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TOWN OF BURLINGTON

Meeting Minutes

DEPT./BOARD: Board of Selectmen
DATE: March 22, 2021 Regular Session
TIME: Monday
PLACE: 6:00 p.m.
Cisco Webex Meeting

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

Staff Members Present: John Danizio, Acting Town Administrator

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.

056 Appointment: Police Chief -

Town Administrator Paul Sagarino (T.A. Sagarino) said that Michael Kent was retiring at the end of the June 2021, and at this time he was appointing Deputy Thomas Browne as the department's next Chief of Police as of July 1, 2021 and requested the BOS waive the standard fifteen-day waiting period. The BOS and Chief Kent were pleased with the selection of Deputy Browne.

Motion: Selectman Runyan moved to waive the standard fifteen-day waiting period. 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)

Deputy Browne thanked all who were present and assisted during the interview process. The BOS acknowledged and thanked Chief Kent for all the work he has done in the department.

057 Discussion/Approval: Cemetery Rules & Regulations - Cemetery Rules and Regulations (Opened 2/22)

Present was DPW Director John Sanchez who explained that the Cemetery Oversight Committee voted to recommend revisions to the Cemetery Rules and Regulations. The revisions are intended to clarify the type of graveside plantings that may be allowed, as well as clarifying the removal schedule of holiday decorations. A BOS recommendation with respect to #48: "Cut flowers and potted plants may be placed on a grave in the area

BOARD OF SELECTMEN:

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

in front of a monument that is not more than twelve inches deep by the width of the monument" was included in the new set of amendments. It was agreed that the changes be reviewed in six months.

Motion: Selectman Runyan moved to accept amendments #d 45-52 as submitted and that a review of the changes take place in six months. 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)

058 Approval: Proposed Outdoor Watering Restrictions

Mr. Sanchez next reviewed a change to current outdoor watering restrictions. He said that based on the town's current water supply conditions, he is requesting to return to the 1st Step of the standard year-round restriction effective April 1, 2021. Step 1 includes that automated or sprinkler watering would be allowed every other day based on the address of the residential or commercial property either between midnight and 9 a.m. or between 5:00 p.m. and midnight with no double watering being allowed.

Motion: Selectman Tigges moved to commence with Step 1 of the standard outdoor watering restrictions as submitted and discussed. 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)

**059 Public Hearing:: Del Frisco's Grille of Massachusetts LLC
(Opened 3/23/2020) d/b/a Del Frisco's Grille (Closure)
92 Middlesex Turnpike**

The attorneys for this establishment have been keeping staff up to date. Attorney Andrew Upton was present representing Del Frisco's Grill, and he explained that active negotiations are taking place, and it was agreed to continue this hearing to May 24, 2021.

Motion: Selectman Hogan moved to continue the public hearing for Del Frisco's Grille of Massachusetts LLC d/b/a Del Frisco's Grille (Closure) located at 92 Middlesex Turnpike to the board's regular meeting of May 24, 2021 at 6:15 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)

**060 Public Hearing:: Approval: New Class 2 License for On line Business -
(New) K & K Internet Sales
2 South Bedford Street**

Motion: Selectman Tigges moved to open the public hearing and read the notice into the record. 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)

Present was Virginia Altomari seeking BOS approval for a Class 2 license to sell used cars on line. The BOS reviewed the documents submitted as requested as well as the completed questionnaire that was provided by the office. Ms. Altomari said she selling on line for wholesale to supplement her income.

Selectman Hogan asked about her experience in this type of business. She said she started doing this business in March of 2020 and wants to continue to pursue this line of work. Selectman Runyan said he is not comfortable approving an on-line business competing with our brick and mortar businesses. Selectman Hogan was not satisfied with the request and it appeared the applicant was conducting the business without a license from the town and recommended continuing the hearing until all questions are answered.

Motion: Selectman Hogan moved to continue the public hearing for K&K Online Business Sales until the next regular meeting on April 12 at or after 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)

**061 Public Hearing
(New)**

**Approval: Transfer class 2 License
From Royal Shine Auto Sales, Inc., 2 Edwards Rd
To Q2 Motor Sports, 2 Edwards Rd**

Motion: Selectman Tigges moved to open the public hearing and read the notice into the record. 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)

Present was Zack Fahey of Burlington Motors as well as Ben Perri representing Q2 Motor Sports. Mr. Fahey is a Class 2 license holder for both Burlington Motors at 177 Bedford Street as well as Royal Shine Auto Sales at 2 Edwards Road. At this time he is seeking to transfer his 2 Edwards Road business to Mr. Perri and the business will be called Q2 Motor Sports. Mr. Perri is already the manager in charge of the operation at this address. The operation here cleans and details cars and they will sell a small number of vehicles. The BOS requested that there be no change to the number of cars allowed to be at the site which is six.

There were no comments from the public.

Motion: Selectman Hogan moved to close the public hearing. 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)

Motion: Selectman Hogan move to approve the transfer of a Class 2 Used Car License from Royal Shine Auto Sales, Inc., 2 Edwards Road to Q2 Motor Sports, 2 Edwards Road. 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)

**062 Public Hearing
(Opened 2/22)**

**Grant of Location-Small Cells Wireless Installation
In public right of way near 44 Burlington Mall Road
New Cingular Wireless PCS, LLC ("AT&T")
Application_ CRAN_RCTB_00070_1011**

Present representing the town was Attorney Donna Brewer, Miyares and Harington LLP and wireless engineer David Maxson, Isotrope, LLC. Attorney Brewer noted that the shot clock date is April 19, 2021. Mr. Maxson

described how he would be verifying all the documents submitted by the proponent to verify capacity and gaps in service.

Present at the continued public hearing was Attorney Edward Pare, Rudnick, representing AT&T and David Ford from Cingular Wireless. Attorney Pare's initial discussion is to substitute a light pole on Burlington Mall with a matching wireless facility pole with lights attached. Selectman Tigges requested the applicant to provide proof of lack of data and to also provide clear maps with no artifacts.

Ruth Rinn, James Perloff, residents, and Jennifer O'Riorden, Safety Director at Lahey, all voiced their concerns with respect to health issues as they relate to 5G, and Attorney Brewer explained that health cannot be used as a reason to not allow 5G according to the FCC laws, but there are guidelines created by the FCC that must be followed by the installer of the equipment.

Kristin Russo, resident, asked about maps and coverage and recommended that due diligence be continued to see if there is proven data for capacity and to ere on the side of caution. Updates should be done as technology changes and for the assurance that redundancy is not occurring.

Mr. Maxson confirmed that in reviewing the documents the plans to not exceed the safety limit set by the FCC.

Chairman Morandi recommend that an additional meeting be held on Wednesday, April 14 to discuss this subject, the other members agreed.

Motion: Selectman Priest moved to continue the public hearing to Wednesday, April 14, 2021 at or after 6:30 p.m. for the Grant of Location for a small cell wireless installation in a public right of way near 44 Burlington Mall Road for Cingular Wireless PCS, LLC ("AT&T") CRAN_RCTB_00070_1011. 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)

**063 Public Hearing
(Opened 3/8)**

**Discuss/Approval: Alcohol Rules & Regulations
Alcohol Server Policy**

Selectmen Hogan and Morandi said the alcohol subcommittee met in January to review the current alcohol policy which requires all alcohol licensed premises to have no less than 120 seats and wine and malt premises to have no less than 40 seats. At that subcommittee meeting it was agreed to bring a policy change recommendation to the full board. After discussion it appeared the rest of the members agreed that the current seating requirements are a hindrance to small, non-corporate restaurants. The state recently approved a number of special legislative all alcohol and wines and malt license for the Cambridge Street Overlay District, but there are very few areas in the district that would hold 120 seats currently required for an all alcohol license, including the new Shoppes at Simonds Park location.

Comments from the board indicated that they were not opposed to lowering the threshold for all locations. A preliminary review revealed that most of the surrounding communities do not have similar high seating requirements and some have none. This is a board policy and neither the state nor Town Meeting regulates the minimum seating requirements. Staff checked with the All Alcoholic Beverages Commission and they only follow regulations on seating that is above what is allowed by law.

Public comments: Bruce Morey, resident, supports lowering the number to attract smaller businesses. Sally Willard, resident, commented that parking should be considered, and the board responded that this would be part of the Planning Board's Plan Review process. The Chairman recommended that this be continued to the next regular meeting.

Motion: Selectman Hogan moved to continue the public hearing for approval for a change to the Alcohol Rules and Regulations and Server Policy to the board's next regular meeting on April 12, 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)

**064 Public Hearing
(Opened 3/8/21)**

**Approval: Grant of Location - Margaret Street -
Verizon of New England Inc. and
NSTAR New England d/b/a Eversource**

Present was James Watt representing Eversource. This hearing was continued from March 8, 2021 in order to get a response from Eversource as to why the pole had already been moved prior to receiving authorization. The pole was rotting and the pole and attachments had been moved and Verizon thought that an application had been submitted. Mr. Watt explained that he was told this would not happen again in the future.

Mr. Watt next explained that Eversource was seeking consideration of approval of the petition from Verizon New England, Inc and NSTAR Electric Company d/b/a Eversource for permission to relocate one jointly owned pole, 184/P1, on the westerly side of Margaret Street at a point approximately 18' easterly from existing pole. (A motion was taken on March 8, 2021 to correct department's reporting of 18" to 18'.) The board was satisfied with the request.

There were no comments from the public.

Motion: Selectman Priest moved to close the public hearing. 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)

Motion: Selectman Tigges moved to approve the request to relocate one jointly owned pole, 184/P1, on the westerly side of Margaret Street at a point approximately 18' easterly. 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)

Motion: Selectman Priest moved to recommend that when a pole is to be moved for any reason, including rotting, notification be provided to Engineering and to the Selectmen's Office.. 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)

**065 Public Hearing:
(New)**

**Approval: Grant of Location Great Meadow Road
Verizon of New England Inc. and**

NSTAR Electric d/b/a Eversource Energy

Present was James Watt representing Eversource. Mr. Watt explained that Eversource was seeking consideration of approval of the petition from Verizon New England, Inc for permission to place two four-inch PVC conduits approximately 20' from the existing pole P.43/1A in a northeasterly direction to the property line of 10 Great Meadow Road to provide services to new DPW building construction site. Tom Hayes, Town Engineer, was present and explained that this is a town petition and the existing pole was brought forward about 20' feet into the property.

There were no comments from the public.

Motion: Selectman Priest moved to close the public hearing. 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)

Motion: Selectman Tigges moved to approve the request place two four-inch PVC conduits approximately 20' from the existing pole P.43/1A in a northeasterly direction to the property line of 10 Great Meadow Road to provide services to new DPW building construction site. 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)

**066 Approval: Transfer: RCN Telecom Services of Mass Cable
(Opened 2/8/21)**

Present was Attorney Thomas Steel, Regulatory Counsel for RCN as well as Attorney William Solomon for legal services for the transfer of the RCN Telecom Services of Mass Cable with a renewal license term of October 3, 2016-October 2, 2026. At this time approval is being sought to update the agreement to reflect the transfer of control from RCN Telecom Services of Massachusetts, LLC to Stonepeak Infrastructure Partners.

The board was satisfied that the application and representations presented were in order and approved the transfer of control based on Stonepeak having management and technical experience and the financial capacity to operate the cable system under the renewal lease. The board was satisfied with the agreement.

There were no comments from the public.

Motion: Selectman Priest moved to close the public hearing. 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)

Motion: Selectman Runyan moved to accept the Town of Burlington Commonwealth of Massachusetts Board of Selectmen/Cable Television Issuing Authority Transfer Decision and Report Regarding Transfer of Control of the Cable Television License Held BY RCN Telecom Services of Massachusetts, LLC to Stonepeak Infrastructure Partners (March 22, 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)

067 Approval: Health Insurance for Elected Officials -

This agenda item was continued from the March 8, 2021 in order to receive comment from elected officials eligible for the benefit and the department heads of those elected officials. The BOS reviewed the feedback with most wanting the health benefits for elected officials to remain in place. Treasurer Gary Gianino provided a complete historic background on the start of the benefit in 1959 and the various recommendations made throughout the years to remove this benefit. BOS members were confident that qualified candidates would still seek office without this benefit in place. Other communities have also removed this benefit.

It was recommended to immediately discontinue allowing health insurance benefits for elected officials who work less than 20 hours per week. It was agreed that the change would be for new incoming officials with current elected officials remaining on the plan when consecutively reelected to office. There is no change for retirees currently in receipt of the benefit.

Motion: Selectman Tigges moved that effective immediately all current elected officials in receipt of health insurance benefits may continue to receive these health insurance benefits. Moving forward any future, new elected official who is not a full time employee and/or does not work 20 or more hours a week will not be eligible for the health insurance for elected officials benefit. 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 motion passed. (5-0-0)

068 Approval: Budgets -

None available as yet to put forward.

069 Approval: Town Administrator Contract

The BOS agreed that T.A. Sagarino exceeds the qualifications and is doing an excellent job. He has continually done fine work managing the town and has excelled during this difficult pandemic period. The board agreed to extend the existing contract for an additional three years to make it a total of five years. John Danizio and Joanne Faust were thanked for their support.

Motion: Selectman Tigges moved to approve to extend the Town Administrator Contract for an additional three years bringing it to a total of five years. 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 motion passed. (5-0-0)

T.A. Sagarino thanked the board for their continued support and that he will continue to work to improve and he thanked the employees and office staff.

070 Approval: Minutes

**January 20, 2021 (PP from January 11, 2021)
February 8, 2021**

Motion: Selectman Hogan moved to approve the minutes of January 20, 2021 (as postponed from January 11, 2021) and February 8, 2021 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 motion passed. (5-0-0)

071 Subcommittee Reports

Selectman Hogan said that Police Chief Kent had reported that the department's drone team had received national honors as an Outstanding Public Safety Drone Program. The department was one of three recognized by DroneResponders, a nonprofit that promotes innovation and improved operational effectiveness in public safety drone use.

072 Chairman's Report

Chairman Morandi thanked the BOS for allowing him to be chair for two terms and he said he was proud of the many accomplishments of the board.

073 Town Administrator's Report

None.

074 Old/New Business

None.

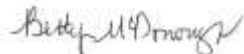
Citizen's Time

No one spoke.

Adjourn

Motion: Selectman Runyan moved to adjourn at 8:55p.m. Seconded by Selectman Priest and approved. (5-0-0)

Submitted by,



Betty McDonough
Recording Secretary

BURLINGTON, MA BOARD OF SELECTMEN

DOCUMENTS REVIEWED AT MEETING, MONDAY, March 22, 2021

Agenda

- 056 Appointment: Police Chief - agenda cover, resume
- 057 Discussion/Approval: (Opened 2/22) Cemetery Rules & Regulations - Cemetery Rules and Regulations - amendments and cover letter
- 058 Approval: agenda cover, Proposed Outdoor Watering Restrictions
- 059 Public Hearing: (Opened 3/23/2020): Del Frisco's Grille of Massachusetts LLC - Boston Restaurant Talk closure; legal notice; 3.19.2020 update from Devlin Law
- 060 Public Hearing: (New): Approval: New Class 2 License for On line Business K & K - cover description; 1.25.2021 automobile subcommittee minutes; counsel opinion; application; proof of motor shop; question and answers;
- 061 Public Hearing (New) Approval: legal notice; cover memo; 1.25.2021 automobile minutes; application; plot plan; proof of fire protection; current license; email from Gerry McDonough; service contract agreement letter for repair shop; surety bond; Transfer class 2 License Royal Shine to Q2 - application and background and description
- 062 Public Hearing (Opened 2/22) Grant of Location-Small Cells CRAN RCTB 00070 - email from Tom Hayes re DPW is opposed to modification or addition of non standard equipment to town lighting and traffic infrastructure; 1.22.2021 letter from our cell engineer at Isotope; legal notice;
- 063 Public Hearing (Opened 3/8) Discuss/Approval: Alcohol Rules & Regulations - cover memo to BOS; 1.4.2021 alcohol subcommittee minutes; seat at other communities; our current alcohol policies; legal notice
- 064 Public Hearing (Opened 3/8) Approval: Grant of Location Margaret Street - cover memo to BOS; email from Eversource; email from Tom Hayes no concerns; cover letter from Verizon; petition for joint or identical pole locations; plot plan; order for joint or identical pole locations; legal notice; signing sheet
- 065 Public Hearing (New): Approval: Grant of Location Great Meadow Road - legal notice; email from Tom Hayes no concerns; letter from Verizon; petition for conduit location; plot plan; order for conduit location; signing page;
- 066 Approval: Transfer: RCN Telecom Services of Mass Cable - 3.18.2021 letter from RCN; contract; 3.22.2021 Contract
- 067 Approval: Health Insurance for Elected Officials - cover memo for BOS; health benefits for elected officials survey for their comments; historical documents and data from Treasurer; email from Dan McCormack with documentation
- 068 Approval: Budgets - agenda cover
- 069 Approval: Town Administrator Contract - agenda cover, board received contract
- 070 Approval: Minutes 1/20/2021 (PP from 1/11/21), 2/8/21
- 071 Subcommittee Reports - drone report
- 072 Chairman's Report
- 073 Town Administrator's Report
- 074 Old/New Business
Citizen's Time