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TOWN OF BURLINGTON

Meeting Minutes

DEPT./BOARD: Board of Selectmen
DATE: Monday, April 12, 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; Whitney Haskell, Budget Director

Chairman Morandi called the 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.

075 Approval: Board of Selectmen Reorganization

Motion: Selectman Hogan moved to nominate Vice-Chairman Tigges as Chairman. 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 Morandi moved to nominate Selectman Priest as Vice-Chairman. 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)

076 Update: Burlington Equity Coalition How it works with Town and BOS)

Burlington Breakfast Rotary Club President Rita Shah explained a potential initiative for a collaborative effort between the Burlington Breakfast Rotary Club (BBRC) and the Board of Selectmen in reaching out seeking diversity for the various town committees and boards. Selectman Priest said he and the Chairman had been working on a subcommittee on this effort and Ms. Shah was thanked for the interest of the BBRC to act as a liaison in this effort.

077 Recognition: Cultural Council

Postponed to June 14, 2020.

BOARD OF SELECTMEN:

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

078 Update:

ALS Burlington Fire – 1 year Anniversary

Chief Michael Patterson and Assistant Fire Chief Andy Connerty were present with Emergency Medical Services Officer Mark Saia to announce that they had been now working totally under the advanced life support system (ALS) for one year and reviewed the achievements and the steps it took to get to this point. The BOS was pleased with the goals accomplished and congratulated the department for the superior level of service.

079 Approval:

DPW (To reconfigure intersection of Peach Orchard Rd, Pearl & Winter Street and add crosswalk)

Discussion: DPW Director John Sanchez was present with Town Engineer Tom Hayes and Sr. Civil Engineer Steve Hildreth and it was explained this was for discussion purposes only as it is a work in progress. Comments will be sought from residents. The plans call for a reconfiguration of the Peach Orchard Road, Pearl and Winter Streets intersection and to also to add a crosswalk on Peach Orchard Road. Mr. Hayes explained that they wish to correct the gaps in the sidewalks on Pearl Street would be corrected. A request is going before Town Meeting to allow funds earmarked for Terrace Hall Avenue to be used for this project. (A grant has been received for the work on Terrace Hall Avenue.) No new signage is planned. Patty Carew resident, said there is a speed problem on Winter street and recommended this be reviewed.

080 Update:

Winn Street/Peach Orchard Road Traffic Light

DPW Director John Sanchez was present with Town Engineer Tom Hayes and Sr. Civil Engineer Steve Hildreth and it was explained this was to review improved traffic signal plans at Winn Street and Peach Orchard Road. There is much work to be done and financing would be from the operating budget. This corridor improvement calls for a new signal at Winn Street and Center Street which has been discussed at length because of traffic backing up at the schools. The signals at Peach Orchard and at Center would be programmed to accommodate the schools.

081 Public Hearing:
New

**Transfer Licensee for All Alcohol License
From Legal Sea Food, LLC d/b/a Legal Sea Foods
To: LSF Burlington, LLC d/b/a Legal Sea Foods
And Request for a Pledge of Collateral
75 Middlesex Turnpike, Burlington Mall**

Attorney Patricia Farnsworth, Lawson & Weitzen was present to request BOS approval for a licensee change from Legal Sea Food, LLC d/b/a Legal Sea Foods to LSF Burlington, LLC d/b/a Legal Sea Foods and to also request a pledge of collateral. Also present was current manager Grant Trest. Attorney Farnsworth explained that there would be no change to the restaurant or the menu for this license transfer and the transfer is part of a purchase of 23 restaurants of 19 are in Massachusetts. With respect to the respect for a pledge of collateral, she explained that the bank would cannot operate the license or take possession in the bank's name but the bank would have the right to work with the town to find a buyer for the license subject to standard approval by the BOS. The bank would collect any funds due to them through the sale of the license. The board was satisfied with the request.

No one from the public spoke.

Motion: Selectman Runyan moved to close the public hearing. Seconded by Selectman Morandi 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 moved to approve the transfer of the licensee for the all alcohol license from Legal Sea Food, LLC d/b/a Legal Sea Foods to LSF Burlington, LLC d/b/a Legal Sea Foods 75 Middlesex Turnpike, Burlington Mall and to approve the request for a pledge of collateral. Seconded by Selectman Morandi 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)

082 Public Hearing:
New

New Wine & Malt License
Reins International Massachusetts, Inc.
d/b/a Gyu-Kaku Restaurant
85 Middlesex Turnpike, Burlington Mall

The legal notice was read into the record.

Motion: Selectman Priest moved to open 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)

Present was Attorney Mark Vaughan and David Guerette from Riemer & Braunstein representing Gyu-Kaku and said this will be a full-service Japanese style restaurant offering specially designed in-table roasters allowing customers to prepare individual food orders. The will offer interior seating only for its patrons due to the specialized table design, a signature aspect of this restaurant. The licensee is seeking to include wine and malt beverages to complement the food offerings and will be located in former Sears automotive stand-alone section of the Burlington Mall. There will be 102 seats and no patio seating is proposed and their goal is to open in June with a site specific wine and malt license.

New manager Dai Duong is TIPs certified and a U.S. citizen and submitted a satisfactory resume and letter stating he understands the towns rules and regulations.

No one from the public spoke.

Motion: Selectman Hogan moved to close the public hearing. Seconded by Selectman Morandi 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 moved to approve the new wine & malt license for Reins International Massachusetts, Inc. d/b/a Gyu-Kaku Restaurant at 85 Middlesex Turnpike, Burlington Mall. Seconded by Selectman Morandi 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)

083 Public Hearing:

New All Alcohol License
Waterville Business Development, LLC

**d/b/a X-Golf Burlington w/indoor golf art simulator
system, 10 Wall Street
(Returned Burlington Beer Works License)**

Present was Attorney Mark Vaughan and David Guerette from Riemer & Braunstein representing X-Golf as well as owner John Langevin. They have been meeting with the alcohol subcommittee.

They are looking to use the tenant space at the former Chuckie Cheese for a restaurant and indoor golf simulator facility. Attorney Vaughan's submittal letter described a full service food and beverage operation with indoor golf services offering lessons and course sessions via a simulator system. The floor plans were viewed and there will be seven simulators along the perimeter of the tenant space with individual seating areas with high top and casual seating at each golf station for group seating. Servers will bring drinks and food to the clients. All servers and the golf instructor will be TIPS certified. Mr. Langevin explained that reservations are made to use the simulator and their food and drinks will be served at their simulator location and guests are not expected to stay for long periods of time.

Food will come in frozen and cooked in convection ovens. Food on the menu includes hot items such as chicken wings, pretzels, pizza and more. The board will be discussing lowering the number of seats required for all holders of alcohol licenses.

Selectman Runyan was in favor of this new type of establishment and is aware that people travel to find such locations. Selectman Hogan recommended that the containers with alcohol be well identifiable in some fashion. Mr. Langevin agreed.

The BOS recommended continuing this until approval is received from the Planning Board.

Motion: Selectman Hogan moved to continue the public hearing for a new all alcohol license for Waterville Business Development, LLC d/b/a X-Golf Burlington w/indoor golf art simulator system, 10 Wall Street to April 26, 2021 at or after 6:30 p.m. in order to allow time for Planning Board approval. 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)

**084 Public Hearing:
Opened 3/8/2021**

**Discuss/Approval: Alcohol Rules and Regulation and
Alcohol Server Policy**

The alcohol subcommittee has been reviewing reducing the minimum number of seats required to qualify for an all alcohol license (120 seats) and a wine and malt license (40 seats). It was agreed that the restaurant business is important to the town's operating budget, and the full board agreed that the minimum seating numbers were restricting small businesses from coming to Burlington. Most of the available locations in the town center overlay have the space for 120 seats, including the new Simonds Shoppes. The board was in full support of decreasing the number after viewing the lower qualifications of the surrounding communities.

No one from the public spoke.

Motion: Selectman Morandi 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 Morandi moved to amend the Alcohol Rules and Regulations and approve to decrease the required number of seating for an all alcohol license from 120 to 40 and for a wine & malt license from 40 to 20. 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)

**085 Public Hearing:
Opened 3/22/2021**

**Approval: New Class 2 License for On-line Business
K & K Internet Sales, 2 South Bedford Street**

Present was Virginia Altomari. Ms. Altomari said she has been doing this herself for a year.

Selectman Hogan was concerned with how the business may be run and that the name of the business makes it appear as though more than one person is running the business, and only one person was applying and had received a CORI check. He also noted that the business email was not in the applicant's last name, but in another person's last name. She said this individual would not have anything to do with the business and did not live at her address. Selectman Hogan said that he would be voting in favor of this application. Selectman Runyan said he is still not satisfied with approving an on-line business competing with our brick and mortar businesses. Selectmen Morandi and Priest would like to have a further review on the application. Chairman Tigges recommended continuing the public hearing. There were no comments from the public.

Motion: Selectman Hogan moved to continue the public hearing for a new Class 2 License for On-line Business of K & K Internet Sales, 2 South Bedford Street to April 26, 2021 at or after 6:30 p.m. 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)

086 Approval:

Children's Mental Health Awareness in May

Christine Shruhan, Director, Burlington Youth and Family Services was present seeking BOS approval to light up the Town Common and municipal buildings with green lights during the Month of May in recognition of Children's Mental Health Awareness. Recreation Director Brendan Egan has agreed to assist with this endeavor. The board was in full support and Ms. Shruhan was thanked for her work in this capacity.

Motion: Selectman Hogan moved to support the lighting of green at the Town Common and municipal buildings during the month of May for Children's Mental Health Awareness. Seconded by Selectman Morandi 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)

087 Proclamation:

106th Armenian Genocide

On behalf of the Merrimack Valley Armenian National Committee (MVANC) and Burlington residents, a proclamation was created in memory of the 106th Armenian Genocide and the board was pleased to participate in the Armenian Genocide Commemoration. Selectmen Priest read the proclamation which will be signed and sent to MVANC.

Motion: Selectman Priest moved to support the 106th Armenian Genocide Commemoration by reading the proclamation. Seconded by Selectman Morandi 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)

088 Approvals: Town Administrator as Signatory

Motion: Selectman Morandi moved continue this discussion to April 26, 2021 or until comment received from town counsel. 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)

089 Approval: Remaining FY2022 Budgets

Other Accounts:

1 Reserve Fund

2 Middlesex Retirement

3 Negotiated Settlements

4 Stabilization

5 Local Transportation

6 Capital Budget (MIS Lease)

Debt Service

Historical

Board of Appeals

Whitney Haskell, Budget Director and John Danizio, Town Accountant, presented the remaining FY2022 budgets.

Other Accounts:

1 Reserve Fund

Reserve Fund for Ways and Means appropriated for unforeseen items. Each year \$200,000 is placed in May and an additional \$300,000 in January after Free Cash has been certified by the state.

2 Middlesex Retirement

The town pays the assessment each year. This is funded by the employees. The majority of the board uses this system, and it was recommended to get a comment from town counsel to ensure the board can vote on this item. Postponed to April 26, 2021.

3 Negotiated Settlement

Covers funds incurred through collecting bargaining.

4 Stabilization

No vote needed.

5 Local Transportation

Was formerly the B-Line contract and now participating in rideshare and this will fund the rideshare. \$50,000.

6 Capital Budget (MIS Lease)

This is used to fund the second year of a five year lease purchase agreement that MIS entered for technology, infrastructure and cybersecurity improvements and is in the operating budget and exemplifies a continuing desire to invest in those items

Motion: Selectman Priest moved to approve Other Accounts as submitted with the exception of Middlesex Retirement. 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)

Debt Service

This includes principal and interest payment for existing debt as well as projects scheduled on the capital plan for borrowing.

Motion: Selectman Hogan moved to approve Debt Service in the amount of \$6,776,772. Seconded by Selectman Morandi 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)

Historical

Their overall budget is down this fiscal year because of different projects.

Motion: Selectman Runyan moved to approve the Historical Commission's budget as submitted. Seconded by Selectman Morandi 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)

Board of Appeals

This budget is level funded from last year.

Motion: Selectman Morandi moved to approve the Board of Appeals budget as submitted. 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)

090 Approval:

Town Meeting List of Articles

Chairman Tigges asked that the BOS review and approve the list of articles going before the May Town Meeting. Selectman Runyan was opposed to the backup provided for General Bylaw Article 30 as it relates to the Board of Selectmen stating that it includes misinformation and personal opinion. He recommended that a rebuttal from the BOS be included in the backup. Chairman Tigges agreed that this would be addressed.

Motion: Selectman Priest moved to approve the Town Meeting list of articles as submitted for the May 2021 Town Meeting. 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)

091 Approvals:

Minutes:

February 22, 2021, March 8, 2021, March 15, 2021 Extra Session

Motion: Selectman Morandi moved to approve the regular session minutes of February 22, 2021 and March 8, 2021 and the extra session minutes of March 15, 2021. 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)

092

Subcommittee Reports

Selectman Priest commented on the very detailed cybersecurity policy submitted by the ISSAC. The committee was thanked for their efforts.

A sculpture park addition will be coming before the board at the next meeting.

Plans for diversification committee are coming together.

Selectman Hogan made note that the police department staff is well gender diversified with many female police officers.

Selectman Morandi said there is an upcoming tour planned for the new DPW building

093

Chairman's Report

The Burlington Fire Department received a \$14,140 fitness grant from the state's Firefighter Safety Equipment Grant Program which will help to replace aging equipment.

094

Town Administrator's Report

This week is Public Safety Communications Awareness week and it was noted that the police and fire dispatchers have a very difficult job.

It is also Animal Control Officer Appreciation Week and ACO Gerry Mills was thanked for all he does within the town.

095

Old/New Business

None.

096

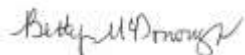
Citizens' Time

No one spoke.

Adjourn

Motion: Selectman Hogan moved to adjourn at 9:15p.m. Seconded by Selectman Morandi and approved. (5-0-0)

Submitted by,



Betty McDonough
Recording Secretary

BURLINGTON, MA BOARD OF SELECTMEN

DOCUMENTS REVIEWED AT MEETING, MONDAY, April 12

Agenda

- 075 Approval: Board of Selectmen Reorganization -
- 076 Update: Burlington Equity Coalition How it works with Town and BOS) - cover; 4.9 email from Rita Shah re working with the town and partner with the town
- 077 Recognition: Cultural Council - Postponed to June 14, 2020 - cover; Mass Cultural Council panel applications to the Burlington Cultural Council, criteria description
- 078 Update: ALS Burlington Fire – 1 year Anniversary - cover;
- 079 Approval: DPW (To reconfigure intersection of Peach Orchard Rd, Pearl & Winter Street and add crosswalk) - cover; plot plan
- 080 Update: Winn Street/Peach Orchard Road Traffic Light - cover; plot plan
- 081 Public Hearing: New Transfer Licensee for All Alcohol License From Legal Sea Food, LLC d/b/a Legal Sea Foods - legal notice; attorney letter; application and documents
- 082 Public Hearing: New Wine & Malt License Reins International Massachusetts, Inc. d/b/a Gyu-Kaku Restaurant 85 Middlesex Turnpike, Burlington Mall - legal notice; email from Chief Kent no issues; special permit; attorney letter; passport; resume; letter of understanding rules; application and documents; floor plan
- 083 Public Hearing: New All Alcohol License Waterville Business Development, LLC d/b/a X-Golf Burlington w/indoor golf art simulator system 10 Wall Street (Returned Burlington Beer Works License) - legal notice; Economic Developer comments; email from Chief Kent no issues; email from Mark Vaughan with responses to subcommittee questions; food and drink menus; attorney cover letter; application and documents; floor plan;
- 084 Public Hearing: Discuss/Approval: Opened 3/8: Alcohol Rules and Regulation and Alcohol Server Policy - alcohol policies;
- 085 Public Hearing: Opened 3/22: Approval: New Class 2 License for On-line Business, K & K Internet Sales, 2 South Bedford Street - 1.25.2021 automobile subcommittee minutes; town counsel comments re on line businesses; application; automobile repair place; questions answered;
- 086 Approval: Children’s Mental Health Awareness in May - email from C Shruhan;
- 087 Proclamation: 106th Armenian Genocide - proclamation
- 088 Approvals: Town Administrator as Signatory -
- 089 Approval: Remaining 2022 Budgets - debt service, negotiated settlement memo, historical commission, board of appeals;
- 090 Approval: Town Meeting List of Articles - Accountant's list; Selectmen's Index of Articles
- 091 Approvals: Minutes: February 22, 2021, March 8, 2021, March 15, 2021 Extra Session
- 052 Subcommittee Reports -
- 053 Chairman’s Report -
- 054 Town Administrator’s Report -
- 055 Old/New Business -