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TOWN OF BURLINGTON

Meeting Minutes

DEPT./BOARD: Board of Selectmen
DATE: March 8, 2021 Regular Session
Monday
TIME: 6:00 p.m.
PLACE: Cisco Webex Meeting

MINUTES

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.

**034 Update: Burlington Scholarship Committee
Applications and Fundraising**

Present were Scholarship Committee members Sheila Fitzpatrick, Gina Leary, Bill Boiven and Rosalyn Minassian to provide the BOS on the process of the scholarships to be awarded, the schools involved and the amount and number of scholarships being distributed. They also provided information on their fund raising efforts above and beyond the deduction made on the tax bills and thanked the board and staff for their assistance in advertising the available scholarships and the poster on how to make a donation. The school department counseling office was also thanked for continued assistance to the applicants.

**035 Appointment: Fire Department
Dispatcher to Firefighter/Paramedic**

Fire Chief Mike Patterson was present to recommend dispatcher Thomas Cardwell be appointed to the position of fire fighter/paramedic. He has successfully completed the hiring steps and has been placed in the August 30, 2021 MFA Recruit training Program, and that will be his start date. Acting Town Administrator John Danizio (ATA Danizio) agreed with this recommendation and appointed Thomas Cardwell to the position of fire fighter/dispatcher effective August 30, 2021 and requested the board waive the standard fifteen day waiting period for any documents that need to be completed prior to appointment.

BOARD OF SELECTMEN:

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

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)

036 Appointment:

Board & Committees

Housing Partnership, one open position

Selectman Runyan said that long-time Housing Partnership committee member Phyllis Etsell had stepped down, and the board thanked Ms. Etsell. Selectman Runyan read a certificate of appreciation that is being presented to for her years of service. The position was advertised and Rita Shah was put forward for consideration. Ms. Shah is active in the Burlington Breakfast Rotary Club and is involved in other town activities. At the Housing Partnership's recommendation, ATA Danizio appointed Rita Shah and requested the board waive the standard fifteen-day waiting period.

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

037 Approval:

Landlocked Parcel

Spring Meadow Mowing & Moving Trail

Martha Simons was present with Ed Parsons representing the Friends of the Landlocked Parcel seeking BOS approval to start annual spring clean up on April 24, 2021 (rain date May 1) including mowing the meadow and the clearing of invasive species from the meadow. They also plan to correct a trail going through the forest. Their goal is to maintain the land for people to visit while also maintaining the area for natural habitat.

Conservation Director John Keeley was also present and he said that he had walked the area with the team and the plans include avoiding the cutting of trees and Conservation is ready to sign off on the cleanup plan and trail correction.

Motion: Selectman Hogan moved to approve the spring meadow mowing and cleanup and moving of trail as presented. 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)

038 Discussion:

Transportation

ATA Danizio said that the transportation committee requested to be formed by Town Meeting will be presenting a final report at the May Town Meeting. Eileen Sickler, John Strauss and Dave Van Camp were present to discuss their meetings. Selectmen Runyan and Priest agreed to be on a subcommittee for transportation.

039 Public Hearing:

(New)

Grant of Location– Margaret Street

Verizon of New England Inc. and

NSTAR New England d/b/a Eversource

The Chairman called to open the public hearing.

Motion: Selectman Tigges read the public hearing into the record to open the public hearing. Selectman Hogan seconded the motion 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)

Motion: Selectman Tigges moved to amend 18" easterly from existing pole to 18' easterly from existing pole. 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 representing Eversource was James Watt. Scott Martin, resident, was present and said he received the abutter's notice but that the pole had already been moved. Mr. Watt was unsure why the pole had been moved prior to the hearing. The board asked that the Town Administrator look into what avenue the board can take when this occurs. Chairman Morandi recommended that the public hearing be continued to March 22, 2021 in order to get a response.

Motion: Selectman Runyan moved to continue the public hearing to March 22, 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)

040 Public Hearing:

(Continued From 2/22/2021)

**Grant of Location - Small Cells Wireless Installation
in public right of way new 44 Burlington Mall Road
New Cingular Wireless PCS, LLC ("AT&T")
Application_CRAN_RCTB_00070_1011**

Attorney Edward Pare, Brown Rudnick LLP was present with David Ford of Center Line Communications seeking BOS approval to replace one existing street light pole near 44 Burlington Mall Road and Lahey Clinic with a new light pole with 5G small cell equipment installed within the pole and reviewed the plans for the top canister and the various sets of equipment and antennas. They are trying to maintain the same height as the existing light pole. They next outlined the maps and what they are seeking for coverage.

David Maxson, WCP, the town's contracted engineer reviewed his submitted comments on this project. He noted some items to review and discrepancies:

The application listed all the frequency bands they will use, but the measurements of the lower mhz were not included.

- They are using the national standard for utility poles and should better identify the classification of the pole as it would be required to be a supportive structure.
- The application states they will comply with the FCC regulations but there is no further description of safety with respect to radio frequency emissions.
- The antenna at the top is no longer in production.
- Agreement for safety maintenance of non-AT&T working on the pole must be considered.
- The non-use of discredited international companies needs to be less vague.
- Any change in height could cause unsafe disruption in the spread of light.

Attorney Pare explained that they chose this site as it is a public right of way and this location is open and will better handle the requirements in this area and it will handle large volume and give relief to the macro site. They chose the height in order to conform with the town's regulation.

Selectman Runyan is concerned with the busy location and that they want to change out a newly installed town-owned property.

Andy Ungerson, Sr. Building Inspector is concerned that a change in the light height is an issue and that the equipment could interfere the warning signal lights for emergency vehicles that are on the traffic signals. Kristin Kassner, Director, Planning commented on adhering to the design policy and they are happy to assist with any questions other than health concerns. Attorney Pare said they will follow their rights within the FCC and also acknowledge the town's policy.

Speaking on concerns on health were Cece Doucette and Ruth Rinn. Kristin Russo was seeking confirmation that the submitted capacity data on the maps were accurate and recommended any approved sites have inspections. Town Counsel for small cells Attorney Donna Brewer commented on current lawsuits and acknowledged health concerns but FCC compliance must be adhered to. Towns are limited and timelines are in place. .

Christine Warren, a member of sidewalk committee, recommended confirmation that equipment is removed that is no longer being used. Sally Willard asked if other providers would be allowed on the pole. She does not want the town to pick up any expenses for repair to the pole. Scott Martin wants confirmation that the town would be reimbursed for the pole removed.

Chairman Morandi asked the applicant to submit responses to the questions and requested a motion to continue the hearing to March 22 @7:30p.m.

Motion: Selectman Tigges moved to continue the public hearing for the Grant of Location for the small cells wireless installation in the public right of way near 44 Burlington Mall Road, New Cingular Wireless PCS, LLC (“AT&T”), Application_CRAN_RCTB_00070_1011 to March 22, 2021 @ 7:30p.m. 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)

041 Public Hearing:

(New)

**Review/Discuss Alcohol Policy and Alcohol Rules
and Regulations**

The Chairman called to open the public hearing.

Motion: Selectman Tigges read the public hearing into the record to open the public hearing. Selectman Hogan seconded the motion 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)

Chairman Morandi said the subcommittee had met to discuss amending the seating requirements for all alcohol and wine and malt liquor licenses. .

Selectman Hogan commented that the board needs to review seating requirements as at this time only chain food restaurants are requesting a license because of the high seat count of 120 for all alcohol and 40 for wine and malt. Staff did a review of surrounding communities and most do not have a seating capacity. At this time BOS comments are being sought in this regarding in the hopes of smaller establishments coming forward and so that smaller restaurants can apply in the Cambridge Street overlay district.

Each member was supportive in promoting business for smaller restaurants and it has been said that our policy is very restrictive for potential tenants.

It was recommended that comments be request from affected departments as well as the ABCC.

Motion: Selectman Runyan moved to continue the public hearing to March 22, 2021 @ 6:15. 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)

042 Discussion: Health Insurance for Elected Officials

Chairman Morandi said this discussion is to get feedback from the board on removing the funding of elected officials for health insurance for those working under 20 hours. Town Treasurer Gary Gianino provided a complete historic background on the start of the benefit in 1959 to the various requests. Various requests have come before the board through the years from town meeting members to consider removing the benefit.

The board reviewed the numbers and some comments were that this is an appropriate time to be having this discussion and perhaps a future discussion could include increasing the stipend. Another recommendation was to consider grandfathering in those officials already on the program. Members were confident that qualified candidates would still seek office without this benefit in place.

It was recommended that the health officials eligible and their department heads be contacted for their comments.

The Chairman recommended this be continued to the March 22 2021 meeting.

043 Update/Approval: Cemetery Rules and Regulations

At the request of John Sanchez, Director of DPW, this item was postponed to March 22, 2021.

044 Subcommittee Reports

Selectman Priest commented on the committee for equity.
ISSAC is still working to create a charter and social media policy.
The sculpture park has created postcards to raise funds for the park.

Selectman Tigges said the Police Chief had reported that there have been many automobiles are being broken into all over town and to keep the car locked.
He read a thank you email that was sent to the Fire Chief and was addressed to the entire fire team and was from a grateful resident.
Melisa Tintocalis was thanked for securing another grant and for the many other grants already approved.

045

Chairman's Report

Chairman Morandi reminded residents that there is still a water ban on.

He also reminded residents to have a second meter installed if the lawn is being irrigated. The BOS are not able to waive the fees spent on a sewer bill for the irrigation of a lawn.

He recommended that all new homes be mandated to have a second water meter with a rain sensor.

046

Town Administrator's Report

ATA Danizio said Police Chief Michael Kent will be retiring in June of this year and a succession plan will immediately be put into place.

047

Old/New Business

None

Citizen's Time

No one spoke.

Adjourn

Motion: Selectman Runyan moved to adjourn at 9:30. 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 8, 2021

Agenda

- 009 Appointment: Police Special Police Officer - letter of recommendation from the Chief
- 034 Update: Burlington Scholarship Committee Applications and Fundraising - emails from members, public service announcement, fund raising poster
- 035 Appointment: Fire Department, Dispatcher to Firefighter/Paramedic - chief's letter of recommendation; resume
- 036 Appointment: Board & Committees, Housing Partnership, one open position - ltr to phyllis etsel, certificate of appreciation; email from rita shah, application
- 037 Approval: Landlocked Parcel, Spring Meadow Mowing & Moving Trail - plans for mowing and maps of llp
- 038 Discussion: Transportation - email from e sickler with questins for the bos
- 039 Public Hearing: Grant of Location– Margaret Street, Verizon of New England Inc. and NSTAR New England d/b/a Eversource (new) - public hearing notice, petition, petition page 2, plot plan, order for joint or identical pole location, signature page
- 040 Public Hearing: Grant of Location - Small Cell Wireless Installation in public right of way new 44 Burlington Mall Road New Cingular Wireless PCS, LLC ("AT&T"), Application CRAN _RCTB _00070_1011 opened 2/22/2021 - application; letter from attorney; plot plans, frequency documentation, letter from our cell engineer re the application, letter and responses from staff;
- 041 Public Hearing: Review/Discuss Alcohol Policy and Alcohol Rules and Regulations (new) - list of local communities with their seating, all our rules and regulations,
- 042 Discussion: Health Insurance for Elected Officials - 3.4.21 email from g gianino w background; synopsis re proponents, opponents, current factors and bos choices; email from dan mccormick providing history
- 043 Update/Approval: Cemetery Rules and Regulations - amendments and cover letter
- 044 Subcommittee Reports
- 045 Chairman's Report
- 046 Town Administrator's Report
- 047 Old/New Business
- Citizen's Time