

Selectmen's Meeting
May 14, 2007

A regular meeting of the Board of Selectmen was held on Monday, May 14, 2007 at 7:30 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.

Reorganization of the Board

Ms. Chabot opened the meeting. The first order of business was the election of a Chairman. Mr. Cohen nominated Mrs. Krieger and there were no further nominations.

Upon motion duly made and seconded, it was voted 5-0 to appoint Mrs. Krieger as Chairman of the Board of Selectmen.

Public Comment

Mrs. McKenna of the Tourism Committee is offering tours of the DPW facility and invites the public to come.

Selectmen Concerns and Liaison Reports

Mr. Cohen wants to call attention to the article in the May 10 edition of the Lexington Minuteman about a young man who goes to Lexington High and whose parents are in Mexico. They are looking for someone to trade houses for the upcoming school year. Mr. Cohen hopes that someone in the community can help.

Mr. Burnell has been looking for someone to take his place on the LexMedia Board and recommends Barry Orenstein. Upon motion duly made and seconded, it was voted 5-0 to recommend Barry Orenstein to the LexMedia Board of Directors.

Mr. Manz commended Craig Weeks on his hard work and extremely dedicated service to the Sidewalk Committee, as the Board is asked to accept his resignation.

Package Store Regulation Change

At a previous meeting, the Board discussed changing the percentage of sales required to come from alcoholic beverages to 50% in Item 6 of the Alcoholic Beverage License Regulation Applicable to Package Stores.

Upon motion duly made and seconded, it was voted 4-1 (Burnell opposed) to approve the proposed change to the Alcoholic Beverage License Regulations Applicable to Package Stores.

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New Package Store License – Omni from Wine to Cheese – 411 Waltham Street

Mr. Grant, attorney for J&T Enterprises of Massachusetts, Inc. d/b/a Omni from Wine to Cheese, presented the request for a new package store all alcoholic liquor license. Mr. Der Avedisian, General Manager of the company, Mr. Dowling, store manager, and Mr. Potter, the property owner, were present. Mr. Cohen asked the applicants to make sure that trash does not affect the homes in that neighborhood. Mr. Der Avedisian said that much of the waste, such as cardboard boxes, would be hauled to their Weston location for recycling.

Upon motion duly made and seconded, it was voted 5-0 to approve the application for a new package store all alcoholic liquor license to J&T Enterprises of Massachusetts, Inc., d/b/a Omni from Wine to Cheese, 411 Waltham Street, subject to completion of a CORI check.

Battle Green Inn Update

Mr. Farrington, representing Lexington Commons LLC, the mixed-use retail and residential condominium building on the site of the Battle Green Inn, asked to meet with the Board to make them aware of the expected timeline and construction schedule for the project. Mr. Farrington also asked the Board to review and approve several items in connection with the project. Mr. Papantonas, President, and Mr. Nunez, Senior Project Manager, Nauset Construction; and Erik Rhodin, Line Company Architects, presented the Construction Management Plan. The project will be constructed in four phases over a 16-month period to start in mid-June as follows: 1) demolition of the existing Battle Green Inn; 2) installation of concrete foundation; 3) steel and wood framing; and 4) interior construction. The Construction Management Plan explains in detail the sequencing of the project and site logistics as well as addressing public safety, environmental issues such as noise and dust control, traffic mitigation, and storm water management. Mr. Farrington said that the Construction Management Plan has been reviewed by the DPW, Police, Fire, and Planning Departments, as well as the Lexington Center Committee.

Lexington Commons LLC asked for the Board's approval on the following items:

1. Exemption from the Town Noise By-Law during the demolition and construction period, along with permission to relocate the sidewalks along Massachusetts Avenue and Waltham Street.

The Board stated that a public hearing must be held to consider the request for an exemption from the Town Noise By-Law. Upon motion duly made and seconded, it was voted 5-0 to approve the request for permission to relocate the sidewalks along Massachusetts Avenue and Waltham Street during the demolition and construction period.

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2. The design of the building results in several areas where architectural features of the building extend into and over the Town owned sidewalk area. Lexington Commons LLC will need sidewalk use permits for these and several other similar building related items.

The Board will have the Lexington Engineering Department review the building design before they can approve the requested sidewalk use permits.

3. Approve the proposed location for a “loading area” (designated as two or three parking spaces along Waltham Street) available for use during designated times of each day.

The Board will wait to review this request at a future meeting.

4. Approve the location of proposed trees on Waltham Street.

The Board will wait to review this request at a future meeting.

5. Among the mitigation measures, which are a part of Town Meeting approval for this project, is a requirement that Lexington Commons LLC contribute \$100,000 to the Lexington Center Improvement Trust or another similar entity to be set up by the Board. Lexington Commons wants to postpone the timing of this contribution to a point where condominium units are being sold.

The Board will consider how it will set up the Trust.

The Board supported the Lexington Center Committee's recommendation to post a picture or rendering of the finished building on the fence during construction, and to keep the public informed of the progress of the project. Mrs. Krieger suggested that Nauset Construction establish an email list or website, and to pursue signage with the HDC in order to keep the public informed.

International Coalition for Local Environmental Initiatives – Resolution for Membership

Upon motion duly made and seconded, it was voted 5-0 to sign the resolution requesting membership in ICLEI Cities for Climate Protection, and approve the yearly membership fee of \$600.

Appointments / Resignations

Upon motion duly made and seconded, it was voted 5-0 to accept the resignation of Craig Weeks from the Sidewalk Committee, effective immediately.

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Upon motion duly made and seconded, it was voted 5-0 to appoint Zoe Perry-Wood to the Lexington Council for the Arts for a term to expire September 30, 2008 to fill the unexpired term of Joan Reddy.

Upon motion duly made and seconded, it was voted 5-0 to reappoint Mary Gillespie, Henry Murphy and Charles Price to the Town Celebrations Committee for a three-year term to expire June 30, 2010.

Upon motion duly made and seconded, it was voted 5-0 to reappoint Paul Campbell, Gresh Lattimore, Julie Miller, William Mix, John Rossi, and James Shaw to the Town Celebrations Subcommittee for a one-year term to expire June 30, 2008.

Upon motion duly made and seconded, it was voted 5-0 to appoint Jeanne Krieger to the Technical Advisory Committee to revise the Cluster Bylaw.

Town Counsel Reappointment

Upon motion duly made and seconded, it was voted 5-0 to appoint Anderson and Kreiger represented by William L. Lahey as Town Counsel for Lexington for a term to expire March 31, 2008.

Town Manager Reappointments

Upon motion duly made and seconded, it was voted 5-0 to approve the Town Manager's reappointment of Stewart Kennedy to the Conservation Commission, Nancy Barter to the Youth Commission, and Paul Lapointe to the Council on Aging.

Future Meetings

The Board discussed future meetings.

Consent Agenda

Proclamation – DPW Week

Upon motion duly made and seconded, it was voted 5-0 to sign a proclamation declaring the week of May 20 to 26, 2007 as National Public Works Week in the Town of Lexington and call upon the citizens to join us in recognizing the employees of the Lexington Public Works Department.

Proclamation – Resolution for Sewer Rate Relief Fund

Upon motion duly made and seconded, it was voted 5-0 to sign a resolution requesting that the Governor and Legislature at a minimum restore the 40% cut to the Commonwealth Sewer Rate Relief Fund providing at least \$25 million to offset water and sewer rates in FY08.

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Approval of Acting Town Manager

Upon motion duly made and seconded, it was voted 5-0 to designate Ms. Vine as Acting Town Manager whenever Mr. Valente is out of state, on vacation, or on Town business. If Ms. Vine is also unavailable on the same days that Mr. Valente is, Mr. Addelson is designated as Acting Town Manager.

Speed Zones – Lexington Center

Upon motion duly made and seconded, it was voted 5-0 to sign the Special Speed Regulation #158-C to extend the existing 25 mph speed zones, 675 feet on Massachusetts Avenue and on Bedford Street, and 375 feet on Waltham Street, to include what now constitutes the Central Business District.

Use of Battle Green – Memorial Day Ceremony

Upon motion duly made and seconded, it was voted 5-0 to approve the request of the Lexington Center Committee for permission to use the Battle Green on Monday, May 28, 2007, at 10 a.m. for the annual Memorial Day ceremony.

Lexington Minute Men – Old Burial Ground Volley

Upon motion duly made and seconded, it was voted 5-0 to approve the request of the Lexington Minute Men Company for permission to use the Old Burial Ground on Monday, May 28, 2007, immediately following the Memorial Day ceremony, to lay a wreath and fire a volley or two in honor of the heroes of April 19, 1775.

Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the minutes of April 18, April 23, April 25, April 26, April 30, and May 2, 2007.

Executive Session Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the executive session minutes of April 17, April 26, April 30, May 2, and May 7, 2007.

Executive Session

Upon motion duly made and seconded, it was voted by roll call 5-0 to go into executive session at 8:55 p.m. for the purpose of discussing collective bargaining in connection with a combined facilities department, with the intent to possibly return to open session.

Upon motion duly made and seconded, it was voted 5-0 to adjourn at 8:55 p.m.

A true record; Attest:

Diana B. Chabot
Assistant to the Executive Clerk