

Selectmen's Meeting
October 29, 2007

A regular meeting of the Board of Selectmen was held on Monday, October 29, 2007 at 7:30 p.m. in the Selectmen Meeting Room Town Office Building. Chairman Krieger, Mr. Cohen, Mr. Manz, Mr. Burnell; Mr. Valente, Town Manager; and Ms. Pease, Executive Clerk, were present.

Public Comment

Mrs. Stieglitz provided the Board with information regarding Jail Diversion and hopes many people from Lexington will attend the upcoming panel discussion and then develop a program for Lexington.

Selectmen Concerns and Liaison Reports

Mr. Manz reported that the restriping of Hartwell Avenue was done over the weekend and wanted to thank the Bike Committee for pushing for a long time and to also thank Dave Cannon from DPW for getting the restriping completed.

Mr. Burnell reported that LexMedia will begin construction on a new studio at Kline Hall.

The Selectmen decided to cancel the November 5 meeting.

Town Manager Report

Mr. Valente reported that the Town met with EACC and received unanimous approval for the Shire project.

Lexington Minute Men – Parkers March Reenactment

First Sergeant Alex Cain and Adjutant Michael DaRu, members of the Lexington Minute Men, came before the Selectmen to request permission to plan a reenactment of Parker's Revenge. The event would take place on Saturday, April 19, 2008 beginning at 8:30 a.m. on the Battle Green with a short reenactment and then at approximately 9:00 a.m. the Minute Men would march along Massachusetts Avenue to Parker's Revenge at the Minuteman National Park. They would also like to have a police escort as they march. They are hoping that Parker's Revenge will become an annual event.

Ms. McKenna, Chair of the Tourism Committee, asked that the Lexington Minute Men coordinate with the Tourism Committee so that the Liberty Ride is not impacted.

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Upon motion duly made and seconded, it was voted 4-0 to approve the request of the Lexington Minute Men to use the Battle Green on Saturday, April 19, 2008, from 8:30 a.m. to approximately 9:00 a.m. to begin the reenactment of Parker's Revenge and then to march along Massachusetts Avenue beginning at approximately 9:15 a.m. to Parker's Revenge at the Minuteman National Park, arriving by 10:15 a.m. and to coordinate with the Police Department and the Tourism Committee.

Conservation Commission – Gift of Land

Ms. Miller, Chair of the Conservation Commission, came before the Selectmen seeking the Selectmen's vote to approve the gift of a parcel of land off Waltham Street to the Town for conservation purposes. The parcel of land is a vacant lot located off Waltham Street at the corner of Brookside Avenue. The lot is approximately 35,300 square feet consisting of conservation jurisdictional wetland resource areas, including riverfront area, bordering vegetated wetlands and bordering land subject to flooding associated with Clematis Brook. It is also adjacent to other town-owned land and is listed in the 1996 Land Acquisition Planning Committee Report as a "highly desirable" parcel of land to protect. The Conservation Commission voted to accept this gift of land for conservation purposes on October 23, 2007.

Upon motion duly made and seconded, it was voted 4-0 to approve the gift of land known as Parcel 75 on Assessors Map 24, off Waltham Street, under G.L. Chapter 40, Section 8C as it has been and may be amended, as requested by vote of the Conservation Commission of the Town of Lexington and recorded with the deed.

Alcohol Compliance Violation – Vinebrook Bottle Shop

Michael Rubin, lawyer for Vinebrook Bottle Shop, and William Busa, Manager of Vinebrook Bottle Shop, came before the Selectmen regarding a 2nd liquor violation that occurred on September 29, 2007 when beer was sold to someone under 21 years of age. Mr. Rubin stated that Vinebrook takes the violations seriously. Going forward when they hire a new employee that will receive alcohol awareness training within 30 days, if clerk sells to someone underage they will be discharged. They had previously installed a scanner for checking licenses, but the clerk did not check the ID. They also plan to fix the security cameras which were currently not working.

Chief Casey, Police, walked through the events of the violation. The Police Department does compliance checks on a fairly regular basis. It is the responsibility of the licensee to make sure that clerks receive the alcohol awareness training and that they check IDs.

The Selectmen want to make sure that licensees take violations seriously. The Selectmen have an Alcohol Enforcement Regulation that has been in effect since October 2004. The Selectmen all agreed that there should be a 3-day suspension, but discussed how many, if any, days should be put in abeyance and when a suspension should be served. The Selectmen agreed that any

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suspension should be served on the day of the week that the violation occurred and if an additional violation occurs within 1 year the 3-day suspension would be doubled with no days put in abeyance.

Upon motion duly made and seconded, it was voted 4-0 to suspend the package store liquor license of Vinebrook Bottle Shop for a period of 3 days with 2 days put in abeyance unless another violation occurs within one year, then the suspension will be doubled (5 days). It was further voted that the 1-day suspension will be served on Saturday, November 24, 2007.

Lexington Commons Change to Noise Special Permit

Mr. Leach, Nauset Construction, came before the Selectmen requesting permission to work at night to complete the necessary sewer connections necessary for Lexington Commons under Massachusetts Avenue. Mr. Leach would like to do the work at night because Mass. Avenue would have to be closed for many hours in both directions. The night work would be completed over two nights, three at the most. Suggested dates are Tuesday, October 30, from 9:00 p.m. to 5:30 a.m.; Wednesday, October 31, from 9:30 p.m. to 5:30 a.m. and if necessary Thursday, November 1, from 9:00 p.m. to 5:30 a.m. This would be an amendment to the already approved Noise By-Law Special Permit. Nauset Construction will have the necessary police and safety details and also will pay the Department of Public Works employees needed at the site at time and a half. Nauset will also provide the Town with up-to-date as-built drawings. In addition, Nauset will send a notice to abutters and include information on the e-mail list.

Upon motion duly made and seconded, it was voted 4-0 to amend the Special Permit under the Lexington Noise By-Law for Lexington Commons LLC to allow night work on Tuesday, October 30, from 9:00 p.m. to 5:30 a.m.; Wednesday, October 31, from 9:30 p.m. to 5:30 a.m.; and if necessary on Thursday, November 1, from 9:00 p.m. to 5:30 a.m. to complete sewer work under Massachusetts Avenue in front of Lexington Commons. This change was approved with the condition that notices are sent to the abutters and information is sent out to the e-mail list.

Appointments/Resignations

Board of Appeals

Upon motion duly made and seconded, it was voted 4-0 to accept the resignation of Maura Sheehan from the Board of Appeals, effective immediately.

Upon motion duly made and seconded, it was voted 4-0 to appoint Lynne Wilson to the Board of Appeals to fill the unexpired term of Maura Sheehan until September 30, 2008.

Upon motion duly made and seconded, it was voted 4-0 to appoint Jill Hai to the Board of Appeals as an Associate Member to fill the unexpired term of Lynne Wilson until September 30, 2008.

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Selectmen's Ad Hoc Human Rights Organizing Committee

Upon motion duly made and seconded, it was voted 4-0 to ratify a poll vote to appoint Deborah Strod to the Selectmen's Ad Hoc Human Rights Organizing Committee.

Traffic Safety Advisory Committee

Upon motion duly made and seconded, it was voted 4-0 to appoint David Cannon to the Traffic Safety Advisory Committee as the DPW/Engineering designee for a one-year term to expire on September 30, 2008.

Appointment of Assistant Manager for Omni's Crushed Grapes and More

Upon motion duly made and seconded, it was voted 4-0 to approve Steven Gillis as an Assistant Manager serving liquor at the Omni Crushed Grapes and More Package Store at 411 Waltham Street.

Town Manager Reappointment – Commission on Disability

Upon motion duly made and seconded, it was voted 4-0 to approve the Town Manager's reappointment of Charles Cole to the Commission on Disability for a three-year term to expire on October 1, 2010.

Consent Agenda

Commitments and Adjustments of Water and Sewer Charges

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

Commitment of Water/Sewer Charges for September 2007 (Cycle 9)	\$220,200.22
Commitment of Water/Sewer Charges for 9/1/07 to 9/30/07 (Final Bills)	\$11,603.06
Commitment of Water/Sewer Charges for 10/30/07 (Section 1)	\$1,755,729.00
Commitment of Water Charges for 8/25/07 (Interim Bills)	\$1,225.50
Adjustments of Water/Sewer Charges for 9/1/07 through 9/30/07	-\$7,132.89

One-Day Liquor License – LHS Boys Basketball Team

Upon motion duly made and seconded, it was voted 4-0 to approve a one-day liquor license to serve beer and wine at the LHS Boys Basketball Team Fundraiser on Saturday, November 24, 2007, at the Depot Building, from 7:00 p.m. to 12:00 p.m. to benefit the Boys Basketball Team.

One-Day Liquor License – St. Brigid Church

Upon motion duly made and seconded, it was voted 4-0 to approve a one-day liquor license to serve wine at the St. Brigid Parish fundraiser for Mary's Party to benefit the St. Francis House Homeless Shelter on Saturday, November 10, 2007, from 6:00 p.m. to 12:00 midnight at the St. Brigid Church.

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Designate the Water and Sewer Abatement Board as Special Municipal Employees

Upon motion duly made and seconded, it was voted 4-0 to designate members of the Water and Sewer Abatement Board as Special Municipal Employees.

Employee Recognition Day Proclamation

Upon motion duly made and seconded, it was voted 4-0 to sign a proclamation for Employee Recognition Day on November 7, 2007.

Approve Town Celebrations Committee Requests for Veteran's Day

Upon motion duly made and seconded, it was voted 4-0 to approve the use of the westerly side of Massachusetts Avenue from the Old School Administration building to Bedford Street, Bedford Street westerly to Harrington Road and midway down Harrington Road to the Battle Green for the Veteran's Day Parade on Monday, November 12, 2007 beginning at 10:00 a.m. and also the use of the Battle Green from approximately 10:30 a.m. to 11:30 a.m. for Veteran's Day ceremonies.

Minutes

Upon motion duly made and seconded, it was voted 4-0 to approve the minutes of October 10, 2007, October 10, 2007, October 15, 2007, and October 17, 2007.

Executive Session Minutes

Upon motion duly made and seconded, it was voted 4-0 to approve the executive session minutes of October 10, 2007.

Executive Session

Upon motion duly made and seconded, it was voted by poll vote 4-0 to go into executive session for a matter of bargaining, with no intent to return to open session.

Upon motion duly made and seconded, it was voted to adjourn at 8:40 p.m.

A true record; Attest:

Lynne A. Pease
Executive Clerk