



Approved: 06/28/2021  
To TC: 07/31/2021

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By Town Clerk's Office at 10:44 am, Jul 30, 2021

# TOWN OF BURLINGTON

## Meeting Minutes

**DEPT./BOARD:** Burlington Select Board  
**DATE:** Monday, June 14, 2021 General Session  
**TIME:** 6:00 p.m.  
**PLACE:** Hybrid: Cisco Webex Meeting and Live Meeting

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### MINUTES

**Members Present for virtual meeting:** James Tigges, Chairman; Nicholas Priest, Vice-Chairman; Robert Hogan; Michael Runyan; Joseph Morandi

**Staff Members Present:** Paul Sagarino, Town Administrator

Chairman Tigges called the Burlington Select Board (Board) meeting to order followed by the Pledge of Allegiance and noted it was the first live, in person meeting since March of 2020.

#### 151 **Appointment: Fire Fighter/Paramedic**

Fire Chief Mike Patterson was present to recommend Michael Donoghue Jr. to the position of Firefighter/Paramedic. Town Administrator Paul Sagarino agreed with this recommendation and appointed Michael Donoghue Jr. to the position of Firefighter/Paramedic and requested the Board waive the standard fifteen-day waiting period.

**Motion:** Select Board Member Hogan moved to waive the standard fifteen day waiting period for the appointment of Michael Donoghue Jr. to the position of Police Officer. Seconded by Select Board Member Morandi and approved. (5-0-0)

#### 152 **Appointment: Special Police Officer**

Deputy Chief Tom Browne said that Detective Albert Gagne retired June 11, 2021 after a long distinguished career with the Burlington Police Department and requested that he be appointed as a Special Police Officer with the Department.

T.A. Sagarino agreed with the Deputy Chief's recommendations and appointed Detective Albert Gagne to the position of Special Police Officer and recommended the Select Board waive the standard fifteen day waiting period.

**Motion:** Select Board Member Hogan moved to waive the standard fifteen day waiting period. Seconded by Select Board Member Morandi and approved. (5-0-0)

Detective Gagne was congratulated on his career and thanked him for all that he has done for the community.

#### BOARD OF SELECTMEN:

JAMES TIGGES, CHAIRMAN ♦ NICHOLAS PRIEST, VICE-CHAIRMAN ♦ ROBERT HOGAN ♦ MICHAEL RUNYAN ♦ JOSEPH MORANDI

**153 Update: Deputy Police Chief Process**

Deputy Chief Tom Browne said that he would be starting as Chief of Police effective July 1, 2021 and the process of finding a new Deputy Chief is now in progress with the search concentrating on current captains in the Department and there are many fine candidates to choose from. An outside police chief will be involved in the interview process.

**154 Update: Approval: Inter - Municipal Agreement with Lexington**

John Sanchez, Director of DPW submitted for review the final Town Counsel approved Intermunicipal Agreement for Water Main Installations, Maintenance and Conveyance Between Town of Lexington and Town of Burlington.

**Motion:** Select Board Member Hogan moved to approve the Intermunicipal Agreement for Water Main Installations, Maintenance and Conveyance Between Town of Lexington and Town of Burlington and to allow the Town Administrator to sign on behalf of the Select Board. Seconded by Select Board Member Morandi and approved. (5-0-0)

**Update on PFAS6 in the water above drinking water standards**

Mr. Sanchez provided an update stating that the town will work with consultants to ensure that additional filtration is installed and/or other treatments at Mill Pond for this issue. At this time it is not an emergency but does need to be addressed. Consumers in sensitive groups should use bottled water. Steps to reduce intake in the home include installing a home water treatment system certified to remove PFAS. At this time the town will:

- continue to sample water plants monthly
- options at the Mill Pond facility will be investigated
- the connection to the MWRA through Lexington has been opened and we are taking 1 million gallons per day
- the Mill Pond Facility will be the primary plant
- drinking water production will be limited from the Vinebrook facility and
- additional information will be provided to the public as it becomes available.

**155 Approval: Recreation Field Licensing Agreement**

T.A. Sagarino said certain field parcels in the Mary Cummings Park property need licensing agreements and Town Counsel worked with the City of Boston and Burlington staff and trustees on The First Amendment to the License Agreement By and Between City of Boston, Massachusetts and Town of Burlington, Massachusetts. The agreement includes maps of the parcels. The fields have been used by the town for almost sixty years and at the time the town took the land for field use, there was no record that it was registered. The Board reviewed the agreement and were satisfied. David Webb was thanked for his involvement.

**Motion:** Select Board Member Runyan moved to approve The First Amendment to the License Agreement By and Between City of Boston, Massachusetts and Town of Burlington, Massachusetts and to allow the Select Board Chairman to sign the agreement on behalf of the Select Board. Seconded by Select Board Member Morandi and approved. (5-0-0)

**156 Discussion/Approval: MSBA (Massachusetts School Building Authority) Statement of Interest**

A statement of interest has been prepared to be submitted to the Massachusetts School Building Authority for improvements at Burlington High School.

**Motion:** Select Board Member Hogan moved as follows:

Resolved: Having convened in an open meeting on June 14, 2021, prior to the SOI submission closing date, the Board of Selectmen of Burlington, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated June 9, 2021 for the Burlington High School located at 123 Cambridge street Burlington Massachusetts 01803 which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future;

Priority #5, Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility; and Priority #7, Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. The Specific project will update classrooms and replace science labs to be a more effective learning environment, replace aged out heating and ventilation / cooling equipment that is original construction (1971), replace interior building components (lockers, Lighting, Fire Alarm, etc.), and provide updated security improvements which will extend the life of the existing facility; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

Seconded by Select Board Member Morandi and approved. (5-0-0)

**157 Public Hearing: Update Del Frisco's Grille of Massachusetts LLC**

Notification received that negotiations continue for the Del Frisco Grille license and it was agreed to continue to public hearing.

**Motion:** Select Board Member Runyan moved to continue the public hearing to August 9, 2021 @ 6:30 p.m.

Seconded by Selectman Morandi and approved. (5-0-0)

**158 Public Hearing: Approval Class II transfer**

**New**

The applicant did not supply additional documents as requested and the public hearing was not opened and will be re-advertised to indicate that the public hearing would now be posted as being in person.

**159 Public Hearing: New Wine and Malt License**

**New**

**Shake Shack Massachusetts LLC**

**d/b/a Shake Shack, 75 Middlesex Turnpike, Burlington Mall**

The public hearing was read into the record.

**Motion:** Member Priest moved to open the public hearing. Seconded by Member Morandi and approved. (5-0-0)

Present were Attorney Mark Vaughan, William Proia and David Guerette of Riemer & Braunstein representing Shake Shack. Kevin Marrow the manager of record was present and had submitted backup that he had read and understands the rules and regulations and is TIPS certified and has fifteen years of restaurant and the serving of alcohol knowledge . Shake Shack intends to operate a 3,548 +/- s.f. restaurant serving burgers and American fare and a special legislation wine and malt license is being requested. There will be seating for 88 which will be all indoor. The Select Board alcohol subcommittee met on a couple of occasions to discuss the request and were satisfied. Orders will be placed at the counter and at a kiosk with both locations requiring i.d. Food and drinks will be delivered to the table by a TIPS certified server. Servers will register with the Police Department.

Member Hogan asked how drinks are counted at kiosk orders, and he was told that staff will be monitoring the tables.

There were no comments from public and there were no issues from staff.

**Motion:** Member Hogan moved to close the public hearing. Seconded by Member Morandi with Member Hogan voting aye, Member Runyan voting aye, Member Morandi voting aye, Member Priest voting aye, and Chairman Tigges voting aye and the motion passed. (5-0-0)

**Motion:** Member Hogan moved to approve a new wine and malt special legislation license for Shake Shack Massachusetts LLC d/b/a Shake Shack, 75 Middlesex Turnpike, Burlington Mall. Seconded by Member Morandi with Member Hogan voting aye, Member Runyan voting aye, Member Morandi voting aye, Member Priest voting aye, and Chairman Tigges voting aye and the motion passed. (5-0-0)

**160 Update/Approval: Approval of the Sale of General Obligation Bond  
B.A.N. and Refunding**

Gary Gianino, Treasurer/Collector reported that bonds and notes were sold at low interest rates, and the Town issued \$20,585,000 30-year bonds at an average of 1.890% interest rate. Refinancing will generate a savings over the remaining life of the bonds refunded. The Town also issued \$6,500,000 360-day bond anticipation notes as described in the packet. Mr. Gianino affirmed the Town's AAA rating and asked the Board to approve the sale of bonds and notes, the preparation of the official statement, the redemption of the refunded bonds, the refunding escrow agreement by voting by reference with said referenced vote to be entered into the minutes of the meeting. The backup will be made part of the final minutes.

**Motion:** Member Runyan moved to approve the sale of bonds and note of the Town as further described in the attached VOTE OF THE BOARD OF SELECTMEN, which is entered in to the minutes of the meeting by reference. Seconded by Member Hogan and approved. (5-0-0)

**161 Approval: Soil Sampling Landlocked Forest**

Assistant Professor Jennifer Bhatnager of Boston University was present seeking Board approval to take soil samples from the Landlocked Forest to study the effects of pine trees on deciduous trees. There would be no cost to the Town. One sample would be taken July and another in August. John Keeley did not have an issue with the request and they will not be affecting the bikers and walkers as they will be well off trails.

**Motion:** Member Morandi moved to approve Soil Sampling Landlocked Forest as presented. Seconded by Member Priest and approved. (5-0-0)

**162 Approval: Town of Burlington Cyber Security Policy**

ISSAC members Steve and David Hughes were present with Jose DeSousa, Manager and Joe Bongiorno Critical Systems & Applications Administrator, MIS. Mr. Morin provided a presentation which outlines the issues and the policy. Mr. Hughes said the policy covers cybersecurity preparedness and protects the town from becoming a ransom target, and it outlines department designees for a task group to lead the effort. This group will lead the development of the Town's cybersecurity plans.

Much involves members of each of the collective bargaining groups and meetings will be held with each to provide information and agreement. The policy is a living document which can be modified as necessary. Member Priest has been working and meeting with the ISSAC committee and recommended a vote be taken at this time. T.A. Sagarino and the Board acknowledged the significant amount of time spent on this project by the ISSAC and resources and input were obtained from across the state. The diligence of the membership is appreciated.

**Motion:** Member Priest moved to approve the Town of Burlington Cybersecurity Policy as presented. Seconded by Member Runyan and approved. (5-0-0)

**163 Approval: Use of the Common for India Day - August 15, 2021**

Vaishali Gade was present seeking approval to use the Town Common to recognize India's Independence Day on Sunday, August 15, 2021 with a rain date of Saturday, August 14, 2021. She said that the citizens enjoy this event. They understand that there no way to hoist their flag at this time for this event. There will not be any food at the event and volunteers will ensure that the common is cleaned of any debris from the event.

**Motion:** Member Hogan moved to approve the use of the Town Common for India Day on Sunday, August 15, 2021 with a rain date of Saturday, August 14, 2021. Seconded by Member Morandi and approved. (5-0-0)

**164 Discussion: Review Stop Sign Request, Wheatland, Stanwood and Richfield**

Dan Collins asked to be allowed to be on the agenda to talk with the full Board to request a stop sign in the area of Wheatland Road where it enters onto Stanwood in an odd configuration. Cars fly through making it dangerous he said for the children who are on their bikes. The Town's Staff Traffic Advisory Committee had reviewed the request and denied it as it did not meet the criteria of the Manual of Uniform Traffic Devices and the Board's traffic subcommittee, made up to review this request, also denied the request and was not ready to present this to the full board. Sgt. Jerry McDonough's report stated that there have not been any reported accidents in this area.

Mr. Collins submitted signatures of neighbors who also agree with a stop sign, and he said there is a bus stop with many vehicles passing through and believes the area warrants a stop sign. He noted that reports from Town indicate there are no obstructions, and he said there are fences, a shed and trees obstructing views.

Member Runyan said, and Member Morandi agreed, numerous, similar requests are received from many different neighborhoods. He also said he is comfortable relying on the departments and committees that make the decisions. They are not opposed to a crosswalk. Member Priest said there are many streets that would be requesting stop signs, and this area is a closed neighborhood. He would be in favor of having the site revisited. Member Hogan and his neighbors have asked for a stop sign in their neighborhood and were also denied for the same reasons and added that he too depends on the departments for advice. Chairman Tigges is opposed to the request and recommended the neighbors assist by removing any obstructions that are on their property but recommended continuing to July 12 to allow time to revisit the site with the Town Engineer.

**165 Approval: Small Cell – Vote to Finalize Selection of Pole Location**

This request is to finalize the location for the small cell facility on Burlington Mall Road with the applicant selecting Location D as allowed on the final agreement.

**Motion:** Member Runyan moved to approve Location D on Burlington Mall in order to finalize the pole location. Seconded by Selectman Morandi and approved. (5-0-0)

**166 Approval: Flag Pole Policy**

T.A. Sagarino asked the Board for any additional comments on the policy and a location selection. Member Runyan noted that all has been well over the years without the need to fly various types of non government flags. Events are usually at the gazebo and a flag holder could be on the gazebo vs. in front of a town building. Member Morandi is not satisfied with the recommendation for another flagpole. There are so many in the community who will want to put up their own individual flags. Chairman Tigges said the policy could be revoked at any time. Theft could take place if it is hung on a holder on the gazebo. Member Priest recommended it be up for just a day on the gazebo. This will be brought back for discussion on June 28, 2021.

**167 Approval: TA to approve action for as needed items**

A vote is recommended to allow the Town Administrator to fulfill a duty on behalf of the Board followed by it being brought back to the full Board for a vote.

**Motion:** Member Priest moved that pursuant to Section 2.4.16 of the Town of Burlington General Bylaws, the Board of Selectmen hereby authorize the Town Administrator to take any action as they deem necessary to fulfill the duties of the Town Administrator in preservation of the health, safety and welfare of the citizens of the Town and to preserve the status quo or negotiating position of the Town if in an emergency the Board of Selectmen cannot meet, the Town Administrator may act. The Town Administrator shall bring any such action to the attention of the Board at the next available meeting for the Board to consider and/or affirm the action of the Town Administrator. Seconded by Selectman Hogan and approved. (5-0-0)

**168 Approval: Minutes –**

**Motion:** Member Hogan moved to approve the Regular Sessions of March 22, 2021, April 12, 2021, April 26, 2021, and May 10, 2021. Seconded by Member Morandi and approved. (5-0-0)

**169 Subcommittee Reports**

Member Runyan congratulated the graduates and commented on the events that took place on school grounds.

**170 Chairman's Report**

Chairman Tigges thanked the residents for their patience and cooperation while the meetings were required to be held on Webex.

**171 Town Administrator's Report**

The first phase of DPW/Recreation facility is nearing completion with the hopes of having an occupancy permit by the beginning of July. There will be a ribbon cutting.

Tomorrow is the close of the state of emergency and we are awaiting the legislature to vote to extend some of the provisions of the governor's emergency order with regard to meetings.

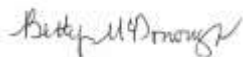
**172 Old/New Business**

None.

**173 Citizens' Time**

John Strauss was a member of the Town Meeting Transportation Committee. This committee's work is done and they are no longer meeting. One of proposals was a discussion on filling the gaps for those who cannot use the town's current transportation system.

Submitted by,



Betty McDonough  
Recording Secretary

BURLINGTON, MA BOARD OF SELECTMEN

DOCUMENTS REVIEWED AT MEETING, MONDAY, June 14, 2021

Agenda

- 151 Appointment: Fire Fighter/Paramedic Michael Donoghue Jr. - June 4 email from Chf Patterson recommending firefighter, resume
- 152 Appointment: Special Police Officer Albert Gagne - June 1 memo from Chf Kent recommending special police officer appointment
- 153 Update: Deputy Police Chief Process - agenda cover and description of the process
- 154 Approval: Inter - Municipal Agreement with Lexington - agenda cover, Intermunicipal agreement for water main installation, maintenance and conveyance between town of Lexington and town of Burlington  
Update on Water: Important Information about your drinking water relative to the town has levels of PFAS6 above the Drinking Water standard
- 155 Approval: Recreation Field Licensing Agreement - agenda cover, June 10 memo description from Attorney Mead; First Amendment to the License Agreement by and between City of Boston, Massachusetts and Town of Burlington, Massachusetts
- 156 Discussion/Approval: MSBA (Massachusetts School Building Authority), Statement of Interest - instructions; copy of vote to be taken
- 157 Public Hearing: Update Del Frisco's Grille of Massachusetts LLC, Opened 3/23/2020 d/b/a Del Frisco's Grille, 92 Middlesex Turnpike, Burlington - agenda cover, May 21 email from Attorney Devlin under negotiations; March 20, 2021 letter from Corporate Realty Advisers under negotiations; legal notice for start of public hearing on March 23, 2020; March 19 2020 letter from Devlin Law seeking a tenant;
- 158 Public Hearing: Approval Class II transfer, Great Rides to Sweet Rides, 101 Cambridge St. - legal notice for public hearing to open June 14, 2021 (Was not opened as all material was not submitted - legal notice will be resent with new description of how meeting is to be held following COVID. Current ad is for Webex only; May 19 email from Jerry McDonough - no issues; June 8 email from Planning Department that as long as the new company is only going to continue the office use that is perfectly fine, Great Rides application; Great Rides answers to questions; used car dealer's bond; power of attorney certificate; Intact specialty solutions insurance company outlining coverage; workmen's comp form; employer id number from DOR; employer id number identification slip; used car dealer's class 2 license for current company called great rides.; copy of business certificate of current company; statement of discontinuance of current company not yet completed obtained from clerk's office;
- 159 Public Hearing: New Wine and Malt License, Shake Shack Massachusetts LLC, d/b/a Shake Shack, 75 Middlesex Turnpike, Burlington Mall - legal notice for hearing to open on June 14; May 13 letter from attorney; June 8, 2020, May 12, 2021 alcohol subcommittee meeting minutes; application page 1; floor plan; May 20 email from K Kassner re question on table service; May 20 email from Betty yes full service; May 20 email from Chf Kent no issues; May 20 email from Chf Patterson no issues; May 21 email from Mark Dupell no issues;
- 160 Update/Approval: Approval of the Sale of General Obligation Bond, B.A.N. and Refunding - agenda cover; June 14 memo from G Gianino re General Bond Issue; Description of Bonds;
- 161 Approval: Soil Sampling Landlocked Forest - May 27 email from Jennifer Bhatnagar requesting soil sampling at Landlocked Forest;
- 162 Approval: Town of Burlington Cyber Security Policy - policy



- 163 Approval: Use of the Common for India Day, August 15th - town common use form;
- 164 Discussion: Review Stop Sign Request, Wheatland, Stanwood and Richfield - excerpt from Jan 25, 2021 traffic subcommittee meeting minutes; March 2, 2021 email from Dan Collins; March 1, 2021 letter to Dan Collins from Paul answering questions; Feb 2 2021 letter to Dan Collins from Paul Sagarino re subcommittee denial of request for signs; drawing of parts; drawing of wiring;
- 165 Approval: Small Cell – Vote to finalize selection of pole location - agenda cover; excerpts from emails as they relate to AT&T small Cell Facility CRAN RCTB 000070-1011; plot plan of choice of Selection "D;" list of stats; street plan with location D; drawing of selection of location D; plans showing incorrectly lampposts as identified as incorrect by our small cell attorney and our small cell engineer
- 166 Approval: Flag Pole Policy - town of Burlington flag-raising policy; application for third party flag to be raised on town hall flagpole
- 167 Approval: TA to approve action for as needed items, followed by BOS approval at next meeting - motion for town administrator to may take action followed by approval at a board meeting
- 168 Approval: Minutes – March 22, 2021, Regular Session; April 12, 2021 regular session, April 26, 2021 regular session, May 10, 2021 regular session on Town Meeting night
- 169 Subcommittee Reports -
- 170 Chairman’s Report -
- 171 Town Administrator’s Report -
- 172 Old/New Business -
- 173 Citizens’ Time -