



Approved: 06/14/2021
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TOWN OF BURLINGTON

Meeting Minutes

DEPT./BOARD: Board of Selectmen
DATE: Monday, April 26, 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 Tigges 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.

099 Appointments: Police Department – 2 Sergeant Positions

Police Chief Michael Kent and Deputy Police Chief Tom Browne were present with a recommendation for appointment to two sergeant positions and gave a brief background for each: Matthew Creamer effective April 26, 2021 and William Trelegan effective April 27, 2021.

Town Administrator Paul Sagarino (T.A. Sagarino) agreed and was pleased to appoint Officer Matthew Creamer to the position of Sergeant and recommended the BOS waive the standard fifteen day waiting period.

Motion: Selectman Hogan moved to waive the standard fifteen day waiting period for the appointment of Officer Matthew Creamer to the position of Sergeant. Seconded by Selectman Morandi with Selectman Hogan voting aye, Selectman Runyan voting aye, Selectman Morandi voting aye, Selectman Priest voting aye, and Chairman Tigges voting aye and the motion passed. (5-0-0)

T.A. Sagarino was also pleased to appoint Officer William Trelegan to the position of Sergeant and recommended the BOS waive the standard fifteen day waiting period.

BOARD OF SELECTMEN:

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

Motion: Selectman Priest moved to waive the standard fifteen day waiting period for the appointment of Officer William Trelegan to the position of Sergeant. Seconded by Selectman Morandi with Selectman Hogan voting aye, Selectman Runyan voting aye, Selectman Morandi voting aye, Selectman Priest voting aye, and Chairman Tigges voting aye and the motion passed. (5-0-0)

Both were congratulated on their new positions and were thanked for their years of service to the town, and each new sergeant thanked the board and administration for this opportunity.

100 Approval: Holding both Live and Virtual Town Meeting

Town Moderator Bill Beyer was present with Town Clerk Amy Warfield seeking Board of Selectmen authorization to hold the May 2021 Town Meeting both virtual and live. Town Meeting opens on May 10, 2021, and Ms. Warfield described how the process will take place, and the Board of Selectmen agreed with the request.

Motion

Selectman Priest moved to approve the request from the Town Moderator and the Town Clerk to hold all sessions of the May 2021 Town Meeting both live and virtual on-line with the Town Meeting starting date being May 10, 2021. Seconded by Selectman Morandi with Selectman Hogan voting aye, Selectman Runyan voting aye, Selectman Morandi voting aye, Selectman Priest voting aye and Chairman Tigges voting aye and motion passed. (5-0-0)

101 Approval: Nordblom Water Agreement

Present was DPW Director John Sanchez. T.A. Sagarino reviewed the various water issues and explained the Agreement and Mutual General Release that has been accepted by the Town of Burlington (town) and Nordblom Management Company, Inc. and its successors (Nordblom). The agreement outlines payment of monies towards the MWRA connection project costs, goals and conditions between the town and Nordblom. Financial aid will be in the form of twenty-three annual payments from Nordblom in the amount of \$190,634 effective January 15, 2022 through and including January 15, 2044 for a total receipt of \$4,384,582.

Mr. Sanchez said that once the hook up is complete, the Vine Brook will no longer be used. At the request of Town Meeting Member Patricia O'Brien, T.A. Sagarino reviewed the section on defaults and bankruptcy.

T.A. Sagarino thanked Nordblom President Peter Nordblom, the BOS, Mr. Sanchez and the various attorneys involved in the agreement process. The BOS agreed this has been a long time coming and thanked the three town administrators for their assistance in the agreement, with T.A. Sagarino being acknowledged for ensuring the agreement was finalized.

Motion: Selectman Runyan moved to accept and approve the Agreement and Mutual General Release by and between the Town of Burlington and Nordblom Management Company, Inc. and its successors to financially assist the town in paying for the MWRA connection project. Seconded by Selectman Morandi with Selectman Hogan voting aye, Selectman Runyan voting aye, Selectman Morandi voting aye, Selectman Priest voting aye, and Chairman Tigges voting aye and the motion passed. (5-0-0)

102 Update/Discussion: Intermunicipal/Agreement

John Sanchez reviewed the draft Intermunicipal Agreement for Water Main Installation, Maintenance and Conveyance Between the Town of Lexington and the Town of Burlington which has been reviewed by town counsel. This is a common agreement allowed by the Mass General Law in order to provide access through a community for water conveyance. The agreement still needs to go before the Town of Lexington for approval thus no vote was yet required.

103 Update: Sculpture Park

Selectman Priest reported that a resident has requested to donate an additional Dale Rogers sculpture to the Sculpture Park, and the committee will be taking a vote on this acceptance, and the vote will be reported back to the BOS. The timeline for this sculpture to be in place will be the same two year period as the other sculptures.

104 Discussion/Approval: Flagpole Policy

T.A. Sagarino explained that groups continue to request to have a flag flown for certain commemorations or remembrances. The BOS is considering a new flagpole in the town municipal campus area and a flag raising policy to allow the town to raise flags for third parties. Selectman Runyan noted that there are other items needing completion that also require financial assistance on the Town Common which should also be considered. It was agreed to bring this discussion back to a future meeting. Town Meeting member Shari Ellis asked that any flag pole policy being considered be made available for the public prior to approval.

**105 Public Hearing: Withdrawal of Class 2 License for on-line Business, K&K
Opened 3/22/2020 Internet Sales, 2 South Bedford Street**

Applicant, Virginia Altomari, submitted an email requesting to withdraw her application for a Class 2 Dealers License and to remove further discussion from the agenda. The BOS agreed to accept the request to withdraw the application and to close the public hearing with no further discussion.

Motion: Selectman Hogan moved to close the public hearing. Seconded by Selectman Morandi with Selectman Hogan voting aye, Selectman Runyan voting aye, Selectman Morandi voting aye, Selectman Priest voting aye, and Chairman Tigges voting aye and the motion passed. (5-0-0)

**106 Public Hearing: Del Frisco's Grille of Massachusetts LLC,
Opened 3/23/2020 d/b/a Del Frisco's Grille, 92 Middlesex Turnpike,
Cessation of Licensed Burlington**

No discussion. This was to be scheduled for May 24 2021.

**107 Public Hearing: All Alcohol License Besito Restaurants Burlington LLC,
Opened 9/9/2019 d/b/a Besito Restaurant (closure), 75 Middlesex
Turnpike**

Attorney Mark Vaughan was present representing Besito Restaurants. He informed the BOS that Fogo de Chao is still planning to acquire the license from Besito's. Staff received confirmation from Fogo de Chao's attorney that they are finalizing the lease agreement and an application is expected to be forthcoming.

Motion: Selectman Morandi moved to continue the public hearing to May 24, 2021 at or after 6:15 p.m. Seconded by Selectman Morandi with Selectman Hogan voting aye, Selectman Runyan voting aye, Selectman Morandi voting aye, Selectman Priest voting aye, and Chairman Tigges voting aye. The motion passed. (5-0-0)

108 Public Hearing: All Alcohol License, Waterville Business Development, LLC Opened 4/12/2021 d/b/a X-Golf Burlington - golf simulator system 10 Wall Street (returned Burl Beer Works License)

Present was Attorney Mark Vaughan and David Guerette from Riemer & Braunstein representing X-Golf as well as owner John Langevin who said that they had received Planning Board approval as required by the BOS at their meeting of April 12, 2021. In response to the Selectman Hogan's previous request to be able to identify which containers hold alcohol Mr. Langevin said they would be serving soft drinks in hard plastic glasses and alcohol would be in glass containers. All the staff including the golf pro will be TIPs certified. Selectman Morandi thanked the attorney and applicant for the work done on this request, and all agreed that this would be a good family place. The recent BOS approval to the alcohol policy for a reduction in seating for an all alcohol license from 120 to 40 now favors this restaurant which has a seating capacity of 53.

There were no comments from the public.

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

Motion: Selectman Hogan move to approve the new all alcohol license for a new All Alcohol License for Waterville Business Development, LLC d/b/a X-Golf Burlington, a golf simulator location to be located at 10 Wall Street with the condition that there be a designated assistant manager in charge when the golf pro is not available and that the hours of operation be submitted in the future. 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)

109 Update/Approval: Zoning Article: Amend Zoning Map and Rezone Property to the High Rise Industrial (IH) District -

Planning Director Kristin Kassner was present seeking BOS support for Article 33 to Amend Zoning Map and Rezone Property to the High Rise Industrial (IH) District. A presentation indicated that the request centers on certain clusters to encourage reinvestment in diverse industries such as life science and advanced manufacturing. The state is planning for economic growth and creating funding programs such as MassWorks grants and certain steps need to be taken to be eligible and to attract business and private partnerships.

Also present was Economic Development Director Melisa Tintocalis who added that one of the goals of the community when she came on was to enhance the life science cluster and the development potential is currently not fully in the floor area ratio (FAR) and she supports this warrant article.

Selectman Hogan commented on the work done throughout the years to improve and clean the town from hazardous waste and looks forward to the next generation of improvements in the community. Selectman Priest

supports the article which is beneficial to the overall impact to the community. Selectman Runyan agrees with this continued effort to improve the town's economic base. Selectman Morandi and Chairman Tigges agreed that this will be positive for the town.

Motion: Selectman Hogan move to support Article 33: Amend Zoning Map and Rezone Property to the High Rise Industrial (IH). 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)

110 Approval: Budgets FY 2022 -

Whitney Haskell, Budget Director and John Danizio, Town Accountant, presented the final FY2022 budgets item for approval.

Middlesex Retirement

This item was postponed from the April 12, 2021 meeting to receive comment from town counsel about approving the Middlesex Retirement budget when most of the BOS participate in the plan, and town counsel responded that it is appropriate for the full board to vote on this item.

Motion: Selectman Hogan moved to approve the Middlesex Retirement budget in the amount of \$11,757,449. 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)

111 Update/Approval: Town Meeting Warrant Articles -

The BOS next reviewed the Town Meeting Index of Articles. T.A. Sagarino read the list of articles to be voted on. Article 14: Borrowing - Francis Wyman Pump Station/Forcemain Rehabilitation and Article 16: Transfer from Receipts Reserved Account for Ambulance Services have been postponed.

- 3 Fund FY2022 Operating Budget: (Vote is for the entire operating budget. Individual articles have already been approved.)
- 6 Fund Revolving Accounts
- 7 Fund FY2022 Capital Budget from Free Cash
- 7-02 DPW - Vehicle Replacement
- 7-03 DPW - Drainage Repair/Stream Cleaning
- 7-04 DPW – Sewer Pump and VFD Upgrade
- 7-05 DPW - Mill Pond Pump 3 VFD and Control Panel Box
- 7-06 DPW - Partridge Lane Pump Station Forcemain Design
- 7-07 DPW Library Roof
- 7-08 DPW - Demolition of Town Property (Carpenter House)
- 7-09 FIRE - Lexipol Policy and Training Solutions
- 7-10 FIRE - Administrative Vehicle Replacement
- 7-18 SELECTMEN - Historical Storage Shed
- 7-19 SELECTMEN - Town Common 9/11 Memorial Improvements
- 08 Chapter 90
- 09 MWRA I/I Debt Service
- 10 Sewer Enterprise Fund
- 11 Transfer to Water Stabilization
- 12 Borrowing - Phase 1 Public Safety Communications Network Upgrade and Replacement
- 13 Borrowing - Water Main Upgrade/Replacement
- 15 PEG Cable Access Enterprise Fund
- 18 Selectmen - Small Cell Peer Review

Motion: Selectman Morandi moved to approve Articles 3, 6, 7-02, 7-03, 7-04, 7-05, 7-06, 7-07, 7-08, 7-09, 7-10, 7-18, 7-19, 08, 09, 10, 11, 12, 13, 15, 18, 23, and 31. 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 approve Article 30. Seconded by Selectman Priest with Selectman Hogan voting aye, Selectman Runyan voting nay, Selectman Tigges voting aye, Selectman Priest voting aye, and Chairman Morandi voting aye and the motion passed. (4-1-0 with Selectman Runyan opposed)

112 Discussion:

Subcommittees:

- **Diversity Equity Inclusion**
- **Transportation**
- **Small Cell**

Diversity Equity Inclusion

Selectman Priest said he has been working with Selectmen Runyan and Tigges on a Diversity, Equity and Inclusion subcommittee and submitted for full board review a draft mission statement, terms, appointments and committee recommendations (2 BOS; 2 Equity Coalition members; diversity director, 2 Town Meeting members; 1 police rep and 1 rep from Youth and Family Services.)

Selectman Hogan recommended discussing member inclusion of the diversity director with the school committee. He also cautioned to keep the voting membership at a lower number. Chairman Tigges recommended a resident as well as a Town Meeting member. Ms. Ellis recommend someone from Human Resources Committee. Selectman Priest asked that recommendations be emailed.

Transportation

Selectman Priest commented that the Town Meeting created a Transportation Committee and is recommending that the BOS develop their own subcommittee and submitted for full board review a draft mission statement, terms, appointments and committee recommendations (2 BOS; 1 Planning Board member; 2 at large community members; 1 Zoning Bylaw Review member; the Economic Development Director; the Planning Director (or staff); 1 police rep and 1 DPW rep. Selectman Runyan recommended 1 member from COA.

Small Cell

Chairman Tigges is in the process of putting together a small cell subcommittee which will be smaller in number than the original. The purpose, responsibilities, etc. will be reviewed with our small cell attorney Donna Brewer as well as our wireless engineer David Maxson. T.A. Sagarino said this group will go back and fine tune regulations.

113 Subcommittee Reports -

Selectman Runyan said that the Household Hazardous Waste Collection day is Saturday, May 1 at the Francis Wyman School from 8:30a.m. to noon. Information may be found on the Board of Health website.

Chairman's Report -

None.

115 Town Administrator's Report -

There was a major sewerage block that occurred on Bedford Street which took more than a week to repair. DPW, Highway and outside contractors worked around the clock to get the repair completed. Residents are reminded to not put cooking grease and wipes into the system as they cause major issues.

116 Old/New Business -

None.

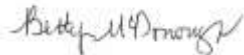
117 Citizens' Time -

Shari Ellis recommended that a policy be in place to allow for Citizens' Time to be at the beginning of the agenda for all boards and committees.

Adjourn

Motion: Selectman Hogan moved to adjourn at 8:15p.m. Seconded by Selectman Runyan and approved.
(5-0-0)

Submitted by,



Betty McDonough
Recording Secretary

BURLINGTON, MA BOARD OF SELECTMEN

DOCUMENTS REVIEWED AT MEETING, MONDAY, April 26, 2021

Agenda

- 099 Approval: Board of Selectmen Reorganization -
- 099 Appointments: Police Department – 2 Sergeant Positions -
- 100 Approval: Holding both Live and Virtual Town Meeting -
- 101 Approval: Nordblom Water Agreement -
- 102 Update/Discussion: Intermunicipal/Agreement -
- 103 Update: Sculpture Park -
- 104 Discussion/Approval: Flagpole Policy-
- 105 Public Hearing: Opened 3/22/2020 Withdrawal of Class 2 License for on-line Business, K&K Internet Sales, 2 South Bedford Street -
- 106 Public Hearing: Opened 3/23/2020 Del Frisco’s Grille of Massachusetts LLC, d/b/a Del Frisco’s Grille, 92 Middlesex Turnpike, Burlington, Cessation of Licensed Burlington -
- 107 Public Hearing: Opened 9/9/2019 All Alcohol License Besito Restaurants Burlington LLC, d/b/a Besito Restaurant (closure), 75 Middlesex Turnpike -
- 108 Public Hearing: Opened 4/12/2021 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)-
- 109 Update/Approval: Zoning Article: Amend Zoning Map and Rezone Property to the High Rise Industrial (IH) District -
- 110 Approval: Budgets FY 2022 -
- 111 Update/Approval: Town Meeting Warrant Articles -
- 112 Discussion: Subcommittees: Diversity Equity Inclusion, Transportation, Small Cell
- 113 Subcommittee Reports -
- 114 Chairman’s Report -
- 115 Town Administrator’s Report -
- 116 Old/New Business -
- 117 Citizens’ Time -