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TOWN OF BURLINGTON

Meeting Minutes

DEPT./BOARD: Burlington Select Board
DATE: Monday, May 24, 2021 General Session
TIME: 6:00 p.m.
PLACE: Cisco Webex Meeting

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; John Danizio, Assistant Town Administrator

Chairman Tigges called the Select Board (Board) meeting to order at 6:00 p.m. followed by the Pledge of Allegiance. Member 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.

The board gave their condolences to the Browne family following the death of their mother Peg Browne.

128 Community: ▪ Informational: HELPIS – May is Kindness Month

Founder and resident Joyce Deliyiannis and member and resident Lori Glantz were present to discuss May being National Kindness and how the HELPIS all volunteer organization was formed to assist those in need and described the many ways they have provided outreach and funding. The group was invited back to a future meeting to further discuss the organization.

Community: ▪ Approval: Annual Coverage for Police Detail for High School Graduation

Stephanie Marchese, Co-Chair for the High School overnight planning committee was present seeking approval for coverage for up to two detail officers at four hours each to be present at the events being held outdoors at Varsity Field. Detail Officer Outerbridge informed the office that there would be two officers at the event.

Motion: Member Hogan moved to approved that the Select Board's office cover the cost of for two police officer details at four hours each. Seconded by Member Morandi and approved. (5-0-0)

129 Appointments: Police ▪ Officer Appointments

Police Chief Michael Kent and Deputy Chief Thomas Browne were present. After an extensive hiring process, four candidates were being recommended for appointment as Police Officers: Daniel P. Murphy, Joseph A.

SELECT BOARD:

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

Belsito, Colton C. Bader, Richard M. Riley, Jr. A new testing included scenarios with the new simulator. All were selected in no specific order and their standing will be based on their accomplishments at the Police Academy. A brief description of the candidates' backgrounds was provided.

Town Administrator Paul Sagarino (T.A. Sagarino) agreed with the Chief's recommendations and was pleased to appoint Daniel P. Murphy, Joseph A. Belsito, Colton C. Bader and Richard M. Riley, Jr. to the positions of Police Officer and recommended 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 Daniel P. Murphy to the position of Police Officer. Seconded by Select Board member Morandi and approved. (5-0-0)

Motion: Select Board member Hogan moved to waive the standard fifteen day waiting period for the appointment of Joseph A. Belsito to the position of Police Officer. Seconded by Select Board member Morandi and approved. (5-0-0)

Motion: Select Board member Hogan moved to waive the standard fifteen day waiting period for the appointment of Colton C. Bader to the position of Police Officer. Seconded by Select Board member Morandi and approved. (5-0-0)

Motion: Select Board member Hogan moved to waive the standard fifteen day waiting period for the appointment of Richard M. Riley, Jr. to the position of Police Officer. Seconded by Select Board member Morandi and approved. (5-0-0)

All were welcomed and congratulated.

Appointments: Police ▪ Special Police Officer Appointment

Chief Kent announced the retirement of Detective Anne Marie Browne effective June 1, 2021 after serving over 30 years with the Police Department. She is well thought of in this and in the surrounding communities. He recommended her for the position of Special Police Officer effective June 2, 2021. n well thought of in the surrounding communities.

T.A. Sagarino agreed with the Chief's recommendations and appointed Detective Anne Marie Browne to the position of Special Police Officer effective June 2, 2021 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 Browne was congratulated on her fine career and thanked her for all that she has done for the community.

130 Update: Water System – PFAS

John Sanchez, Director DPW, was present to explain that the water system had PFAS6 results that exceeded the PFAS6 MCI drinking water standard of 20 for the period in the period of April 1 to June 3 at Mill Pond and Vine Brook treatment plants, and this was followed by a press release in May based on new drinking water regulations. PFAS6 is caused by manmade chemicals. Work continues on constructing a water main to connect to the MWRA. Many towns have reported the same problems. The water plants will be continued to be tested monthly and treatment options are being reviewed and the MWRA connection to Lexington will be opened to assist with remediation. The Board will continue to be updated.

131 Public Hearing: Cont'd Update – Del Frisco Grille of Massachusetts LLC
Opened 3/23/2020 d/b/a Del Frisco's Grille (Restaurant Closure 10/20/2019)
92 Middlesex Turnpike, Burlington

Attorney Andrew Upton was present to inform the Board that the landlord had approved a new tenant at the Del Frisco's Grille location, and negotiations are taking place.

Motion: Member Morandi moved to continue the public hearing for Del Frisco's Grille to June 14, 2021 at 6:30 p.m. Seconded by Member Priest with Member Hogan voting aye, Member Runyan voting aye, Member Morandi voting aye, Member Priest voting aye and member Tigges voting aye. Motion passed (5-0-0)

132 Approval: Final Conservation Restriction for Wheeler Self Storage

John Keeley, Conservation Director, was present seeking Board approval of the final Conservation Restriction for Wheeler Self Storage. The document has been reviewed with Town Counsel.

Motion: Member Hogan moved to approve the Final Conservation Restriction for Wheeler Self Storage. Seconded by Member Morandi with Member Hogan voting aye, Member Runyan voting aye, Member Morandi voting aye, Member Priest voting aye and member Tigges voting aye. Motion passed (5-0-0)

133 Update/Approval: Recreation Department – Summer Programs

Brendan Egan and Kelly Lehman reviewed the request to use the Town Common for the Town's Recreation summer program. Recreation will be meeting with the Board of Health to confirm they are meeting state guidelines for group activities.

Motion: Member Runyan moved to approve the Recreation Department's summer program schedule at the Town Common. Seconded by Member Morandi with Member Hogan voting aye, Member Runyan voting aye, Member Morandi voting aye, Member Priest voting aye and member Tigges voting aye. Motion passed (5-0-0)

134 Update: Economic Development

Economic Development Director Melisa Tintocalis provided an update on the COVID temporary task force and an update on businesses and movement on the corporate scene. Many restaurants applied for outdoor seating and the guidelines are allowing the temporary seating for an additional two months when the emergency is lifted. The task force is working on creative ideas such as parklets to bring activity to the local businesses to

create a positive environment. A survey will be taken of the business involved. In reviewing the Town's business certificates, there appears to have been an uptick in the number of business relative to other communities, with Burlington having the largest number. At this time there is a life science business that is negotiating to come to Burlington.

135 Approval: Pride Event on the Common 6/13

Kerry Moe and Leo Abramov were present seeking Board approval for the use of the Town Common on Sunday, June 13, 2021 for the purpose of holding a Burlington Pride celebration from 10:30 a.m. - 2:00 p.m. to celebrate the LGBTQ+ population in Burlington.

Motion: Member Hogan moved to approve the use of the Town Common on Sunday, June 13, 2021 to hold a Pride celebration from 10:30 a.m. - 2:00 p.m.. Seconded by Member Runyan with Member Hogan voting aye, Member Runyan voting aye, Member Morandi voting aye, Member Priest voting aye and member Tigges voting aye.

Motion passed
(5-0-0)

**136 Public Hearing: New – Vicious/Nuisance Dog
withdrawn**

At the request of the petitioner, this public hearing was withdrawn. The public hearing was not opened.

**137 Public Hearing: Cont'd Update – Besito Restaurants Burlington LLC
Opened 9/9/2019 d/b/a Besito Restaurant
(Restaurant Closure 7/19/2018)
(Formerly) 75 Middlesex Turnpike, Burlington**

Present to address the Board was Attorney Gene Richard of Hurwitz, Richard & Sencabaugh LLP representing Fogo de Chao. Besito closed its doors at the Burlington Mall in July of 2018. Attorney Richard said that an application to transfer the Besito license to Fogo has been submitted to the Board. He invited the alcohol subcommittee to meet with the representatives of Fogo to review the floor plan.

Member Hogan asked Attorney Richard if he had been informed that from the beginning of the hearings for Besito, some of the members of the Board had been recommending that Fogo be offered the opportunity to secure one of the many special legislation licenses at the Mall in order for the Besito general license to be available for use throughout Burlington. Attorney Richard said that this was the first time he had heard this, and he would discuss it with his client. T.A. Sagarino explained that this would not stop the client from receiving a special license, but Attorney Richard is concerned his client may have a financial commitment with respect to this particular license.

Member Morandi added that the Board needs to further discuss where the Fogo license will be coming from before an approval can be considered. Member Priest asked about the options with the Alcoholic Beverages Control Commission, and Member Hogan responded that the ABCC has said it is the decision of the Board. The public hearing for Besito will continue on June 28, 2021 @6:30 p.m. A separate public hearing will be scheduled the same night for a discussion or approval of the transfer from Besito to Fogo.

Motion: Member Runyan moved to continued the public hearing for Besito Restaurants Burlington, LLC d/b/a Besito Restaurant formerly located at 75 Middlesex Turnpike, Burlington to June 28, 2021 @6:30 p.m. Seconded by Member Hogan 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)

138 Public Hearing: New All Alcohol Special License
New Parm Restaurant d/b/a Parm
75 Middlesex Turnpike, Burlington

The public hearing was read into the record.

Motion: Member Morandi moved to open the public hearing. Seconded by Member Priest 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)

Present were Attorney Mark Vaughan, William Proia and David Guerette of Riemer & Braunstein representing Parm Restaurant as well as Julie Pei, President of Business Development, Parm Restaurant and Tom Favorule, a major food group Regional Manager representing Parm, seeking Board approval for an special legislation alcohol license for a restaurant at the Burlington Mall. Their focus will be on Italian food. The floor plans were reviewed as well as the façade, and there will be seating for 120 indoors and two exterior seasonal patios with a total of 46 outdoor seating - one facing Middlesex Turnpike and the other facing the Burlington Mall Road. There will be a high top counter seating area (bar) with 12 stools and 2 spaces for the handicapped. This restaurant is run out of New York and they are very experienced in running restaurants and have familiarized themselves with the town's rules and regulations. At the request of the Inspector of Buildings, Mark Dupell, there will be bollards hidden within the planters. They have received Planning Board approval and have met to the satisfaction of the Board's alcohol subcommittee.

There were no comments from public.

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 Morandi moved to approve a new all alcohol special legislation license for Parm Restaurant d/b/a Parm to be located at 75 Middlesex Turnpike. Seconded by Member Hogan 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)

139 Public Hearing: New All Alcohol Special License
New Common Craft Holdings, LLC
d/b/a Common Craft
75 Middlesex Turnpike, Burlington

The public hearing was read into the record.

Motion: Member Morandi moved to open the public hearing. Seconded by Member Priest 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)

Present were Attorney Mark Vaughan, William Proia and David Guerette of Riemer & Braunstein representing Common Craft Holdings and Larry Leibowitz representing Common Craft Holdings Board approval for an special legislation alcohol license for a restaurant at the Burlington Mall in the location of the first floor of the former Sears. The seating count is 233. They will team up with breweries for a three year term. It will be a full service restaurant with five rooms in an open-space layout with the aesthetics and atmosphere of a beer hall representing the breweries. Different types of food and alcohol will be offered based on the vendors, and one of the rooms will have rotating seasonal themes, foods, and matching alcohol beverages. They are receiving positive responses from breweries and it is not difficult to find creative partners.

This restaurant was before Board's alcohol subcommittee on several occasions and they have received approval from the Planning Board.

There were no comments from public.

Motion: Member Morandi moved to close the public hearing. Seconded by Member Runyan 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 Morandi moved to approve a new all alcohol special legislation license for Common Craft Holdings, LLC d/b/a Common Craft, 75 Middlesex Turnpike. Seconded by Member Hogan 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)

140 Acceptance: Donation of Microchip Reader and Free Microchip Event

Wendi Dellemonico of A Better Way Pet Sitting Service was present to inform the Board that she had reached out to the community to raise funds for a pet microchip reader to aid in locating the owners of lost pets that have been chipped. At this time she was donating a chip reader to be used at the Burlington Police Department. She requested that this be its home base. The board also acknowledged the extreme generosity of the community. Ms. Dellemonico said she will be using the remaining funds to have a microchip event to be held at Simonds Park on June 13, 2021. The board thanked her for her perseverance and said they were pleased to accept the donation of the chip reader.

Motion: Member Morandi voted to accept the donation of a pet microchip reader. Seconded by Member Priest 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)

141 Approval: Archer Hotel – Entertainment License

▪ Approval by TA for one day looking for full year approval

The Archer Hotel was approved for a One-Day Entertainment License and Albert Koslowski, General Manager, was present for seeking approval for an annual Entertainment License. The Board reviewed the application and

recommend Mr. Koslowski return with specific types of entertainment as well as days and times. He agreed to review this recommendation with staff and return at a later date for an annual license.

142 Approval: 0 Mooney Road Conveyance

Town Counsel submitted documents required for finalizing the 0 Mooney Road conveyance that was approved at the January 2019 Town Meeting.

Motion: Member Priest moved that pursuant to a vote of Town Meeting on January 28, 2019:

1. That the Board accept from Peter Natsios, Trustee of Mooney Road Realty Trust u/d/t dated March 22, 2006 and recorded at the Middlesex South District Registry of Deeds at Book 47176, Page 296, the parcel of land situated in Burlington, Middlesex County, Massachusetts, shown as Lot X on a plan entitled "Site Layout Plan" by Eastern Land Survey Associates, Inc., dated November 16, 2017 and recorded in Middlesex South Registry of Deeds as Plan No. 1 of 2019.

Said Lot X contains 121 square feet of land, more or less, according to said plan.

And

2. that the Board of Selectmen convey the following parcels of land:

- a. To Hector Barthelemy and Marie Charles, husband and wife as tenants by the entirety, of 2 Mooney Road, Burlington, MA Two parcels of land situated in Burlington, Middlesex County, Massachusetts, shown as Lot X and Lot Y on a plan entitled "Site Layout Plan" by Eastern Land Survey Associates, Inc., dated November 16, 2017 and recorded in Middlesex South Registry of Deeds as Plan No. 1 of 2019. Said Lot X contains 121 square feet of land and Lot Y contains 2,300 square feet of land, both being more or less, according to said plan. And
- b. To Altin Llangozi and Brunilda Llangozi, husband and wife as tenants by the entirety of 9 Oak Street, Burlington, MA, A parcel of land situated in Burlington, Middlesex County, Massachusetts, shown as Lot Z on a plan entitled "Site Layout Plan" by Eastern Land Survey Associates, Inc., dated November 16, 2017 and recorded in Middlesex South Registry of Deeds as Plan No. 1 of 2019.

And that the Chair be authorized to execute any and all documents on behalf of the Board as is necessary to effectuate these transactions.

He said the staff have done a fine job with the grounds at the cemetery and the flags have been placed at the graves of veterans.

Chief Kent sent out a press release that the department received \$500,000 to assist mental health outreach from the Cummings Foundation in support of initiatives for the next decade.

There will be a twenty-year remembrance ceremony in recognition of 9-11.

147 Chairman's Report

148 Town Administrator's Report

A thank you note was sent to the Board for participating in the remembrance of the Armenian Genocide. The board's June 14, 2021 may be the first meeting to go live since March of 2020.

149 Old/New Business

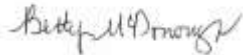
150 Citizens' Time

John Sanchez and the Water Department were thanked for keeping the residents up to date on the issue PFAS6 in the drinking water and recommended that the Board of Health engage in this life-long impact.

Adjourn

Motion: Member Morandi moved to adjourn at 9:00p.m. Seconded by Member Hogan and approved.
(5-0-0)

Submitted by,



Betty McDonough
Recording Secretary

BURLINGTON, MA SELECT BOARD

DOCUMENTS REVIEWED AT MEETING, MONDAY, May 24, 2021

Agenda

- 128 Informational: HELPIS– May is Kindness Month -agenda cover, HELPIS and Kindness Info
- 129 Appointments: Police ▪ Officer Appointments, ▪ Special police Officer Appointment - 5/13/2021 recommendation from Chief Kent
- 130 Update: Water System – PFAS - News Release from Rachel Leonardo
- 131 Public Hearing: Cont'd Update – Del Frisco Grille of Massachusetts LLC d/b/a Del Frisco's Grille (Restaurant Closure 10/20/2019), 92 Middlesex Turnpike, Burlington - timeline, 3/20/2021 letter from Corporate Realty Advisors re negotiations, 3/19/2020 letter from Devlin Law, public hearing notice, Boston Restaurant Talk 2019 closure
- 132 Approval: Final Conservation Restriction for Wheeler Self Storage - final document
- 133 Update/Approval: Recreation Department – Summer Programs - list of programs
- 134 Update: Economic Development - agenda cover
- 135 Approval: Pride Event on the Common 6/13 - agenda cover, town common form
- 136 Public Hearing: New – Vicious/Nuisance Dog - 5/13/21 email from legal counsel re withdrawal, legal notice (not opened)
- 137 Public Hearing: Cont'd Update – Besito Restaurants Burlington LLC, d/b/a Besito Restaurant (Restaurant Closure 7/19/2018), 75 Middlesex Turnpike, Burlington - agenda cover, 4/21/21 email from Shaneka Lee for Fogo de Chao re negotiating, 2.8.21 email from Mark Vaughan negotiating, legal notice, 4/8/19 our warning to Besito owners with timeline, 7/29/19 email from Mark Vaughan that a new restaurant operator would be taking over the Besito space but they are working on application for license, 9/4/19 letter from Besito re status,
- 138 Public Hearing: New All Alcohol Special License, Parm Restaurant dba Parm, 75 Middlesex Turnpike, Burlington - legal notice, subcommittee meeting notes, cover letter from attorney dated 4/28/21, application first page, floor plan, parking lot plan
- 139 Public Hearing: New All Alcohol Special License, CommonCraft Holdings, LLc, dba common Craft, 75 Middlesex Turnpike, Burlington - legal notice, cover letter from attorney dated 4/30/21, application first page, minutes of subcommittee, floor plan
- 140 Acceptance: Donation of Microchip Reader and Free Microchip Event - agenda cover
- 141 Approval: Archer Hotel – Entertainment License - one day entertainment event permit, general license application, floor plan,
- 142 Approval: 0 Mooney Road Conveyance -email from counsel dated 5/4/21, motion provided by counsel, plot plan, quitclaim deeds
- 143 Discussion/Approval: Subcommittees ▪ Diversity Equity Inclusion ▪ Transportation - description of committees, mission statements, composition
- 144 Approval: Change of Select Board 2021 Schedule Meeting date from July 19th to July 12th - amended schedule
- 145 Approval: Minutes: June 8, 2020 and May 12, 2021 Alcohol Subcommittee -
- 146 Subcommittee Reports -
- 147 Chairman's Report
- 148 Town Administrator's Report
- 149 Old/New Business

