

**AGENDA**  
**Page 1 of 8**  
**BOARD OF SELECTMEN**  
**MONDAY, MARCH 10, 2003**  
**REGULAR SESSION**  
**SELECTMEN'S MEETING ROOM, TOWN HALL**  
**7:00 PM**

**Call to Order**

The Board of Selectmen convened in regular session at 7:00 p.m. in the Selectmen's Meeting Room of the Town Hall. All members were present.

**Questions from Town Residents**

A resident appeared before the Board of Selectmen to express concern that the elevator has been out of service for a number of months at the seven-story building at 125 Trapelo Road.

The Board requested the Fire Department and the Office of Community Development investigate this matter further.

**Action (By Appointment)**

*Discussion of Location of Fire Station Headquarters (Executive Session)*

The Board moved: to enter Executive Session to discuss acquisition of land related to the location of the Fire Station Headquarters. The Board shall return to open session.

The motion passed unanimously, by roll call vote (3-0).

The Board reconvened in open session at 7:45 p.m.

*Discussion of Public Works Consolidation*

The Board discussed draft home rule language from the Town Administrator to consolidate the Town's public works functions.

Mr. Brownsberger inquired whether changes to the Town's by-laws would be appropriate in addition to changes to state law.

Mr. Kobayashi conveyed to the Board a recent vote of the Board of Water Commissioners. He indicated the Board voted to recommend the establishment of an appointed advisory water board to replace the elected board. He indicated the Board would have no role in the administration of the department.

The Town Administrator stated the concept was to streamline the policymaking and oversight of the Town's public works functions. He expressed concerns that Mr. Kobayashi's description of an advisory water board sought broad policymaking roles.

Mr. Kobayashi suggested that the only changes to state law needed to consolidate these functions are the abolition of the elected boards of cemetery and water commissioners. He cautioned that to include anything else in this legislation might tie the Town's hands and restrict the community's flexibility to make changes in the future.

Mrs. Cushman, chairman of the Cemetery Commissioners, noted the Board willingness to suggested that specific language could be included in the home rule petition that could allow the Town by a 2/3 majority vote of Town Meeting to abolish the elected Cemetery Board to be replaced with an appointed advisory board. She expressed her Board's continued advocacy for the need to continue an elected board at his time.

Dr. Solomon expressed continued reservations over the continuation of more than one elected board within a consolidated public works departments. He expressed support for an advisory water board.

Mrs. Cushman inquired about Mr. Castanino's position with respect to the continuation of more than one elected board under a consolidated public works function.

Peter Castanino, proposed Director of Public Works, stated the significant likelihood for conflict between the priorities and needs of two separate boards that will make it difficult for a Public Works Director to manage the department.

Mrs. Cushman and Mr. Corbett stated they didn't see the elected Cemetery Board as getting involved in the day-to-day management of cemetery operations.

Mrs. Mahoney expressed her support for streamlining operations. She also articulated a significant level of uncertainty that she perceives from Town employees. She also suggested that the Board of Cemetery Commissioners appears to be related to the cemetery at McLean. She noted her support for the continuation of an elected cemetery board, but with a milestone sunset provision for the elected cemetery board.

Dr. Solomon suggested he might be willing to consider a date by which the elected board would be dissolved to be replaced by an advisory cemetery board.

Mr. Brownsberger requested the Board review draft by-laws to define the powers of the advisory water board and an advisory cemetery board.

Dr. Solomon expressed interest in scaling down the home rule petition as suggested by Mr. Kobayashi.

Mr. Kleckner suggested that a careful balance between specificity and broadness is important to preclude any potential current or future state law from taking precedence.

Mr. Brownsberger requested Mr. Kobayashi to work with the Town Administrator to develop draft by-law language to define the powers and duties of an advisory water board.

Mrs. Cushman provided comments relative to issues she hoped would be address within any by-laws related to a cemetery board.

The Board moved: the request the Town Administrator to work with both Mr. Kobayashi and Mrs. Cushman to develop draft by-law language for an advisory water board and an elected cemetery board along with a formula for the transition from an elected to an advisory cemetery board.

The motion passed unanimously (3-0).

#### *Discussion of FY04 Budget*

Mr. Brownsberger reviewed a letter he would like to distribute to the Town's department heads relative to the current budget crisis in the Town. He stated that while he believes the Board might want to trim the Town's budget in FY04, the Board will not make additional cuts from departmental budgets without creating opportunities for department heads to discuss with the Board these proposed cuts.

Mrs. Mahoney expressed his apology for the content of the Board's prior meeting. She noted her extreme discomfort with the Board's discussion of potential elimination of positions that are currently filled by active employees.

Dr. Solomon suggested the Board should discuss which cuts are the least detrimental to the Town.

The Board discussed a memo from the Town Administrator suggesting he develop a list of cumulatively increasing cuts totaling \$100,000, \$200,000, and \$300,000.

Mrs. Mahoney expressed her reservations about the Town specifically articulating up to \$300,000 in cuts.

The Board moved: to recommend the restoration of Lieutenant-level fire staff position, to maintain the current level of plans review capacity.

The motion passed unanimously (3-0).

The Board moved: to request the Town Administrator to restore funding for the staff officer in the fire department...to equal the FY 2003 level

The motion passed unanimously (3-0).

*Planning Board re: Economic Development Plan*

The Board met with members of the Planning Board, the Senior Planner, and the Planning Coordinator regarding the Planning Board's economic development planning efforts.

Mr. McClurg of the Planning Board reviewed the Board's work with the Cecil Group and in gathering public comments in examining the Trapelo Road/Belmont Street corridor. He stated the area requires rezoning.

Jeffrey Wheeler, Planning Coordinator, and Tim Higgins, Senior Planner reviewed the finding of the Board resulting from the consultant's work and a significant public participation process. He indicated the public board has 17 planning board meetings scheduled. He outlined major planning and design issues identified thus far in the planning process. Finally he described planning and design options suggested as part of the public process to date.

The Planning Board indicated their intention to conclude the public process and receive specific recommendation from the Town's consultants, such that the Planning Board can draft specific rezoning language.

Mr. Brownsberger inquired about how the Planning Board can incorporate information gained from this process to lend to the rezoning of Pleasant Street to encourage economic development.

The Planning Board stated their willingness to provide an update of their progress to the Town Meeting and their goal to have specific rezoning recommendations for a Special Town Meeting in the fall.

The Planning Board encouraged continued public input in this process. The Planning Board also noted its inability to review the proposed zoning by-law changes related to the regulation of commercial kennel operations.

The Board moved: to

The motion passed unanimously (3-0).

### **Action By Consent**

#### *Renewal of Motion Picture Exhibition License and Extended Hours Permit*

James Bramante, Studio Cinema, Inc. dba Belmont Studio, 376 Trapelo Road

The Board reviewed a renewal of the Motion Picture License and Extended Hours Permit for the Belmont Studio

The Board moved: to approve the license, conditional upon the showing of motion pictures only, to the exclusion of live entertainment or performance.

The motion passed unanimously (3-0).

### **Action (By Writing)**

#### *Memorandum from MA Department of Housing and Community Development re: Metropolitan State Hospital Affordable Housing*

The Board reviewed a memorandum from the MA Department of Housing and Community Development and a letter from Waltham's Mayor Gately regarding affordable housing at the former Metropolitan State Hospital.

Mr. Brownsberger stated he didn't feel that strongly about the need for the Town to receive credit for a fair share of the proposed affordable housing units.

Mr. Higgins urged the Board to send a letter to Lexington communicating strongly its intention to pursue its fair share of 1.3 of the affordable housing units to be developed on the Metropolitan State Hospital site.

The Board moved: to send a letter, under the Board's signature, to the Town of Lexington

The motion passed unanimously (3-0).

#### *Memorandum from Planning Coordinator re: City of Cambridge Truck Traffic Ordinance*

The Board reviewed a memorandum from the Planning Coordinator re: City of Cambridge Truck Traffic Ordinance.

The Board deferred this matter until additional information can be provided by the Senior Planner.

*Memorandum from Acting Police Chief re: Pedestrian Crossing Traffic Signal on Brighton Street (at Medford Savings Bank)*

The Board reviewed a memorandum from the Acting Police Chief regarding pedestrian crossing traffic signal on Brighton Street (at Medford Savings Bank).

The Board moved: to accept the recommendation of the Police Department.

The motion passed unanimously (3-0).

*Memorandum from Director of Community Development re: Request for Sign at 57 Concord Avenue*

The Board reviewed a memorandum from the Director of Community Development regarding a request for a sign at 547 Concord Avenue.

Mrs. Mahoney, recused herself because the sign request is from her dentist's office.

The Board moved: to approve the request for a sign to be installed at 547 Concord Avenue.

The motion passed unanimously (2-0), Mrs. Mahoney abstaining.

*Letter from Fire Chief re: Request to Institute Annual Fire Box Alarm Fees*

The Board reviewed a letter from the Fire Chief requesting to institute annual firebox alarm fees.

The Board moved: to approve the recommendation of the Fire Chief to institute annual firebox alarm fees.

The motion passed unanimously (3-0).

*Selectmen's Issues List*

Mr. Brownsberger indicated his intention to update the issues list in consultation with the Town Administrator.

**Other**

Mr. Brownsberger suggested the Board discuss the concept of the

Mr. Brownsberger noted the potential for Governor Romney to attend the opening session of the Town Meeting.

Mrs. Mahoney expressed her continued dissatisfaction of Comcast's service.

The Board moved: to sign the Annual Town Election Warrant.

The motion passed unanimously (3-0).

Dr. Solomon suggested the Cable Advisory Committee should synthesize the information gathered from public comment on Comcast's application for a renewal of its cable license.

*Discussion of Litigation (Executive Session)*

*Discussion of Collective Bargaining (Executive Session)*

The Town Administrator reviewed a letter from Stephen Kidder, attorney for McLean Hospital, confirming that the only outstanding issues related to contingencies in the transfer of land were as follows:

1. receipt of state approval of the conservation restrictions;
2. development of plans by McLean to carve up the property to convey the land; and
3. ????

He clarified that the issue of the Junction Brook is an issue between certain residents and the state, but does not affect the transfer of the land from McLean to the Town.

Mr. Barrell, Chairman of the Planning Board, reviewed the Planning Board's special permit requirement with respect to affordable housing units in the senior housing component and the Town's building commissioner's subsequent denial of a building permit. He noted that the Zoning Board of Appeals upheld the building commissioner's decision.

Mr. Brownsberger disclosed his employment by Harvard Medical School, which is affiliated with McLean Hospital, but indicated Town Counsel has made an official determination that there is no conflict of interest.

The Board moved: to enter executive session for the purpose of discussing litigation related to the ARC litigation and collective bargaining; and further that the Board shall not return to open session.

The motion passed unanimously (3-0), by roll call vote.

The regular session adjourned at approximately 10:35 p.m.

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Melvin A. Kleckner, Town Administrator  
Clerk, Board of Selectmen