DEPT./BOARD: Board of Selectmen

DATE: February 13, 2012
Monday

TIME: 7:00 p.m. General Session

PLACE: Burlington Town Hall
Main Hearing Room
29 Center Street

Original Submission 2/9/12
Re-submission 2/10/12

GENERAL SESSION

Pledge of Allegiance

Moments of Reflection in Honor of Our Service Men and Women 7:00 p.m.

Citizens’ Time 7:02 p.m.

026 Recognition: Fire Personnel Recognitions 7:10 p.m.

027 Approval: Personnel Appointments DPW 7:20 p.m.

028 Approval: Signage at Burlington High School 7:25 p.m.

029 Approval: Walk-a-Thon Marshall Simonds Middle School Teen LIGHT Leadership Team 7:30 p.m.

030 Approval: Burlington High School/Annual Post Graduation Party 7:35 p.m.

031 Approval: Sample Warrant for Presidential Primary 7:40 p.m.

032 Discussion: Remote Meeting Participation 7:45 p.m.

033 Hearing: Wine and Malt License Transfer/Change of Manager (re-consideration) 7:55 p.m.

Pledge of License/Alter of Premise
Jai Ho Sai, Corp. DBA/The Mughals
184 Cambridge St.
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033 Approval: All Alcohol License Transaction/Change of Manager
Romano’s Macaroni Grill, 50 South Avenue
8:00 p.m.

034 Approval: Common Victuallers License
Five Guys Burger & Fries, 43 Middlesex Tpk.
8:10 p.m.

035 Approval: All Alcohol License/Closing Time Extension
St. Patrick’s Day/Café Escadrille/26 Cambridge Street
8:15 p.m.

036 Approval: Neon License
8:20 p.m.

037 Approval: Budgets FY2013:
Accounting
BCLC
Board of Selectmen
Building Inspector
Conservation
Disability Access
Historical Commission
Legal
Sealer of Weights and Measures
Town Meetings & Elections
Veterans
8:30 p.m.

038 Discussion: Grant Avenue
8:45 p.m.

039 Discussion: Structure of fees to align with other towns
8:55 p.m.

040 Subcommittee Reports

041 Town Administrator’s Report

042 Assistant Town Administrator’s Report

043 Chairman’s Report

ADJOURN

PRESS
The meeting of the Board of Selectmen was called to order at 7:05 p.m. 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.

Citizens’ Time

Residents Donna Chadwick, George Garland and Mike Trudeau came before the Board to ask for assistance to protect art that belongs to the Town. Mike Trudeau said they were able to cut a piece of wall that a painting was painted on at the Kelley-Murray wing and put it into storage. He also said that art was painted over at the Police Station. He said they do not know what exists and would like to do an inventory on the public art in Town. Selectman Zenkin suggested to get the archivist to help address it. T.A. Mercier said he would contact the archivist.

Town Meeting member Pat Angelo said she received phone calls over the weekend on the shortfall in the employee health insurance account. She asked if there was a $1,000,000 deficit. Selectman Zenkin said it was over that amount and it will be on the next agenda for discussion. She also asked if there will be an outside audit on the fund. Selectman Zenkin said not as of yet.

026 Recognition: Fire Personnel Recognitions

Assistant Fire Chief Patterson said they always introduce the new hires and thought it was a good idea to reintroduce the retirees. Chief Yetman said David Sullivan is retiring after 26 years of service and his brother Paul Sullivan is retiring after 32 ½ years of service. Combined they have over 58 years on the job.

027 Approval: Personnel Appointments

DPW

T.A. Mercier put forth the names of David Price to Special Motor Equipment Operator/Laborer, Mathew Davis to Water and Sewer Disposal/Pumping Station Operator and David DeLuca to Special Motor Equipment Operator/Laborer. Selectman DiTucci moved to waive the 15 day waiting period. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Selectman Grattan moved to take Agenda Item 029 out of order. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

028 Approval: Signage at Burlington High School

T.A. Mercier said this is a request submitted by the School Department. Director of Finance and Operations Craig Robinson, School Superintendent Eric Conti, and School Committee members Tom Murphy and Mike DeSimone were present. Dr. Conti said they would like the sign at the location where is stood for many years; on Cambridge Street at the top of the hill next to the football field. Selectman Hogan moved to approve the location of the Signage at Burlington High School. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)
Marshall Simonds Middle School teacher Cheryl Mantia and the Teen LIGHT Leadership Team came before the Board requesting to hold the 4th annual Teen LIGHT Walk-a-Thon on Saturday June 2nd with a rain date of June 16th. The registration begins at 9:30 a.m., the walk beginning at 10:00 a.m. and events to be held on the common. Their project's mission is to raise awareness and money in support of children who are suffering from cancer and other serious illnesses. The past three years they raised approximately $40,000 for teens struggling with issues. There is also a fundraiser at Flatbread Pizza on May 15th. Selectman Hogan congratulated them. Selectman DiTucci moved to approve the Walk-a-Thon Marshall Simonds Middle School Teen LIGHT Leadership Team. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Selectman Patuto moved to approve the Police Detail for the Burlington High School/Post Graduation Party on Saturday June 10th. Seconded by Selectman DiTucci with Selectman Grattan, Selectman Zenkin, Selectman Patuto and Selectman DiTucci voting in favor. Selectman Hogan had left the room to speak with the Teen LIGHT Leadership Team. (4-0-0)

Town Clerk Amy Warfield came before the Board requesting the Board sign the warrant for the Presidential Primary. Selectman DiTucci moved to approve the Sample Warrant for Presidential Primary on March 6, 2012. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

T.A. Mercier said the Attorney General will allow Remote Meeting Participation with specific conditions. He said for any committee to participate in this, the Executive Body would have to adopt it. He said he is not asking for a vote and will put it on a future agenda. Town Clerk Amy Warfield said a quorum is still needed at the meeting and the individuals that are remote need complete access to the materials, must be able to hear the meeting and be heard at the meeting. Selectman Grattan asked if the individuals participating remotely need to be heard by the general public. Amy said that has not been addressed. Selectman Patuto said he put a lot of time reading the information on this and does not agree with it. Selectman Zenkin said he was concerned about this and doesn’t want to get involved in it. The Board felt that there was not enough information to make a decision. Amy Warfield said she will get answers to their questions and will be back at a later date.

A public hearing was held on the re-consideration of the Wine and Malt License Tranfer/Jai Ho Sai, Corp. DBA/The Mughals/184 Cambridge Street. There was no one opposed to the public hearing. Attorney Bill Proia was present representing The Mughals. T.A. Mercier explained that the ABCC denied the license that the Town had already approved. Attorney Proia said the denial is not related to the fitness of either party. It had to do with a misfilling with the previous owner to the Department of Unemployment. It has been rectified and they are back for reconsideration. Selectman Patuto moved to close the public hearing. Seconded by Selectman
Grattan and unanimously voted. (5-0-0) Selectman Patuto moved to approve the Liquor License at 184 Cambridge Street. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

034 Approval: All Alcohol License Transaction/Change of Manager
Romano’s Macaroni Grill, 50 South Avenue

New manager Traci Spinelli was present. Selectman Hogan moved to approve the All Alcohol License Transaction/Change of Manager/Romano’s Macaroni Grill/50 South Avenue to Traci Spinelli as new manager. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

035 Approval: Common Victuallers License
Five Guys Burger & Fries, 43 Middlesex Tpk.

Manager Marc Magerman was present. He said Five Guys is due to open on March 5, 2012. Selectman Patuto moved to approve the Common Victuallers License/Five Guys Burger & Fries, 43 Middlesex Turnpike. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

036 Approval: All Alcohol License/Closing Time Extension
St. Patrick’s Day/Café Escadrille/26 Cambridge Street

Selectman Patuto moved to approve the All Alcohol License/Closing Time Extension/St. Patrick’s Day/Café Escadrille/26 Cambridge Street. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

037 Approval: NEON License

T.A. Mercier said that NEON, a national research organization would like to enter into a license agreement with the Town. They will pay the Town $7,500 a year to study Saw Mill and the money will be put into the Conservation trust fund. Conservation Administrator John Keeley explained that they are non profit and federally funded doing scientific research on the changes in the environment; recording changes in soil, plants, air and water and how it is changing over time. They would like to study the area for 5-7 years. Selectman Patuto moved to approve the NEON License subject to any conditions the Town may impose including notifying the abutters. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

Selectman Patuto moved to take Agenda Item 38 after Agenda Items 39 and 40. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

038 Approval: Budgets FY 2013
Accounting Historical Commission
BCLC Legal
Board of Selectmen Sealer of Weights and Measures
Building Inspector Town Meetings & Elections
Conservation Veterans
Disability Access

Selectman Hogan moved to approve the Accounting budget at $231,123 with a .44% increase. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

Selectman Hogan moved to approve the BCLC budget at $418,390 with a 2.44% decrease. Seconded by Selectman Patuto and unanimously voted. (5-0-0)
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Selectman Hogan moved to approve the Board of Selectmen budget at $459,468 with a .75% decrease. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

Selectman Hogan moved to approve the Building Department budget at $468,316 with a 1.55% increase. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

Selectman Hogan moved to approve the Conservation Department budget at $190,443 with a 15.12% increase. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Selectman Hogan moved to approve the Historical Commission budget at $1,870 with no increase. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Selectman Hogan moved to approve the Legal Department budget at $189,000 with a 4.79% decrease. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Selectman Hogan moved to approve the Sealer of Weights and Measures budget at $7,800 with no increase. Seconded by Selectman DiTucci and unanimously voted. (5-0-0)

Selectman Hogan moved to approve the Town Meeting and Reports budget at $20,056 with no increase. Seconded by Selectman Patuto and unanimously voted. (5-0-0)

Selectman Hogan recused himself. Selectman DiTucci moved to approve the Disability Access Commission budget at $2,711 with no increase. Seconded by Selectman Patuto with Selectman Grattan, Selectman Zenkin Selectman DiTucci and Selectman Patuto voting in favor. (4-0-1)

Selectman Hogan recused himself. Selectman DiTucci moved to approve the Veteran’s Administration budget at $237,829 with a .79% increase. Seconded by Selectman Patuto with Selectman Grattan, Selectman Zenkin Selectman DiTucci and Selectman Patuto voting in favor. (4-0-1)

039 Discussion: Grant Avenue

T.A. Mercier, said he, Selectmen DiTucci and Grattan had discussed the acquisition of Grant Ave., which is still retained by the Commonwealth of MA, and they have no desire to turn it over to the Town for $1.00. He said that this was part of the approval of the Sun Micro Systems economic target area designation. The Economic Sub-Committee suggested that they discuss whether or not to go forward. Selectmen DiTucci and Grattan think the Board should pursue it. Selectman DiTucci moved the Board send a letter to the State that we are still interested in Grant Ave. Selectman Patuto noted correspondence from April 2000 from the Division of Capital Planning and Operations committing $500,000 for the State Highway Garage. Selectman Patuto moved to authorize T.A. Mercier to request Town Counsel to review the documents and forward a letter to the State conveying forthwith the Grant Ave. location to the Town of Burlington and a check for $500,000. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

040 Discussion: Structure of Fees to align with other towns

T.A. Mercier said this was requested by Selectman Patuto. Selectman Patuto was talking with Town Officials in our area and our fees are lower. He said he would like some comparisons at a future meeting. Building Inspector John Clancy said he is in the process of looking into the fee schedule of other towns and will have the information for the Board at a future meeting.
041 Approval: Minutes:

November 14, 2011, General Session

Selectman Hogan moved to approve the Minutes of November 14, 2011, General Session. Seconded by Selectman Grattan with Selectman Patuto, Selectman DiTucci, Selectman Hogan and Selectman Patuto voting in favor and Selectman Zenkin abstaining. (4-0-1)

042 Subcommittee Reports:

Selectman Grattan said Town Meeting had approved a $75,000 Technology Study and hopefully an RFP will be ready soon.

Selectman Patuto said the 123 3C Committee meeting is on Friday at 8:30a.m. to draft a formal letter to the MBTA and local elected officials in opposition of the cuts to the bus service. The construction of the COA bathrooms has begun and they are 50% complete.

Selectman Hogan said the BLINE Committee is meeting this Friday to go over a letter they will be sending to the MBTA on the cuts. The ridership numbers this past January were the best January over several years. The COA senior citizen Valentine’s dinner was held by the Burlington Rotary Club yesterday.

Selectman DiTucci said the Center Street tank painting is coming to a closure. A public information meeting will be held in the Main Hearing room on Wednesday, February 22nd on the Middlesex Turnpike renaming, from the Lemon Tree to Billerica, as a result of the Mitre link.

043 Town Administrator’s Report:

T.A. Mercier said he signed off on the $1.5 million MassWorks Infrastructure Grant last week for Fourth Ave. It is the second MassWorks grant we have had. We are trying to schedule a joint meeting with Lexington and Bedford about the MBTA cuts.

044 Assistant Town Administrator’s Report:

None

045 Chairman’s Report:

Chairman Zenkin set the Dare graduation schedule with the Selectmen; Memorial School-Selectman Grattan, Pine Glen-Selectman Patuto, Francis Wyman-Selectman DiTucci and Fox Hill-Selectman Hogan.

Selectman Patuto moved the Board adjourn the meeting at 9:20p.m. Seconded by Selectman DiTucci and unanimously voted. (5-0)

Respectfully submitted,

Laura Nichols
Recording Secretary