

Selectmen's Meeting
November 19, 2007

A regular meeting of the Board of Selectmen was held on Monday, November 19, 2007 at 7:30 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.

Public Comment

Christian Herrold, Executive Director of Munroe; Julian Miller, Chair of the Munroe Board of Directors; and citizens Adam Sacks and Joan Zahka commented on the importance of keeping the Munroe Center for the Arts and hope the Selectmen will support them.

Selectmen Concerns and Liaison Reports

Mr. Manz updated the Selectmen on the recent Traffic Mitigation Group meeting to discuss the Hartwell Avenue restriping. A summit will be planned that will include representatives from Bedford, Lexington and Hanscom, and the biking and car community that will address any issues and make suggestions for amending the traffic flow.

Mr. Burnell, as Liaison to the Communications Advisory Committee, asked for authorization from the Selectmen to negotiate with Comcast to amend their current renewal license to relieve them of responsibility to provide and maintain the coaxial cable-based I-Net. In consideration of that change Comcast will pay the Town \$17,006 each year until the end of the license term and they will remove all cables, amplifiers and other I-Net equipment from the Town no later than a date to be negotiated. All of the Selectmen concurred with this request.

The Selectmen were asked by Bedford to support legislation that would provide relief for Bedford of the financial costs associated with providing for the educational needs of the high-school aged children of military families living on Hanscom Air Force Base (HD4269, An Act Relative to the Education of Students of Military Families Living on Military Bases in the Commonwealth). The Selectmen support and Mrs. Krieger will prepare a letter to send to Lexington's legislative delegation supporting the legislation.

Mrs. Krieger updated the Selectmen on the status of the Energy Bill pending in the state legislature. Jay Kaufman added an amendment to the bill, which was passed by the House, to create a commission of 6 towns that would work with the DPU to look at the feasibility of establishing municipal utilities.

Town Manager Report

Mr. Valente informed the Board that a 2nd payment of \$50,000 was received from Brookhaven for affordable housing purposes. The funds will be appropriated at the Annual Town Meeting.

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Accept Fund – Battle Green Flag Pole Maintenance Fund

Richard Michelson, Lexington Bicentennial Corporation, came before the Selectmen to request a new fund be accepted to maintain the Battle Green flagpole. Mr. Michelson explained that the Lexington Bicentennial Corporation was established in October 1973 to raise monies to fund the 1975 activities of the Bicentennial of the Battle of Lexington. Some of the monies were used to donate the large flagpole in 1976. Now the remaining corporate assets (\$17,355.95) are being used to establish a trust fund to provide perpetual care for the Battle Green flagpole.

Mr. Michelson provided some history about the Battle Green flagpole. It was originally a wooden pole. In the early 1970's the pole was hit by lightning and was reduced in height and then a rock was discovered at the base and the height had to be reduced further. In 1976 the Bicentennial Corporation decided on a permanent memorial that would replace the wooden flagpole with a steel pole. Article 32 of the 1976 Annual Town Meeting asked Town Meeting to accept a gift to the Town of a new steel pole at a cost of up to \$30,000 and the Article was approved by Town Meeting at the April 7, 1976 session. Actual cost for the pole and installation was \$25,565.16. The flagpole is 125 feet above ground in 2 sections. The bottom section is 95 feet tall and 22 inches in diameter. The top section 42 feet high, and the diameter goes from 12-3/4 to 8-5/8 inches at the very top. It is secured in ground 12 feet in a foundation. The flagpole was purchased through BA Larson Company in Bedford. The contract was signed on May 17, 1976 and the flagpole was installed in October 1976 and it was dedicated on Patriots Day 1977.

Upon motion duly made and seconded, it was voted 5-0 to accept the terms of the Battle Green Flag Pole Maintenance Fund to be managed by the Trustees of Public Trusts with gratitude for this donation to the town.

Conservation Restriction – 50 Hill Street

Mr. Robert Tuchmann, on behalf of the Trustees of Hill Street No. 50 Nominee Trust, came before the Selectmen to present the proposed conservation restriction and to request their approval and signature. The land known as Robinson Hill is approximately 20 acres that has been in the same family for over 60 years.

Mr. Cohen, on behalf of all of the Selectmen, expressed how extremely grateful the Town is to the Bertucci family for this generous donation and thank them for all they have done for Lexington.

Upon motion duly made and seconded, it was voted 5-0 to accept and sign a conservation restriction for 50 Hill Street (Map 57, Lot 112A), currently owned by John Bertucci and Richard S. Chute, Trustees of Hill Street No. 50 Nominee Trust, which is a parcel of land located on Robinson Hill that is approximately 20 acres to be used in perpetuity and exclusively for conservation purposes.

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Tax Classification Presentation

Mr. Addelson, Assistant Manager of Finance, announced that the Town received final approval of the FY2008 recertification of assessed valuations.

Mr. Jackson, Chair of the Board of Assessors, presented information on the FY2008 values:

DESCRIPTION	% FY07 Value	FY07 Values	% FY08 Value	FY08 Values	Change
Total Residential	88.6%	\$7,135,277,500	87.5%	\$6,945,049,000	-2.7%
Total Commercial	8.0%	\$636,806,000	8.6%	\$677,773,000	6.4%
Total Industrial	1.8%	\$148,538,000	1.9%	\$152,930,000	3.0%
Total Personal Property	1.6%	\$132,069,580	2.0%	\$161,837,170	22.5%
Total CIP		\$927,413,580		\$992,540,170	8.2%
Total Value All Classes	100%	\$8,052,691,080	100%	\$7,937,589,170	-1.4%

The requirement that the maximum shift be 1.70 by FY2009 has recently been repealed by the Legislature. The Board of Assessors plans to have packets to the Selectmen in advance of the December 3 hearing.

Exception Report

Mr. Young, Budget Officer, presented the FY2008 1st Quarter Exceptions Report. Exceptions are any line item on the municipal budget, which either is above the anticipated percentage expended through three months or is significantly above previous year's trends. There are currently two exceptions:

Line 4100 Law Enforcement Expenses: \$131,495 (124.4% of budget spent). This is due to the discontinuation of the Crown Victoria; the Police Department has purchased different cruisers and cruiser packages in FY2008. These new cruisers and the packages necessary to outfit them have cost more than anticipated. The amount shown will go down once trade-in values are applied, but this line item will still be over budget at year-end. The Police Department has adjusted their budget request for FY2009 to accommodate the added cost of new cruisers.

Line 8200 Town Manager Expenses: \$28,429 (98% of budget spent). This is due to the need for use of labor attorneys in conjunction with contractual negotiations with all of the municipal unions. A Reserve Fund transfer will be necessary to accommodate ongoing and anticipated expenses. The Appropriation Committee will be informed of this prospect.

The third exception is in the Town Clerk's budget and the likelihood that the presidential primary will be moved to February. This will cost an additional \$20,000-\$25,000 and will require a Reserve Fund Transfer.

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Report of the Ad Hoc Budget Schedule Committee

Mr. Diaz, Chair of the Ad Hoc Budget Schedule Committee, presented the recommendation of the Committee. The Committee was established to deal with the late dates of previously held override elections and the effects they have had on the hiring of school personnel for the following fiscal year. The recommendation is to complete the town budget as early as possible – no later than mid-February. This completed budget would be what the Appropriation Committee and Town Meeting members used for preparing for Town Meeting. Town Meeting would convene on Wednesday in the week following town elections. The first session would only be for committee reports and other non-financial matters. The Town operating budget would be taken up at the second meeting of Town Meeting, on the Monday following the first meeting (the third Monday in March). If the operating budget is approved by Town Meeting, the Selectmen would, if an override is necessary, vote the question the same night, as was done in 2007. The override election could then be five weeks (35 days) later.

The Selectmen want to make sure that all stakeholders are aware of the possible changes and how it affects them, like the Town Clerk and the Planning Board. The Moderator has stated she has no problems with the recommendation. At the next meeting the Selectmen will decide whether to accept the report formally and dissolve the Committee.

Appointment of Assistant Manager for Omni's Crushed Grapes and More

Upon motion duly made and seconded, it was voted 5-0 to approve Kirk Der Avedisian as an Assistant Manager serving liquor at the Omni Crushed Grapes and More Package Store, 411 Waltham Street.

Appointments – Water and Sewer Abatement Board

Upon motion duly made and seconded, it was voted to appoint Loren Wood to the Water and Sewer Abatement Board for a 3-year term to expire September 30, 2010.

Upon motion duly made and seconded, it was voted to appoint Richard Pagett to the Water and Sewer Abatement Board for a 2-year term to expire September 30, 2009.

Upon motion duly made and seconded, it was voted to appoint Maria Constantinides to the Water and Sewer Abatement Board for a 1-year term to expire September 30, 2008.

Town Manager Reappointment – Commission on Disability

Upon motion duly made and seconded, it was voted to approve the Town Manager's reappointment of Michael Martignetti to the Commission on Disability for a 3-year term to expire on October 31, 2020.

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Future Meetings

The Selectmen decided to schedule the following regular meetings: January 7, January 14, January 28, February 11 and February 25.

They also plan to schedule Budget Presentation meetings from 8:00 a.m. to 10:00 a.m. on December 3, December 7, December 10, and December 11.

Consent Agenda

Commitments and Adjustments of Water and Sewer Charges

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

Commitment of Water/Sewer Charges for Town-wide bills Section 2 - Fall	\$1,741,035.56
Commitment of Water/Sewer Charges for Town-wide bills Section 3 - Fall	\$2,412,549.30
Commitment of Water/Sewer Charges for 10/10/07 to 10/31/07 (Final Bills)	-\$18,002.59
Commitment of Water Charges for October 2007 (Cycle 9)	\$201,487.04
Adjustments of Water/Sewer Charges for 10/1/07 to 10/31/07	-\$27,653.17

Ratify Poll Vote – Use of the Battle Green – US Army Change of Command

Upon motion duly made and seconded, it was voted 5-0 to ratify a poll vote to allow the US Army to hold a Change of Command on the Battle Green on Wednesday, November 21, 2007, from 8:00 a.m. to 11:00 a.m.

Use of Battle Green – Reenactment/Dress Rehearsal/Paul Revere Ride

Upon motion duly made and seconded, it was voted 5-0 to approve the request of the Lexington Minute Men to use the Battle Green on Monday, April 21, 2008 (rain date April 26, 2008) for the annual reenactment.

Upon motion duly made and seconded, it was voted 5-0 to approve the request of the Lexington Minute Men to use the Battle Green on Sunday, April 6, 2008 from 2:00 p.m. to 4:00 p.m. (rain date Sunday, April 13, 2008) for the reenactment dress rehearsal, which will include a single shot fired from Buckman Tavern to initiate the action.

Upon motion duly made and seconded, it was voted 5-0 to approve the request of the Lexington Minute Men to use the Battle Green on Sunday night, April 20, 2008, to hold the annual reenactment of Paul Revere's Ride that will proceed from the Hancock/Clarke House to the Common at approximately 11:45 p.m. and include one volley of musket fire near the end of the reenactment.

Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the minutes of October 29, 2007 and November 13, 2007.

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Executive Session Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the executive session minutes of October 29, 2007.

Sign Warrant for the Special State Election on December 11, 2007

Upon motion duly made and seconded, it was voted 5-0 to sign the warrant for the Special State Election to be held on December 11, 2007.

Executive Session

Upon motion duly made and seconded, it was voted by roll call 5-0 to go into executive session for a matter of collective bargaining 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 8:45 p.m.

A true record; Attest:

Lynne A. Pease
Executive Clerk