

Selectmen's Meeting
July 31, 2007

A meeting of the Board of Selectmen was held on Tuesday, July 31, 2007 at 7:30 p.m. in the Selectmen's Meeting Room. Chairman Krieger, Mr. Kelley, Mr. Cohen, Mr. Manz, Mr. Burnell; Mr. Valente, Town Manager; and Ms. Pease, Executive Clerk, were present.

Selectmen Concerns and Liaison Reports

Mr. Manz introduced two scouts in the audience that are working on their Communications Badge.

Mr. Manz announced that he attended the ribbon cutting ceremony of the new Liberty Ride trolley on Monday, July 30, 2007. The blue and red trolley is a nice ride and will attract attention as it drives through town.

Mr. Manz thanked the hardworking Parking Enforcement Officer for the thankless job he does.

Proclamation – 220th Constitution Week

Upon motion duly made and seconded, it was voted 5-0 to sign a proclamation to proclaim September 17 through 23, 2007 as Constitution Week and urge all citizens to reflect during the week on the many benefits of our Federal Constitution and the privileges and responsibilities of American Citizenship.

Liquor Hearing – Change of Manager – Not Your Average Joe's

Bernard Murphy, proposed new manager of Not Your Average Joe's, was available to answer any questions.

Upon motion duly made and seconded, it was voted 5-0 to approve the application and issue a license for a change of manager of an all alcoholic common victualler liquor license to Not Your Average Joe's, Inc., d/b/a Not Your Average Joe's, 1727 Massachusetts Avenue.

Lexington Golf Club Liquor License – New Assistant Manager

Upon motion duly made and seconded, it was voted to approve Paul Modoono as an Assistant Manager serving liquor at the Lexington Golf Club.

DPW Transition Plan

Mr. Hadley, Director of the Department of Public Works, reviewed the current transition plan to house DPW operations during construction of the new facility as follows:

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The old Harrington School will house the administration, water/sewer and highway. Entrance to the old Harrington School will be changed to 2-way. Necessary signage will be added for the safety of children walking from Maple Street and there will be a crossing guard. A fence will be installed to try to isolate the DPW operations.

The Westview Cemetery will house the forestry group and seasonal equipment not being used. The DPW will minimize use of Westview because of burials.

The compost facility will house the green storage shed and the gravel for water breaks.

The State is willing to help with salt and sand at its facility off of Route 2. Currently discussions are taking place with business owners regarding diesel fuel. Also hoping to use Minuteman Tech for the mechanics, but that is still an open issue.

Currently the goal is to put the project out to bid by September and award a contract in October.

Mr. Hadley also updated the Selectmen on the center sidewalk project. The trees have been taken down and work began Tuesday, July 31, 2007.

Update on Audit Management Letter

Mr. Addelson, Finance Director, updated the Selectmen on the status of implementing the recommendations made in the FY2006 Audit Management Letter.

1. **Revise Accounting of Trust Funds.** The Town needs to review the funds in question and take the necessary steps to improve the safeguarding of the assets. The Town plans to schedule a meeting with the Trustees of Public Trusts to address the issues.
2. **Improve Year-End Cut-off Procedures.** The Town needs to improve the year-end cut-off procedures to ensure that all invoices are charged to the appropriate fiscal year. As a new standard procedure the Comptroller's office sent a memo to Town and School departments stating the new procedures for the year-end cut-offs. The Comptroller's office will do this on an annual basis and continue to monitor.
3. **Improve Compensated Absences Accounting.** The Town needs to centralize and automate the accounting for employee compensated absences. All departments are automated except Police and Fire. There are continuing discussions with the Fire and Police chiefs to evaluate whether it is more efficient to do manually or to automate.
4. **Improve Controls over Student Activity Funds.** The Town needs to review existing controls and work with the School Department to ensure student activity funds are adequately safeguarded. The Finance Department has discussed with the newly appointed Assistant Superintendent for Finance and Business who acknowledged problems and intends to review existing student activity fund procedures and implement needed changes to them.

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5. **Implement Policies and Procedures Over Fixed Asset Records.** The Town needs to establish an inventory of all general infrastructure fixed assets. The required schedule information was compiled and submitted to the auditor for review and reflected as of June 30, 2007.
6. **Formalize Controls Over Petty Cash.** The Town needs to prepare formal policies and procedures for the administration of petty cash funds. Currently DPW, Police, Recreation and the Treasurer's Office maintain petty cash. The Town will continue to strengthen the procedures and follow-up to ensure compliance.
7. **Periodically Discuss Fraud Prevention with Employees.** The Town needs to periodically discuss fraud prevention with all employees. Draft has been prepared and needs to be distributed to Town Employees.
8. **Improve the Cash Reconciliation Process.** The Town needs to require and implement the use of a summarized one-page report showing the reconciling items for each bank statement. The Finance Department has developed the summary report and is working on and hopes to resolve by the FY2008 audit.
9. **Monitor School Lunch Deficit.** The School Department needs to establish a procedure to properly balance operations of the School Lunch fund and improve the year-end cut-off process. Discussed with the Assistant Superintendent for Finance and Business continues to review and strength the year-end procedures.
10. **Improve Departmental Internal Controls and Formalize Departmental Receipt Procedures.** Draft procedures are being reviewed internally and then they will be distributed and training will occur.

Recommendation to Negotiate TIF

Shire has asked the Selectmen whether it is the Town's intention to negotiate a TIF with them regarding the Lexington Technology Park property. Based on the Town's analysis, staff recommends that the Town enter into negotiations for the following reasons: the Shire proposal, as presented, will result in additional taxable development sooner than the Town would otherwise realize and the Shire proposal is consistent with the type of development contemplated at this site when it was presented to Town Meeting for rezoning in 2004 (biotech lab space and manufacturing). Also, the appropriation Committee voted 6-0 to recommend to the Selectmen that the Board enter into negotiations with Shire.

The following schedule is recommended: complete negotiation of TIF Agreement by September 15, 2007; conduct public meetings/informal presentations to Town Meeting on proposed TIF agreement between September 17 and 28, 2007; convene Special Town Meeting to vote TIF by October 10, 2007 and present TIF Agreement to EACC by October 25, 2007.

Upon motion duly made and seconded, it was voted 5-0 to approve and authorize the Chairman to sign a letter to ShireHGT agreeing to enter into negotiations with Shire on a tax Increment Financing agreement.

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Appointment of Election Officers

Upon motion duly made and seconded, it was voted 4-0-1 (Cohen abstained) to appoint 181 Election Officers (24 Republicans, 74 Democrats and 83 Unenrolled registered voters) for the period beginning September 1, 2007 and as listed by the Town Clerk in a memo dated July 6, 2007.

Appointments –Climate Action Plan Ad Hoc Committee

Upon motion duly made and seconded, it was voted 5-0 to appoint the following members to the Climate Action Plan Ad Hoc Committee:

Toby Sackton
Andy McClaine
Ken Karnofsky
Rick Abrams
Diane Daily
Linda Moran
John Krawczyk
Marilyn Campbell
Adam Sacks
Sam Silverman
Charles Moore

Upon motion duly made and seconded, it was voted 5-0 to designate members of the Climate Action Plan Ad Hoc Committee as Special Municipal Employees.

Appointment – Lexington Council for the Arts

Upon motion duly made and seconded, it was voted to appoint Myron Rosenblum to the Lexington Council for the Arts for a three-year term to expire September 30, 2010.

Limousine License Renewals

Upon motion duly made and seconded, it was voted 5-0 to approve the application and issue two (2) Limousine Licenses to Back Bay Sedan Services, d/b/a Fus Co Ltd., 55 Reed Street, pending inspection of the vehicles by the Police Department.

Upon motion duly made and seconded, it was voted 5-0 to approve the application and issue two (2) Limousine Licenses to Ameri Limo, d/b/a Boyadjian Limo, 447 Lowell Street, pending inspection of the vehicles by the Police Department.

Upon motion duly made and seconded, it was voted 5-0 to approve the application and issue one (1) Limousine License to Kip Farris, 158 Maple Street.

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Use of Bikeway – Conduct Surveys

Anne Lusk, Harvard School of Public Health, emailed information requesting permission to distribute surveys, do observations and odometer readings, and take photographs on the bike path. The Lexington Bicycle Advisory Committee, Police and Fire reviewed the request and see no problems.

Upon motion duly made and seconded, it was voted 5-0 to approve the request of Anne Lusk, Harvard School of Public Health, to distribute surveys, do observations and odometer readings and take photographs on the Lexington portion of the bike path.

FY2009 Street Acceptance Schedule

Upon motion duly made and seconded, it was voted 5-0 to accept the FY2009 Street Acceptance Schedule as drafted by the Engineering Department and dated July 12, 2007.

Future Meetings

The Selectmen propose to meet September 10 and 24, 2007, October 15 and 29, 2007, November 5 and 19, 2007, and December 3, 10 and 17, 2007.

Approve Charge for Ad Hoc Budget Schedule Committee

Upon motion duly made and seconded, it was voted 5-0 to approve the charge for the Ad Hoc Budget Schedule Committee.

Upon motion duly made and seconded, it was voted 5-0 to designate members of the Ad Hoc Budget Schedule Committee as Special Municipal Employees.

Consent Agenda

Adjustments and Commitments of Water and Sewer Charges

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

Commitment of Water/Sewer Charges for June 2007 (Cycle 9)	\$266,888.64
Commitment of Water/Sewer Charges for 6/1/07 to 6/30/07 (Final Bills)	\$8,765.34

Upon motion duly made and seconded, it was voted 4-0-1 (Kelley abstained) to approve the following water and sewer adjustments:

Adjustments of water/sewer charges for the period from 5/1/07 to 5/31-7	-\$77,368.05
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Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the minutes of July 9, 2007, July 10, 2007 (goal setting) July 11, 2007 and July 24, 2007.

Executive Session Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the executive session minutes of July 9, 2007, July 11, 2007 and July 24, 2007.

Sign Department of Public Facilities Memorandum of Agreement

Mr. Kelley supports a combined Facilities Department, but does not support the School Superintendent as the employer and collective bargaining negotiator. Mr. Burnell shares this concern and has discussed with the Town Manager who is confident the goals of a combined department can be achieved. Mr. Burnell feels the Selectmen will need to pay close attention as we move forward to avoid any pit falls.

Upon motion duly made and seconded, it was voted 4-1 (Kelley opposed) to sign the Department of Public Facilities Memorandum of Agreement.

Town Manager Vacation Approval

Upon motion duly made and seconded, it was voted 5-0 to approve the request of the Town Manager to take vacation from August 5 through August 13.

Release Portion of Executive Session Minutes Regarding Liberty Ride for the May 19, 2003 Minutes

Upon motion duly made and seconded, it was voted 5-0 to release the portion of the Executive Session minutes of May 19, 2003 regarding the Liberty Ride.

Executive Session

Upon motion duly made and seconded, it was voted by roll call vote 5-0 to go into executive session for the purpose of labor negotiations and real property, with no intent to return to open session.

Upon motion duly made and seconded, it was voted 5-0 to adjourn at 9:15 p.m.

A true record; Attest:

Lynne A. Pease
Executive Clerk