

Selectmen's Meeting  
April 30, 2007

A regular meeting of the Board of Selectmen was held on Monday, April 30, 2007 at 6:30 p.m. in the Selectmen's Meeting Room. Chairman Krieger, Mr. Kelley, Mr. Cohen, Mr. Manz, Mr. Burnell; Mr. Valente, Town Manager; and Ms. Chabot, Assistant to the Executive Clerk, were present.

Special Permit – Noise – DPW Sewer Work on Oakmount Circle

Mr. Flamang, Department of Public Works Engineering Division, presented the DPW's request for a Special Permit to waive provisions of the Noise By-law for sewer work on Oakmount Circle. The noise will be generated if a hydraulic impact hammer is used to remove ledge from the trench, which is to be excavated for a sewer main. Mrs. Krieger reported that the Noise Advisory Committee unanimously supports the Special Permit subject to the following conditions:

1. A week or two before the project commences, the DPW/Engineering Division shall notify in writing the abutters (identified in the Special Permit application) of the expected start date of the hydraulic impact hammer operation.
2. A week or two after the hydraulic impact hammer operation begins, the DPW/Engineering Division shall provide a written progress report to the abutters with an estimated schedule.

Upon motion duly made and seconded, it was voted 5-0 to waive the provisions of the Noise By-law only to allow for the work connected with the construction of the proposed sewer main on Oakmount Circle.

Liquor License Transfer – 27 Waltham Street

Chris Coleman, attorney for the applicant, and Chris Tai, proposed manager, presented the request of Fei Tang, Inc. d/b/a Teppanyaki Asian Cuisine for the transfer of the liquor license currently held by Peking Gardens Restaurant at 27 Waltham Street.

The Board asked whether there would be an entrance at the back of the building to make the restaurant handicap accessible, and recommended that it be done. Mr. Coleman said he would make provisions for that.

Upon motion duly made and seconded, it was voted 5-0 to approve the application and issue a license for the transfer of an all alcohol liquor license from Peking Gardens to Fei Teng, Inc. d/b/a Teppanyaki Asian Cuisine, 27 Waltham Street, subject to completion of a CORI check.

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### Article Positions

Mr. Poinelli, Permanent Building Committee, presented the Supplemental Funding Request for Harrington & Fiske Elementary Schools – Article 43 (b). The PBC is making a supplemental request for \$500,000 to cover the following outstanding and anticipated costs:

- Harrington – Settlement with the Contractor - \$100,000+ (Reserve)
- In-House Project Management Salaries through the end of September - \$62,500
- Outstanding Legal Costs - \$5,000
- Un-posted Technology and Furnishings Purchases - \$50,500
- Outstanding Potential Change Orders - \$22,300
- Additional Consultant Fees - \$20,000 (Reserve)
- Post Construction HVAC Testing and Balancing at Both Schools - \$75,000 (Reserve)
- Possible Handicapped Ramps at the East and West Sides of the School (end of Woodland Road path and path from Fiske Commons) - \$75,000 (Reserve)
- Final contingency for possible change order items as adjustments may be necessary as the school building is operated with children and faculty - \$90,000 (Reserve)

The PBC is committed to resolving these issues by September 30, 2007. The goal is not to spend all of the requested \$500,000, but they need the reserve in case it is necessary. Mr. Manz asked Mr. Poinelli about the settlement with the contractor, outstanding potential change orders, and the increased off site water line.

The Board unanimously supports Article 43 (b) – Appropriate for Authorized Capital Improvements (Supplemental Funding Request – Harrington and Fiske Elementary Schools).

### Acceptance of the Bathon Family Scholarship Fund – Trustees of Public Trusts

The Trustees of Public Trusts has requested that the Board vote to accept the terms of the Bathon Family Scholarship Fund. Mr. Cohen expressed his appreciation to the Bathon Family for establishing this scholarship.

Upon motion duly made and seconded, it was voted 5-0 to accept the terms of the Bathon Family Scholarship Fund to be managed by the Trustees of Public Trusts.

### Consent Agenda

#### William Diamond Jr. Fife & Drum Corps

Upon motion duly made and seconded, it was voted 5-0 to approve the request of the William Diamond Jr. Fife and Drum Corps to use the Battle Green on Saturday, May 5, 2007, at 11:00 am to begin a Fife and Drum muster parade that will then walk west along Mass. Avenue, turn left on to Worthen Road and enter the nature trail. Necessary arrangements were made with the Police and Town Manager.

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Executive Session

Upon motion duly made and seconded, it was voted by roll call 5-0 to go into executive session at 7:07 p.m. for the purpose of collective bargaining, with the intent to return to open session to go into recess until the end of Town Meeting, and resume open session in Cary Hall.

The Board of Selectmen returned to open session at 11:25 p.m. in Cary Hall.

Vote to Sign the Warrant for the June 5 Special Election

Upon motion duly made and seconded, it was voted 5-0 to call a special election for Tuesday, June 5, 2007.

Upon motion duly made and seconded, it was voted 5-0 to sign the warrant for the Tuesday, June 5, 2007, special election; and voted 4-1 (Kelley opposed) to approve Question 1, and voted 5-0 to approve Question 2, as they appear on the warrant.

Upon motion duly made and seconded, it was voted 5-0 to adjourn at 11:35 p.m.

A true record; Attest:

Diana B. Chabot  
Assistant to the Executive Clerk