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TOWN OF BURLINGTON

Meeting Minutes

DEPT./BOARD: Burlington Select Board
DATE: Monday, August 9, 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.

208 Appointment: DPW – Water and Sewer Laborer

DPW Director John Sanchez was present to recommend Jeffrey Judge to the position of Water and Sewer Laborer. Mr. Judge worked as summer help for the Buildings and Cemeteries Division for three years and has experience in facilities management. Town Administrator Paul Sagarino (T.A. Sagarino) agreed with this recommendation and appointed Mr. Judge to this position and recommended the Board waive the standard fifteen-day waiting period.

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

209 Approval: Inter - Municipal Agreement with Lexington

T.A. Sagarino explained that this agreement had been approved by the Board at their June 14, 2021 meeting and this additional part of the agreement relates to the non-exclusive water line conveyance, construction and maintenance easement with the Town of Lexington.

Motion: Member Runyan moved to approve the Non-Exclusive Water Line Conveyance, Construction and Maintenance Easement portion of the Inter-Municipal Agreement with Lexington as submitted. Seconded by Selectman Hogan and approved. (5-0-0)

210 Appointment: Fire Department - Dispatcher

Assistant Fire Chief Andrew Connerty was present to recommend Burlington resident Adam Morgan for the position of Civilian Fire Dispatcher. Mr. Morgan served his country as a member of the United States Army and is currently enrolled in a paramedic training program. T. A. Sagarino agreed with this recommendation and appointed Mr. Morgan to this position and recommended the Board waive the standard fifteen-day waiting period.

BOARD OF SELECTMEN:

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

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

**211 Approval: Additional Recreation Programs on the Town Common
Truck Day, Trucktober, 5K Turkey Trot, Tree Lighting**

Recreation Director Brendan Egan was present to request the use of the Town Common for four events:

Program	Date(s)	Time
Truck Day (Extended to 3 Days)	Friday-Sunday, Sept. 17-19, 2021	9am-6pm each day
Trucktober	Saturday, October 2, 2021	9am-6pm
5K Turkey Trot	Saturday, November 20, 2021	7am-Noon
Tree Lighting	Saturday, December 4, 2021	11am-7pm

There are no rain dates to submit as of this time.

Motion: Member Morandi moved to approve the four events as described. Seconded by Selectman Hogan and approved. (5-0-0)

The Board extended congratulations to Mr. Egan and the Recreation Department for a very successful Celebrate Burlington Day held on the previous Saturday.

**212 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**

T.A. Sagarino explained that the attorney for Del Frisco's has been keeping the staff up to date and negotiations are coming close to a close, and he recommended the public hearing be continued.

Motion: Member Hogan moved to continue the public hearing to October 4, 2020 at or after 6:30 p.m. Seconded by Selectman Morandi.

Discussion: Member Hogan said he is concerned with the time that is passing for the negotiation and cautioned that the attorney may be called before the Board to discuss steps in order to move forward.

Motion approved. (5-0-0)

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

Motion: Member Hogan moved to continue the public hearing to October 4, 2021 at or after 6:30 p.m. Seconded by Selectman Morandi and approved. (5-0-0)

214 Public Hearing:
(New Reposting)

▪ **Approval: Transfer All Alcohol License**

**To: Fogo de Chao Churrascaria (Burlington) LLC
d/b/a Fogo de Chao Churrascaria
75 Middlesex Turnpike, Burlington Mall**

**From: Besito, Burlington Mall
(Formerly) 75 Middlesex Turnpike**

▪ **Approval: Change of Location**

▪ **Approval: Manager**

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

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

Present representing Fogo de Chao was Attorney Eugene Richard of Hurwitz, Richard & Sencabaugh LLP with new manager. He said that an application for a transfer of license from Besito Restaurant was before the Board. Also being requested to be approved is the change of location in the Burlington Mall as well as approval of the manager in charge of the alcohol. The Building Department and Board of Health have no issue with the request and the Planning Department had approved the restaurant at this site.

He said Fogo de Chao is a corporate family that develops fine Brazilian style steak house dining. They operate more than 50 locations including one in Boston's Back Bay. A team of chefs prepare an all you can eat event.

Raldo Ramos was introduced as the manager being approved. He has relocated to Burlington and gained his experience in Chicago. He has read and understands the town and state's liquor regulations.

Member Hogan said he looks forward to this restaurant coming to Burlington. However he said he is concerned with the request for the transfer of the Besito license because the Besito license is the last general license for the whole town and the Burlington Mall has many special legislation licenses available. Other Board members agreed that this one license not be transferred at this time in order to allow the opportunity for another location to use the license.

Attorney Mark Vaughan, Riemer & Braunstein, was present representing the Burlington Mall and explained that all the licenses granted under special legislation will be utilized for upcoming restaurants. He could not discuss the specifics of the value of the transfer of the Besito license assigned to Fogo. The application included an agreement between the mall and Besito's which did not include the town.

Attorney Richard said that Fogo is neutral as to what type of license they acquire and they are hoping to opening in September, so he is concerned with receipt of an approval.

T.A. Sagarino said if we get a new application in with a request for a special legislation license and we advertise immediately, the Board could hold a special meeting. Millie Nash, Town Meeting member agreed with the Board on their views with this last general license.

There were no more comments from the public.

Motion: Member Morandi moved to close the public hearing and to await a new application and to set a date for a special meeting after receipt of a new application. Seconded by Member Hogan and approved. (5-0-0)

Motion: Member Hogan moved to continue discussion for an application for Fogo de Chao to the Board's meeting of September 13, 2021 or sooner at a special meeting if an application is received. Seconded by Member Morandi and approved. (5-0-0)

215 Public Hearing:

- **Approval: Alteration of Premises-Existing W&M License**
A.L. Prime Energy Consultant, Inc.
d/b/a A.L. Prime
324 Cambridge Street
- **Approval: Waiver Continuance**

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

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

Attorney Mark Vaughan, Riemer & Braunstein, was present representing A.L. Prime. Also present was owner Ben Darwish who is seeking approval for an amendment to their existing wine and malt package store license in order to display and store wine and malt products within an expanded section of this address. Police, Fire, Board of Health, Building and Planning had no objection to the expansion and alteration. T.A. Sagarino explained that the work had been done without prior approval of the Board or ABCC, and Mr. Darwish apologized for not applying saying he did not know it was necessary since the square footage was not changing. Member Hogan commented that communication is key when dealing with any type of amendment to a liquor license as the floor plans on file at the office and at the state must match that at the premises. Since the work had been done prior to receiving approval, the Board had allowed the owner to receive a waiver to continue to sell liquors.

Attorney Vaughan described the previous application transfer and described the opportunity to expand into a previous business location to the left of the convenience store. The square footage of 579 s.f. has not changed. There is no change to the cashier area.

Member Priest is concerned that the new area appears larger than the previous area with the potential for more alcohol to be sold. He was told that they do intend to have more coolers but the shelving of alcohol will not change.

There were no comments from the public.

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

Motion: Member Hogan moved to approve the alteration of premises application for A.L. Prime Energy Consultants, Inc. dba A.L. Prime, 324 Cambridge Street, as submitted. Seconded by Member Priest and approved. (4-1-0 with Member Morandi voting against)

Motion: Member Hogan moved to approve to continue the waiver to allow operation until approved by the ABCC. Seconded by Member Priest and approved. (4-1-0 with Member Morandi voting against)

216 Appointments: Town Clerk - Election Workers

Town Clerk Amy Warfield was present with a list of recommended 2021 Pollworkers.

Motion: Member Morandi moved to approve the 2021 Pollworker list as submitted. Seconded by Member Hogan and approved. (5-0-0)

217 Approval: Setting of 2022 Annual Town Election & Town Meetings

Ms. Warfield asked for approval of the following:

Annual Town Election: April 9

Town Meeting Dates

January 24, 2022, May 9, 2022 and September 28, 2022

Motion: Member Priest moved to approve the 2022 Annual Town Election and 2022 Town Meeting dates as discussed. Seconded by Member Hogan and approved. (5-0-0)

218 Discussion/Approval: Reapportionment/Redistricting Based on 2020 Federal Census

Ms. Warfield explained that reapportionment and redistricting is reviewed and approved every ten years following the Federal Census. When the numbers are received by the State, then a town committee will meet with membership being made up of 7 people:

2 members of the Select Board

3 members of Town Meeting

1 Town Moderator

1 Town Clerk or designee

Motion: Selectman Morandi moved to approve a seven member committee for the purpose of conducting a review and analysis for a reapportionment/redistricting based on the 2020 Federal Census with the seven members comprised of: 2 members of the Select Board; 3 members of Town Meeting; 1 Town Moderator; 1 Town Clerk or designee.

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

219 Approval: Annual Block Party - Mallard Way and September Lane

Jason Brown was present seeking Board approval for a block party to be held Saturday, September 2, 2021 from noon to 9pm. This annual event has been held for many years and they are requesting to block the street from 2

Mallard Way near Mill Street to September Lane. Police and Fire have no issues with reminder given that the street must be unblocked for emergency vehicles and residents and that fireworks are not permitted. Additional standard conditions apply.

Motion: Member Morandi moved to approve a block party with the street blocked from 2 Mallard Way to September Lane from noon to 9pm as discussed. Seconded by Member Runyan and approved. (5-0-0)

220 Approval: Use of Town Common - Diwali in September

Indra Deb of Indian Americans of Burlington was present seeking Board approval to hold the annual Diwali event on September 26, 2021 from 3:00 p.m. to 7:00 p.m. with a rain date of October 3, 2021 (same hours). The members agreed that this is an enjoyable event each year. Mr. Deb requested to have a sign in place for two weeks before the event. They will be using the gazebo and will contact the Recreation Department regarding lighting trees on the common. They were advised to contact staff regarding the sign.

Motion: Member Priest moved to approve the IAB Annual Diwali Tree lighting for September 26, 2021 from 3:00 p.m. to 7:00 p.m. with a rain date of October 3, 2021. Seconded by Member Hogan and approved. (5-0-0)

**221 Approval: Minutes: April 14, 2021 Special Session Small Cell
July 12, 2021 Regular Meeting**

Motion: Member Tigges moved to approve the special small cell meeting of April 14, 2021 and the minutes of July 12, 2021 regular meeting as amended. Seconded by Member Hogan and approved. (5-0-0)

222 Subcommittee Reports

Member Hogan said there would be a special 20 year anniversary commemoration ceremony for 9-11 being held on Saturday, September 11, 2021. A patio around the memorial will be unveiled and unfortunately another name is being added to the flag pole area for a Burlington resident who passed from complications of 9-11..

Member Priest said the Sculpture Park Committee is working with DPW for the newest sculpture that will be presented very soon.

ISSAC and cybersecurity are moving ahead with tests for employees and others with town email addresses.

Member Morandi said discussions for hunting on the Landlocked Forest will be taking place.

223 Chairman's Report

Chairman Tigges said Public Safety Night held at Wegman's was a success with drones, ATV's and a dunk tank present. All from public safety were thanked for their assistance. It appears there were more than 2000 people who attended. The motorcycles all left in one group which Member Hogan said was very impressive.

224 Town Administrator's Report

T.A. Sagarino said Celebrate Burlington and Public Safety Night were tremendous events. Attendance was great at each event.

225

Old/New Business

None.

226

Citizens' Time

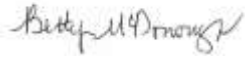
Eileen Sickler, Town Meeting Member, recommended that Citizens time be held at the beginning. Chairman Tigges said Citizens Time takes place every day of the week and also recommended that the issues be added to the agenda.

Patricia O'Brien, Town Meeting Member, thanked Town Clerk Amy Warfield for her willingness to understand the community needs during re-election activities.

ADJOURN

Motion: Member Morandi moved to adjourn at 7:42 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, August 9, 2021

Agenda

- 208 Appointment: DPW – Water and Sewer Laborer - 8/4 recommendation memo from JS to PS
- 209 Approval: Inter - Municipal Agreement with Lexington - Easement portion for Non-exclusive Water Line Conveyance, Construction and Maintenance Easement
- 210 Appointment: Fire Department - Dispatcher - 8/4 recommendation letter from Chief MP to PS
- 211 Approval: Additional Recreation Programs on the Town Common Truck Day, Trucktober, 5K Turkey Trot, Tree Lighting - 7/19 letter from BE to PS re additional programs
- 212 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, 8/4 email from Joe Devlin to BM re update; 7/28 email from BM to Joe Devlin; Public Hearing listing; 6/11 letter from Joe Devlin to Select Board update on negotiations; 5/21 email from Joe Devlin to BM re update; 3/20/21 letter from Corporate Realty Advisers re negotiation update; legal notice; 3/19/2020 letter from Joe Devlin to Select Board re negotiations;
- 213 Public Hearing: Besito Restaurants Burlington LLC– cont'd update Opened 9/19/2019 d/b/a Besito Restaurant (Restaurant Closure 7/19/2018) (Formerly) 75 Middlesex Turnpike - agenda cover; 6/28/21 letter from Simon re Simon is in full support of transfer; updates on what is transpiring; 5/24/21 excerpt from meeting minutes re Besito; 4/21/21 email from Shaneka Lee to BM re negotiations; 2/8/21 email from Mark Vaughan to BM re update on negotiations; legal notice; 8/27/2019 letter to John Rieger and John Tunney re public hearing notice on Besito; 7/29/19 email from Mark Vaughan to BM re negotiations; 9/4/2019 letter from Besito to Paul re license status; 8/31/18 letter from Besito to J Petrin re closing of restaurant;
- 214 Public Hearing: ▪Approval: Transfer All Alcohol License (New Reposting) To: Fogo de Chao Churrascaria (Burlington) LLC d/b/a Fogo de Chao Churrascaria 75 Middlesex Turnpike, Burlington Mall From: Besito, Burlington Mall (Formerly) 75 Middlesex Turnpike ▪ Approval: Change of Location, ▪ Approval: Manager - legal notice; 6/28/21 letter from Simon re Besito and Simon looking forward to Besito transfer to Fogo; 5/27/21 staff letter and responses; application for a transfer of license; assignment of license transfer agreement Bellwether Properties Assignor and Fogo De Chao Assignee; License transfer agreement; restaurant corporate structure; floor plan; manager application; tips certification; employment history; understand rules letter;
- 215 Public Hearing: ▪Approval: Alteration of Premises-Existing W&M License, A.L. Prime Energy Consultant, Inc., d/b/a A.L. Prime, 324 Cambridge Street, ▪ Approval: Waiver Continuance - agenda cover; legal notice; 7/2/21 letter to Mark Vaughan from PS re Alteration of Premises Amendment to Liquor License waiver letter; new and old floor plan; 7/20/21 staff letter and responses; 7/8/21 letter from Mark Vaughan to Board requesting waiver and explaining situation; amendment-change or alteration of premises information application; financial disclosure
- 216 Appointments: Town Clerk - Election Workers - list
- 217 Approval: Setting of 2022 Annual Town Election & Town Meetings - 8/3/21 email from AW to BM re items for the 8/9/21 agenda
- 218 Discussion/Approval: Reapportionment/Redistricting Based on 2020 Federal Census - 8/3/21 letter to PS re federal census 2020 and redistricting 2022 and the MGL; explanation of redistricting in Massachusetts;

- 219 Approval: Annual Block Party - Mallard Way and September Lane - agenda cover; email letter from applicant; 7/21/21 email from BM to fire and police for comments and responses; map and picture of street;
- 220 Approval: Use of Town Common - Diwali in September - request form; 7/29/21 email from Robert Kirchner to Indra Deb; 7/21/21 email from bm to Robert Kirchner for comments;
- 221 Approval: Minutes: April 14, 2021 Special Session Small Cell and July 12, 2021 Regular Meeting -
- 222 Subcommittee Reports -
- 223 Chairman's Report -
- 224 Town Administrator's Report -
- 225 Old/New Business -
- 226 Citizens' Time -