

Selectmen's Meeting  
March 19, 2007

A regular meeting of the Board of Selectmen was held on Monday, March 19, 2007, at 6:30 p.m. in Cary Auditorium. Chairman Krieger, Mr. Kelley, Mr. Cohen, Mr. Manz, Mr. Burnell; Mr. Valente, Town Manager; Ms. Vine, Assistant Town Manager, and Ms. Manning, Clerk, were present.

Executive Session

Upon motion duly made and seconded, it was voted by roll call 5-0 to go immediately into executive session at 6:30 p.m. in the Ellen Stone Room in Cary Memorial Building for the purpose of collective bargaining, with the intent to return to open session at approximately 7:30 p.m. for a regular Selectmen's Meeting in Cary Auditorium.

Public Comment

Three students from Lexington High School addressed the board. The students encouraged the Board to support Article 16, which would amend the General Bylaws to provide a regulation for the idling of vehicle engines by adopting a new chapter of the General Bylaws entitled "Engine Operation of Stopped Vehicles". The students believe that adopting this amendment will benefit the health of the citizens of Lexington and the environment.

Town Manager Report

Mr. Valente commended the DPW staff for a tremendous snow removal job after the weekend snowstorm.

Commitment of Water / Sewer Charges

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

Commitment of Water / Sewer Charges for January 2007	\$172,386.28
Commitment of Water / Sewer Charges for 2/1/2007 to 2/28/2007	\$1,453.88

Lexington Minute Men – Adding Names to Monument

William Mix, representing the Minute Men, requested that the Board approve the addition of three Lexington Militia names to the Lexington Minute Man Monument. Mr. Mix explained that Thaddeus Bowan's name should be added based on the fact that according to the 1825 depositions of E. Monroe Jr., W. Monroe and J. Underwood he was identified as the individual who first reported the approach of the Regulars to Captain John Parker. Without Thaddeus' warning, the men of the Lexington Militia might have been taken completely unawares by the Regulars and perhaps suffered even greater consequences than they did.

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Sgt. Francis Brown, the name of the second addition being requested, is listed in E. Phinney's book as being wounded in the face in the afternoon pursuit of the Regulars. Of all of those wounded that day, only the name of Sgt. Brown does not appear on the memorial monument. Lastly, Nathaniel Wyman was killed during the afternoon pursuit of the Regulars. He is the only individual who suffered death while under arms whose name does not appear on the Lexington memorials dedicated to the men of 1775.

Upon motion duly made and seconded, it was voted 5-0 to approve the request of the Lexington Minute Men to add the names Thaddeus Bowman, Sgt. Francis Brown and Nathaniel Wyman to the Monument to the Lexington Minute Men.

#### Traffic Safety Advisory Committee

Residents have requested a review of parking situations on Slocum Road, Grapevine Avenue and at the Center Playground. Dave Cannon, Engineering, presented the requests and proposed changes to the Board.

##### Slocum Road – No Parking

The first request, made by a resident of Slocum Road, was to extend the No Parking zone on Slocum Street to include both sides of the street from Massachusetts Avenue 100' Westerly.

Upon motion duly made and seconded, it was voted 5-0 to approve the change to the regulations, to extend the No Parking Zone to include both sides of Slocum Road from Massachusetts Avenue 100' westerly, as recommended by the Traffic Safety Advisory Committee.

##### Grapevine Avenue – No Parking

The next proposal was requested by a resident of Grapevine Avenue to add parking restrictions on Grapevine Avenue due to safety concerns.

Upon motion duly made and seconded, it was voted 5-0 to post No Parking signs on Grapevine Avenue, North, at Waltham Street Easterly 100' to improve traffic flow and maintain safety.

##### Center Playground – Request for Parking Spaces

The Lexington Pre-School Parent Teachers Association submitted this request. It is proposed that two parking spaces adjacent to the existing Handicap spots at the Center Playground be posted as two hour parking, 10:00 a.m. to 6:00 p.m. Monday through Friday to provide access to the playground for parents with small children.

Upon motion duly made and seconded, it was voted 5-0 to approve the proposed change to the parking code as recommended by the Traffic Safety Advisory Committee and designate two parking spaces 2 Hour Parking – 10:00 a.m. to 6:00 p.m. Monday through Friday, Center Playground, Clarke Street.

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Grant of Location - Verizon

Upon motion duly made and seconded, it was voted to approve the petition of Verizon to relocate and/or install poles, wires, cables, and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures along and across the following; On the easterly side of Lowell Street, in the grass strip, adjacent to the sidewalk, place pole number 9-52/1, at a point which is 178 feet (+) from the corner of Winchester Drive and Lowell Street.

Article Positions/Presentations

Article 31e Presentation-Geographic Information System

Peter Bujwid, a consultant, from Applied Geographic Inc. who has worked with town employees putting together a GIS Needs Assessment and Implementation Plan explained the GIS System and recommended a three year implementation plan.

The Selectmen support Article 31e.

Article 35 Community / Senior Center Conceptual Study

Mr. LaPointe, representing the Council on Aging (COA), reported that the COA supports Article 16, which if approved by Town Meeting would reallocate \$35,000 for a feasibility study to determine if using the White House, either on its own, or in addition to the present Senior Center in the Muzzey building would be sufficient space for a Community/Senior Center.

The funding for the study would be the \$35,000 unexpended balance from Article 8A of the 2000 Annual Town Meeting.

Mr. Lapointe stated that members of the Council on Aging believe that the combination of the two buildings would be sufficient space to accommodate senior programs. The School Committee has already agreed to turn the White House property over to the Town and the COA sees this as an extraordinary opportunity.

Mr. Kelley had several concerns regarding whether or not the White House could accommodate a senior facility. Mr. Kelley also asked if the COA had connected with the Historic District Commission (HDC) to determine what parts of the property the HDC wished to preserve.

Mr. Lapointe commented that many of Mr. Kelley's questions could be answered by the School Committee study done on this property in 2006 to determine if the building could be renovated to accommodate the School Department Administration Offices. Mr. Burnell asked if the COA would be willing to stipulate in the motion for this article exactly what the committee hopes to accomplish through this study.

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Mr. Lapointe said the COA would like the unanimous support of the Board when this motion is presented at Town Meeting. It was decided that Mr. Lapointe would meet with Mr. Kelley to address his concerns and review the previous study. The COA will meet with representatives of the HDC to determine what part of the property the HDC requires be preserved.

It was also decided that the COA would amend the motion to include language regarding oversight of the project by the Board of Selectmen. Once the motion is completed it will be presented to the Board prior to the Town Meeting vote.

Article 16 – Amend General ByLaws- Engine Operation of Stopped Vehicles

Anthony Galaitis, representing the Article 40 Committee, reported that after three years of research a majority of the committee is recommending Town Meeting vote to amend the Code of the Town of Lexington to provide for the regulation of the idling of vehicle engines by adopting a new Chapter of the General By-Laws entitled “Engine Operation of Stopped Vehicles” and to provide for the enforcement of such provisions.

Mr. Galaitis explained that Article 16 simply takes the state law and makes it a Town By-law. The fines are clear and explicit, making it easier to enforce.

The vote of the committee was not unanimous, Mrs. Krieger, a member of the Article 40 Committee, spoke for the minority. Mrs. Krieger stated that it is her belief that education is more important than enforcement and that the public needs to be further educated on the hazards of engine idling before the Town begins enforcement.

Police Chief Casey stated that the police department's program of traffic enforcement prioritizes traffic violations that are the cause of traffic crashes involving pedestrians, vehicles and bicyclists. The violations patrol officers target is offenses including but not limited to, speeding, drunk driving, driving after license suspension, road rage, stop sign and red light violations. Chief Casey applauds the work of the anti idling committee in raising community awareness through its education campaign; nevertheless the priorities of the patrol division's traffic enforcement program must remain focused on dangerous driving behavior.

Sheryl Mason, Precinct 7, suggested that the Town wait to see what effect the new Anti Idling signs in Lexington Center have before adopting the state law.

Mrs. Krieger and Mr. Kelley do not support Article 16. Mr. Manz does support the article. Mr. Cohen and Mr. Burnell will do some further research before taking a position.

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Article 20-Resolution Requesting School Committee Policy on Safe Transport of Special Education Children

Mrs. Frymer is requesting the Board support the passage of a resolution that would provide for the safe transport of certain ill SPED students. The nonbinding resolution would request that the Superintendent of Schools create and publish a policy identifying the need for a monitor to ensure seat belt use. Such a policy would ensure that the driver remains in compliance with the Child Passenger Law.

Mr. Cohen suggested that this issue should be presented to and acted upon by the School Committee. Mrs. Frymer stated that she has been working with the School Committee for two years and is not satisfied with the results.

Upon motion duly made and seconded, the Board voted 5-0 to support Article 20.

Article 23-Petition General Court to Increase Income Limits for Property Tax Deferral

Benjamin Cohen presented Article 23 to the Board. Mr. Cohen began by saying that property taxes can become a burden for fixed income seniors. A property tax deferral provides tax relief to seniors without shifting the burden of funding town services unto others. Mr. Cohen believes the current income limitation for the property tax deferral program is unrealistically low. The intent of Article 23 is to "level the playing field" regarding the eligibility requirements associated with the Senior Property Tax Deferral Program (SPTD) and the Community Preservation Act (CPA).

Currently to participate in the SPTD, one must be 65 years of age or older while at the same time - whether married or single - having a household income no greater than \$40,000. To qualify for a CPA 3% surcharge exemption one must be 60 years of age or older while-in the case of a married couple - having an income no greater than \$62,500 or in the case of a single individual 60 years or older having an income no greater than \$58,900. Mr. Cohen emphasized the disparity within these income eligibility parameters.

Mr. Cohen reviewed the number of applicants and participants for the SPTD and Senior Municipal Tax Work-off Program in 2006 and thus far in 2007. The number of participants in these two programs combined is 49. The number of participants in the CPA 3% Surcharge Exemption is 238.

If Article 23 passes at Town Meeting the Town would petition the state legislature for a 'Home Rule' Petition. The qualifying income would become \$62,500, for a married couple 60 years old or older or \$58,900 for a single person 60 years or older. Petitioning the General Court for a Home Rule Petition would enable the Selectmen to raise the income levels of the SPTD in annual increments of \$5000 until such time as Senior Property Tax Deferral eligibility

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Parameters are consistent with those of the Community Preservation Act. Mr. Cohen asked that the Board support this article.

Vicki Blier, speaking on behalf of the Tax Deferral and Exemption Study Committee said the Committee does agree that the income limits need to be adjusted; however, the Committee does not think the age requirement for the SPTD should be lowered to age 60.

The Board agreed to support the recommendations of the Committee and will not be supporting the motion offered by Mr. Cohen.

Article 26-Appropriate for FY2008 Community Preservation Committee  
Operating Budget and fro CPA Projects

Richard Pagett addressed the Board on behalf of the Community Preservation Committee (CPC). The Committee will be recommending twelve projects to Town Meeting for consideration and approval. Each of the twelve projects were evaluated based on criteria for acceptable Community Preservation Act projects. In addition to the twelve projects the committee is also recommending an allocation of \$25,000 for administrative expenses.

The twelve projects are:

1. Center Playfields Drainage Engineering Study - \$40,000. The Board unanimously supports this recommendation.
2. Historic Cemetery Preservation at Ye Old Burial Ground and Monroe Cemetery - \$367,000. The Board unanimously supports this recommendation.
3. Improve Fire Monitoring at Lexington's Historic Houses - \$18,120. The Board unanimously supports this recommendation.
4. New Boiler and Oil Tank for Buckman Tavern - \$10,685. The Board unanimously supports this recommendation.
5. Comprehensive Cultural Resources Survey of Lexington - \$90,000. Mrs. Krieger and Mr. Cohen support this recommendation, Mr. Kelley does not. Mr. Manz and Mr. Burnell were not ready to take a position.
6. Greeley Village Window Replacement - \$228,404. The Board unanimously supports this recommendation.
7. Historic Building Evaluation Report - East Lexington Branch Library - \$43,000. Mrs. Krieger, Mr. Cohen and Mr. Manz support this article. Mr. Kelley does not. Mr. Burnell was not prepared to take a position.
8. Cary Hall Restoration and Rehabilitation - \$147,130. The Board unanimously supports this article.
9. Tourism Signs - \$18,360. The Board unanimously supports this project.
10. Supportive Living, Inc. Affordable Housing - \$300,000 (15 Units for Brain-Injured Persons, Rehabilitation of 7 Oakland Street). The Board unanimously supports this project.

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11. West Lexington Greenway Corridor - \$125,000. The Board unanimously supports this project.
12. Muzzy Condominium Building Study - \$53,500. A majority of the Board supports this project; Mr. Kelley is opposed.

The Board unanimously supports the recommendation of \$25,000 of CPA funds being allocated for administrative expenses.

The total cost of the twelve projects as well as the administrative expenses is \$1,441,000.

Mr. Pagett briefly reviewed the status of 2006 CPA projects.

Article 4- Zoning By-Law, Inclusionary Zoning

The Board had a very brief discussion of Article 4. Mr. Kelley and Mr. Burnell do not support this article. The other Selectmen do support this article.

Article 31, b-d and f-h Appropriate for Municipal Capital Projects and Equipment

The Selectmen took positions on the following items:

- b. Wireless Fire Alarm Boxes. The Board unanimously supports this project.
- c. DPW Equipment. The Board unanimously supports this project.
- d. Woburn Street Reconstruction. The Board unanimously supports this project.
- f. Storm Drain Improvements. The Board unanimously supports this project.
- g. Sidewalk Improvements. A majority of the Board supports this project; Mr. Burnell chose not to take a position.
- h. Central Business District Sidewalks. The Board unanimously supports this project.
- i. Bikeway Repair/Repaving. The Board unanimously supports this project.
- j. Building Envelope. A majority of the Board supports this project. Mr. Burnell is waiting for further information before taking a position.
- k. Munroe Center Fire Alarms. The Board unanimously supports this project.
- l. Dam Repairs. The Board unanimously supports this project.
- m. Traffic Mitigation. The Board unanimously supports this item.
- n. Street Improvements. The Board unanimously supports this item.
- o. Nstar Parking Lot. The Board unanimously supports this item.
- p. Replacement of Fire Engine 5. The Board unanimously supports this item.
- q. Hydrant Replacement. The Board unanimously supports this item.

Article 32- Appropriate for Water Distribution Improvements

The Board unanimously supports this article.

Article 33 - Appropriate for Sewer Improvements

- 33a. - Wastewater System Improvements
- 33b. - Pump Station Upgrades

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The Board unanimously supports both items included in this article.

#### Approval of Use of PEG Funds for Audio Visual Systems

Municipal staff has been working with Mr. Manz, Mr. Becker, representing the Communication Advisory Committee, and Mr. Preston, LexMedia, to design a new audio-visual system for the Selectmen's Meeting Room. The proposed system will cost approximately \$50,000.

Upon motion duly made and seconded, it was voted 4-0-1 (Mr. Burnell abstained) to authorize the expenditure of funds from the Cable TV Account and PEG Account for the purchase and installation of audio-visual equipment for the Selectmen's Meeting Room, as shown in the AdTech proposal dated February 13, 2007, to be spent under the jurisdiction of the Town Manager.

#### Governors Proposal for Local Option Revenue

The Town's State Representatives have asked the Board to take a position on the options proposed by the Governor in his proposed Municipal Legislation. The legislation would allow towns to tax telecommunication equipment; increase the hotel occupancy tax to 5% and raise the meal tax by 2%.

Upon motion duly made and seconded, it was voted 5-0 to send a letter stating the Town supports making these options available.

#### Traffic Mitigation - Use of Transportation Demand Mitigation Funds

Residents have been working for several years to obtain a pedestrian initiated traffic light and crosswalk to facilitate crossing Waltham Street at the Lexington-Waltham line. The preferred location for the light is on the Waltham side of the border. Representative Stanley has obtained \$80,000 from Mass Highway to spend on the installation before July 1, 2007. It is unlikely that the City of Waltham will appropriate the remaining necessary funds toward this project. The Traffic Mitigation Group is suggesting that \$70,000 of the \$250,000 traffic mitigation fund from the Avalon development at Met State for traffic improvements in South Lexington be spent to fund the crosswalk. They based their recommendation on the following facts: that the best place for the crosswalk is on the Waltham side of the border; much of the traffic coming out of the shopping center turns left toward Lexington; we need the crosswalk and putting it in Lexington would surely cost the Town more than \$70,000.

Upon motion duly made and seconded, it was voted 3-2 (Mr. Kelley and Mr. Burnell opposed) to appropriate \$70,000 of Avalon traffic mitigation funds to help construct a pedestrian activated light and crosswalk just south of the Lexington line on Waltham Street.

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Appointment - Historical Commission

Upon motion duly made and seconded, it was voted 5-0 to approve the Town Manager's reappointment of Marilyn Fenollosa to the Historical Commission for a term to expire March 31, 2010.

Selectmen Article Presenters

The Board reviewed the list of Article Presenters for Town meeting. The only change made to the list of presenters was that Mr. Cohen will present Article 15 instead of Mrs. Krieger.

Revised Selectmen Liaisons to Committees

The Board reviewed the revised listing of Selectmen Liaisons to committees. The only change was that Mr. Burnell will be the Selectmen Liaison to the 2020 Vision Committee instead of Mrs. Krieger.

Upon motion duly made and seconded it was voted to adjourn at 11:40 PM.

A true record; Attest:

Lori A. Manning  
Clerk