

Selectmen's Meeting  
January 28, 2008

A regular meeting of the Board of Selectmen was held on Monday, January 28, 2008 at 5:30 p.m. in the Selectmen Meeting Room, Town Office Building. Chairman Krieger, Mr. Kelley, Mr. Cohen, Mr. Manz, Mr. Burnell; Mr. Valente, Town Manager; and Ms. Pease, Executive Clerk, were present.

Budget Discussion

The Selectmen discussed possibilities for balancing the municipal budget. Mr. Valente reviewed the recommended Program Improvement Requests. The staff is still looking at the overlay accounts for any possible revenue and possible additional local receipts.

Mr. Valente will discuss with senior staff and come up with a list of prioritized cuts to present to the Selectmen.

Selectmen Concerns and Liaison Reports

Mr. Manz announced that the LABB Olympics will be held on May 21, 2009 at 9:00 a.m. He encouraged everyone to attend for the very worthwhile event.

Mr. Manz and Mr. Cohen provided information on the very beneficial Lexington Forum on Youth to be held Saturday, February 2, 2008, from 8:30 a.m. to 12:30 p.m. in Cary Auditorium. The title of the forum is "Over-Stressed and Under Pressure: Surviving Adolescence in Lexington". The speakers will be Paul Richards, principal of Needham High School; Kathy Meagher, Director of Multidisciplinary Support Team at LHS; Christine Connolly, Director of Health and Human Services in Arlington; and Tim Dugan, child/adolescent psychiatrist.

After a meeting Mr. Manz and Mr. Cohen had with the Webster's, who are concerned about overcrowding and parking issues at Willards Woods resulting from its popularity by dog owners, Mr. Manz requests that the Town look at options to alleviate the overcrowding problems.

Mr. Cohen congratulated the Farmer's Market for a wonderful celebration dinner and looks forward to it successfully continuing.

LexMedia – Studio at Kline Hall

Two items are left to do to finally make Kline Hall a reality as LexMedia studio and office space. Later tonight the LexMedia board will sign a sublease between the Town and LexMedia that is satisfactory to both parties and that the Town Manager will also sign. Tonight the Selectmen are asked to sign a Grant Agreement between the Town and LexMedia so that \$400,000 from the cable revolving fund can be used for the build out of Kline Hall. The Grant Agreement was prepared by Town Counsel and is acceptable to LexMedia.

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Upon motion duly made and seconded, it was voted 5-0 to approve and sign the Lexington/LexMedia Grant Agreement for Kline Hall, providing a grant of \$400,000 from the PEG access funds for the build-out of the facility.

Mr. Forsdick, Acting Executive Director of LexMedia, expressed thanks on behalf of the LexMedia Board of Directors and thanked the Selectmen and the residents of Lexington for their support. Mr. Forsdick acknowledged two individuals on the LexMedia Board who were instrumental in seeing this project to fruition: Shelby Kashket and Alan Lazarus. The grant money will be used to build out space (walls, floors, carpets, electrical and sprinkler system). The space will include multiple studios for programming, offices for staff and volunteers, video and editing rooms, a kitchen for cooking or science shows, classroom for instruction and a conference room. When LexMedia moves into Kline Hall it will be run by a new digital infrastructure. LexMedia will bring some of its existing equipment from Kite's End, but there will be a lot of empty rooms and electronic racks that will provide opportunities for businesses, organizations and individuals to show support for residents to LexMedia by making donations to outfit the new studio. LexMedia will also start a capital fundraising campaign for additional equipment and furniture.

Mr. Burnell was grateful to the Selectmen, the Communications Advisory Committee and the LexMedia Board for getting the project started and following through to seeing a new studio built at Kline Hall

The architect is in the process of getting the building permits and expects that after receiving the necessary permits the build out will take approximately three months. LexMedia hopes to get permission to move in during April or May.

Mr. Valente explained that Town Meeting originally authorized the Revolving Fund to expend \$400,000 and under state statute the Selectmen and Appropriation Committee can vote to increase the amount of authorization. The Selectmen were asked to vote to increase the authorization to spend from the revolving fund an additional \$400,000 and then the Appropriation Committee will be asked to take a similar vote.

Upon motion duly made and seconded, it was voted 5-0 to increase the authorization from the revolving fund to spend an additional \$400,000 for the purposes of building out Kline Hall.

#### Water and Sewer Discount Program – Tax Deferral and Exemption Study Committee

Vicki Blier and Pat Costello, Co-Chairs of the Tax Deferral and Exemption Study Committee, along with member Joel Adler, presented the Committee's recommendations for formalizing a water and sewer discount program for low-income households for Lexington.

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The Committee recommends that the program be administered by the Social Services Department. To qualify a resident would first apply for and receive fuel assistance through the federal Low Income Home Energy Assistance Program administered locally by Community Teamwork, Inc. (LIHEAP). Residents presenting evidence of acceptance to the LIHEAP program would receive a 30% discount on the next two subsequently issued water and sewer bills. If an administrative structure can be developed to apply the discount to already-issued bills without creating an undue staff burden, that would be desirable. The Selectmen must consider whether qualifying seniors who defer their Water and Sewer bills may also receive the 30% discount. Efforts should be made to contact recipients of LIHEAP fuel assistance directly to inform them that they qualify for the Water and Sewer Discount Program. In addition, other forms of outreach can be made through tax bills, water and sewer bills, the Senior Center tax return assistance program and other educational programs. The incremental cost to other ratepayers is a modest amount, likely to be less than \$3.34 per year.

## Battle Road Event at Tower Park – April 19, 2008

Paul O'Shaughnessy, Officer of the Tenth Regiment of Foot, provided information to the Selectmen on a proposed Battle Road event at Tower Park on April 19, 2008. Other organizations involved are Lexington Minutemen and Historical Society, Fifth Regiment of Food and the Battle Road Committee.

They also hope to enlist the Tourism Committee and the National Heritage Museum and have contacted the Town Celebration Committee for comments.

They are currently working out the details with Police, Fire, Town Manager and DPW and will return to the Selectmen for final approvals.

The Selectmen all support the proposed plans and encouraged them to move forward with finalizing the event.

## 2<sup>nd</sup> Quarter Exception Report

Mr. Young, Budget Officer, reviewed the 2<sup>nd</sup> Quarter Exception Report for the period through December 31, 2007. The exceptions include any line item of the municipal budget, which is either materially above the anticipated percentage expended through six months or is significantly above previous years trends. The exceptions are:

1. Public Works Personal Services and Wages/Snow Removal  
Amount spent: \$761,915.33 (124.4% of budget spent) because of a more active snow season. An additional \$300,000 has been set aside in the FY2009 budget to cover any deficit, more funding may be necessary to cover the cost of additional snow events. Funds are available in the FY2008 unemployment budget, which could be transferred.

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2. Law Enforcement Personal Services  
Amount spent: \$2,107,692 (50.01% of budget spent) because of Chief Casey's concerns regarding overtime, a combination of extended illnesses, vacancies, National Guard deployments and trainings which result in the Police department overtime budget being spent already. Careful monitoring and management of overtime will continue.
3. Law Enforcement Expenses/Vehicles  
Amount spent: \$119,816 (113.4% of budget spent) The Police Department has adjusted their budget request for FY2009 to accommodate the added cost of new cruisers and will cover the overage within the overall Police expense budget.
4. Town Manager Expenses/Legal Services  
Amount spent \$51,660 (58% of budget spent) because of the need to use labor attorneys in conjunction with contractual negotiations and disciplinary matters has resulted in this budget receiving two Reserve Fund Transfers totaling \$100,000. Additional Reserve Fund transfers will likely be necessary to accommodate ongoing and anticipated expenses.
5. Town Clerk Personal Services and Expenses  
Amount spent: \$219,683 (41% of budget spent) because the upcoming presidential primary is the third unfunded election that the Town has had to cover this fiscal year. The February 5 primary will cost the Town approximately \$20,000. It is possible that the election can be covered within the Town Clerk's budget via the supplemental funding allocated by the 2007 Special Town Meeting. A modest Reserve Fund transfer may be necessary to accommodate election expenses.

### Route 128 Traffic Mitigation

Mrs. Krieger attended the January 8, 2007 Metropolitan Area Planning Council (MAPC) meeting where representatives from four communities (Lexington, Lincoln, Waltham and Weston), developers, transportation, economic development and environmental agencies discussed the opportunities and challenges in the 128 Central area bounded by Route 3 North and I-90. This central section of Route 128 encompasses approximately 15 current, proposed and potential development sites. The January 8 discussion included information on the opportunities and challenges in the area, including planned and future economic development opportunities, as well as existing and potential traffic on Route 128. The four communities and MAPC agreed to meet and consider collaborating on their review of The Commons at Prospect Hill Draft Environmental Impact Report (DEIR). Mrs. Krieger will bring to the next meeting a draft letter with comments on the many projects currently proposed along Route 128 and their affect on the capacity of the road and how mass transit can be improved.

### Appointments

#### Communications Advisory Committee

Upon motion duly made and seconded, it was voted 5-0 to appoint Kenneth Pogran to the Communications Advisory Committee for a 3-year term to expire September 30, 2010.

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Traffic Mitigation Group

Upon motion duly made and seconded, it was voted 5-0 to increase the membership of the Traffic Mitigation Group to 7 core members and to appoint Susan Yanofsky to the committee as a staff member.

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

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 Vinny T's Restaurant Corporation, d/b/a Vinny T's of Boston, 20 Waltham Street.

Future Meetings

The Selectmen will schedule regular meetings for March 10 and 17. Beginning March 19, Selectmen will meet every Monday and Wednesday beginning at 6:30 p.m. until Town Meeting begins at 7:30 p.m. There will be no meetings scheduled for April vacation (April 21-25). Meetings prior to Town Meeting will be booked through May 7.

Consent Agenda

Local Official Bond – Town Collector

Upon motion duly made and seconded, it was voted 5-0 to approve a Local Official Bond for the Town Collector, Arnold Lovering.

Reserve Fund Transfer Approval

Upon motion duly made and seconded, it was voted 5-0 to approve the request for a transfer from the reserve fund to the HR Legal Services Account in the amount of \$40,000.

Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the minutes of January 7, 2008, January 14, 2008, and January 16, 2008.

Budget Collaboration/Financial Summit 4

A joint meeting of the Board of Selectmen, School Committee and Finance Committees was held on Monday, January 28, 2008, at 7:30 p.m. in the Selectmen Meeting Room, Town Office Building. Present: Chairman Krieger, Mr. Kelley, Mr. Cohen, Mr. Manz and Mr. Burnell; Mr. Valente, Town Manager, Ms. Pease, Executive Clerk; Dr. Ash, Superintendent; Ms. Dunn, Assistant Superintendent; all members of the School Committee; all members of the Appropriation Committee; all members of the Capital Expenditures Committee, with the exception of Mr. Edson and Mr. Hurley; all members of the Community Preservation Committee, with the exception of Mr. McSweeney, Ms. Weiss and Mr. Wolk.

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Update: Governor's FY2009 State Aid Proposal

Mr. Valente reviewed the Governor's proposed budget. Under Chapter 70 the new formula for funding would increase Chapter 70 aid substantially over the prior year and that would be a little more money than is projected in the proposed budget. The Governor is proposing to reduce lottery aid but to make it up under the gaming proceeds (casino). The Town Manager feels that the \$600,000 proposed in the Town's budget is a conservative realistic estimate.

Vote: Use of \$461,000 of Free Cash

At the last Summit meeting there was consensus of both the School Committee and Board of Selectmen to support using the \$461,000 to help close the gap.

The Appropriation Committee has voted to approve of using the \$461,000 to help close the gap of the operating budget, but they caution that using non-recurring funds to balance the budget will cause problems in future budgets.

Current Status of FY2009 Budget Shortfall

Mr. Valente briefly reviewed a letter from Representative Jay Kaufman cautioning cities and towns to be cautious of the Governor's proposed increases in local aid and local property tax relief measures because the legislature may or may not adopt the proposals. Of particular concern to Representative Kaufman is the proposed gaming proceeds from casinos.

Mr. Valente reviewed two important adjustments to the shortfall: including the \$461,000 of free cash and additional assessment increase of \$190,000 from Minuteman. The new gap is \$1,019,550 (Municipal \$192,889 and Education \$826,661). The additional assessment from Minuteman is because of increased enrollment and a new assessment formula, which mirrors the state formula that looks at a community's ability to show stronger revenue growth. There were many questions on why the increase is so high and that the formula should not work to Lexington's disadvantage. Mr. Valente believes the subject should be discussed with Lexington's state legislators; also the Superintendent of Minuteman or his designee could come and explain the new formula.

Options for Closing Budget Shortfall

Mr. Diaz, School Committee, proposed closing the \$690,000 (amount of gap prior to the increase in the gap due to Minuteman increase) by: 1) \$300,000 possible LABB credits; 2) \$350,000 proposed SPED stabilization fund; and 3) \$40,000 from the proposed amount for the Stabilization Fund.

The Town Manager provided a list of possible options for closing the budget shortfall:

1. Use of Free Cash currently recommended for the Stabilization Fund
2. Use of Free Cash currently recommended for SPED reserve
3. Use of potential FY2008 School Surplus:
  - a. To replace proposed FY2009 Stabilization Fund recommendation(s)
  - b. To replace proposed FY2009 Cash Capital shortfalls for schools

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4. Use of LABB Credits
5. Reductions to current FY2009 budget proposal (Municipal and Schools)

Selectmen discussed earlier tonight that they intend to direct the Town Manager to propose cuts and do not feel it is appropriate to use the Stabilization Fund to close the gap.

The group would like additional information regarding the LABB program and how the budget works.

Dr. Ash reminded the group that if the new in-house programs were not started for SPED, the SPED budget would be much higher for FY2009.

There was a lot of discussion regarding using non-recurring funds to balance the budget and the serious concerns that could arise for the FY2010 budget.

The Selectmen were polled on the use of the \$350,000 that was earmarked for a SPED Stabilization to reduce the School's gap. All Selectmen agreed it should be used to reduce the School's budget; except Mr. Burnell who felt the money should be split.

Briefly discussed CPC projects decisions that impact the budget: the \$40,000 for the fire station and the \$580,000 for the Munroe Fire system.

Confirm February 13 Summit Date and Agenda

The next Budget Collaboration/Summit meeting will be Wednesday, February 13, 2008. This is 3-4 days before the budget goes to print. The agenda will be to finalize the budget and finalize capital.

Upon motion duly made and seconded, it was voted to adjourn at 9:20 p.m.

A true record; Attest:

Lynne A. Pease  
Executive Clerk