

Selectmen's Meeting
January 7, 2008

A regular meeting of the Board of Selectmen was held on Monday, January 7, 2008 at 7:30 p.m. in the Selectmen Meeting Room, Town Office Building. Chairman Krieger, Mr. Kelley, Mr. Cohen, Mr. Manz, Mr. Burnell; Mr. Valente, Town Manager; and Ms. Pease, Executive Clerk, were present.

Selectmen Concerns and Liaison Reports

Mr. Burnell is disappointed that he cannot report that an agreement with Avalon Bay for the use of Kline Hall on behalf of LexMedia has been finalized. It appears all the issues have been resolved and it remains a formality for Avalon Bay to sign the documents. He is hopeful it can be accomplished this week. It has been well over a year in the making. LexMedia has bid the work and seen their commitments expire. We may find that the costs have increased as a result of the delays in getting the agreement finalized. Should there be any further delay occur he will be seeking an explanation from the parties at the next Selectmen's meeting.

Mr. Manz stated a concern about how unfriendly businesses can be to the Town because of the amount of time and effort he has noticed that the Clerk spends trying to chase down certain businesses to gather all the necessary information for license renewals.

Mrs. Krieger informed the Selectmen about a meeting on January 8 with the Metropolitan Planning Organization that will include representatives of communities all along Route 128. From Lexington Richard Canale, Mr. Valente and Mrs. Krieger and some staff plan to attend. There are six major proposals on the table that would affect the 128 corridor by contributing 200,000 additional vehicle trips per day, which is the same capacity Route 128 is now bearing. Mrs. Krieger hopes to hear discussions on meaningful mass transit.

On December 17, 2007 Massport, with the Environmental Protection Agency, held a hearing about increasing the runway safety area for one of the runways at Hanscom Field. The Selectmen and HATS' position has always been that Hanscom is a general aviation airport by definition in the master plan. Increasing the width of the runway safety area is a step toward preparing for larger aircraft and Massport should be operating within the guidelines of the master plan. The HATS Environmental Subcommittee is in the process of preparing a draft response. Mrs. Krieger would like the Board's approval to sign either as a Selectman or a HATS member. She will forward the draft to the Selectmen for approval as soon as she receives it. Comments are due Monday, January 14.

Town Manager Report

Mr. Valente reported that on January 5 two dogs were attacked and injured by coyotes in East Lexington. The Animal Control Officer responded, but coyotes are protected from being relocated or destroyed, so pet owners should keep close watch on their pets.

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Mr. Hadley, Director of Public Works, updated the Board on the December snow removal efforts. He plans to provide the Selectmen with a written report in the next couple of weeks.

There were four plow events before start of winter. December 3 and 4 there was 3-1/2 inches of wet snow; on December 13 and 14 there was 9-1/2 inches powder snow that caused gridlock all around town and on the highways. Again on December 16, 9-1/2 inches of wet heavy snow fell. There were icing conditions after the storm on December 4 that required additional sanding and salting in the morning. On December 18, cleanup in the center was started, but on December 19 four more inches of snow fell. DPW is still working to make sure the center is cleaned up. Private contractors were brought in to continue and complete sidewalk plowing. There have been several calls that DPW has responded to in a timely basis, handling safety issues first. Out of a snow budget of \$625,000, there is \$100,000 remaining. Each plowing event costs between \$4,000 and \$6,000 per hour in overtime, not including cost of salt and sand.

Mrs. Krieger reminded residents that residents should make sure their fire hydrants are shoveled out in case of an emergency. Residents should also make sure sidewalks are not blocked by snow from their private plowing contractors.

West Lexington Greenway Project Update

Keith Ohmart, member of the West Lexington Greenway Task Force, invited the Selectmen and the community to the first of several public meetings on the progress of the West Lexington Greenway Master Plan process. The town approved the Community Preservation Act project to create a network of universally accessible trails linking all town conservation areas west of Route 128. Work accomplished to date will be presented via maps and images on Wednesday, January 16, 2008, at 7:00 p.m. in the Cary Library Meeting Room. Maps can be previewed beginning at 6:30 p.m.

Theatre License Renewals

The Marble Rock Cinema Corporation theatre license expired September 1, 2006. They attempted to renew in 2007 but there were fire code violations that were not being addressed. The Marble Rock Cinema Corporation has now submitted all the necessary paperwork for renewal of its theatre licenses and they have satisfied the Fire Department's requirements for code violations.

Mr. Cohen was pleased that the theatre owners have finally come forward to renew their license. The theatres are a great asset to Lexington and hope they will consider fixing some of the broken seats.

Upon motion duly made and seconded, it was voted 5-0 to approve the application and issue two theatre licenses to Marble Rock Cinema Corporation for Cinema 1 and 2 to show movies weekdays and Sundays.

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Vote and Sign Greeley Village CPA Agreement

Mr. Valente asked the Board to approve and sign the Grant Agreement for the Greeley Village Window Replacement Project. The agreement provides for progress payments as work is completed. The Community Preservation Act funding was approved at the 2007 Town Meeting.

Upon motion duly made and seconded, it was voted 5-0 to approve and sign the Grant Agreement for Greeley Village for \$228,404 in CPA funds (affordable housing) for the replacement of windows.

Appointment – Tourism Committee

Upon motion duly made and seconded, it was voted 5-0 to appoint Joanne Myers, representing the National Heritage Museum, to the Tourism Committee for a three-year term to expire September 30, 2010.

Douglas House – Revocation of Right of First Refusal

The Board of Selectmen previously approved the CPA Grant Agreement for the Supportive Living, Inc.-Douglas House project. As part of their overall financing process, it was determined that the previous owner of the property granted the Town the right of first refusal to purchase the property from Supportive Living, Inc. should they decide to sell the property. HUD and the other entities financing the project have objected to the provision and requested that the Town revoke this right of first refusal. The records of the Selectmen did not show any acceptance of the right of first refusal, but Town Counsel is advising that the Board vote to revoke the option. The Town has a deed restriction on the property and also is interested in the additional affordable housing it will provide.

Upon motion duly made and seconded, it was voted 5-0 to decline to accept and consents to the revocation of the right of first refusal recorded by Supportive Living, Inc., dated May 7, 2004 and recorded with the Middlesex County South District Registry of Deeds in Book 42735, Page 251.

Upon motion duly made and seconded, it was voted 5-0 to approve and authorize the Town Manager to sign the Lease Subordination, Non-Disturbance of Possession and Attornment Agreement related to the Supportive Living, Inc.-Douglas House.

Upon motion duly made and seconded, it was voted 5-0 to approve and authorize the Town Manager to sign the MassDocs Master Subordination Agreement related to the Supportive Living, Inc.-Douglas House.

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Consent Agenda

One-day Liquor License – The Lexington Players

Upon motion duly made and seconded, it was voted 5-0 to approve a one-day liquor license to The Lexington Players for three days Friday, Saturday and Sunday (February 8-10, 2008) to serve wine one hour before each show and during the intermission.

Town Manager Vacation Carryover

Upon motion duly made and seconded, it was voted to approve the Town Manager's request to carry over 25 days of vacation from 2007 to 2008.

Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the minutes of December 10, 2007, December 11, 2007, December 17, 2007 and January 2, 2008.

Upon motion duly made and seconded, it was voted to adjourn at 9:15 p.m.

A true record; Attest:

Lynne A. Pease
Executive Clerk