

Released
12/18/00

SELECTMEN'S MEETING

EXECUTIVE SESSION

July 13, 1992

PRESENT: Selectmen: Acting Chairman Eddison, Mr. Marshall, Mr. Dailey, Mr. McSweeney; Mr. Cohen, Town Counsel; Mr. White, Town Manager; Ms. Radway, Assistant Town Manager and Mrs. Peters, Executive Clerk.

LITIGATION: BOSTON EDISON - STREET LIGHT INTERVENTION CASE

Attorney Jay Gruber, Palmer & Dodge, updated the Board on the issues to be presented by the Town for adjudication; the relief sought; the procedural framework; and the events to date.

Mr. Gruber noted that the Town filed a Petition to Intervene in the Boston Edison rate case on June 3, 1992. The Petition was granted and the case is now before the Department of Public Utilities. He added that with hearings approaching, probably on July 21, 1992, more legal expenses will be incurred. He estimated the amount of time he thought would be required to present the Town's case.

The Board authorized Mr. Gruber to proceed as described in his presentation.

POTENTIAL LITIGATION: TOWN SALE OF CEMETERY BOXES AND VAULTS

Mr. White reported that the Town had received two bonified bids on concrete burial boxes and burial vaults, the lowest of which was retracted when funeral homes threatened to withhold business from the companies that bid. Mr. White noted that the proposed cemetery rate increases were based on the Town's selling concrete burial boxes and vaults at a profit of approximately \$200.00 on each. (It was noted that funeral homes charge considerably more for these items.)

The Board authorized either a ban on the use of concrete burial vaults or a \$200.00 surcharge on each vault used in the Town cemetery.

Town Counsel will explore whether there are anti-trust violations on the part of the funeral directors association.

FY93 WAGE ADJUSTMENTS FOR NON-UNION EMPLOYEES

The Board approved the FY93 wage adjustments for non-union employees as proposed by the Town Manager.

Upon motion duly made and seconded, it was voted to adjourn at 9:05 p.m.

A true record. Attest:

Sara I. Peters

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Executive Session Minutes for November 16, 1992

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In his memo Mr. Dailey said he told Paul Newman that there would be no interest in having any further discussions as the Selectmen had done their best when they agreed to allow the caps to be increased by 150 percent of any assessment, and that this offer was made to assist unit owners in obtaining financing.

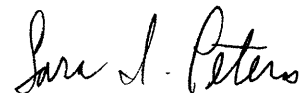
POTENTIAL LITIGATION - CEMETERY POLICIES

Mr. Cohen reported that about once a week the Attorney General calls about the new Town cemetery regulation relating to the use of boxes to line graves. The Attorney General has suggested that the regulation may be in violation of anti-trust laws because the use of vaults are not permitted in Lexington cemeteries.

The Selectmen asked Town Counsel to keep them posted on developments there.

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

A true record, Attest:



Sara I. Peters
Executive Clerk

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12/18/00

SELECTMEN'S MEETING
SECOND EXECUTIVE SESSION

March 22, 1993

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

LITIGATION: JOHN SHAY, ROCKVILLE AVENUE

Mr. Cohen reported that the Massachusetts Appeals Court will hear Mr. Shay's appeal on March 24, 1993.

POTENTIAL LITIGATION; BURIAL VAULTS

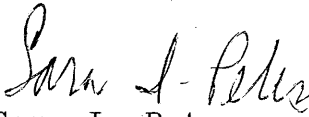
Mr. Cohen discussed some problems with the new cemetery regulation policy requiring burial boxes to be purchased from the Town, and not allowing burial vaults in Town Cemeteries.

Mrs. Smith suggested there be some process to allow waivers permitting the use of burial vaults under special circumstances.

The Board asked Mr. White to prepare a policy statement permitting the use of burial vaults under special circumstances.

The Meeting was adjourned at 11:20

A true record, Attest:


Sara I. Peters
Executive Clerk

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SELECTMEN'S MEETING

EXECUTIVE SESSION

April 26, 1993

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

LITIGATION - MUZZEY SCHOOL CONDOMINIUMS

The Board discussed the "Amendment To Deed" prepared by David R. Rodgers, Palmer & Dodge, that reflects what has been tentatively agreed to by the Town, the Trustees of the Muzzey High condominium Trust and the owners of all of the units in the Muzzey High Condominium.

Mr. White reported that Attorney Rodgers thought he had a legal obligation to present the amendment to the Trustees with the signatures of each and every condominium owner on the deed amendment, and leave it up to the Trustees to decide if their signatures are required.

Mr. White noted the only change is that all agree that the resale restrictions can increase from 4% to 5%, and that such 5% increase may be applied and compounded annually from the date on which any such unit was conveyed to the current owner thereof, in the manner provided in the Deed.

POTENTIAL LITIGATION - FUNERAL VAULTS

Mr. White reported that Mr. Cohen wished to call the Board's attention again to the vault issue in light of a letter from Attorney John J. Masiz, representing the Massachusetts Concrete Burial Vault Association, dated April 16, 1993. Mr. White added that the Town was again going out for bids, including concrete vaults.

Upon motion duly made and seconded, it was voted to adjourn at 8:03 p.m.

A true record, Attest:

Sara I. Peters
Executive Clerk

Released
12/18/00

SELECTMEN'S MEETING

EXECUTIVE SESSION

OCTOBER 18, 1993

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.

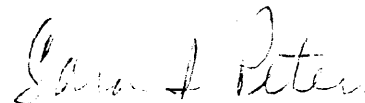
LITIGATION: BURIAL VAULT MANUFACTURERS

Mr. Cohen reported that Attorney James Harrington, representing a group of vault manufacturers, discussed with Mr. Cohen the possibility of bringing a large anti-trust suit against the Town because of the Town's policy of requiring that persons using the Town cemeteries must purchase vaults from the Town.

Mr. Harrington will be getting more information to Mr. Cohen, who will work with Mr. White and Mrs. Novak to develop a position for the Town.

Upon motion duly made and seconded, it was voted to adjourn at 10:50 p.m.

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Executive Session Minutes for November 22, 1993

able. LCRA may be willing to offer 3-4% mortgages to Town. Will present to Town in January. There is also need for 1 bedroom apartments now.

Upon motion duly made and seconded, it was voted to recommend that LEXHAB proceed as outlined and come back to report. The Board was individually polled, and all voted yes.

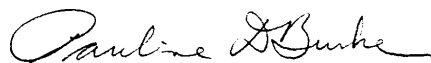
4) Lexington Ridge: Mr. Derby reported that comprehensive permits such as Lexington Ridge are not as good for the Town as negotiated permits with a developer such as Peter Kelley's new project. Lexington Ridge offers no new affordable housing to the town: 8% of units are set at 30% of median income.

LITIGATION: BURIAL VAULT MANUFACTURERS

Mr. Cohen reported that he received a reply from Director of Public Works Richard Spiers tonight on the latest proposal from the vault manufacturers, and is looking into it. He will have a report at future meeting.

Upon motion duly made and seconded, it was voted to return to open session at 8:52 p.m.

A true record, Attest:



Pauline D. Burke
Acting Executive Clerk