

release

SELECTMEN'S MEETING

EXECUTIVE SESSION

JANUARY 31, 1994

PRESENT: Selectmen: Chairman Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. Cohen, Town Counsel; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Mrs. Peters, Executive Clerk.

LITIGATION: NORTH LEXINGTON PUMPING STATION

Mr. White reported on the difficulties of working with the contractor to complete the North Lexington Pumping Station, and suggested that if he does not withdraw, the bonding company be encouraged to fire him. Mr. White added that if this is not possible, he recommended that he be fired by the Town. The Board agreed that, if by the end of the following week, the contractor has not withdrawn or been removed, Mr. Cohen be asked to begin work on termination of the Town's contract with the contractor.

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

A true record, Attest:

Sara I. Peters

Sara I. Peters
Executive Clerk

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release

SELECTMEN'S MEETING

EXECUTIVE SESSION

FEBRUARY 3, 1994

PRESENT: Selectmen: Chairman Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. White, Town Manager; and Mrs. Novak, Assistant Town Manager.
School Committee: Mr. Oberteiffer, Mrs. Woodworth, Mrs Coit, Mr.Dini; and School Superintendent Jeff Young.

COLLECTIVE BARGAINING - SALARIES

The Selectmen and the School Committee discussed collective bargaining strategy for establishing wages.

Upon motion duly made and seconded, it was voted to adjourn at 9:00 p.m.

A true record, Attest:

Sara I. Peters

Sara I. Peters
Executive Clerk

✓

release

SELECTMEN'S MEETING
FIRST EXECUTIVE SESSION

MARCH 21, 1994

PRESENT: Selectmen: Chairman Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Mrs. Peters, Executive Clerk.

COLLECTIVE BARGAINING

The Selectmen discussed collective bargaining strategy for establishing wages.

Upon motion duly made and seconded, it was voted to return to open session at 6:50 p.m.

A true record, Attest:

✓ *Sara I. Peters*

Sara I. Peters
Executive Clerk

release

SELECTMEN'S MEETING
SECOND EXECUTIVE SESSION

MARCH 21, 1994

PRESENT: Selectmen: Chairman Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Mrs. Peters, Executive Clerk.

School Committee: Mr. Oberteuffer, Mrs. Elberger, Mrs. Peltz, Mrs Coit, Mr.Dini; and School Superintendent Jeff Young.

COLLECTIVE BARGAINING

The School Committee and the Selectmen discussed salaries, benefits and privatization as it relates to collective bargaining strategy.

Upon motion duly made and seconded, it was voted to adjourn at 8:00 p.m.

A true record, Attest:

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Sara I. Peters

Sara I. Peters
Executive Clerk

Release

SELECTMEN'S MEETING

EXECUTIVE SESSION

MARCH 28, 1994

PRESENT: Selectmen: Chairman Dailey, Mr. McSweeney, Mr. Fenn, Mrs. Eddison; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Mrs. Peters, Executive Clerk.

COLLECTIVE BARGAINING

The Selectmen discussed how to arrive at a uniform policy for a wage freeze.

Upon motion duly made and seconded, it was voted to adjourn at 7:58 p.m.

A true record, Attest:

Sara I. Peters

Sara I. Peters
Executive Clerk

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SELECTMEN'S MEETING

Release

EXECUTIVE SESSION

May 2, 1994

PRESENT: Selectmen: Chairman Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. Cohen, Town Counsel; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Ms. Smith, Executive Clerk.

Mr. White said he had four things for Executive Session.

Litigation - Mal's Towing

Mr. White reported that Mal's Towing is contesting the Town's refusal to accept his late bid for the Town's emergency towing service.

Complaint filed with MCAD - Library Employee

Mr. White and Mrs. Novak updated the Board on the status of a complaint filed with MCAD by a library employee claiming discrimination because of national origin and age.

Coalition Bargaining - Employee Health Insurance Benefits

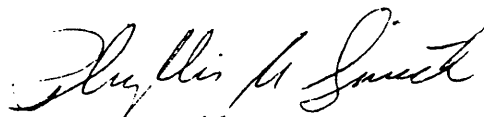
Mr. White explained the agreement reached in concept concerning the Town employee health insurance benefits. He indicated the Bargaining groups needed to ratify the agreement and he would keep the Selectmen apprised of future developments.

School Ads Suit

Mr. Cohen reported that the Town had been served with a Federal Court complaint relating to the refusal to accept ads in certain school publications. He explained that the Town is named, the School Committee members, the superintendent, the principal and advisors. He said he would report back to the Board when he has more information.

Upon motion duly made and seconded, it was voted to adjourn at 10:55 p.m.

A true record, Attest:


Phyllis A. Smith
Acting Executive Clerk

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Selectmen's Meeting
Executive Session
May 16, 1994

Present: Selectmen: Chairman Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn; Mr. White, Town Manager; Julia Novak, Assistant Town Manager; Norman Cohen, Town Counsel and Phyllis Smith, Executive Clerk.

Litigation - Towing Bid

Mr. Cohen indicated he had made a thorough investigation on the lateness of Mal's bid and said it seemed clear to him there was no question they were late.

Budget Cuts

Mr. White advised the Board that it will be necessary to find \$150,000 in order to make up a shortfall in the school budget coming about from the early retirement cost miscalculation. Several budget cutting options were discussed. Mr. White said he would put together a list of possible cuts for the next meeting.

School Ads Suit

Mr. Cohen updated the Board on the status of the Douglas Yeo suit. He expects to hear by tomorrow from the Great American Insurance Company. The School Committee invited Norman Cohen from Palmer & Dodge to an executive session of the School Committee. Jason Berger was also there. Norman spoke with Lois Coit after the meeting since the Town has been sued. It is the Board's decision to make as to which attorney would defend the case. Lois said the School Committee had two offers; one from Jason Berger of Testa Hurwitz and the other from Hill and Barlow to defend the suit on a pro bono basis. The Board indicated that they would prefer Palmer & Dodge to defend at the insurance company's expense. If they don't go with Palmer & Dodge, the Board would want to go with the insurance company's selected counsel. Lois said the School Committee was unhappy with Stoneman, Chandler & Miller and were going to use Jason's firm as counsel to the School Committee.

Upon motion duly made and seconded, it was voted to adjourn at 11:45 p.m.

A true record, Attest:

Phyllis A. Smith
Executive Clerk

SELECTMEN'S MEETING
EXECUTIVE SESSION
July 25, 1994

Release

Present: Selectmen: Mr. Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Ms. Smith, Executive Clerk.

Collective Bargaining

Mr. White advised the Board that he had received a letter of complaint from the Mass. Teachers' Association concerning the fact that tutors and aides working over 20 hours are entitled to health insurance. Jeff Young estimates that of the 86 tutors and aides 66 of them work more than 20 hours. At an estimated cost of \$5,000 per employee, the Town could see a \$330,000 cost to provide health insurance to those 66 tutors and aides who work more than 20 hours per week.

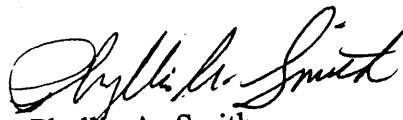
The Board asked the Town Manager whether everybody was going to get a 1% raise. Mr. White suggested coming back to the Board with a proposal for salary increases perhaps recommending a lump sum rather than a percent recommendation.

Budget Cuts

The Board also discussed ways to reduce budgets to cover the \$150,000 teacher early retirement savings shortfall.

Upon motion duly made and seconded, it was voted to adjourn at 10:45 p.m.

A true copy, Attest:



Phyllis A. Smith
Executive Clerk

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SELECTMEN'S MEETING
EXECUTIVE SESSION
July 26, 1994

Release

Present: Selectmen: Mr. Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; School Committee members: Mrs. Elberger, Mrs. Peltz, Mr. Dini, Mrs. Coit, Mr. Oberteuffer; Mr. White, Town Manager; Mr. Young, School Superintendent; and Ms. Smith, Executive Clerk.

Collective Bargaining

Mr. Dailey reviewed anticipated revenue figures for Fiscal Years 1995 and 1996 and expressed concern over an anticipated \$1.5 million in increased revenue for FY96 to meet the demands of both the school and town budgets. He also calculated that for every 1% in wage increases it would cost the town approximately \$130,000 on the municipal side and approximately \$285,000 on the school side. Mr. Dailey also reiterated the Board's commitment to increase the Free Cash figure by \$500,000 for FY96.

Mr. Dailey explained that the Town used all appropriations in DPW for FY94 for the snow and ice removal expenses. The town will have to cover \$150,000 of the cost of the teacher early retirement unmet savings. The School Committee anticipates dealing with the \$180,000 school budget gap before the school year starts. Mr. Dailey also mentioned a letter the Town Manager received from the Mass. Teachers Association concerning health insurance benefits for tutors and aides working more than 20 hours per week. A rough estimate indicates that this would involve 66 individuals at a cost of \$5,000 each for a total cost of approximately \$330,000.

Jeff Young explained the mistake in the early retirement estimates resulting in savings for FY95 of about \$60,000 to \$70,000 rather than the original estimate of between \$250,000 to \$400,000 which leaves the town and school with a \$330,000 budget gap. He said the School Committee is looking into a local early retirement incentive, but that the offer would be far less attractive than the State early retirement. Mrs. Coit said she felt the town should get media attention focused on what is going on with the early retirement and what it is costing the towns. It was also felt that the Mass. Municipal Association should get involved. Mr. White said the MMA is involved and he had recently made a presentation at a Local Government Advisory Committee meeting with the Governor specifically on this issue.

Both boards felt it would be interesting to see the results of the strategic planning survey which will be coming back by the end of next month.

Discussion followed over issues such as multi-year contracts, long term strategy, history of contract settlements, how to handle the 1% this year, the fact that the town can't provide same services as it is providing now.

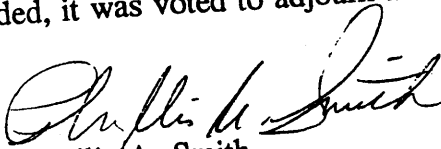
Mrs. Coit said the School Committee plans to meet with the different PTA's this fall to talk about how they want the School Committee to deal with "you can't have it all". She invited the Board to join them.

It was agreed that both boards need a unified plan. All employees need to hear the same thing. Both boards are in agreement that no employees hear anything until both boards agree on the issues.

It was agreed that the boards would meet again in mid September.

Upon motion duly made and seconded, it was voted to adjourn at 8:35 a.m.

A true copy, attest:


Phyllis A. Smith
Executive Clerk



SELECTMEN'S MEETING
EXECUTIVE SESSION
August 8, 1994

Release

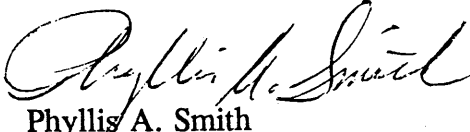
Present: Selectmen: Mr. Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. Cohen, Town Counsel; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Ms. Smith, Executive Clerk.

Litigation

Mr. Cohen and Mr. White discussed conversations with Joyce Miller of the Conservation Commission concerning the need for special legal counsel to assist the Commission on appeal of the Route 2A expansion decision.

Upon motion duly made and seconded, it was voted to adjourn at 8:20 p.m.

A true copy, Attest:


Phyllis A. Smith
Executive Clerk

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SELECTMEN'S MEETING
EXECUTIVE SESSION
August 22, 1994

Release

Present: Selectmen: Mr. Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. Cohen, Town Counsel; Mr. White, Town Manager; Marshall Derby, LexHAB, and Mrs. Novak, Assistant Town Manager

Litigation - Philip Road

Mr. Derby gave the Board an update on the Philip Road appeal. A hearing before an administrative judge has been scheduled. The Board will be advised of what further action will be necessary.

Upon motion duly made and seconded, it was voted to adjourn at 9:10 p.m.

A true copy, Attest:

Norman P. Cohen
Norman P. Cohen
Town Counsel

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SELECTMEN'S MEETING
EXECUTIVE SESSION
September 26, 1994

Release

Present: Selectmen Chairman Dailey, Mr. McSweeney, Mr. Fenn, Mrs. Eddison; Mr. Cohen, Town Counsel; Mr. White, Town Manager, Mrs. Novak, Assistant Town Manager, and Ms. Smith, Executive Clerk

Litigation: Philip Road

Marshall Derby reviewed the calendar of events with respect to the mediation session scheduled on the two lots on Philip Road. He reported that when he and Dave Eagle went to the meeting in Woburn, they thought there would be agreement on the part of the neighbors. However, that was not the situation. Now the Federal Wetlands authorities have been requested to take a look at the property to see if it is subject to Federal wetlands jurisdiction. He reported that a conference call between he, Norman Cohen, Aaron von Staats and the consultant resulted in the feeling that there was a 50/50 chance that the Federal people will take an interest in one lot. If they do get involved, the Federal authorities could override the DEP.


Discussions with the neighbors appealing the decision indicated that they would not withdraw their appeal. The Federal authorities are just about ready to go ahead with their decision. If the Federal authorities say they do not have any jurisdiction, then the Town has the decision of the Lexington Conservation Commission and the DEP that the two lots are not wetlands and therefore buildable.

After discussion it was decided to let the process proceed; however, the Board wants to review the situation every two to three months.

Town Counsel indicated he would keep the Board up to date on the progress of the situation.

Upon motion duly made and seconded, it was voted to adjourn at 10:45 p.m.

A true copy, attest:


Phyllis A. Smith
Executive Clerk

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SELECTMEN'S MEETING
EXECUTIVE SESSION

October 3, 1994

Released

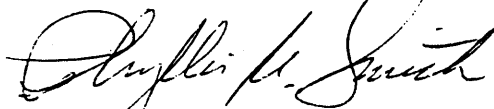
Present: Selectmen Chairman Dailey, Mr. McSweeney, Mr. Fenn, Mrs. Eddison; Mr. Cohen, Town Counsel; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Ms. Smith, Executive Clerk

*Mr. Buss, pm*Litigation

Mr. Dailey asked Town Counsel and the Town Manager to review a letter he had received from a Lexington firefighter candidate alleging adjusted test results to allow perhaps favored applicants to be interviewed.

Upon motion duly made and seconded, it was voted to adjourn at 9:50 p.m.

A true copy, attest:



Phyllis A. Smith
Executive Clerk



SELECTMEN'S MEETING
EXECUTIVE SESSION
November 7, 1994

Release

Present: Selectmen Chairman Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. Cohen, Town Counsel; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Ms. Smith, Executive Clerk.

Collective Bargaining

Mr. White advised the Board that he will be making specific recommendations on proposed FY96 budget cuts if the Board should decide that cuts are necessary and if he does make recommendations involving the collective bargaining units, he must consult with these units.

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

A true copy, Attest:

Phyllis A. Smith

Phyllis A. Smith
Executive Clerk

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SELECTMEN'S MEETING
EXECUTIVE SESSION
November 14, 1994

Release

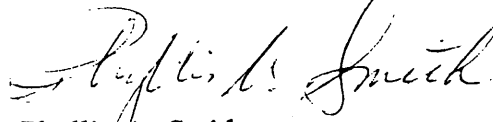
Present: Selectmen Chairman Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. Cohen, Town Counsel; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Ms. Smith, Executive Clerk

Collective Bargaining

The Town Manager reviewed his proposed appropriations and revenue estimates for Fiscal Year 1996 and proposed cuts and he urged the Board to give him guidance on the proposed cuts since he would have to consult with the collective bargaining units.

Upon motion duly made and seconded, it was voted to adjourn at 11:05 p.m.

A true copy, attest:


Phyllis A. Smith
Executive Clerk

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SELECTMEN'S MEETING
EXECUTIVE SESSION
November 18, 1994

Release

Present: Selectmen Chairman Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. Cohen, Town Counsel; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Ms. Smith, Executive Clerk

Collective Bargaining

It was agreed that at this time the Town Manager Budget proposals will not make it necessary for him to negotiate program cuts with the bargaining units.

Upon motion duly made and seconded, it was voted to adjourn at 8:20 a.m.

A true copy, attest:

Phyllis A. Smith

Phyllis A. Smith
Executive Clerk

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SELECTMEN'S MEETING
EXECUTIVE SESSION
November 28, 1994

Present: Selectmen: Mr. Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. Cohen, Town Counsel; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Ms. Smith, Executive Clerk

Redacted

Litigation - Deputy Collector, John Bolduc

Mr. Cohen reviewed the process the Revenue Officer Maureen Valente had taken with Deputy Collector John Bolduc when she had advised him that he would not be reappointed after he finished his work in 1993. Mr. Bolduc then proceeded to clear all of Lexington's excise taxes from the computer. Residents who had paid excise taxes did not get credit for having paid. At this point the Revenue Officer has calculated that Mr. Bolduc owes the Town approximately \$6,600. Mr. White and Mr. Cohen propose that the Revenue Officer write a demand letter in the amount of \$6,600 to Mr. Bolduc and to his bonding company. Mr. Dailey asked that the letter go out now and not wait for other unknown charges to surface.

Release

Upon motion duly made and seconded, it was voted to adjourn at 10:35 p.m.

A true record, Attest:

Phyllis A. Smith
Phyllis A. Smith
Executive Clerk

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SELECTMEN'S MEETING
EXECUTIVE SESSION
December 5, 1994

Release

Present: Selectmen: Mr. Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. Cohen, Town Counsel; Mr. White, Town Manager, and Ms. Smith, Executive Clerk

Litigation - Route 2A Construction

Mr. Dailey reported that Joyce Miller of the Conservation Commission had been very responsive in a meeting concerning the Sheraton Driveway. He indicated that Flatley would be responsible for the costs of creating the driveway to Mass. Avenue. The only thing the Town is doing is cutting down the trees.

Litigation - Planning Board vs. Conservation Commission

Mr. Cohen reported that the Town already has a law suit concerning the subdivision owned by Mr. and Mrs. Gold. They are suing the Conservation Commission. He felt the Town was being set up for additional litigation and feels the Board should see what it can do to get the Planning Board and Conservation Commission together.

Litigation - Philip Road

Mr. Busa left the meeting at this point.

Mr. Dailey reported that he had met with the mediator assigned by DEP, Rachel Fried. He indicated that the neighbors were claiming that federal wetlands were involved. The Federal Government has now indicated it will be involved.

Mr. Cohen said the lot adjacent to Anthony Busa's may well be built upon if the house is moved ten feet into a drier area. With regard to the second lot, if we do decide to build, that is more problematic. There could be considerable expense. Replication could cost between \$5,000 and \$10,000. Mr. Busa has a pipe dumping water onto the first lot. Mr. Cohen said we should know more in two or three days. There is a hearing scheduled for December 20. We could try for only one house now and withdraw the petition for the second lot and come back at some future date.

Mr. Dailey indicated that if we have an agreement that there will only be one house then the hearing will not be necessary.

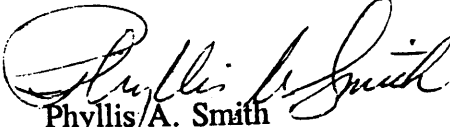
It was decided to poll the Board after the hearing on December 20 if there was new relevant information.

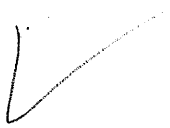
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Executive Session - December 5, 1994

Upon motion duly made and seconded, it was voted to adjourn at 10:15 p.m.

A true record, attest:


Phyllis A. Smith
Executive Clerk



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Released

SELECTMEN'S MEETING
EXECUTIVE SESSION
December 19, 1994

Present: Selectmen Chairman Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn, Mrs. Eddison; Mr. Cohen, Town Counsel; Mr. White, Town Manager; Mrs. Novak, Assistant Town Manager; and Ms. Smith, Executive Clerk

Housing - Muzzey

Marshall Derby, Dave Eagle and Eleanor Klauminzer were present to ask the Board's approval to purchase a one-bedroom unit for sale at Muzzey. The price is right and one-bedroom units are in demand for the elderly and the handicapped.

Upon motion duly made and seconded, it was voted 5-0, Mr. Dailey, Mr. McSweeney, Mr. Busa, Mr. Fenn and Mrs. Eddison to give support to the purchase by LexHAB of Unit 339 at Muzzey.

Housing -Grandview

Mr. Derby reviewed the meeting he had with the neighbors and based on their strong opposition to the 9 lot proposal, he was withdrawing LexHAB's endorsement of the plan and instead would work to develop one building lot.

Litigation - Philip Road

Mr. Busa left the meeting at this point. Mr. Dailey, Mr. Cohen and Mr. Derby reviewed the status of the two lots on Philip Road. The next hearing is scheduled for tomorrow. In view of the fact that there has been a determination that there are federal wetlands on both lots, it was decided that only Lot 42b would be pursued for building at this time and that Lot 55b would be deferred to a later date. The wetlands on Lot 42b will be avoided by moving the location of the house by ten feet. The Conservation Commission has endorsed this change.


After considerable discussion with the three members of LexHAB present, it was the Board's suggestion that the case be settled. The Board would endorse the plan to build a house on Lot 42b, as moved by ten feet to avoid the wetlands, as long as Lot 55b remains as open space. The Board was concerned that the additional costs for replication on Lot 55b would be excessive. The Board was also concerned about continued litigation costs. The members of LexHAB indicated that they could endorse such a settlement provided that all appeals be dropped and that no additional litigation delays be encountered. Mr. Cohen and Mr. von Staats of Palmer & Dodge were instructed to put forth these settlement terms to Mr. Anthony Busa's lawyer prior to the hearing tomorrow.

Executive Session - December 19, 1994

The Board indicated that they would endorse LexHAB's offering Mr. Busa an easement for his driveway on Lot 42b. The Board suggested that LexHAB explore with Mr. Busa ways that his drainage pipe on town property could be relocated.

Upon motion duly made and seconded, it was voted to adjourn at 10:35 p.m.

A true record, attest:


Phyllis A. Smith
Executive Clerk

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