**Notice of Public Meeting – (As required by G.L. c. 30 A, c. §18-25)**

**DEPT./BOARD:** Board of Selectmen

**DATE:** January 9, 2012
Monday

7:00 p.m. General Session

**PLACE:** Burlington Town Hall
Main Hearing Room/2nd Floor
29 Center Street

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**Original Submission 1/5/12**  
**Updated submission 1/6/12**

**GENERAL SESSION**

| 001 | Approval: | Personnel Appointments  
Permanent Intermittent Firefighter  
Committee Appointments  
Council on Aging  
Information Systems Advisory Council  
Town Administrator Search Committee Appointments | 7:10 p.m. |
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| 002 | Approval | Class II/ Prestige Auto, 3 Independence Drive | 7:20 p.m. |
| 003 | Discussion: | People Helping People/Donation from Burtons Grill | 7:25 p.m. |
| 004 | Proclamation: | Art Enos/Toys for Tots | 7:30 p.m. |
| 005 | Discussion | Town Common Policy | 7:40 p.m. |
| 006 | Vote | Hallmark Gardens Trash Disposal | 7:50 p.m. |
| 007 | Approval: | Curb Cut/Blanchard Road | 8:00 p.m. |
| 008 | Approval | AMC Burlington 10 Theatre  
Midnight Movie Showings | 8:10 p.m. |
009 Approval Common Victuallers License
Unidine Corp. dba Liberty Market North, 65 Network Dr. 8:15 p.m.

010 Discussion: Canyon Proposal 8:20 p.m.

011 Approval Amendment to Land Exchange and Development Agreement 8:30 p.m.

012 Vote Shawsheen Valley Regional Technical High School Community Innovation Challenge Grant 8:40 p.m.

013 Approval: Electronics Recycling Bill 8:45 p.m.

014 Vote: January Town Meeting Warrant 8:50 p.m.

015 Approval Minutes
October 17, 2011, General Session
November 7, 2011, General Session 9:00 p.m.

016 Subcommittee Reports

017 Town Administrator’s Report

018 Assistant Town Administrator’s Report

019 Chairman’s Report

ADJOURN

PRESS
The meeting of the Board of Selectmen was called to order at 7:00pm by Chairman Zenkin with all Selectmen present.

Chairman Zenkin held a moment of reflection in Honor of Our Service Men and Women Serving Our Great Nation.

Citizen’s Time:

Donald Price of the DPW came before the Board requesting the new DPW Garage be named after their boss, Al Ferreira, who passed away in 2011.

001  Approval:
     Personnel Appointments
     Permanent Intermittent Firefighter
     Committee Appointments
     Council on Aging
     Information Systems Advisory Council
     Town Administrator Search Committee Appointments

Town Administrator Mercier put forth the name of Raymond Blenkhorn to Permanent Intermittent Firefighter.

Town Administrator Mercier put forth the name of Eleanor Hutchinson to the Council on Aging Committee. Selectman Patuto moved to waive the 15 day waiting period. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

Town Administrator Mercier put forth the name of Larry Warfield to the Information Systems Advisory Council. Selectman Grattan moved to waive the 15 day waiting period. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Selectman Zenkin said they are putting together a screening committee for the Town Administrator search and are seeking three residents that are not employees, related to an employee or affiliated with any elected official. They had eleven responses. He spoke with Town Counsel on the how it should be done. He said they would begin nominations by seniority of the Board members. They will nominate and if seconded, will table it until all Board members have made their nominations and then vote. The first one voted in will be the first resident, the second one voted in the second resident and the third one will be the alternate. The alternate will participate at all meetings and will vote in the absence of a committee member.

Selectman Patuto nominated Mark Delaney. Seconded by Selectman DiTucci and tabled. Vote: (5-0-0)
(First Resident)

Selectman DiTucci nominated Wendy Zarella. Seconded by Selectman Patuto and tabled. Vote: (5-0-0)
(Second Resident)

Selectman Hogan nominated Melissa Robinson. Seconded by Selectman DiTucci and tabled. Vote: (5-0-0)
(Alternate)

Selectman Grattan nominated Ram Satyaprasad. Seconded by Selectman Hogan and tabled. No vote taken.
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002 Approval: Class II/Prestige Auto, 3 Independence Drive

Selectman Patuto moved to approve the Class II/Prestige Auto, 3 Independence Drive. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

003 Discussion: People Helping People/Donation from Burtons Grill

Janet Fitzgerald and Randy Newell from People Helping People and Bridget Kelley from Burtons Grill were present for the discussion. Janet Fitzgerald said on January 24th Flatbread Pizza will be hosting a fundraiser for People Helping People and on February 26th the Café Escadrille will be hosting a wine tasting fundraiser donated by Mr. Murray. She thanked the Town and said the Selectmen have been very active and helpful. Randy Newell read aloud the business partners that have donated to People Helping People in 2011. Bridget Kelley presented a check to People Helping People for $1,500 which represents 25% of the proceeds from opening night.

004 Proclamation: Art Enos/Toys for Tots

Selectman Hogan read aloud a Proclamation stating the mission of the U.S. Marine Corps reserve Toys for Tots Program and that Art Enos has been involved in it for more than 30 years, has Chaired the Middlesex-Essex County region since 2002, and during the 2011 campaign Art Enos helped raise more than $120,000 in cash donations and more than 150,000 toys with the help of more than 120 volunteers.

005 Discussion: Town Common Policy

T.A. Mercier said the meeting before Christmas the Board said they would follow up with concerns made by some citizens. Town Counsel found some slight corrections that need to be made. Selectman Zenkin suggested they revert back to the old policy until the changes are made. Selectman Patuto moved to vacate the vote on November 14, 2011 for implementing the new Town Common Policy. Seconded by Selectman Grattan with Selectman Hogan, Selectman DiTucci, Selectman Patuto and Selectman Grattan voting in favor and Selectman Zenkin abstaining. (4-0-1)

Selectman Patuto moved to implement the original Town Common Policy that was in place before the vote of November 14, 2011. Seconded by Selectman Grattan and unanimously voted. (5-0-0) Selectman Grattan asked for the old Town Common Policy to be posted on the Town Website in place of the new policy. Resident Ernie Zabatony requested the policy be made available to Town Meeting members and posted on the website for citizen review and comments. Selectman Zenkin said he would speak with Town Counsel.

006 Vote: Hallmark Gardens Trash Disposal

DPW Superintendent John Sanchez said that after a thorough review and opinions from Town Counsel he recommends that the Town does not provide trash pick up at garden style condominiums due to the inability to enforce volume control limits and the recycling by-law. If this service is provided to Hallmark Gardens then the Town will be obligated to provide the same type of service to all other garden style condominium complexes in Town. Selectman DiTucci moved the Town of Burlington not provide trash disposal for any garden style condominium in the Town of Burlington. Seconded by Selectman Hogan. Selectman Patuto said he would like a copy of Town Counsels comments and would like the definition of garden style condominiums. He requested to postpone the vote for a month. Selectman DiTucci withdrew his motion.
007 Approval: Curb Cut/Blanchard Road

T.A. Mercier said this request was made to open the existing curb cut located on Blanchard Road which is maintained for emergency access for a six month period to alleviate traffic on the South Bedford Street and Blanchard road intersection. Selectman Grattan said he would like traffic counts on Muller Road before and during the opening to see the impact. Attorney Bob Buckley agreed and suggested to include Blanchard Road. Selectman Grattan moved to approve the Curb Cut/Blanchard Road for no more than six months, after receipt of the baseline traffic count, for egress only between the hours of 4:00pm-7:00pm. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

008 Approval: AMC Burlington 10 Theatre
Midnight Movie Showings

General Manager Tricia MacDonald was present representing AMC. Selectman Patuto moved to approve the AMC Burlington 10 Theatre/Midnight Movie Showings. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

009 Approval: Common Victuallers License
Unidine Corp. d/b/a Liberty Market North, 65 Network Dr.

Luke Giroux was present representing Unidine Corp. Selectman Patuto moved to approve the Common Victuallers License/Unidine Corp. d/b/a Libery Market North, 65 Network Drive. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

010 Discussion: Canyon Proposal

Attorney Bob Buckley, Scott Weiss of the Gutierrez Company and representatives of Target were present. Scott Weiss said the land is under agreement with Target and they are seeking re-zoning of the site. A traffic study has been completed. They plan on improving the 128/Middlesex Turnpike/Wheeler Road intersection and other road improvements up to Adams Street at no cost to the Town. Representatives of target said the store hours will be 8:00am-10:00pm. They will employ 150-200 people; 25% full time and 75% part time. Selectman Patuto said the traffic improvements are very impressive.

011 Approval: Amendment to Land Exchange and Development Agreement

Selectman DiTucci moved to approve the Amendment to Land Exchange and Development Agreement, 44 South Bedford Street. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

012 Vote: Shawsheen Valley Regional Technical High School Community Innovation Challenge Grant

T.A. Mercier said to apply for this grant support form all five communities is required. Selectman Patuto moved to approve the Shawsheen Valley Regional Technical High School Community Innovation Challenge Grant. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

Selectman Patuto moved to authorized Town Administrator Mercier signing authority on behalf of the Board of Selectman. Seconded by Selectman Grattan and unanimously voted. (5-0-0)
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013 Approval: Electronics Recycling Bill

Selectman Patuto moved to support the Electronics Recycling Bill. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

014 Vote: January Town Meeting Warrant

Selectman DiTucci moved to approve Article #2/Acceptance of 44 South Bedford Street. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

T.A. Mercier said the application is not complete. Selectman Patuto moved to postpone Article #3/Approval of I-Cubed Application. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

T. A. Mercier said additional information is needed. Selectman Patuto moved to postpone Article #4/Treasurer/Collector Special Act. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #5/Meals Tax Revenue (FY2011). Seconded by Selectman Hogan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #6/Transfer of Free Cash to Cash Reserve Fund. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #7/Transfer of Free Cash to Stabilization Fund. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #8/Transfer of Free Cash to OPEB Trust Fund. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

Selectman Patuto moved to hold Article #9/Transfer of Funds FY 2012 Various Accounts. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #10/Fund the Burlington International Firefighters’ Association Contract. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #11/Fund New Website Improvements and Development. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #12/Information Technology/RFP Town Government Needs. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #13/Architecture/Engineering Services Station 2. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #14/DPW Operations Facility. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #15/Inflow/Infiltration-Phase 6 Design. Seconded by Selectman Hogan and unanimously voted. (5-0-0)
Selectman Hogan moved to hold Article #18/Mary PC Cummings Estate Burlington Recreation Area. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

Selectman Patuto moved to postpone Article #22/Solicitation and Canvassing Door-to-Door and on Public Ways. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve Article #24/Amendment to Grandview Farm Planned Development District Zoning Regulations. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

015 Approval: Minutes:
October 17, 2011, General Session
November 7, 2011, General Session

Selectman Patuto moved to approve the General Session Minutes of October 17, 2011. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

Selectman Patuto moved to approve the General Session Minutes of November 7, 2011. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

016 Subcommittee Reports:

Selectman Grattan said he has not met with the School and will have information at the next BOS meeting.

Selectman Patuto said the 128 3C Committee had an emergency meeting about the public bus line reduction of routes 350/351. He urged residents to contact the State Senator and State Representative. The COA bathroom work will begin in a couple of weeks.

Selectman Hogan said the Fire Department was awarded a $5,265 Safe Grant. Andy Connerty and Mike Patterson have completed courses. Accessibility work continues on Wayside Road.

Selectman DiTucci said the Center Street tank painting is coming to a conclusion. The Christmas tree pick up is on January 12th and 26th. We have a 7th precinct and will need more Town Meeting members.

017 Town Administrator’s Report:

Budgets are to be submitted by January 27th. John Keeley was not successful in obtaining the Sawmill Grant. The next meeting before Town Meeting will pertain to liquor licenses and alcohol. Next Wednesday is a meeting on Lahey Clinic’s proposed merger with Beverly Hospital. He is continuing to have dialogue with AFSME and two Police unions.

018 Assistant Town Administrator’s Report:

Phase 3 Grandview Farm/ Marion Tavern flooring in the mezzanine is complete and they are preparing the main floor. The Shawsheen students are back to work on Phase 2. Repairs to the HVAC at the Fire, Library and Police have been completed.
Chairman’s Report:

None.

Selectman Patuto moved the Board adjourn the meeting at 10:05pm. Seconded by Selectman Hogan and unanimously voted. (5-0)

Respectfully submitted,

Laura Nichols
Recording Secretary