MINUTES OF THE MEETING OF THE BOARD OF SELECTMEN
BURLINGTON TOWN HALL
MAIN HEARING ROOM/2nd FLOOR
29 CENTER STREET
April 23, 2012

The meeting of the Board of Selectmen was called to order at 6:35pm 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

095 Discussion with Town Counsel

Attorney Lauren Goldberg came before the Board to give a brief overview of the many laws the Selectmen encounter on a regular basis. She reviewed the Public Record, Open Meeting and Conflict of Interest laws as well as the Code of Ethics and the signing of payroll warrants for family members.

096 Reorganization of the Board of Selectmen

Selectman Grattan moved to nominate Selectman Patuto to Chairman. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

Selectman Zenkin moved to nominate Selectman Hogan to Vice-Chair. Seconded by Selectman Runyan and unanimously voted. (5-0-0)

097 Public Hearing: (continued) All Alcohol License/New GMRI, Inc. d/b/a Seasons 52 6 Wayside Road

A continued public hearing was held on the All Alcohol License/New GMRI, Inc. d/b/a Seasons 52/6 Wayside Road. Attorney Mark Vaughn was present representing Seasons 52. There was no one opposed to the presentation. He said the representative of Seasons 52 was not able to attend the meeting because his flight was canceled. The restaurant will be located above the Borders book location. It is a higher end restaurant featuring a seasonally inspired menu. There will be seating for 299 with 32 outside patio dining seats and a piano player nightly from 6:00pm-10:00pm in the cafe area. Selectman Grattan moved to close the public hearing. Seconded by Selectman Hogan and unanimously voted. (5-0-0) Selectman Hogan moved to approve the All Alcohol License/New GMRI, Inc. d/b/a Seasons 52/6 Wayside Road. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

Selectman Grattan moved to take items 106 and 107 out of order. Seconded by Selectman Zenkin and unanimously voted. (5-0-0)

098 Hearing: All Alcohol License/Pledge of License/Café Escadrille 26 Cambridge Street

A public hearing was held on the All Alcohol License/Pledge of License/Café Escadrille/26 Cambridge Street. Attorney Mark Vaughn was present representing Café Escadrille. There was no one opposed to the presentation. Attorney Vaughn explained that this is in connection with the refinancing of the premise with Belmont Savings Bank and part of the loan documentation. Selectman Grattan moved to close the public hearing. Seconded by Selectman Zenkin and unanimously voted. (5-0-0) Selectman Grattan moved to approve the All Alcohol License/Pledge of License/Café Escadrille/26 Cambridge Street. Seconded by Selectman Hogan and unanimously voted. (5-0-0)

099 Presentation: Keurig TIF/Vote

I.A. Mercier said he received a letter from Vice President of Finance, Keurig, Inc. John Heller indicating the intentions to relocate to Burlington. John Heller and Government Incentives Consultant Lynn Tokarczyk were present.

Selectman Grattan moved to vote to approve Keurig South Avenue as an Economic Opportunity Area (EOA) for a period of 20 years, pursuant to MGL c. 23A, Section 3E, and approve the submission of an application for approval of the Keurig South Avenue EOA to the Massachusetts Economic Assistance Coordinating Council (EACC). Seconded by Selectman Zenkin and unanimously voted. (5-0-0)

Selectman Grattan moved to vote to recommend that Town Meeting approve a proposed 15-year Tax Increment Financing (TIF) Plan and Agreement, pursuant to MGL c. 40, Section 59, between Keurig, Inc., The Gutierrez Company and/or its affiliates, and the Town of Burlington for property located at 43 and 63 South Avenue and 33 Second Avenue and authorize the submission of same for approval to the EACC. Seconded by Selectman Zenkin and unanimously voted. (5-0-0)
Selectman Grattan moved to vote to recommend that Town Meeting approve the acceptance of proposed Certified Project application by Keurig, Inc., pursuant to MGL c. 23A, Section 3F and 402 C.M.R. 7.00, and authorize the submission of same for approval to the EACC. Seconded by Selectman Zenkin and unanimously voted. (5-0-0)

100 Approval: Street Opening Permit
EB Rotundi and Sons, Inc., 67 Donald Road

Lawrence Schofield was present representing EB Rotundi and Sons, Inc. Per the Engineering Department this street opening is required as part of the sump pump relocation program, the developer/contractor, not the homeowner should be responsible to post the surety. Selectman Zenkin moved to approve the Street Opening Permit/EB Rotundi and Sons, Inc., 67 Donald Road per the following conditions; Temporary trench patch shall match existing pavement thickness, trench shall be allowed to settle one year, permanent patch consisting of trench grind (1.5") and inlay with 1' cutback and a cash bond in the amount of $3,000 to guarantee the final restoration of the pavement and traffic markings to be provided by the developer not the homeowner. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

101 Approval:
AMC Burlington 10
Midnight Movies

AMC General Manager Tricia MacDonald came before the Board requesting midnight movie showings held on Thursday nights/Friday mornings throughout the months of May-August only one midnight showing per week. Selectman Zenkin moved to approve the AMC Burlington 10/Midnight Movies. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

102 Discussion:
Gutierrez/Canyon

Scott Weiss of Gutierrez Company and Attorney Mark Vaughn came before the Board to discuss the Canyon project. Scott said they have been working on a number of fronts on the Canyon project. It is a 15 acre parcel of land the Department of Transportation put out to bid and Gutierrez was the successful bidder. He said they have been working on rezoning the property for the May Town Meeting. They have gone through detailed planning review with the Planning Board. The main concerns of the development have been centered on traffic issues around Middlesex Turnpike. He said they have identified a number of improvements to Middlesex Turnpike from 128, south toward Lexington, with their traffic engineer. Mark Vaughn explained documents that the Board will have to sign including an Escrow Mitigation Agreement, Development Agreement and a traffic improvement obligation.

103 Discussion:
Preliminary May Town Meeting Warrant Review

T.A. Mercier said there is $2,500,000 to carry forward to FY 2013. That leaves $1,823,847 for the financial articles for both the Town and School. Stabilization is just over $5,000,000 and Sewer is $1,800,000. They will be looking at overlay reserve as an additional source. The Assessors may be able to release some for capital improvements. He reviewed some of the larger requests. The largest is the DPW/Recreation Maintenance bonding issue for $16,000,000 and probably will not be looking for authorization for this in May.

104 Discussion:
"Draft" Town Common Policy

Selectman Hogan said this was put out so that Selectman Runyan would have a copy. They will vote on it at a future meeting.

105 Approval:
Minutes
December 19, 2011, General Session
January 9, 2012, General Session
January 23, 2012, General Session

Selectman Hogan moved to approve the December 19, 2011, General Session minutes. Seconded by Selectman Grattan with Selectman Patuto, Selectman Hogan, Selectman Zenkin and Selectman Grattan voting in favor and Selectman Runyan abstaining. (4-0-1)

Selectman Hogan moved to approve the January 9, 202, General Session minutes. Seconded by Selectman Zenkin with Selectman Patuto, Selectman Hogan, Selectman Zenkin and Selectman Grattan voting in favor and Selectman Runyan abstaining. (4-0-1)

Selectman Hogan moved to approve the January 23, 2012, General Session minutes. Seconded by Selectman Zenkin with Selectman Patuto, Selectman Hogan, Selectman Zenkin and Selectman Grattan voting in favor and Selectman Runyan abstaining. (4-0-1)
Approval:  Common Victuallers License/GMRI, Inc. d/b/a Seasons 52  
6 Wayside Road

Selectman Hogan moved to approve the Common Victuallers License/GMRI, Inc. d/b/a Seasons 52/6 Wayside Road. Seconded by Selectman Zenkin and unanimously voted. (5-0-0)

Approval:  Entertainment License/GMRI, Inc. d/b/a Seasons 52  
6 Wayside Road

Selectman Hogan moved to approve the Entertainment License/GMRI, Inc. d/b/a Seasons 52/6 Wayside Road. Seconded by Selectman Zenkin and unanimously voted. (5-0-0)

Selectman Zenkin moved to take items 108, 109, 110 and 111 out of order. Seconded by Selectman Grattan and unanimously voted. (5-0-0)

EXECUTIVE SESSION

Discussion:  Update on Collective Bargaining

Subcommittee Reports:

Selectman Grattan said the ISAC Committee has received three responses to the RFP. They now need to schedule a meeting to evaluate the proposals and choose a vendor.

Selectman Zenkin said he gave Selectman Patuto the Sub-committee assignments. Selectman Patuto requested the other Boards receive a copy and would like it to be discussed with Town Counsel.

Town Administrator’s Report:

T.A. Mercier said 50 Oracle employees volunteered their time to do beautification work on the Town Common. John Mooney was given a pin for 7,500 hours of volunteering at the Bedford V.A. Emergency dispatchers will be trained at EMD level. Administration continues to meet on the health insurance issue. NSTAR is coming tomorrow about new emergency contacts. Gutierrez had some obligations and sent $80,000; $40,000 for the transportation master planning, $20,000 for the BLire and $20,000 for the DPW for water consumption analysis and sewer system capacity analysis. The new management company for Wayside Commons is in the process of removing the poles in the sidewalks.

Assistant Town Administrator’s Report

The RFP for 42 and 44 South Bedford Street has a minimum bid price of $225,000. We have not received any bids on 1 Dearborn Road and have lowered the bid price from $250,000 to $200,000.

Chairman’s Report:

The final numbers on the MBTA bus and funding cuts will be available on May 15. The Selectmen’s summer schedule is set for July 16th and August 13th.

Selectman Zenkin moved the Board adjourn to Executive Session to Update on Collective Bargaining at 9:15pm. Seconded by Selectman Grattan with Selectman Hogan voting aye, Selectman Runyan voting aye, Selectman Grattan voting aye, Selectman Patuto voting aye and Selectman Zenkin voting aye. (5-0-0)

Respectfully submitted,

Laura Nichols  
Recording Secretary