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# TOWN OF BURLINGTON

## Meeting Minutes

**DEPT./BOARD:** Board of Selectmen  
**DATE:** February 8, 2021 Regular Session  
Monday  
**TIME:** 6:00 p.m.  
**PLACE:** Cisco Webex Meeting

### MINUTES

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

**Staff Members Present:** Paul Sagarino, Town Administrator, John Danizio, Town Accountant; Police Chief Michael Kent; Whitney Haskell, Budget Director/Chief Procurement Officer; COA Director Marge McDonald; Town Clerk Amy Warfield; Conservation Director John Keeley

Chairman Morandi called Board of Selectmen (BOS) meeting to order at 6:00 p.m. followed by the Pledge of Allegiance. Selectman Priest read a statement that this meeting was being held via teleconference pursuant to Governor Charlie's Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law and the Governor's March 15, 2020 order imposing strict limitations on the number of people that may gather in one place, with this meeting of the BOS being held by teleconference and the public was advised on how to join the meeting. Town Administrator Paul Sagarino (T.A. Sagarino) added that all votes taken by the BOS would be required to include a roll call.

#### **009 Appointment: Police Special Police Officer**

Police Chief Michael Kent announced that Police Sgt. Bernie Schipelliti had retired after serving 35 years with the department. All commented that he did a great job, was an asset to the town and will be missed. The Chief recommended he be appointed as a Special Police Officer effective February 1, 2021. Town Administrator Paul Sagarino (T.A. Sagarino) agreed with recommendation and appointed Bernie Schipelliti to the position of Special Police Officer and recommended the board waive the standard fifteen-day waiting period.

**Motion:** Selectman Hogan moved to waive the standard fifteen-day waiting period. Seconded by Selectman Priest with Selectman Hogan voting aye, Selectman Runyan voting aye, Selectman Tigges voting aye, Selectman Priest voting aye, and Chairman Morandi voting aye and the motion passed. (5-0-0)

#### **010 Approval: Town Election**

Town Clerk Amy Warfield was present seeking approval to hold the April 10, 2021 town election. Applications will be on line and absentee ballot voting will be available and it is expected the legislature will approve early voting.

BOARD OF SELECTMEN:

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

**Motion:** Selectman Hogan moved to approve the warrant for the town election being held April 10, 2021. Seconded by Selectman Priest with Selectman Hogan voting aye; Selectman Runyan voting aye; Selectman Tigges voting aye; Selectman Priest voting aye and Chairman Morandi voting aye and the motion passed. (5-0-0)

**011 Update: Transportation Lyft Program**

COA Director and Lyft Program Coordinator Marge McDonald was present to update the board. Staff has done an outstanding job handling the many calls that have been received since the program was announced. The program was successful with some downturn in participation during the winter months. They will continue to research how more outreach can be done to those needing the service.

**012 Approval: Conservation Restriction**

Conservation Director John Keeley was present to describe the conservation restriction formal process for the self-storage facility on Blanchard Road which is being done to protect the nearby wetlands as required by the state. The draft restriction was drawn up by Riemer & Braunstein and reviewed and approved by Town Counsel and board signatures will be sought when the final document is produced.

**Motion:** Selectman Hogan moved to approve the draft outline of the Conservation Restriction for Wheeler Self Storage, LLC at 7 Wheeler Road as submitted. Seconded by Selectman Runyan with Selectman Hogan voting aye; Selectman Runyan voting aye; Selectman Tigges voting aye; Selectman Priest voting aye and Chairman Morandi voting aye and the motion passed. (5-0-0)

**013 Approval: Disability Access Commission  
Use of Handicapped Parking Fine Funds**

Maura Mazzocca, Chairman of the Disability Access Commission was present seek board authorization to use the handicapped fine fund.

The Burlington Disability Access Commission approved the following:

- Funds to not exceed \$12,000 to be used for the Automark election voting machine software updates for town elections cycles 2021-2023.
- Funds in the amount of \$15,000 to be used by the Recreation Department towards handicap accessible upgrades as they relate to the wading pool area.

A submitted description of the upgrades these funds will assist included an accessible walkway to the wading pool, an accessible route from the accessible parking spots and an accessible ramp to the pool gate.

**Motion:** Selectman Hogan moved to approve the use of the handicapped parking fine funds as requested. Seconded by Selectman Priest with Selectman Hogan voting aye, Selectman Runyan voting aye, Selectman Tigges voting aye, Selectman Priest voting aye and Chairman Morandi voting aye and approved. (5-0-0)

**014 Review/Approval: Budget Guidelines**

T.A.Sagarino and Town Accountant John Danizio reviewed the FY22 Budget Guidelines report dated January 26, 2021. The FY21 guideline had been set as an operating budget increase at 3.5% blended between government and school. The town is dependent on local receipts, state aid and tax levy and the change in values was described. The budget reduction in September 2020 and the approved budget at Town Meeting in June of 2020 was reviewed and the impact of guidelines on tax rate explained. At this time the FY22 possible use of

reserves is being considered based on the financial indicators of free cash, stabilization, excess levy capacity. After a review of the assumptions and effects, the financial team's amended recommendation to the operating budget is a 3.25% blended rate in order to maintain services:

Accommodated: 5.25%

School: 3.50%

Town 3.00%

Est. Levy 4.99%

**Motion:** Selectman Hogan moved to approve the amended recommendation to budget at a blended rate of 3.25% as discussed. Seconded by Selectman Tigges with Selectman Hogan voting aye, Selectman Runyan voting aye, Selectman Tigges voting aye, Selectman Priest voting aye, and Chairman Morandi voting aye and the motion passed. (5-0-0)

**015 Public Hearing:**  
(Opened 9/9/2019)

**All Alcohol License Besito Restaurants Burlington LLC  
d/b/a Besito Restaurant (closure)  
75 Middlesex Turnpike**

Attorney Mark Vaughan, Riemer and Braunstein, was present representing Besito Restaurants to provide an update on the negotiations for the transfer of the license. A transfer application for an all alcohol license from Besito is expected to be submitted to the Selectmen's office for a new Japanese restaurant, Fogo de Chao, with an anticipated opening date in November of this year.

Selectman Hogan said that it is important to the board that other locations be allowed a chance with a general license and asked if consideration had been given to returning this general license to the town and making it available to a location other than the mall since the mall has many unused special legislative licenses that have been granted by the state. Attorney Vaughan responded that the mall would prefer that the license remain at the mall as many applications are expected to be coming forward. Selectman Hogan is interested in seeing the mall's plan for these licenses and issued the reminder that the license belongs to the owners of the restaurants and not the mall. Attorney Vaughan said that he would share these comments with Simons Properties.

Chairman Morandi agreed that the mall holds a fair amount of licenses and recommended continuing the public hearing to April 26 @ 6:30pm in order to allow time for the mall to present information on their plans for the licenses.

**Motion:** Selectman Hogan moved to continue the public hearing to April 26, 2021 at 6:30 p.m. Seconded by Selectman Tigges with Selectman Hogan voting aye, Selectman Runyan voting aye, Selectman Tigges voting aye, Selectman Priest voting aye, and Chairman Morandi voting aye and the motion passed. (5-0-0)

**016 Public Hearing:**  
(New)

**Approval: Transfer: RCN Telecom Services of Mass  
Cable**

Selectman Tigges read the public hearing notice into the record and the Chairman opened the public hearing. The public hearing was opened. Present to address the BOS was Attorneys William Solomon representing RCN, Tom Steel, Vice President of RCN, Henry Shi, Radiate Holdings, and Michael Nilsson of Stonepeak Infrastructures (the transferee). Whitney Haskell, Budget Director/Chief Procurement Officer explained that this public hearing is regarding the proposed Transfer of Control of the Cable Television Renewal Infrastructure Partners which is Stonepeak. Attorney Solomon and Mr. Steel described the transfer. The transferee was asked

many questions by Attorney Solomon in order to ensure the board and public that there are no current plans to change the local operations or structure of the services offered. Attorney Solomon recommended that the board close the public hearing and vote on the proposed transfer later in March. The Chairman countered with leaving the hearing open and to close it when the transfer documents are ready to be signed and all agreed.

**Motion:** Selectman Tigges moved to continue the public hearing to March 22, 2021 @6:30p.m. Seconded by Selectman Hogan with Selectman Hogan voting aye, Selectman Runyan voting aye, Selectman Tigges voting aye, Selectman Priest voting aye, and Chairman Morandi voting aye and the motion passed. (5-0-0)

**017**

### **Subcommittee Reports**

**Selectman Tigges** provided a reminder to clear the snow from fire hydrants. The state inspectors commended the town for their ALS policies and procedures. This is National Burn Awareness Week which includes electrical safety.

**Selectman Hogan** commended the Board of Health on the work they continue to do in their regular duties and with the many issues surrounding the COVID-19 pandemic. The state continues to promise vaccines for non-emergency personnel in town and it is a challenge when it is not received. A letter of support to the state for the Board of Health was recommended.

**Selectman Runyan** agreed with a letter of support for the Board of Health and wishes to do all possible to assist in the effort to receive promised vaccines more efficiently.

DPW is in receipt of grants for sidewalk improvements and a portion of the roadway from Hallmark to Middlesex Turnpike will be completed.

Long-Time Housing Partnership member, Phyllis Etsell, resigned recently from the committee and her knowledge and experience will be missed. An advertisement has been placed for a new member.

**Selectman Priest** said that ISSAC had a recent meeting.

**018**

### **Chairman's Report**

**019**

### **Town Administrator's Report**

T.A. Sagarino said he has had communications with the Board of Health about the vaccines not being received from the state and appointments have to be cancelled or rescheduled. He added that the Board of Health members and staff have worked they have worked for many years to prepare for such an event. He agreed that a letter would go out on behalf of the Board of Selectmen in support of that department.

DPW was thanked for the work done during and after two difficult storms clearing the sidewalks and roadways.

**020**

### **Old/New Business**

None.

### **Adjourn**

**Motion:** Selectman Hogan moved to adjourn at 8:26 p.m. Seconded by Selectman Tigges and approved. (5-0-0)

Submitted by,

*Betty McDonough*

Betty McDonough  
Recording Secretary

BURLINGTON, MA BOARD OF SELECTMEN

DOCUMENTS REVIEWED AT MEETING, MONDAY, February 8, 2021

Agenda

- 009 Appointment: Police Special Police Officer - letter of recommendation from the Chief
- 010 Approval Town Election - warrant for the town election
- 011 Update: Transportation Lyft Program -
- 012 Approval: Conservation Restriction - cover letter from attorney, description, and the draft conservation restriction
- 013 Approval: Disability Access Commission, Use of Handicapped Parking Fine Funds - 2 letters of requests from the DAC and one letter from Recreation describing the work being done for the Simonds Park wading pool
- 014 Review/Approval: Budget Guidelines - presentation report with full description of current budget projections and recommendations
- 015 Public Hearing: All Alcohol License Besito Restaurants Burlington LLC, d/b/a Besito Restaurant (closure), 75 Middlesex Turnpike - cover agenda sheet
- 016 Public Hearing: Approval: Transfer: RCN Telecom Services of Mass, Cable - hearing information, public hearing and draft contract
- 017 Subcommittee Reports
- 018 Chairman's Report
- 019 Town Administrator's Report
- 020 Old/New Business