



Approved: 07/12/2021  
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By Town Clerk's Office at 10:43 am, Jul 30, 2021

# TOWN OF BURLINGTON

## Meeting Minutes

**DEPT./BOARD:** Burlington Select Board  
**DATE:** Monday, June 28, 2021 General Session  
**TIME:** 6:00 p.m.  
**PLACE:** Hybrid: Cisco Webex Meeting and Live 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

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

**174 Appointment: Police Department**  
▪ **Police Officers (2)**  
▪ **Deputy Chief**

Deputy Chief Thomas Browne was present recommending the appointment of Christopher Kelly to the position of Police Officer. Town Administrator (T.A. Sagarino) agreed with this recommendation and recommended the Board waive the standard fifteen-day waiting period.

**Motion:** Member Hogan moved to waive the standard fifteen-day waiting period for the appointment of Christopher Kelly. Seconded by Member Morandi and approved. (5-0-0)

Deputy Chief Browne next recommended Brian Ricci be appointed to the position of police officer. T.A. Sagarino agreed with this recommendation and requested the Board waive the standard fifteen-day waiting period.

**Motion:** Member Hogan moved to waive the standard fifteen-day waiting period for the appointment of Brian Ricci. Seconded by Member Morandi and approved. (5-0-0)

Deputy Chief Browne was pleased and proud to announce that after many interviews he was recommending the promotion of Captain Robert Kirchner to the position of Deputy Chief within the Burlington Police Department and provided history of Captain Kirchner's promotions. T.A. Sagarino agreed with this recommendation and appointed Captain Robert Kirchner to the position of Deputy Chief effective July 1, 2021 and recommended the Board waive the standard fifteen-day waiting period.

**Motion:** Member Hogan moved to waive the standard fifteen-day waiting period for the appointment of Captain Robert Kirchner to the position of Deputy Chief. Seconded by Member Morandi and approved. (5-0-0)

BOARD OF SELECTMEN:

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

**175 Appointments: Boards and Committees**

Select Board Appointments	Audit	Zoning Board of Appeals	Zoning Bylaw Review Comt
Town Admin Appointments	Beautification	Board of Registrars	Cable Access
	Cemetery Oversight Cmt	Conservation Commission	Cultural Council Cmt
	Disability Access Comm'n	DPW/Recreation Bldg Cmt	Historical Commission
	Housing Partnership	Youth & Family Services Advisory	

**Select Board Appointments:**

**Motion:** Member Hogan moved to approve the Audit Committee. Seconded by Member Morandi and approved. (5-0-0)

**Motion:** Member Hogan moved to approve the Zoning Board of Appeals Committee. Seconded by Member Morandi and approved. (4-0-1 with Chairman Tigges abstaining)

Zoning Bylaw Review Committee postponed.

**Town Administrator Appointments:**

Town Administrator Paul Sagarino (T.A. Sagarino) agreed with the recommendations put forth by the committees and appointed the members as shown on the list provided to the following committees and requested the Board waive the standard fifteen-day waiting period: Beautification, Board of Registrars, Cemetery Oversight, Conservation Commission, Cultural Council, DPW/Recreation Bldg, and Historical Commission.

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

T.A. Sagarino next appointed the members as listed to the Disability Access Commission and recommended the Board waive the standard fifteen-day waiting period.

**Motion:** Member Hogan moved to waive the standard fifteen-day waiting period for the Disability Access Commission. Seconded by Member Morandi and approved. (4-0-1 with Chairman Tigges abstaining)

The following will be approved at the Board's next meeting: Cable Advisory, Housing Partnership and Youth and Family Services.

**176 Update: Water - E-Coli**

DPW Director John Sanchez was present to provide an update on the recent E-Coli situation. After reviewing the testing results, DPW lifted the emergency order. Engineering consultants were hired to conduct a required level 2 assessment to provide town and DEP with an opinion. He explained that DEP is conducting an investigation and residents will be informed of the results. Member Morandi addressed negativity and reminded residents to wait for facts to be provided. Mr. Sanchez, DPW and the Board of Health (BOH) for the work done on this issue. No one from the public spoke.

**Leaf Update:** To address the leaves not being picked up, Member Morandi said that Republic is short on drivers making it difficult to provide the service.

**177 Update: Reverse 911- Code Red**

Chief Michael Patterson was present to review the Reverse 911- Code Red system. Code Red Emergency notifications may be sent to a geographical area, to emergency responders or to all residents. Other departments may send general notifications to all residents. Residents and businesses need to enroll on the site provided on the Town's website in order to be logged into the system. The Chief was thanked for providing the update.

**178 Approval: Annual Entertainment License  
Archer Hotel**

At the request of the manager of the establishment, this request has been postponed indefinitely.

**179 Community Update: HELPIS**

At the request of the organization, this request has been postponed indefinitely.

**180 Public Hearing: Renewal of Cable Television License  
New Comcast Cable Communications Management LLC**

The public hearing was read into the record.

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

Whitney Haskell, Budget Director, was present along with Attorney William Soloman, cable counsel. Attorney Soloman reviewed the proposed cable television renewal license granted to Comcast Cable Communications Management, LLC as well as the Comcast Cable Communications Management, LLC Institutional Network Fiber Use Agreement. It was recommended that notification be added to the bill to residents of the senior discount available for 65+.

**Motion:** Member Hogan moved to approve the Cable Television Renewal License (Non-Exclusive) Granted to Comcast Cable Communications Management, LLC Granted by Board of Selectmen, Town of Burlington, Massachusetts for renewal term of July 1, 2021-June 30, 2031. Seconded by Member Runyan and approved. (5-0-0)

**Motion:** Member Hogan moved to approve the Town of Burlington, Massachusetts Comcast Cable Communications Management, LLC Institutional Network Fiber Use Agreement. Seconded by Selectman Runyan and approved. (5-0-0)

**181 Public Hearing: Cont'd Update - Besito Restaurants Burlington LLC  
d/b/a Besito Restaurant  
(Restaurant Closure 7/19/2018)  
(Formerly) 75 Middlesex Turnpike**

**Motion:** Member Morandi moved to continue the public hearing to July 12, 2021 at or after 6:30 p.m. Seconded by Member Runyan and approved. (5-0-0)

**182 Public Hearing: Approval: All Alcohol License Transfer**  
**To: Fogo de Chao Churrascaria (Burlington) LLC**  
**Fogo de Chao Churrascaria, 75 Middlesex Turnpike**  
**From: Besito, Burlington Mall, (Formerly) 75 Middlesex Turnpike**  
**Approve: Manager**

An amended public hearing notice is necessary, and this application will come back before the Board in August.

**183 Approval: Flag Pole Policy**

Chris Hanafin, Director, Veterans Services was present to state that the raising of a non government flag on Town property could potentially have a controversial effect based on determinations of just cause and that the American Flag encompasses symbolism of freedom and equal rights for all and the U.S. Flag is all that is needed to represent the values for all citizens. Stephen Dupuis, Commander of the American Legion, advised against a non-governmental flag noting that with the many times the U.S. Flag is at half staff leaving a non-government flag to be flying higher than the U.S. Flag. Kevin McKelvey and Arthur McDonald spoke on behalf of the members of the DAV and they cautioned against installing a flag pole using tax payer funds when all the five service flags were purchased through fund raising efforts. Member Runyan was not satisfied that another flag pole for non-government flags was necessary. Member Priest agreed that using tax payer funds could be an issue. Chairman Tigges said that based on various conflicts with non-government flags on government property, the issue would not be further addressed at this time.

**Motion:** Member Morandi voted to deny the installation of an additional flag pole. Seconded by Selectman Runyan and approved. (5-0-0)

The guests were thanked for coming before the Board.

**184 Approval: Minutes**  
**▪ May 24, 2021 Regular Meeting**  
**▪ June 14, 2021 Regular Meeting**

**Motion:** Member Morandi moved to approve the May 24, 2021 Regular Meeting minutes as submitted and the June 14, 2021 Regular Meeting minutes as submitted. Seconded by Member Priest and approved. (5-0-0)

**185 Subcommittee Reports**

**Member Runyan** asked the public to be more careful when making angry comments against staff, etc. on social media.

The 4th of July parade will have many in the rolling parade and residents are encouraged to hold thank you signs for the first responders in the parade, rain or shine.

**Member Priest** thanked the Board for approving the Cybersecurity Policy at the June 14, 2021 meeting. The Sculpture Park has an artist sculpting benches out of stone and invited people to visit and watch the work being done.

**186 Chairman's Report**

None.

**187 Town Administrator's Report**

T.A. Sagarino said that a cooling center will be open at the Human Services Building with volunteers through the Board of Health would be present. Chairman Tigges thanked the BOH for the many issues they have been dealing with for the residents.

Melisa Tintocalis, Economic Development Director, has been working with Town Engineer Tom Hayes to restore the 351 MBTA service for the Northwest Park area. Site discussions are being held.

**188 Old/New Business**

None.

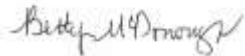
**189 Citizens' Time**

No one spoke.

Adjourn:

**Motion:** Member Morandi moved to adjourn at 8:00 p.m. Seconded by Member Runyan approved. (5-0-0)

Submitted by,



Betty McDonough

Recording Secretary

BURLINGTON, MA BOARD OF SELECTMEN

DOCUMENTS REVIEWED AT MEETING, MONDAY, June 28, 2021

Agenda

- 174 Appointment: Police Department - ▪ Police Officers (2) - 6/25/21 memo of recommendation from Deputy Chief Browne, ▪ Deputy Chief
- 175 Appointments, Boards and Committees  
Select Board Appointments: Audit, Zoning Board of Appeals, Zoning Bylaw Review Committee  
Town Admin Appointments: List provided for but some were postponed. See minutes. Beautification, Board of Registrars, Cable Access, Cemetery Oversight Cmt, Conservation Commission, Cultural Council Cmt, Disability Access Commission, DPW/Recreation Bldg Cmt, Historical Commission, Housing Partnership, Youth & Family Services Advisory - List of committee members
- 176 Update: Water - E-Coli -
- 177 Update: Reverse 911- Code Red -
- 178 Approval: Annual Entertainment License, Archer Hotel - 6/25 email from Albert Kowalczykowski re request to remove item from the agenda, agenda cover  
About HELPIS and how to support, Kindness month,
- 180 Public Hearing New: (1) Renewal Cable Television License, Comcast Cable Communications Management LLC - public hearing notice, summary of proposed cable television renewal license from Town of Burlington to Comcast Cable Communications management LLC prepared by special cable counsel William h. Solomon for license renewal hearing date of this summary: June 25, 2021 and (2) cable television renewal license (non-exclusive) granted to Comcast cable communications management, LLC granted by board of selectmen town of Burlington Massachusetts (3) town of Burlington, Massachusetts, Comcast Cable Communications Management LLC Institutional Network Fiber Use Agreement
- 181 Public Hearing: Cont'd Update - Besito Restaurants Burlington LLC, d/b/a Besito Restaurant, (Restaurant Closure 7/19/2018), (Formerly) 75 Middlesex Turnpike - agenda cover, excerpt of May 24, 2021 meeting minutes re Besito, 4/21/21 confirmation that Fogo will be proceeding, Feb 8, 2021 email from Mark Vaughan re negotiating; legal notice from the office; Aug 27, 2019 Notice from BOS office to John Rieger and John Tunney re public hearing for Besito on Sept 9, 2019; July 29, 2019 email from Mark Vaughan re still negotiating; Sept 4, 2019 letter from Besito to Paul Sagarino re status;
- 182 Public Hearing: Approval: All Alcohol License Transfer, To: Fogo de Chao Churrascaria (Burlington) LLC, Fogo de Chao Churrascaria, 75 Middlesex Turnpike, From: Besito, Burlington Mall, (Formerly) 75 Middlesex Turnpike, Approve: Manager - legal notice from the office; staff letter and responses; Fogo cover letter; application for a transfer of license; floor plan; 5/26/21 email from Attorney Richard re listing temporary manager; letter from manager that he understands regulations; resume for manager; TIPS for manager; food and drink menus;
- 183 Approval: Flag Pole Policy - Application for Third-Party Flag to be Raised on Town Hall Flagpole; office staff recommendations for policy and counsel original Town of Burlington Flag-Raising Policy
- 184 Approval: Minutes, ▪ May 24, 2021 Regular Meeting ▪ June 14, 2021 Regular Meeting
- 185 Subcommittee Reports
- 186 Chairman's Report
- 187 Town Administrator's Report
- 188 Old/New Business

