

Selectmen's Meeting
May 8, 2006

A regular meeting of the Board of Selectmen was held on Monday, May 8, 2006, at 7:30 p.m. in the Selectmen's Meeting Room. Chairman Krieger, Mr. Kelley, Mr. Pagett, Mr. Cohen, Mr. Manz; Mr. Valente, Town Manager; and Ms. Pease, Executive Clerk were present.

Reorganization of the Board

Ms. Pease 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 to appoint Mrs. Krieger as Chairman of the Board of Selectmen.

Public Comment

Mrs. Verna Thayer, Precinct 1, wants the needs of the seniors to be met and hopes that a decision on a new senior center will be made by the fall.

Selectmen Concerns and Liaison Reports

The Selectmen are being asked to send a letter of support for the Lexington Press building rehabilitation to create 15 units of housing for persons with disabilities.

Upon motion duly made and seconded, it was voted to send a letter of support signed by the chief elected officer to the Department of Housing and Community Development for the Lexington Press Building rehabilitation to create 15 units of housing for persons with disabilities.

The Selectmen decided to cancel its meeting scheduled for May 22 and will meet instead on May 15. A meeting will also be scheduled for Tuesday, June 6.

Town Manager Report

Mr. Valente reported to the Selectmen that there had been some water damage at the Fire Station on Bedford Street due to a testing system failure and that the damage had been repaired over the weekend.

Mr. Valente requested the Board's permission to provide factual municipal budget information about the override by writing a broader column in the Lexington Minuteman and also commenting on a benchmarking piece in the Lexington Minuteman. The Selectmen think it is an important opportunity for the Town Manager and staff to present only factual municipal information.

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Commitment of Water/Sewer Charges

Upon motion duly made and seconded, it was voted to approve the following commitment:

Commitment of Water/Sewer Charges for the month of April 2006 (Cycle 9)	\$170,738.01
Commitment of Water/Sewer Charges for March 2006 (Finals)	\$7,213.59
Commitment of Water/Sewer Charges for April 2006 (Finals)	\$3,433.80

Upon motion duly made and seconded, it was voted 4-1 (Kelley abstained) to approve the following commitment:

Adjustments of Water/Sewer Charges for the period from 3/1/06 to 3/31/06 -\$16,500.88

Department of Environmental Protection Award

Mr. Hadley, Director of Public Works, read a letter from the Department of Environmental Protection to the Lexington Water Department congratulating them for the outstanding performance during 2005 (placed among the top 5% MWRA communities). There will be a awards ceremony on Thursday, May 11, 2006 at the State House.

The Selectmen thanked and congratulated Dennis Meehan and the Water Department for their achievement.

DPW Open House

Mr. Hadley, Director of Public Works, provided the Selectmen with t-shirts and hard-hats to help celebrate and invited them to the 4th Annual DPW Open House on Thursday, May 25, 2006, from 10:00 a.m. to 2:00 p.m.

Hearings – Grant of Locations

Verizon and Nstar - Laconia Street and Rumford – Poll Relocation/Installation

Upon motion duly made and seconded it was voted to approve the petition of Verizon and Nstar to relocate and/or install poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining andprotecting fixtures along and across the following GRANT OF LOCATION DETAILS FOR PETITION # D06_17:

LACONIA STREET:

Starting at existing pole # 119/6, relocate pole in a west-northwesterly direction, a distance of 6 feet (+). Also, starting at existing pole # 119/7, relocate pole in a west-northwesterly direction, a distance of 4 feet (+). Also, starting at existing pole # 119/8, relocate pole in a west-northwesterly direction, a distance of 6 feet (+). Also, starting at existing pole # 119/9, relocate pole in a northwesterly direction, a distance of 12 feet (+). Also, starting at existing

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pole # 119/10, relocate pole in a west-northwesterly direction, a distance of 3 feet (+). Also, starting at existing pole # 119/11, relocate pole in a northwesterly direction, a distance of 16 feet (+). Also, starting at existing pole # 119/12, relocate pole in a northerly direction, a distance of 26 feet (+), and attach an anchor and guy. Also, starting at existing pole # 119/13, relocate pole in an east-southeasterly direction, a distance of 7 feet (+), and attach an anchor and guy. Also, starting at existing pole # 119/14, relocate pole in an east-southeasterly direction, a distance of 8 feet (+). Also, starting at existing pole # 119/15, relocate pole in a southeasterly direction, a distance of 9 feet (+). Also, starting at existing pole # 119/16, relocate pole in an east-southeasterly direction, a distance of 1 foot (+). Also, starting at existing pole # 119/17, relocate pole in a northeasterly direction, a distance of 7 feet (+).

RUMFORD ROAD:

Place new pole number 344/114, on the northerly side of Rumford, at a point which is 130 feet (+) northwesterly of relocated pole number 119/13 on the easterly side of Laconia; also attach an anchor and guy to proposed new pole number 344/114.

Verizon and Nstar – Mass. Avenue at Maple Street – Install Sidewalk Guy

Upon motion duly made and seconded, it was voted to approve the petition of Verizon New England, Inc. and Boston Edison Company d/b/a Nstar for permission to locate and/or relocate anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along the following public way: Massachusetts Avenue @ Maple Street at existing pole number 57/62 on the southerly side of Massachusetts Avenue across from Maple Street, place new sidewalk anchor and guy 6 feet (+) southerly of said pole.

Executive Session

Upon motion duly made and seconded, it was voted by roll call vote to go into executive session for the purpose of property and land acquisition with the intent to return to open session at approximately 8:30 p.m.

Scenic Byways

Mr. Canale will provide a suggested letter for the May 15 Selectmen meeting to send to the state delegation regarding the Town Meeting Resolution to seek support for the state designation of the Battle Road Corridor. The resolution has passed in Lexington and Lincoln. Concord and Arlington are expected to approve soon.

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Historic Roads Conference

Mr. Canale updated the Selectmen on the well-attended Historic Roads conference held in Boston April 27-30, 2006. The conference also included a Liberty Ride field trip, which was very successful.

Mass. Department of Conservation and Recreation: Heritage Land Inventory Grant Program

Mr. Canale is the Lexington Coordinator for the Massachusetts Department of Conservation and Recreation Heritage Land Inventory Grant Program. He hosted a session at the Depot Building where 100 important sites were discussed and 6 to 9 of them chosen for more detailed examination and a field visit by the consultants. The 2 consultants who attended the session will send a survey to the attendees and the Selectmen and the surveys will be returned to the consultants for a final report due in June. The report will include suggested help, priorities, what to do, and who the stakeholders are.

Liquor License – Change of Manager – Vinny T's of Boston

Upon motion duly made and seconded, it was voted to approve the application and issue a license for a change of manager for an all alcoholic common Victualler liquor license to BUCA Restaurants 3, Inc., d/b/a Vinny T's of Boston, 20 Waltham Street, pending receipt of a copy of the proposed manager's current alcohol awareness training.

Adult Day Care Fee Structure

Lauren McSweeney, Director of Social Services, presented the recommended fee structure for the Supportive Day Care Program for FY2007, which was approved by the Council on Aging Board. The \$1 increase will be added for attendance of residents and non-residents and transportation for residents. The new rates would be:

Lexington Resident: Attendance	\$31
Lexington Resident: Transportation	\$ 8
Non-Lexington Resident: Attendance	\$33
Non-Lexington Resident: Transportation	\$14.05

Currently the program has 25 to 30 people in attendance. They believe the demand will grow when the program is available 5 days a week beginning July 1, 2006. The Selectmen would like to see the program self-sufficient.

Upon motion duly made and seconded, it was voted 4-1 (Kelley opposed) to adopt the Supportive Day Care fee structure as recommended by the Council on Aging and presented in a memo from the Director of Social Services dated May 3, 2006

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Senior Service Program

Lauren McSweeney, Director of Social Services, presented a draft regulation for the Senior Service Program. The Selectmen were asked to make decisions regarding the hourly rate, maximum amount to be earned, and income eligibility limits.

Applications will be due by September 15; the Social Services will then know how far the money will go.

Selectmen questioned the redundancy on the application form where it requests financial information. Ms. McSweeney will look into whether the financial information requested on the application is needed if the applicant attaches the income tax form.

The Selectmen discussed the options for per hour rates and maximum hours worked, which range from \$8.50 per hour working a maximum of 100 hours to \$10.00 per hour working a maximum of 85 hours.

Mr. Cohen, Bridge Street, spoke for the fiscally challenged seniors who want to continue to live in Lexington. He would like to see consistency in the eligibility requirements for all programs and suggested using the Community Preservation Act exemption eligibility for all programs. It was pointed out by Selectman Cohen that most programs are governed by state statutes which set forth eligibility requirements.

Upon motion duly made and seconded, it was voted to recommend Option 1 (30 participants working for \$8.50 per hour for no more than 100 hours per year) with the recommended income limits as stated in the Senior Service Program Policy. It was also noted that exceptions to the number of participants and the number of hours to be worked could be made in circumstances of extreme hardship, funds permitting.

State Aid Options

Mr. Addelson, Finance Director, discussed the possible options if Lexington receives additional State Aid for FY2007. We may not know the outcome of additional funds until the end of July. The options include:

1. Do nothing;
2. Appropriate to a Reserve Account;
3. Appropriate to supplement the FY2007 budget;
4. Use to offset the FY2006 Snow/ice deficit;
5. Lower the tax rate impact of the override (if voters approve the questions)
6. Supplement the FY2007 budget if any override questions are not approved; or
7. Reduce fees.

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Common Victualler Licenses

Max Stein's American on Hartwell

Upon motion duly made and seconded, it was voted to approve the application and issue a Common Victualler license for Second Julian LLC, d/b/a Max Stein's American on Hartwell, 94 Hartwell Avenue.

Ixtapa Cantina Mexican Family Restaurant

Selectmen were concerned that Ixtapa did not have a current Special Permit from the Board of Appeals. The Selectmen will check with Steve Frederickson, Building Commissioner, regarding the process and a letter will be sent to the owners of Ixtapa Cantina Mexican Family Restaurant requesting a quick response. The item will be placed on the Selectmen's agenda for 5/15.

Auctioneer Licenses

Royka's Auctioneers & Appraisers

Upon motion duly made and seconded, it was voted to approve the request of Royka's for an Auctioneer License for Sunday, May 28, 2006, from 3:00 p.m. to 6:00 p.m. and for Sunday, October 8, 2006, from 12:00 noon to 6:00 p.m. at the Depot Building.

Ali Sedeghpour, Fine Arts Studio

Upon motion duly made and seconded, it was voted to approve the request of Ali Sedeghpour, Fine Arts Studio, for an Auctioneer License for Saturday, May 20, 2006, from 2:00 p.m. to 5:00 p.m. at the Lexington Sheraton.

Selectmen Liaisons/Dissolve Committees

The Selectmen will individually review their list of assignments and let the Chairman know if they would like to make any changes.

Upon motion duly made and seconded, it was voted to dissolve the following committees:

Comptroller Selection Committee
Regular Town Manager Search Committee

Town Manager Reappointment – Board of Health

Upon motion duly made and seconded, it was voted to approve the Town Manager's reappointment of Dr. Burt Permuter to the Board of Health for a 3-year term to expire April 30, 2009.

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Reserve Fund Transfers for FY2006

Upon motion duly made and seconded, it was voted to recommend a reserve fund transfer of \$149,500 to the following accounts:

10091311-51902	Unemployment Insurance	\$70,000
10094502-52110	Workers Compensation	\$47,500
10091902-52110	Police and Fire Medical	\$32,000

Consent Agenda

Proclamation – DPW Week

Upon motion duly made and seconded, it was voted to sign a proclamation proclaiming May 21 to 27, 2006 as DPW Week.

Use of Battle Green – Memorial Day

Upon motion duly made and seconded, it was voted to approve the request of the Town Celebrations Committee to use the Battle Green on Monday, May 29, 2006, at 10:00 a.m. for the Memorial Day parade and ceremonies.

Minutes

Upon motion duly made and seconded, it was voted to approve the minutes of April 10, 2006, April 24, 2005, April 25, 2005, April 26, 2006, and April 28, 2006.

Executive Session Minutes

Upon motion duly made and seconded, it was voted to approve the executive session minutes of April 25, 2006.

Executive Session

Upon motion duly made and seconded, it was voted by roll call vote to go into executive session for the purpose of potential litigation with no intent to resume open session.

Upon motion duly made and seconded, it was voted to adjourn at 9:55 p.m.

A true record; Attest:

Lynne A. Pease
Executive Clerk