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TOWN OF BURLINGTON

Meeting Minutes

DEPT./BOARD: Burlington Select Board
DATE: Monday, July 12, 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.

189 Appointment: Water Pumping Station Operator

Department of Public Works Director was present recommending Burlington resident Nicholas Tricomi for the position of Pumping Station Operator. Mr. Tricomi has worked as summer help for the department and holds a Commercial Drivers License (CDL). Town Administrator (T.A. Sagarino) agreed with this recommendation and requested the Board waive the standard fifteen-day waiting period.

Motion: Member Priest moved to waive the standard fifteen-day waiting period for the appointment of Nicholas Tricomi. Seconded by Member Morandi and approved. (5-0-0)

190 Appointment: Treasurer/Collector Admin Assistant

Treasurer/Collector Gary Gianino was present recommending Jayne Etheridge to the position of Administrative Assistant for the Treasurer/Collector's Office. Town Administrator (T.A. Sagarino) agreed with this recommendation and requested the Board waive the standard fifteen-day waiting period.

Motion: Member Priest moved to waive the standard fifteen-day waiting period for the appointment of Jayne Etheridge. Seconded by Member Morandi and approved. (5-0-0)

191 Approval: Appointments/Committees

Select Board Appointments: Zoning Bylaw Review Committee

Motion: Member Priest moved to approve the Sally Willard to the Zoning Bylaw Review Committee (ZBRC) as a representative from the Business Community and Mark Dupell, Inspector of Buildings, as the representative to the Building Department with John Luther, Senior Building Inspector, as backup when necessary. Seconded by Member Morandi and approved. 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

Town Administrator Appointments: Cable Advisory, Housing Partnership and Youth & Family Services

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: It was agreed to vote separately for Youth & Family Services.

Motion: Member Hogan moved to waive the standard 15-day waiting period for the appointments to the Cable Advisory Committee and the Housing Partnership. Seconded by Selectman Priest and approved. (5-0-0)

Motion: Member Hogan moved to waive the standard 15-day waiting period for the appointments to the Youth & Family Services. Seconded by Member Runyan and approved. (4-0-1 with Member Priest abstaining as a family member works for that department)

192 Approval: National Grid Night Work on Middlesex Turnpike

Robert Colliton, Construction Sr. Supervisor, National Grid, was present seeking Board approval to perform night work between the hours of 10:00pm and 6:00am Sunday through Thursday for the purpose of gas main replacement work on Middlesex Turnpike (from Wheeler Road to South Avenue). Times and days are based on MassDOT permit 4-2020-0206. The project includes replacing the existing 6in Bare Steel gas main from Wheeler Road to South Avenue with new 8in plastic to provide more capacity for the recent construction and new businesses at the Burlington Mall, as well as transferring and or upgrading all existing gas services as necessary. The project will take approximately three months to complete. They will be notifying abutters prior to the start of construction. The Engineering Department is to be notified prior to work commencing.

Motion: Member Hogan moved to approve the night work by National Grid per the MassDOT permit from 10:00pm and 6:00am Sunday through Thursday to conduct gas main replacement work on Middlesex Turnpike for the described project. Seconded by Member Morandi and approved.

193 Approval: Town Common Use - National Ataxia Foundation

Present were Doug Place and Donna Gorzela , members of the National Ataxia Foundation, seeking Board approval to use the Town Common for a "walk and roll" event to raise awareness of Ataxia. The mission of this foundation is to accelerate the development of treatments and a cure while working to improve the lives of those living with Ataxia. The walkers will remain on the paths in the Town Common. They will have the event inside the school in the event of rain.

Motion: Member Runyan moved to approve the use of the Town Common for the walk and roll event as requested by members of the National Ataxia Foundation. Seconded by Selectman Morandi and approved. (5-0-0)

194 Acceptance: Microchip Scanner Donation (second)

Wendi Dellemonico was present to donate a second pet chip scanner to the Town for use at the Police Department purchased with funds from a pet chip scanner fundraiser. Ms. Dellemonico also updated the Board on the recent scan chip placement event also conducted with the use of this same fundraiser. The members thanked her for the efforts involved in the fund raising.

Motion: Member Morandi moved to accept the second pet microchip scanner for the Police Department. Seconded by Member Priest and approved. (5-0-0)

195 Public Hearing: New Off Premise Package Store License
New H Mart LHC, LLC d/b/a H Mart
3 Old Concord Road

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

Motion: Member Hogan moved to accept the legal notice as printed. Seconded by Member Morandi and approved. (5-0-0)

Present was Attorney Andrew Upton representing H Mart. Also present was Will Wood, Manager and Jenni Yang, Sr. Manager seeking Board approval for one of the four remaining off premise package store licenses with sales to take place within a former tenant space inside the market, away from the shopping area and directly across from the customer service desk. The Police and Building Departments have no issue with the request and the Planning Department was satisfied as long as the license is for off-site consumption with no chairs. The square footage being requested is 292 square feet. Mr. Wood, proposed manager, is TIPS certified and served as the manager in charge of alcohol sales at the Cambridge location. Attorney Upton explained that the need is based on the consistency of requests received from H Mart clients for Asian beers and wines with some clientele traveling from other states for particular cuisine. The lease allows for sale of alcohol in this capacity. Positive I.D. for a liquor sale will be required in order for the sale to continue on the security registers. Ms. Yang described the wines and Saki that would be available which will not include typical wine, beer and craft beers.

Alcohol Subcommittee Member Morandi said he was having a hard time with this request because there is already a package store with one minute's driving time from H Mart and he is concerned a precedent could be set for the other supermarkets. Alcohol Subcommittee Member Hogan said he visited the innovative site and was satisfied with the request because of the particular clientele specifically being served and compared the two different types of supermarkets also in close proximity with each other and there not being an issue. He is comfortable with the location within the market where the sales will be taking place.

Present was Khemarith Kang, owner of Burlington Wine and Spirits, who expressed concern that H Mart could put them at a disadvantage since the sale of alcohol taking place in their large supermarket is in such close proximity to their liquor store and he said they now offer almost 100 different types of imported Korean wine and beer. Also present was Ann Meyers, from the property management group of Edens at Crossroads Plaza, who said it appears community need is already in place with the existing package store.

There were no more comments from the public.

Motion: Member Runyan moved to close the public hearing. Seconded by Member Morandi and approved. (5-0-0)

Motion: Member Hogan moved to approve the new off-premise wine and malt package store license for H Mart LHC, LLC d/b/a H Mart located at 3 Old Concord Road, Burlington. Seconded by Member Priest and approved. (4-1-0 with Member Morandi voting against)

196 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 Priest moved to continue the public hearing to August 9, 2021 at or after 6:30 p.m. Seconded by Member Hogan and approved. (5-0-0)

197 Discussion: Stop Sign Review Cont'd
Wheatland, Stanwood and Ridgewood

This agenda item was continued from June 14, 2021 in order for the Board to review the site with the Tom Hayes, Town Engineer who was also present. Dan Collins, 1 Richfield Road, was present to discuss new information other than that discussed at the previous meeting on June 14, 2021. He submitted passages from the *National Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)* with his interpretation as to allowing stop signs as he is requesting. This is the manual that the Town adheres to for signage.

Member Morandi said he visited the site and will continue to accept the judgment and interpretation of the staff to not install a stop sign. Member Runyan agreed that this site does not meet the criteria for a stop sign. He is not opposed to warning markings in the road. Member Priest said he visited the site and given the circumstances of the restricted views, he is not prepared to request residents to move their fence but bushes could be trimmed. Member Hogan is satisfied with the decision that the staff made.

Mr. Hayes said he could discuss with the Staff Traffic Advisory Committee whether or not a fog line could be considered to help keep drivers in the road. He recommended moving the existing slow children sign from Wheatland to Stanwood where it will be better seen. Mr. Collins reviewed the obstructions and the several entries and curved roadways and the high pedestrian rate who have the right of way. Chairman Tigges said that based on his experience as a police officer, drivers do not pay attention to signs and there could be a false sense of security with a stop sign.

Motion: Member Morandi moved to deny with the condition that the bushes be cut down. Seconded by Member Morandi.

Discussion: to include that the "slow children" sign be moved to Stanwood and that a review continue with the Staff Traffic Advisory Committee for solutions as discussed and that further discussion take place by STAC.

Motion to deny with conditions passed. (5-0-0)

Mr. Collins would like to be part of continuing discussions.

198 Recognition: Friends of Mary Cummings Park
Volunteers of the Year for 2020
By the Trustees of Reservations

Present were Friends of Mary Cummings Park members: President Steve O'Leary; founding member Cathy Moore; Jonathan Sachs, park advocate, webmaster, photographer and trail sign maker; Ed LoTurco, outreach; Dave Webb, park advocate to accept a certificate of recognition from the Select Board for their continued dedication in helping to protect the wildlife, habitat and watershed and to assist in the improvement of trails and

clearing invasive species at the Mary Cummings Park. The Board congratulated and thanked the friends with a certificate of appreciation.

199 Approval: MBTA - South Bedford Street/Kimball Ave Improvements

T.A. Sagarino said Economic Development Director Melisa Tintocalis has been working on bus stops with the MBTA. This particular bus stop will be improved to include accessibility and a concrete pad with a ramp. Improvements will be done by the MBTA at no cost to the town. Member Runyan suggested an upgrade be made to the bus stop at the bottom of Wayside Road. Another potential bus stop being discussed is at Northwest Park.

Motion: Member Morandi moved to approve the bus stop with upgrades at South Bedford Street and Kimball Avenue. Seconded by Member Priest and approved. (5-0-0)

200 Approval: Vote DPW Appreciation Week

Mr. Sanchez explained that National DPW Appreciation Week takes place annually to recognize the role public works employees play in the community, and he described that department's many responsibilities. The Board thanked the department for their continued presence in the Town.

**201 Approval: New Subcommittees
Diversity, Equity, and Inclusion
Transportation**

Diversity, Equity, and Inclusion (DEI) Subcommittee

Member Priest reviewed the composition of the committee. There is no change to the previously reviewed Mission Statement and Charge. This will be an Ad Hoc committee under the direction of the Select Board. Requests for membership will be advertised and notifications sent to departments and committees that will be involved. Their work will be reviewed after one year following the establishment of membership.

Member Priest put forth five voting members including one Select Board member. The various committees involved in the membership will make the selections and the Board will review applications from at-large community members.

Voting Members:

- 1 Select Board member
- 1 Burlington Equity Coalition member
- 1 School Committee member
- 2 At-large Community members

Motion: Member Morandi moved to approve the Diversity, Equity, and Inclusion committee as presented. Seconded by Member Runyan and approved. (5-0-0)

Transportation

Member Priest reviewed the composition of this new Transportation committee. There is no change to the previously reviewed Mission Statement and Charge. This will be an Ad Hoc committee under the direction of the Select Board. Requests for membership will be advertised and notifications sent to departments and

committees that will be involved. Their work will be reviewed after one year following the establishment of membership.

Member Priest put forth eight names as voting members including one Select Board member. Member Hogan recommended reducing that number to seven and having the Select member act as the liaison. The board members agreed. The various committees involved in the membership will make the selections and the Board will review applications from at-large community members. The Master Plan, the survey completed by school parents and students and the report presented by the Town Meeting Transportation committee will all be utilized by the committee in order to reach goals. It was recommended that at least one of the community members be the parent of a student.

Non-voting member:

1 Select Board member

Voting members:

1 Planning Board Member

1 School Committee member

2 At-large Community members

1 COA Board member

1 BYFS Board member

1 BACC Representative

Motion: Member Hogan moved to approve the new Transportation committee with seven voting members and one Select Board non-voting member. Seconded by Member Runyan.

Discussion: It was agreed that Member Priest would be the non-voting transportation Select Board committee member.

Motion Passed. (5-0-0)

202 Approval: Minutes

▪ **June 28, 2021**

Motion: Member Hogan moved to approve the regular meeting minutes of June 28, 2021 as submitted. Seconded by Member Morandi and approved. (5-0-0)

203 Subcommittee Reports

Member Runyan commented on the community development plans taking place. Office space vacancy is improving since COVID-19. Restaurants still have staffing issues. Melisa Tintocalis was thanked for assisting in the community and creating a website page.

Jay Barnes and his volunteer grass cutters were thanked for cutting residents' need based lawns at no charge.

The 4th of July rolling parade was a success and all who assisted and participated were thanked.

Member Hogan congratulated the Fire and Police Departments for their efforts to donate blood during the Battle of the Badges.

204 Chairman's Report

Nothing additional to add.

205 Town Administrator's Report

T.A. Sagarino announced that Fire Chief Mike Patterson had submitted his papers for retirement which will take place in 18 months during which time he will assist in finding a replacement. Chief Patterson will be hard to replace.

206 Old/New Business

None.

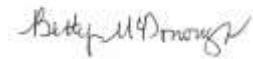
207 Citizens' Time

Gregory Smith who previously lived on College Road was present recommending that flooding issues on this road be corrected before resurfacing be done on this road. Chairman Tigges suggested he contact the Select Board office with an itemized list of issues on College Road.

Adjourn:

Motion: Member Hogan moved to adjourn at 7:47 p.m. Seconded by Member Priest and approved. (5-0-0)

Submitted by,



Betty McDonough
Recording Secretary

BURLINGTON, MA BOARD OF SELECTMEN

DOCUMENTS REVIEWED AT MEETING, MONDAY, July 12, 2021

Agenda

- 189 Appointment: Water Pumping Station Operator - 7/8/2021 memo of recommendation from JS to PS
- 190 Appointment: Treasurer/Collector Admin Assistant - 7/9/2021 memo of recommendation from JF to PS
- 191 Approval: Appointments/Committees - Select Board Appointment - Zoning Bylaw Review Committee
YFS Town Admin Appointments - Cable Advisory, Housing Partnership, Youth
- header page with list, list of names; email from BM to LM re CS's YFS recommendations
- 192 Approval: National Grid Night Work on Middlesex Turnpike - 6/29/2021 email from Robert Colliton re night work; email from TH stating no comments; email from L Matarazzo re requirement for permit; email from police no concerns or comments; email from MD no issues but consider exempting holidays; town bylaw; MassDOT permit as required by MassDOT to be provided to Burlington;
- 193 Approval: Town Common Use - National Ataxia Foundation - agenda cover; form to request use of town common; email from police no issues; explanation of ataxia;
- 194 Acceptance: Microchip Scanner Donation (second) - agenda cover;
- 195 Public Hearing: New Off Premise Package Store License, H Mart LHC, LLC d/b/a H Mart, 3 Old Concord Road - legal notice; cover letter; application for a new license; floor plan; staff comments; police; building; planning; distance of H Mart to other liquor stores with matching map overview of the sites; email from Burl wine and spirits of concern; email from hmart attorney explaining why they are requesting;
- 196 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;
- 197 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; Items from Mr. Collins overview map indicating necessity, signatures, site restrictions, site obstructions; overview, other intersections with stop signs
- 198 Recognition: Friends of Mary Cummings Park, Volunteers of the Year for 2020 By the Trustees of Reservations - Trustee brochure; certificate of appreciation
- 199 Approval: MBTA - South Bedford Street/Kimball Ave Improvements - backup description from MCMA associates and overview - email to PS describing project; plot plan;
- 200 Approval: Vote DPW Appreciation Week - agenda cover
- 201 Approval: New Subcommittees, Diversity & Equity Inclusion, Transportation - mission, composition, charge and resources for the two subcommittees
- 202 Approval: Minutes, June 28, 2021
- 203 Subcommittee Reports
- 204 Chairman's Report
- 205 Town Administrator's Report
- 206 Old/New Business
- 207 Citizens' Time