

Selectmen's Meeting
August 27, 2007

A regular meeting of the Board of Selectmen was held on Monday, August 27, 2007 at 7:00 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. Seferian, Precinct 8, thinks that Lexington should follow the lead of several neighboring communities and sever our relationship with No Place for Hate because it is sponsored by the ADL. As the Liaison for the No Place For Hate Committee, Mr. Manz has a greater appreciation for the work that they do, and would like to wait a reasonable time for a resolution of the current controversy relating to the recognition of the Armenian genocide in the early part of the twentieth century.

Selectmen Concerns and Liaison Reports

Mrs. Krieger discussed a citizen's request for permission to hunt with bow and arrow within Town lines.

Upon motion duly made and seconded, it was voted 5-0 to deny the request to hunt with bow and arrow on Town property.

Town Manager Report

Mr. Valente asked the Board to recognize Mr. Hadley, Director of Public Works. Mr. Hadley reported that due to an influx of Lexpress passes sold; pass riders will exceed capacity on bus routes 1,2, 3 and 6. As a result, a temporary moratorium for these routes will be in effect until an assessment of bus capacity is determined on September 12, 2007. Ms. Wagner, Transportation Coordinator, has been in contact with the Schools regarding this matter.

Grant of Location – NSTAR Electric Company – Mass. Avenue

Ms. Carroll, an NSTAR Representative, was present to answer any questions from the Board. The Department of Public Works/Engineering Division reviewed the petition of NSTAR Electric Company to install conduit on Mass. Avenue from MH#21454 to #1720 Lexington Place (formerly Battle Green Inn) and everything appeared to be in order.

Upon motion duly made and seconded, it was voted 5-0 to approve the petition of NSTAR Electric for a location, and to construct, a line of conduits and manholes with the necessary wires and cables therein, to be located under the surface of Massachusetts Avenue at MH#21454 Southeasterly, thence turning easterly approximately 10 feet east of Waltham Street, a distance of about 182 feet.

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Hearing – Liquor License Change of Manager – Max Stein's

Mr. Augusto, the proposed new manager, presented the application for a change of manager on the liquor license for Max Stein's American on Hartwell. Mrs. Krieger reminded Mr. Augusto that the restaurant has not paid their water bill since they opened in Lexington. Mr. Augusto commented that he has been brought in to fix several problems, and will add that to his list.

Upon motion duly made and seconded, it was voted 5-0 to approve the application for a change of manager and issue an all alcoholic common victualler liquor license to Second Julian LLC d/b/a Max Stein's American on Hartwell, 94 Hartwell Avenue.

Hearing – Liquor License Change of Manager – Ixtapa Cantina

Mr. Brambila, the proposed new manager, appeared before the Board to answer any questions.

Upon motion duly made and seconded, it was voted 5-0 to approve the application for a change of manager and issue an all alcoholic common victualler liquor license to Green Pepper Inc. d/b/a Ixtapa Cantina Mexican Family Restaurant, 177 Mass. Avenue.

Hearing – Liquor License Change of d/b/a – J& T Enterprises of Massachusetts, Inc.

Mr. Der Avedisian presented the request for a change of d/b/a to Omni's Crushed Grapes & More. He also inquired as to whether he could sell lottery tickets. Mrs. Krieger said that the Board would look in to the question of lottery tickets and get back to Mr. Der Avedisian.

Upon motion duly made and seconded, it was voted 5-0 to approve the application for a change of d/b/a and issue a Package Store all alcoholic liquor license to J&T Enterprises of Massachusetts, Inc. d/b/a Omni's Crushed Grapes & More, 411 Waltham Street.

Hearing - Pledge of Liquor License – Upper Crust Lexington LLC d/b/a The Upper Crust

Mr. Huggard presented the request for Pledge of Liquor License to TD Banknorth in connection with a loan to the company.

Upon motion duly made and seconded, it was voted 5 – 0 to approve the application for a Pledge of License for a common victualler all alcoholic liquor license for Upper Crust Lexington LLC d/b/a The Upper Crust, 41 Waltham Street.

Hanscom Air Force Base – Emergency Medical Services Proposal

Chief Middlemiss, Lexington Fire Department, presented the proposal to provide paramedic/ambulance service to Hanscom Air Force Base. Chief Middlemiss believes that Lexington could provide this service and the revenue from the contract would allow us to staff a

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second ambulance full time. The addition of four firefighter paramedics would be required to carry out the proposed services.

The consensus of the Board was that this is a good idea in principle. Mr. Valente said that he would do more homework as to the cost involved and see if he can get an extension on responding to the RFP.

Approve CPA Grant Agreements

Mr. Valente presented the request for the Board's approval of the Community Preservation Act grant agreements. Town Meeting has approved CPA funding in the amount of \$53,500 to the Muzzey Condominium Association for an engineering study, and \$44,000 to the Lexington Historical Society for the Depot Building elevator. Town Counsel has prepared Grant Agreements between the Town and each entity. The Agreements provide the documentation trail the Finance Department needs to make these payments and provide for other protections for the Town should the buildings be sold or the proposed projects not be carried out as authorized. Mr. Cohen had no issue with the process for paying the grant to the Lexington Historical Society, but wanted to review the procedure for how the money was being paid out to the Muzzey Condominium Association. Mr. Kelley did not support the funding of these projects.

Upon motion duly made and seconded, it was voted 4 –1 (Kelley abstained) to approve and sign the Grant Agreement between the Town and the Lexington Historical Society; and the Grant Agreement between the Town and the Muzzey Condominium Association, related to CPA funding approved by Town Meeting.

Hartwell Avenue Striping

Mr. Cannon, Assistant Town Engineer, presented the Pavement Marking & Signing Plan for Hartwell Avenue prepared by the consulting company BSC Group. The proposed street striping was presented at a meeting attended by Hartwell Avenue businesses, Bicycle Safety Committee, Sidewalk Committee, and Traffic Mitigation group representatives of the Town Economic Development, Engineering, and Police Departments. Based on community feedback, a final proposal was presented to the Selectmen. Ms. Gutttag, Precinct 5, stated that the four foot bike lane really only provides two feet of space for the cyclist because of drainage and water run off. Mr. Gleason, Precinct 7, said that the biking community supports the plan presented.

Upon motion duly made and seconded, it was voted 5-0 to approve the proposed street striping presented in the Hartwell Avenue Study conducted by BSC Group.

Traffic Safety Advisory Committee – Adams Street Signage

After meeting with the principal of Fiske School and PTA representatives, the Police Department requested that staff members of the Traffic Safety Advisory Committee review parking restrictions on Adams Street in front of Fiske School. Parents are using Adams Street as a drop

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off/pick up area, obstructing the cross walk and creating a traffic hazard. Mr. Cannon, Assistant Town Engineer, presented the recommendation of posting Emergency Parking Only signs on both sides of Adams Street from Porter Lane to East Street.

Upon motion duly made and seconded, it was voted 5-0 to approve the changes to the town parking codes as recommended by staff members of the Traffic Safety Advisory Committee.

Selectmen Appointments

Sidewalk Committee

Upon motion duly made and seconded, it was voted 5-0 to appoint Olga Guttag to the Sidewalk Committee for a three-year term from September 1, 2007 – September 30, 2007.

Climate Action Plan Ad Hoc Committee

Upon motion duly made and seconded, it was voted 5-0 to appoint John Huchra to the Climate Action Plan Ad Hoc Committee.

Ad Hoc Budget Schedule Committee

Upon motion duly made and seconded, it was voted 3-2 (Cohen and Burnell abstained) to appoint the members of the Ad Hoc Budget Schedule Committee as follows: Norman Cohen and George Burnell (Selectmen); Tom Diaz and Helen Cohen (School Committee); Bonnie Brodner, Mary Ann Stewart, and Andy Friedlich (TMMA); Pam Hoffman and Susan McLeish (Appropriation Committee Liaisons); David Kanter (Capital Expenditures Liaison).

Town Manager Reappointment

Recreation Committee

Upon motion duly made and seconded, it was voted 5-0 to approve the Town Manager's reappointment of Frederick DeAngelis to the Recreation Committee.

Franklin School

Upon motion duly made and seconded, it was voted 3-2 (Kelley and Burnell abstained) to send a letter of support from the Town to the Massachusetts Historic Commission naming Franklin School as a historic site.

Consent Agenda

Water/Sewer Commitments

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 March 2007 (Cycle 9) Revised	\$163,736.54
Commitment of Water/Sewer Charges for July 2007 (Cycle 9)	\$245,829.00

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Commitment of Water/Sewer Charges for 7/1/07 to 7/31/07 (Final Bills)	\$10,330.44
Adjustments of Water/Sewer Charges for the period from 6/1/07 to 6/30/07	-\$64,026.31
Adjustments of Water/Sewer Charges for the period from 7/1/07 to 7/31/07	\$15,598.40

Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the minutes of July 31, 2007 (goal setting meeting) and July 31, 2007 (regular meeting).

Executive Session Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the executive session minutes of July 31, 2007.

Use of Bikeway – Yale Club of Boston

Upon motion duly made and seconded, it was voted 5-0 to approve the request of the Yale Club of Boston for permission to use the bikeway on September 16, 2007 for a bike event for 30-40 people beginning at 9:00 a.m.

Use of Battle Green – Walk For Farm Sanctuary

Upon motion duly made and seconded, it was voted 5-0 to approve the request of Steve Baer for permission to have a Walk for Farm Sanctuary that would begin and end at the Battle Green on Sunday, September 30 from 1:00 – 4:00 p.m.

Use of Battle Green – Lexington Preschool PTA

Upon motion duly made and seconded, it was voted 5-0 to approve the request of the Lexington Preschool PTA for permission to hold the Annual Halloween Parade on Saturday, October 27, 2007 (rain date October 28).

One-Day Liquor License – St. Nicholas Greek Orthodox Church

Upon motion duly made and seconded, it was voted 5-0 to approve the request for a one-day liquor license by St. Nicholas Greek Orthodox Church for a Taste of Greece Fundraiser on September 21, 22 and 23, 2007.

Ratify Poll Vote – One Day Liquor License

Upon motion duly made and seconded, it was voted 5-0 to ratify a poll vote for a one-day liquor license for Neillio's Catering Corporate Function on Thursday August 9, 2007 from 5:30 p.m. to 9:30 p.m.

Ratify Poll Vote – Battle Green Flag Lowering

Upon motion duly made and seconded, it was voted 5-0 to ratify a poll vote to lower the flag on Friday, August 10, 2007 in honor of Richard Shaw.

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Ratify Poll Vote – Battle Green Flag Lowering

Upon motion duly made and seconded, it was voted 5-0 to ratify a poll vote to lower the flag on Monday, August 13, 2007 in honor of Clarence Turner.

Conservation Restriction

Upon motion duly made and seconded, it was voted 5-0 to approve the request of the Conservation Commission for a conservation restriction placed over a portion of 22 Butterfield Road (Lot 8, Pheasant Brook Estates II, Assessor's Map 38, Lot 138).

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 property considerations, with no intent to return to open session.

Upon motion duly made and seconded, it was voted to adjourn at 8:30 p.m.

A true record; Attest:

Diana B. Chabot
Assistant to the Executive Clerk