

Selectmen's Meeting
July 9, 2007

A regular meeting of the Board of Selectmen was held on Monday, July 9, 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.

Public Comment

Mr. Adler, Precinct 1, read an article in the Boston Globe stating that when Verizon changes your service from DSL to FiOS they remove copper wiring in your home that would be needed should you decide to switch back to DSL. He would like to know if Verizon could install fiber optic service without removing the copper wiring. He also wanted to bring to the attention of the Board the fact that he has not been able to get service on his street even though Verizon promised a 100% build out of the community when they were applying for the license with the Town. Mrs. Krieger will refer Mr. Adler's questions and concerns to the Communications Advisory Committee.

Hearing – Noise By-Law Special Permit – Sidewalk Reconstruction Project

Mr. Hadley, Director of Public Works, and Mr. Cannon, Assistant Town Engineer presented the DPW's request for a special permit to allow a waiver of the Noise By-Law in connection with the sidewalk reconstruction project on Mass. Avenue between Waltham Street and the alley. Mr. Galaitsis answered questions from the Board regarding the recommendations of the Noise Advisory Committee. Mr. Bussgang, also of the Noise Advisory Committee, asked whether the work could be done during the day, at the same time as the work on the Battle Green Inn, and suggested that it might be less expensive. Ms. Hecht, 3 Forest Street, is concerned that she and her family will not be able to sleep while the work is being done. Mr. Cannon explained that the work needs to be done at night to lower the impact on abutting businesses and to avoid traffic and safety related problems. Nighttime work is not necessarily more expensive when it is done to expedite the project. Mr. Hadley said that the row of businesses will provide a buffer from noise for nearby residences and every effort will be made to be respectful of those living nearby.

Upon motion duly made and seconded, it was voted 5-0 to waive the provisions of the Noise By-Law to allow for limited nighttime work connected with the construction of the sidewalk on Massachusetts Avenue between Waltham Street and the alley for a period of one month.

Hearing – New Wine/Malt Liquor License – 43 Waltham Street

Mr. Lee and Mr. Chow of Daikanyama Corporation presented the application for a new restaurant wine/malt liquor license at Daikanyama Japanese Cuisine, 43 Waltham Street. The Board of Appeals has approved the hours of Monday through Saturday 11:00 a.m. to 11:00 p.m. and Sunday 12:00 noon to 11:00 p.m.

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Upon motion duly made and seconded, it was voted 5-0 to approve the application and issue a new restaurant wine and malt liquor license to Daikanyama Corporation, d/b/a Daikanyama Japanese Cuisine, 43 Waltham Street.

Traffic Safety Issues

Mr. Hadley, Director of Public Works, and Mr. Cannon, Assistant Town Engineer, presented the request for Stop Signs on Ivan Street eastbound and westbound at Eldred Street. Traffic Safety staff members comprised of Police, Engineering, Planning, and Transportation Services reviewed the request and support the posting of Stop Signs.

Upon motion duly made and seconded, it was voted 5-0 to accept the recommendations of the Traffic Safety Advisory Committee and install traffic signs at the Ivan Street intersection with Eldred Street.

Mr. Hadley and Mr. Cannon presented a second traffic safety request regarding signage for Parking Lot #6 off Edison Way. To facilitate access to the new parking area, the direction of flow would be reversed in the alley bordering Dunkin Donuts from westbound to eastbound. This will permit vehicles to enter Edison Way and access Parking Lot #6, if parking is not found in the area behind CVS, without going out to Mass. Avenue. To achieve this objective, it is proposed that a No Left Turn sign be posted on the corner across from Dunkin Donuts facing Mass. Avenue and a Stop / Do Not Enter sign be posted on the Dunkin Donuts corner with a Stop sign facing west. To maintain a one-way directional traffic flow on Edison Way, the exit for Parking Lot #6 will be posted with a Stop / No Left Turn sign facing into the parking lot with a Do Not Enter sign on the opposite side of the post. Staff members of the Traffic Safety Advisory Committee reviewed the request and formulated the proposed traffic pattern and signage.

Upon motion duly made and seconded, it was voted 5-0 to accept the recommendations of the Traffic Safety Advisory Committee and change the flow of direction on the alley between Lots 3 and Lots 6 in order to allow movement into the Lot 6 parking lot.

Communications Advisory Committee Report

Mr. Buczkowski, Communications Advisory Committee, reported the Committee's recommendation that the Board approve the lease with LexMedia for the use of Kline Hall as its new offices/studio and to amend the Town's contract with LexMedia to provide up to \$400,000 from the PEG Revolving Fund to finance the build out of Kline Hall. The Board reviewed the lease, drafted by Town Counsel, and cash flow analysis for the PEG account, prepared by Mr. Addelson, Finance Director.

Upon motion duly made and seconded, it was voted 5-0 to sign the lease agreement between the Town and Lexington Community Media, Inc. for the use of Kline Hall.

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Upon motion duly made and seconded, it was voted 5-0 to authorize the Town Manager to draft an amendment to the LexMedia contract for the payment of \$400,000 from the PEG Revolving Fund for the build out of Kline Hall.

FY 2007 Year End Adjustments

Mr. Addelson, Finance Director, and Mr. Young, Budget Officer, presented the request for approval of a series of budget transfers to enable line-item shortfalls to be addressed. A series of transfers have already been approved during the week of June 18th, 2007. These transfers included: \$85,322 from the Reserve Fund (Line 2310); \$37,456 from the Salary Transfer Account (Line 8320); and \$68,118 between various line-items via use of the 3% rule. A second phase of year-end transfers is necessary for the General Fund to be closed properly.

Upon motion duly made and seconded, it was voted 5-0 to approve Reserve Fund transfers from line-item 2310 in the amount of \$50,000 to line-item 2150 Workers Compensation, and \$25,000 to line-item 2170 Uninsured Losses.

Upon motion duly made and seconded, it was voted 5-0 to approve a 3% rule transfer as follows: \$113,000 from line-item 3100-35000 DPW Expenses to line-item 3100-3500 DPW Personal Services.

Lincoln Park Methane Gas Mitigation

Mr. Hadley, Director of Public Works, and Mr. Cannon, Assistant Town Engineer, presented three passive system options the Department of Environmental Protection is likely to accept for addressing the methane gas problem. Based on a previous meeting, it was decided to eliminate consideration of active gas collection systems given their long term operating and maintenance costs and adverse impacts to the neighborhood from noise. The passive system options under alternative two were retained and compared. The DPW has reviewed these options with Keith Johnson, consultant, Haley & Aldrich, Inc. Mr. Hadley reported that Town Meeting approved \$550,000 for this project. Mr. Kelley believes that this is a relatively minor problem, which could be taken care of with a simpler and less expensive system. Mr. Burnell questioned to what degree the passive system would be effective.

Upon motion duly made and seconded, it was voted 3-2 (Kelley and Burnell opposed) to approve Option 2C (Cement/Bentonite Barrier) for the Lincoln Park methane gas mitigation.

Artwalk Proposal

Mr. Herold, Director of the Munroe Center for the Arts, and Mr. Rossi and Ms. Hart of the Lexington Arts and Crafts Society, presented the proposal for an Artwalk in May 2008. Based on the Artwalk held in 2004, the proposed 2008 project is two weeks of fine art and crafts exhibitions in commercial, Town, non-profit, and public spaces in Lexington. The project will start off with an initial weekend of events (May 16, 17 & 18) including painting and craft making

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outdoors, performing arts, open studios, poetry, and film. Exhibitions begin that weekend and remain up for two weeks through the weekend of May 31 – June 1.

Upon motion duly made and seconded, it was voted 5-0 to support the Artwalk concept and dates, and recommend that organizers continue to work with Town staff.

Common Carrier Licenses – Lexpress and Liberty Ride

The Board reviewed the application of Joseph's Limousine for Common Carrier Licenses for four (4) Lexpress buses, and one (1) Liberty Ride bus/trolley driving around Town. CORI requests have been submitted for six (6) drivers.

Upon motion duly made and seconded, it was voted 5-0 to issue Common Carrier Licenses for four (4) Lexpress buses and one (1) Liberty Ride bus/trolley to Joseph's Transportation, Inc., 44 James Street, Medford, MA subject to all vehicles being inspected by the Police Department, and to satisfactory CORI reports on each driver.

Review of Selectmen's FY2007 Goals

The Board reviewed the status of FY2007 goals in anticipation of beginning the goal setting process for FY2008-2009. Mrs. Krieger was pleased to report that the Board has made a lot of progress this year.

Selectmen Appointments, Resignations and Reappointments

Fund for Lexington Board

Upon motion duly made and seconded, it was voted 5-0 to appoint Alan Wrigley to the Fund for Lexington Board.

Town Celebrations Subcommittee

Upon motion duly made and seconded, it was voted 5-0 to accept the resignation of Paul Campbell from the Town Celebrations Subcommittee, effective immediately.

Transportation Advisory Committee

Upon motion duly made and seconded, it was voted 5-0 to accept the resignation of Diane Pursley from the Transportation Advisory Committee, effective immediately.

Community Preservation Committee

Upon motion duly made and seconded, it was voted 5-0 to reappoint Joel Adler, Norman Cohen, and Richard Pagett to the Community Preservation Committee for a two-year term to expire on June 30, 2009. (Mr. Cohen abstained with regard to his own reappointment)

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Town Manager Appointment

Commission on Disability

Upon motion duly made and seconded, it was voted 5-0 to approve the Town Manager's appointment of Janet Perry to the Commission on Disability.

Tax Increment Financing – Policy Issues

In light of Shire's request for a TIF, should it locate its manufacturing operations in Lexington, Mr. Valente requested that the Board begin to discuss under what conditions, if any, it will consider recommending a TIF to Town Meeting. Ms. Yanofsky, Economic Development Officer, reviewed with the Board draft guidelines and eligibility criteria for Tax Increment Financing proposals. After some discussion, Ms. Yanofsky offered to come back to the Board with broader language for eligibility requirements.

Consent Agenda

LexMedia – Second Performance Evaluation

Upon motion duly made and seconded, it was voted 5-0 to approve the letter to LexMedia regarding their second performance evaluation for the period October 1, 2006 to September 30, 2007.

Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the minutes of June 18, 2007.

Executive Session Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the executive session minutes of June 18, 2007

Executive Session

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

Upon motion duly made and seconded, it was voted to adjourn at 9:30 p.m.

A true record; Attest:

Diana B. Chabot
Assistant to the Executive Clerk