

Selectmen's Meeting  
June 18, 2007

A regular meeting of the Board of Selectmen was held on Monday, June 18, 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. Pease, Executive Clerk, were present.

Public Comment

Mr. Lowry, Laconia Street, asked for help from the Selectmen in being reimbursed for \$5,500 in costs for a survey and legal costs as part of the street betterment procedure for Laconia Street. The Lowry and Fiore families initiated the petition, which successfully led to the acceptance of Laconia Street with all costs to be covered by betterments.

Mr. Cohen believes there is no way to reimburse for legal fees because the two families incurred the legal fees so they could explore ways to have the street accepted. The Selectmen were sympathetic to the request to be reimbursed for survey costs and will see what they can do to help.

Selectmen Concerns and Liaison Reports

The Selectmen approved Mrs. Krieger's request to testify at a land disposition hearing regarding Lot 1.

The Police held an Open House last Saturday, which gave the community an opportunity to see the new and very important dispatch center and enhanced 911 equipment.

Mrs. Krieger reported that the State has contracted with Modern Continental to start work on the Noise Barriers. Modern Continental will be sending a letter with the proposed schedule. There will also be a meeting scheduled with the neighbors in the next few weeks.

Town Manager Report

Mr. Valente reported that the new parking lot behind the Nstar building is almost complete. There will be a ribbon cutting ceremony on Thursday, June 28, 2007, at 8:45 a.m.

Dr. Ash, School Superintendent, and Mr. Valente have scheduled interviews for a new Facilities Director. The interviews will be held all day June 27 and June 28 in the afternoon. They would like one Selectmen to be part of the interviews. Mr. Manz will be the Selectmen representative.

Mr. Valente received a letter from Sergeant Kevin Reagan, who is currently in Baghdad with a unit from Wellesley, Mass. They want to call their unit "Lexington, First Shot" and would like something from the Town that they could use to display. The Manager's office is trying to get a copy of the Lexington Flag to send.

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Determination on Tree Hearings

Mr. Pinsonneault, Public Grounds Superintendent, came before the Selectmen for a determination on two tree hearings that were held on May 22, 2007: Battlegreen Inn on Massachusetts Avenue and the Sidewalk Project between Waltham Street and the Alley at Michelson's Shoe Store.

Battlegreen Inn at 1720 Massachusetts Avenue: The recommendation is to allow removal of the tree that would be impacted by the utilities that are underneath it and because it is losing its bark and could be a hazard. The replacement tree should be a 3-inch caliper or greater and be installed in a sufficient tree pit that is filled using structural soil. Removal of the 2<sup>nd</sup> tree will be allowed only if during construction and excavation it is determined by a contracted arborist, at the owner's expense, that the tree will not survive and will become a potential hazard. If removed the replacement tree should be 3-inch caliper or greater and be installed in a sufficient tree pit that is filled using structural soil.

Sidewalk Project between Waltham Street and Alley at Michelson's Shoe Store: The recommendation is to allow the removal of the first three trees as you come from Waltham Street down Massachusetts Avenue. They are in poor condition and could be a hazard. The replacement trees should be 3-inch caliper or greater and be installed in sufficient tree pits that are filled using structural soil. The Town has an opportunity to provide a better sidewalk surface while planting new trees to enhance the landscape in a soil that will ensure their longevity. Removal of the fourth tree should be allowed only if during construction and excavation it is determined by a contracted arborist that the tree will not survive and will become a potential hazard. If removed the replacement tree should be 3-inch caliper or greater and be installed in a sufficient tree pit that is filled using structural soil. Other trees of 3-inch caliper or greater may need to be planted elsewhere on Massachusetts Avenue to make up for the loss of these trees.

The Selectmen asked about replacement trees. Mr. Pinsonneault is working with the Tree Committee for possible types of tree replacements that would do well in those conditions.

Mary Barry, Hancock Avenue, spoke in opposition to removal of any trees of the six trees. She provided the Selectmen with a petition signed by many residents.

Mark Duffy, Spring Street, does not want any trees removed until a hearing has been held that is preceded by proper notice as required by law.

Mr. Frey, Chair of the Tree Committee, said the Committee is looking at tree species that will have sustainability in the center.

The Selectmen believe there has been a sufficient process and are prepared to accept recommendations from the Tree Hearing.

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Upon motion duly made and seconded, it was voted 5-0 to accept the recommendations of the Tree Warden for removal/replacement of trees on Massachusetts Avenue for the Battlegreen Inn and sidewalk projects.

### Shire Presentation

Mr. Valente introduced the Shire representative who discussed their planned move of R&D facilities to Lexington from Cambridge and their consideration of Lexington for possible manufacturing and warehouse facilities. In making its decision whether to expand in Lexington, Shire is requesting that the Town provide it with a property tax reduction (Tax Increment Financing).

Matt Cabrey, Senior Manager for Corporate Communications, provided an overview of Shire. Shire currently has two businesses: specialty pharma and human genetic therapies (HGT). The HGT's expertise is the research, development and manufacturing of protein therapies for genetic and rare diseases. HGT medicines on the global market include: Elaprase for Hunter syndrome and Replagal for Fabry disease.

The HGT growth goals include: increase lab/office area to accommodate growth in research and development, increase material requirements to support development programs and increase manufacturing capacity to supply commercial programs. Shire is looking at Lexington as a possible expansion site to create an estimated 680 full-time jobs over the next 8 years with average salaries in the \$100,000 range; and a total planned investment of \$394 million (includes existing building modification and new construction; capital equipment and fit out; and property owner infrastructure and building mechanical systems investment).

Pat Sacco, Vice President for Facilities and Engineering Operations, provided a project plan overview. Lexington Technology Park on Spring Street is the proposed expansion location for Shire. The proposed plan includes the existing R&D laboratory at 125 Spring Street; building a Lab/Office Facility in 2008 (125,000 sq); building another Lab/Office Facility in 2010 (170,000 sf); building a Technical Operations Facility in 2010/2011 (200,000 sf). The local level financial impact to Lexington are \$1.5 billion+ total output/income generated during 2007-2011; approximately \$111 million generated through local level activities; and approximately 1,217 local level jobs supported on an annual basis during the 2007-2011 period.

Shire seeks to establish Lexington as the global center for its business focused on helping people around the world with rare genetic diseases. New medicines to help people will require expansion of operations and are central to Shire's overall success. A unified and centralized operation of office/lab space with manufacturing space offers a more efficient and effective approach and allows for structured growth strategy.

Further discussions will take place at future meetings.

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Liberty Ride Year End Report

Dawn McKenna, Chair of the Tourism Committee, provided the Selectmen with a Budget Summary for the Liberty Ride as of June 13, 2007. Total revenues year-to-date are \$85,231; total expenses year-to-date are \$76,082. The current surplus is \$9,149. There is additional surplus expected before the end of June of \$8,730 from the sale of tickets. Therefore the total surplus expected is \$17,879.

Mrs. McKenna asked the Selectmen to vote to acknowledge that the surplus generated from the FY2007 Liberty Ride operations as well as future surpluses will be available to the Tourism Committee to further improve Tourism in Lexington and as a cushion against future deficits and further that the intent of the Selectmen is to place the appropriate article on the warrant for the next town meeting to accomplish such transfer.

Selectmen had many questions regarding the Liberty Ride surplus and would like a recommendation from the Town Manager and the Finance Staff regarding the appropriate way to handle the Liberty Ride surplus prior to taking a vote at the July 9 meeting.

Mrs. McKenna requested that the Board, at the next town meeting, budget the Battle Green Guide money received in FY2007 (\$750) for Battle Green Guide use.

Mrs. McKenna announced the Liberty Ride has a new bus contact with Joseph's Limousine that begins on July 1. The Liberty Ride will be receiving a trolley in the colors of the liberty ride logo and is expected to arrive mid-July.

The Tourism Committee had a very successful training session on June 7. It was the first joint training of all tour guides that service Lexington. It included the Historical Society, the Battle Green Guides, the Chamber/Visitor Center staff, the National Heritage Museum, Liberty Ride guides; National Park Service, and representatives from the Concord and Orchard House. The training was well received and it emphasized Lexington. Mrs. McKenna thanked Joseph's Limousine for the donation of a bus for the training.

Mrs. McKenna announced that Liberty Ride merchandise (hats, shirts and bags) is now available for purchase.

Mrs. McKenna explained that the Tourism gift account left over from the Democratic National Convention would be closed as soon as the Tourism Committee votes on how to use the remaining funds (\$116.20).

Mrs. Krieger thanked Mrs. McKenna and the Tourism Committee for all the great programs they are involved in and is confident the Board will resolve surplus issues at the next meeting.

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Jerry Van Hook, Bicycle Advisory Committee, felt there is a lot of interest in people biking as part of Tourism in Lexington and wonders if the Liberty Ride vehicle or trolley will have bike racks available so people had the option of riding the trolley or riding through the tourism areas on bicycle.

Mrs. McKenna stated that the trolley is not designed with a bike rack, but the Tourism Committee has discussed whether there are better ways to utilize the bike trails and walking paths that exist. At some point the Tourism Committee would like to have a joint meeting with the Bicycle Advisory Committee to discuss options.

### Municipal Partnership Act Resolution

On March 19 the Board voted to support key features of the Governor's Municipal Partnership Act and Lexington's legislators were informed of the Board's position. Mrs. Krieger would like the Board to take the next step and adopt the Massachusetts Municipal Association's proposed resolution to enact the Municipal Partnership Act that would provide cities and towns with real revenue options to reduce reliance on the property tax and provide real tools to control costs. It is important to seek ways to decrease the property tax and we need to look at all possible opportunities. She would like the Selectmen to endorse the resolution and send it to Lexington's legislators and she also encourages residents to learn about and express their support in the paper and also speaking to their legislators.

Mary Jo Bohart, Chamber of Commerce, said there is a concern in the business community of Lexington's ability to be a competitive dining and lodging destination if the tax rate structure is different from community to community.

Upon motion duly made and seconded, it was voted 5-0 to adopt a resolution in support of the Municipal Partnership Act proposed by the Massachusetts Municipal Association.

### Year End Adjustments

Upon motion duly made and seconded, it was voted 5-0 to approve Reserve Fund transfers from line-item 2310 in the amount of \$85,322 to: line-item 2170 - \$16,252; line-item 4100-wages - \$16,770; line-item 8110-wages - \$3,400; line-item 8210-8220-expenses - \$20,000; line-item 8500-wages - \$6,900; and line-item 8500-expenses, \$22,000.

Upon motion duly made and seconded, it was voted 5-0 to approve Salary transfers from line-item 8230 in the amount of \$37,456 to: line-item 3100-3500-wages - \$9,226 and line-item 4100-wages - \$28,230.

Upon motion duly made and seconded, it was voted 5-0 to approve transfers in the amount of \$68,118 as follows: \$60,000 from line item 2310 to line-item 2230; \$3,145 from line-item 2140 to line-item 2160; \$4,073 from line-item 5200-expenses to line-item 5200-recreation debt; and \$900 from line-item 7200-wages to 7200-expenses.

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### Sale of Notes

Upon motion duly made and seconded, it was voted 5-0 to approve the sale of a \$2,228,000 3.74 percent Bond Anticipation Note of the Town dated June 22, 2007 and payable February 28, 2008 to Citizens Bank at par and accrued interest and further voted that the consent to the financial advisor bidding for the note, as executed prior to the bidding for the notes, is hereby confirmed.

### FY2008 Fee Adjustments

Upon motion duly made and seconded, it was voted 5-0 to approve the Fire Department fee adjustments, as presented by the Fire Chief and attached to the minutes of this meeting, by amending Sections 178-7, 178-8 and 178-9 of the Code of Lexington.

Upon motion duly made and seconded, it was voted 5-0 to approve ambulance billing rates, effective July 1, 2007, as follows: BLS base rate - \$530; ALS-2 base rate - \$910; and Oxygen intervention - \$60.

Upon motion duly made and seconded, it was voted 5-0 to approve Public Works Street Opening fee of \$60 and Street Occupancy Permit of \$50, effective July 1, 2007.

Upon motion duly made and seconded, it was voted 4-1 (Kelley opposed) to approve Building Permit Microfilm fee, effective July 1, 2007, as follows: Construction value of \$2,500 or less - \$0; \$2,501-\$199,000 - \$10; \$200,000-\$1,000,000 - \$25; and greater than \$1,000,000 - \$200.

Upon motion duly made and seconded, it was voted 5-0 to approve the Police Department Traffic Infraction Penalty of \$60, effective July 1, 2007, by amending the Traffic Rules as presented and attached to the minutes of this meeting.

Upon motion duly made and seconded, it was voted 5-0 to approve the Town Clerk fees for the following: annual dog license fee (per dog) - \$15; annual kennel fee (four or fewer dogs) - \$60; and annual kennel fee (more than four dogs) - \$135.

Upon motion duly made and seconded, it was voted 5-0 to approve the amendments to Article VII, Burglar, Hold-Up and other Alarms for Police Services of the Code of Lexington and establish the following Alarm Service Fee in Section 187-92, as presented and attached to the minutes of this meeting: Residential – false alarm response on 3<sup>rd</sup> and subsequent alarm in a calendar year - \$80; and Non-Residential and High Risk Alarms – false alarm response on 3<sup>rd</sup> and subsequent alarm in a calendar year - \$120.

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Sidewalk Charge and Membership Changes

Upon motion duly made and seconded it was voted 5-0 to adopt the proposed changes to the Sidewalk Committee charge and to approve the proposed term changes as of September 30, 2008.

Upon motion duly made and seconded, it was voted 5-0 to appoint Margaret Lotz to the Sidewalk Committee for a 3-year term to expire on September 30, 2009.

Approve Climate Action Plan Ad Hoc Committee Charge

Upon motion duly made and seconded, it was voted to approve the charge for the Climate Action Plan Ad Hoc Committee to develop a Climate Action Plan for Lexington that will provide a focus for local actions by residents, commercial entities and local government to achieve cost savings and facilitate climate protection measures.

At a future meeting recommendations will be made for the membership of this committee.

Appointment – Registrars of Voters

Letters were sent to the Republican Town Committee and the Democratic Town Committee requesting three nominations from each to fill the expiring term of Ann Miller. The other members are: Luanna Devenis, Gerald Abegg and the Town Clerk. The Republican Town Committee's nominations were: Ann Miller, Dorrie Traficante and Bill Barrett. The Democratic Committee's nominations were: Sarah Warren, Margaret Bradley and Myron Rosenblum.

Upon motion duly made and seconded, it was voted 5-0 to appoint Sara Warren from the Democratic Town Committee to the Registrars of Voters for a 3-year term to expire on March 31, 2010.

Reappointment – Lexington Housing Assistance Board (LexHAB)

Upon motion duly made and seconded, it was voted 5-0 to reappoint Donald Wilson to the Lexington Housing Assistance Board for a 3-year term to expire on May 31, 2010.

Approved Revised Hawkers and Peddlers Regulation

The revised Hawkers and Peddlers Regulation was reviewed by the Policy Manual Committee, Town Manager, Police and Recreation. The fee was increased to \$25 and there are special permit requirements added.

Upon motion duly made and seconded, it was voted 5-0 to approve the revised Hawkers and Peddlers Regulation.

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Consent Agenda

Commitments of Water and Sewer Charges

Upon motion duly made and seconded, it was voted 5-0 to approve the following commitments of water and sewer charges:

Commitment of Water/Sewer Charges for May 2007 (Cycle 9)	\$202,453.62
Commitment of Water/Sewer Charges for 5/1/07 to 5/31/07 (Final Bills)	\$5,831.52
Commitment of Water/Sewer Charges for Town-wide bills Section 2–Spring	\$1,758,454.22
Commitment of Water/Sewer Charges for Town-wide bills Section 3–Spring	\$2,149,053.19

Approve Petition of Acts to General Court

Upon motion duly made and seconded, it was voted 5-0 to petition the General Court to amend the notice provisions (Chapter 215 of the Acts of 1929) and for a new act relative to property tax deferrals as voted at the 2007 Annual Town Meeting.

Ratify Poll Vote – Police Insert in Tax Bill

Upon motion duly made and seconded, it was voted 5-0 to ratify a poll vote to include a courtesy message in the July tax bill from the Police regarding the Lexington By-Laws that prohibit riding bicycles, etc. on sidewalks in the business districts.

Ratify Poll Vote – Use of Battle Green – Flag Day

Upon motion duly made and seconded, it was voted 5-0 to ratify a poll vote to approve the request of the Lexington Elks to use the Battle Green on Thursday, June 14, 2007, at 7:00 p.m. for the annual Flag Day Ceremony.

Ratify Poll Vote – Hangar 24 Support Letter

Upon motion duly made and seconded, it was voted 5-0 to ratify a poll vote to send a letter of support to the Massachusetts Historical Commission regarding saving Hangar 24.

Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the minutes of May 21, 2007 and June 4, 2007.

Executive Session Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the executive session minutes of May 21, 2007 and June 4, 2007.

Executive Session

Upon motion duly made and seconded, it was voted by roll call vote 5-0 to go into executive session for the purpose of collective bargaining, litigation and negotiations, with no intent to return to open session.

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Upon motion duly made and seconded, it was voted to adjourn at 9:50 p.m.

A true record; Attest:

Lynne A. Pease  
Executive Clerk