

Selectmen's Meeting
April 3, 2006

A regular meeting of the Board of Selectmen was held on Monday, April 3, 2006, at 6:30 p.m. in the Selectmen's Meeting Room. Chairman Krieger, Mr. Kelley, Mr. Pagett, Mr. Cohen, Mr. Manz; Mr. Valente, Town Manager; Mr. Lahey, Town Counsel; and Ms. Pease, Executive Clerk were present.

Liquor License – Change of d/b/a for Second Julian, LLC (94 Hartwell Avenue)

Mr. Brackett, Manager, came before the Selectmen to request a change of d/b/a from The Hartwell Grill & Wine Bar to Max Stein's American on Hartwell because of a conflict with the trademark. There is no change to the business plan. Plans are to open on April 24, 2006.

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

MWRA Sewer Rehabilitation Project

Terry Flynn and Tom Linburg, representing MWRA, updated the Board on an upcoming project in Lexington along the bike path to rehabilitate the corroded force main pipe by slip lining with butt-fused high-density polyethylene pipe. To complete the work the contractor will set up at access pits excavated at the upstream and downstream ends of work. The HDPE pipe will be fused above ground along the bike path and pulled through the existing ductile iron pipe with a winch. All areas affected by construction will be restored to match preconstruction conditions.

It is anticipated that construction will take approximately 12 weeks once it begins. The bike path will be passable most of the time. It will be closed for an hour or two as necessary and a police detail will be on the bike path when necessary. Work will not encroach on any private property. MWRA will work beside the bike path and on the bike path as necessary and trucks will be behind the Fire Station. MWRA will notify the Town when they can start the project.

Communications Advisory Committee – RCN Contract Amendment

Mr. Buczkowski, member of the Communications Advisory Committee (CAC), presented an amendment to the RCN contract.

The proposed amendment will provide the Town the following: \$50,000 lump sum, the Town will no longer pay for internet service (\$1,000 per month) until the end of RCN's contract (May 2009), and the Town will not be required to repay the initial revenue received from RCN at the beginning of their contract.

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Mr. Pagett asked why this amendment, which had been submitted to the Board in identical form over a year ago and rejected, was being resubmitted. At the time the Board declined to approve this amendment they instructed the CAC to vigorously negotiate implementation of the contract's terms to provide access to the entire town.

Mr. Buczkowski explained that the CAC had been unsuccessfully negotiating with RCN for over a year trying to get the entire town wired and have been advised by counsel that demanding compliance with the contract under threat of invoking the performance bond would probably not be successful. In the meantime, Verizon has now requested to be licensed in Lexington. If they become a cable provider, they might be able to provide service to the residents that cannot receive service from RCN.

Upon motion duly made and seconded, it was voted 3-2 (Kelly and Pagett opposed) to accept the proposed RCN contract amendment as presented.

Budget

The Community Preservation Committee (CPC) voted to recommend the following projects to Town Meeting to be CPA funded projects:

1. Cary Memorial Hall Vault Rehab - \$60,000
2. Police Station Building Renovations - \$100,000
3. Fire Station Renovations - \$100,000

The CPC also voted \$25,000 for its administrative budget (\$20,000 to update the Open Space/Recreation Plan and \$5,000 for mailing and other incidental expenses) with the balance of the FY2007 CPA revenues going to the various CPA reserve accounts for future appropriation by Town Meeting.

The current budget gap is \$5.3 million. Because the Cary Hall Vault Rehab and the Fire Station Renovations will be funded through CPA, the budget gap can be reduced by \$160,000.

The Selectmen discussed whether Article 36 - Senior Center Design/Conceptual Study should be indefinitely postponed. A majority of the Selectmen feel there is not enough time between now and the end of Town Meeting to bring forward a site for a new senior center. If a site is identified and money is needed for a study there is \$35,000 currently available from a previous article.

Mr. Pagett and Mr. Manz requested commitment to a plan/timeline on the process for a new Senior Center.

Mr. Goell and Ms. Terzian expressed their concerns that the Senior Center issue will disappear. They want to see a timeline soon.

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Ms. Cohen, Chair of the Council on Aging, expressed her frustration with the lack of progress toward a new senior center that has been studied and explored for over 10 years. She is disturbed that a new senior center will again be put on the back burner. The need for a new senior center is real and the need increases daily. The Selectmen need to respond to the seniors as soon as possible.

Ms. Cohen has the study of the senior center needs that was completed for \$15,000. She pointed out that she asked for time on the Board's agenda several weeks ago to present these findings to the Selectmen and was waiting for an invitation.

Mr. Pagett believes a decision needs to be made and it is the responsibility of the Selectmen to resolve this issue.

The Selectmen agreed unanimously to:

- 1) conclude discussions with the Munroe Center by the fall;
- 2) urge the School Committee to resolve its interests in the old Harrington School and the School Administration Building in the same time frame; and
- 3) commit to bringing the issue to the fall special town meeting or even to call a special town meeting if a site is identified sooner.

The Selectmen agreed to indefinitely postpone Article 36 – Appropriate for Senior Center Design/Conceptual Study.

Upon motion duly made and seconded, it was voted 4-1 (Pagett opposed) to remove \$40,000 (Article 36) from the base budget.

Traffic Mitigation Agreement – Starwood

Mrs. Krieger hopes that there will be a Traffic Mitigation Agreement for the Starwood Company for the Selectmen to approve on Wednesday, April 5.

Executive Session

Upon motion duly made and seconded, it was voted by roll call to go into executive session for the purpose of potential litigation with the intent to return to open session at approximately 8:00 p.m. for a Budget Collaboration/Summit 8 meeting.

Budget Collaboration/Summit 8

The Board of Selectmen resumed its meeting at a Budget Collaboration/Summit 8 Meeting with the School Committee and Finance Committees in the Selectmen's Meeting Room at 8:00 p.m. Chairman Krieger, Mr. Kelley, Mr. Pagett, Mr. Cohen, Mr. Manz; Mr. Valente, Town Manager; and Ms. Pease were present.

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The Chairs of the School Committee, Appropriation Committee and Capital Expenditures Committee called their members to order.

Discussion of Appropriation Committee Override Options Paper

The Appropriations Committee unanimously voted to recommend preserving the reserve level of \$5.57 million at a minimum through FY2008.

Ms. Brown, member of the Appropriation Committee, reviewed the financial forecasts with reserves projections for FY2007 through FY2008. She discussed two scenarios for preserving reserves and services: Scenario 1 – assumes a combination of utilizing \$1.9 million in free cash in FY2008 and seeking annual overrides for both FY2007 and FY2008, and Scenario 2 assumes that we address the gap by utilizing \$1.9 million in free cash in FY2008 and add an additional \$1.38 million stabilization fund question to the upcoming June 2006 operating override. This would give us an additional \$2.76 million for FY2008 and minimize the need for consecutive yearly overrides.

Most felt Scenario 1 was the best option because it would be too difficult to educate citizens and get a question passed asking for money to be set aside for a stabilization fund. The confusion might affect the outcome of other questions.

A couple of School Committee members and one Selectman spoke for Scenario 2 because it offered a year without the at-risk process. They felt the likelihood of overrides in two consecutive years was also likely to negatively affect the outcome of the override questions this year.

Further discussion needs to take place on how to increase reserves and make structural changes for FY2008 and beyond.

Review Recommendations of Community Preservation Committee

Mr. Valente discussed the vote of the Community Preservation Committee to request CPA funds for the Archives and Environmental Control Project and the Fire Station Building Envelope Project, which could reduce the base budget by \$160,000. Also discussed were not appropriating the \$40,000 for the Senior Center Design Study and not spending \$65,000 for miscellaneous capital items. That would allow the Selectmen to reduce the gap by \$265,000 and bring the override amount down to \$5,041,751.

The Selectmen will discuss later how to reduce the at-risk list. The Appropriation Committee feels the Board should not use capital money to fund the operating budget. Mr. Bartenstein does not support reducing the override amount, but feels it is an opportunity to restore cash capital.

Most Selectmen feel it is important to reduce the override as much as possible and a majority of the CEC agreed.

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The Budget Collaboration/Summit 8 ended at approximately 9:35 p.m. The Selectmen remained in session.

Budget

The Selectmen continued its discussion of what to remove from the at-risk list.

Upon motion duly made and seconded, it was voted 4-1 (Kelly opposed) to remove Items 1 through 6 and 23 and to reduce 24 as necessary from the municipal at-risk list.

Motions

Mr. Valente is struggling with writing the operating budget motions to properly show the contingency votes that are necessary. The Town Manager will get a legal opinion on how to handle the contingency issues. It may be necessary to vote the operating budget and then go back and vote necessary contingency pieces.

Upon motion duly made and seconded, it was voted to adjourn at 10:30 p.m.

A true record; Attest:

Lynne A. Pease
Executive Clerk