chiefs re subcommittee to draft interagency MOU Mutual Aid agreement

208 Discussion: Town Administrator Evaluation
8/18 Cover letter of review and review booklet

209 Discussion: Update on Bow Hunting
Current Bow Hunting Policy

210 Discussion: Audit Committee Update

211 Discussion: Strategic Planning

212 Subcommittee Reports

213 Town Administrator’s Report

214 Assistant Town Administrator’s Report

215 Chairman’s Report

216 Old/New Business

217 Citizen’s Time