

2001 ANNUAL TOWN MEETING
March 28, 2001

The second session of the 2001 Annual Town Meeting was called to order by Moderator Margery M. Battin, at 8:00 p.m., in the Museum of Our National Heritage Auditorium, 33 Marrett Road. A quorum of 176 members was present.

The Moderator expressed sympathies to Selectman Leo McSweeney in the loss of his father Leo P. McSweeney, Sr. who passed away March 24, 2001.

8:07 p.m. The Moderator explained plans for indefinite postponement of Article 26 and declared ARTICLE 4, Line Item 3000 now before the meeting.

ARTICLE 4: OPERATING BUDGET

Community Services

- | | | |
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| 3000 | DPW Personal Services
(Of which \$249,428 is to be transferred from the Water Enterprise Fund, \$226,548 is to be transferred from the Sewer Enterprise Fund, \$59,904 is to be transferred from the Parking Meter Fund, \$100,000 is to be transferred from the Cemetery Trust Funds and \$75,000 is to be transferred from the Recreation Enterprise Fund.) | 3,005,287 |
| 3000 | DPW General Expenses
(Of which \$205,271 is to be transferred from the Water Enterprise Fund, \$118,313 is to be transferred from the Sewer Enterprise Fund, and \$47,970 is to be transferred from the Parking Meter Fund; and provided further that the Town Manager may enter into an agreement or agreements with one or more governmental units to perform jointly with such units any service, activity or undertaking authorized by law.)
(In which a PAYT Program will be implemented for refuse disposal services, provided that at least \$747,000 of the revenues generated from the PAYT Program shall be used to reduce the tax rate below the levy limit.)
(And further that the Town Manager is authorized to enter into communications equipment agreements, equipment lease/purchase agreements from time to time provided that each such agreement is subject to annual appropriations.)
(And in addition that \$50,000 of expenses for the sale of burial containers and biodegradable bags be funded by the receipt of \$50,000 in anticipated revenues, and that the surplus from FY2000 in the amount of \$14,321.00 may be closed to the General Fund.)
(And in addition State/Federal Grants, site generated revenue and/or refuse stabilization funds as permitted under existing agreements may be used to meet Division of Environmental Protection guidelines at the Hartwell Avenue landfill site.)
(And to permit the Town to enter into agreements with either private or public entities in order to enhance public services, increase revenue, improve efficiency, or save money to the benefit of the Town.) | 3,778,187 |

8:07 p.m. Robin DiGiammarino, pr.2, reported the School Committee has no official position on a PAYT program.

8:10 p.m. Peter C.J. Kelley, pr.4, moved the following AMENDMENT to Article 4, line item 3000:

AMENDMENT: Article 4 line item 3000 be amended to remove the words "In which a PAYT Program will be implemented for refuse disposal services, provided that at least \$747,000 of the revenues generated from the PAYT program shall be used to reduce the tax rate below the levy limit."

8:13 p.m. Peter C. J. Kelley, pr.4, presented reasons for support.

8:18 p.m. Richard Michelson, pr.8, spoke in favor of the amendment.

8:19 p.m. Neal Boyle, pr.7, spoke in favor of the amendment.

8:22 p.m. Sam Silverman, pr.5, questioned incentives for recycling in the Kelley amendment. Mr. Kelley responded.

Adjourned Session of 2001 Annual Town Meeting – March 28, 2001

- 8:24 p.m. Dr. Jill Stein, 17 Trotting Horse Dr., spoke against the amendment and addressed medical implications of pollutants in the waste stream.
- 8:27 p.m. Eileen Entin, 104 Blossomcrest Rd., explained Citizens for Lexington Conservation support for a PAYT and urged rejection of the amendment.
- 8:30 p.m. Kate Diamond, 15 Franklin Rd., spoke against a PAYT fee.
- 8:31 p.m. Albert Zabin, pr.1, spoke against the amendment.
- 8:33 p.m. Selectman Leo McSweeney spoke in favor of the amendment.
- 8:35 p.m. David Kanter, pr.7, spoke against the amendment.
- 8:38 p.m. Alan Lazarus, pr.6, questioned if reconsideration of line item 3000 may be requested if so desired. The Moderator confirmed it could.
- 8:41 p.m. Selectman Jeanne Krieger reported a majority of the Board of Selectmen encouraged defeat of the amendment.
- 8:44 p.m. Richard Pagett, pr. 6, moved to extend the debate on the amendment an additional 30 minutes. Following a voice vote, the Moderator declared the MOTION ADOPTED and debate extended an additional 30 minutes .
- 8:44 p.m. Peter Diamond, 15 Franklin Rd., spoke against PAYT.
- 8:46 p.m. Philip Morse-Fortier, pr. 7, spoke against the amendment.
- 8:48 p.m. Loretta Porter, pr.9, questioned frequency of recycling pickups. Selectman Jeanne Krieger explained the proposal is for an every-other-week basis. Ms. Porter further questioned bag pickup and Ms. Krieger responded.
- 8:50 p.m. Martin Long, pr.6, presented some of Mr. Kelley's issues regarding the section of the General By-Laws addressing rubbish disposal. Mr. Long then spoke in favor of a PAYT idea but opposed this one, and spoke in favor of the amendment.
- 8:52 p.m. Paul Chernick, pr.6, spoke in opposition, and in favor of PAYT.
- 8:55 p.m. Douglas Lucente, pr.3, spoke in favor of the amendment.
- 8:56 p.m. Alan Lazarus, pr.6, spoke in opposition to the amendment.
- 8:57 p.m. Daniel Busa, pr.1, questioned reuse of recycled products and future cost of generating extra recyclables. Selectman Krieger and John Andrews of the PAYT Advisory Committee responded.
- 9:01 p.m. Daniel Busa, pr.1, further questioned additional cost to be incurred for increased volume of recyclables. Selectman Krieger reported that Waste Management would charge approximately \$12,000 for expanding the types of plastics to be collected, and anticipated significant decrease in tipping fees, with no other increases in fees forecasted.
- Town Manager Richard White reported that discussions with Waste Management forecasted a 22% decrease in waste to the NESWC facility.
- 9:03 p.m. Loren Wood, pr.3, reported opinions of polled voters.
- 9:04 p.m. William Frawley, pr.3, spoke in opposition to the amendment.
- 9:07 p.m. Robert Erickson, 2 Ryder Lane, spoke against PAYT.
- 9:08 p.m. Alan Wrigley, pr.7, questioned Town Counsel on interpretation of General By-Law and subsequent By-Law amendments regarding "free dumping". Town Counsel Norman Cohen responded.
- 9:13 p.m. Wendy Rudner, pr.7, spoke in support of recycling and amendment, and against PAYT.
- 9:14 p.m. Joel Adler, pr.1, requested additional time for discussion. The Moderator explained Town Meeting may vote more time if it so wishes.
- 9:15 p.m. Joel Adler, pr.1, moved time for debate be extended an additional 10

Adjourned Session of 2001 Annual Town Meeting – March 28, 2001

minutes. Following a voice vote, the Moderator declared the motion NOT ADOPTED.

9:17 p.m. Jed Snyder, pr.5, moved to poll the meeting on the vote on the amendment. Following a voice vote, with precinct clerks reporting a total of 57 in favor, the Moderator declared a poll of the meeting shall be taken on the amendment. The Moderator explained before polling the meeting a report of the Appropriation Committee shall be given on Mr. Kelley's amendment and declared a 5 minute recess.

9:24 p.m. The Moderator declared the meeting back in session and recognized Alexander Nedzel, pr.3, for a report of the Appropriation Committee.

Mr. Nedzel outlined 3 funding options and reported a majority of the Appropriation Committee opposes the amendment and believes the PAYT program should go forward.

9:26 p.m. Richard Neumeier, pr.3, questioned the Appropriation Committee report. Mr. Nedzel responded.

9:28 p.m. The Moderator called for the Town Clerk to call the roll on Mr. Kelley's amendment, with a yea voting in favor and a no against the amendment.

The vote of the roll on Mr. Kelley's amendment is tallied as follows:

PRECINCT 1	Yes	No	Abstain	Absent	PRECINCT 2	Yes	No	Abstain	Absent
Joel A. Adler	X				James L. Avery	X			
Nancy M. Adler	X				Marian A.O. Cohen	X			
Colleen B Amirsakis	X				Robert W. Cunha				X
James E. Barry	X				Thomas R. Diaz				X
Laura L. Boghosian		X			Robin B. DiGiammarino		X		
Mary Bowes	X				Karen A. Dooks		X		
John P. Breen		X			Kenneth W. Ford	X			
Carol Bukys	X				Merrill Forman	X			
Daniel P. Busa	X				Myla Kabat-Zinn		X		
Jean W. Cole		X			Paul H. Lapointe		X		
Jonathan G. Cole	X				Lucy Lockwood		X		
Stephen D. Cole, Jr.	X				Daniel A. Lucas	X			
Maria-Elena Kostorizos	X				Lauren MacNeil	X			
Lillian T. MacArthur	X				Andrew McAleer	X			
Eric Jay Michelson	X				Michael J. O'Sullivan	X			
Janet Moran	X				Barry Orenstein	X			
Barry E. Sampson				X	David Rudner				X
Carol J. Sampson	X				Christina J. Welch		X		
Paul G. Topalian	X				Donald D. Wilson	X			
Albert P. Zabin		X			James S. Wilson	X			
Judith L. Zabin		X			Scott Wilson	X			

Adjourned Session of 2001 Annual Town Meeting – March 28, 2001

PRECINCT 3	Yes	No	Abstain	Absent	PRECINCT 4	Yes	No	Abstain	Absent
Samuel Berman		X			Nyles Nathan Barnert		X		
Robert A. Bowyer		X			Gloria J. Bloom		X		
Nancy M. Cannalonga	X				Scott F. Burson		X		
Nicholas A. Cannalonga	X				Donald A. Chisholm	X			
John P. Carroll	X				Ronald W. Colwell	X			
Sara B. Chase		X			Timothy R. Counihan				X
Jacqueline B Davison		X			John L. Davies		X		
Dan H. Fenn, Jr.		X			Georgia S. Glick				X
William J. Frawley		X			David J. Harris	X			
Sherry L. Gordon			X		Peter C.J. Kelley	X			
Gloria V. Holland				X	Charles W. Lamb		X		
Michelle Hutnik		X			Frederick L. Merrill				X
David J. Kessler		X			Ann H. Miller	X			
Douglas M. Lucente	X				Barrie Peltz		X		
Marjorie K. Madoff				X	Michael Prensny		X		
Patrick R. Mehr		X			John S. Rosenberg		X		
Alexander E. Nedzel		X			Nicholas Santosuosso	X			
Mary E Neumeier		X			Sandra J. Shaw		X		
Richard L Neumeier		X			Marina C. Smith	X			
Robert Rotberg		X			Judith J. Uhrig		X		
Loren Wood	X				Martin K. White		X		
PRECINCT 5	Yes	No	Abstain	Absent	PRECINCT 6	Yes	No	Abstain	Absent
David E. Burns	X				Florence A. Baturin		X		
Howard Cravis		X			Paul Chernick		X		
Ira W. Crowe		X			Peter D. Cohen		X		
Wallace Cupp	X				Marjorie M. Daggett		X		
Irene M. Dondley		X			Marshall J. Derby		X		
Elaine Dratch				X	Bebe Fallick				X
Andrew J. Friedlich		X			Anthony G. Galaitis		X		
Paul E Hamburger				X	Edmund C. Grant				X
John Hayward	X				David L. Kaufman		X		
Suzanne S. Larsen	X				Alan J. Lazarus		X		
Carol A. Liff		X			Marianne Lazarus	X			
Margaret C. Nichols		X			Martin Long	X			
Samuel L. Powers		X			Jane Pagett	X			
Blair B. Ruocco	X				Richard Pagett	X			
James M. Shaw				X	Anne A. Ripley		X		
Sam Silverman		X			Edith Sandy		X		
Jed N. Snyder	X				Frank Sandy		X		
M. Masha Traber		X			Sheldon A. Spector		X		
Charles T. Vail	X				H. Jerrold VanHook		X		
Ephraim Weiss		X			Dana Z. Wendel		X		
David G. Williams	X				John S. Willson				X
PRECINCT 7	Yes	No	Abstain	Absent	PRECINCT 8	Yes	No	Abstain	Absent
Marsha E. Baker		X			Richard H. Battin		X		
Neal E. Boyle, Jr.	X				Roger F. Borghesani				X
Deborah J. Brown		X			Margaret Bradley		X		
George A. Burnell	X				Stacey P. Bridge-Denzak		X		
Steven L. Colman		X			Elizabeth J. Bryant		X		
Margaret L. Counts-Klebe		X			Florence E. Connor	X			
Robert G. Coyne	X				John T. Cunha	X			
Audrey J. Friend		X			Diana T. Garcia		X		
Thomas Verne Griffiths		X			Ione D. Garing	X			
Philip K. Hamilton		X			Thomas M. Harden		X		
David G. Kanter		X			Charles Hornig		X		
Fred H. Martin	X				Steven J. Hurley		X		
David G. Miller		X			Morton G. Kahan		X		
Joyce A. Miller		X			Ingrid H. Klimoff				X
Philip Morse-Fortier		X			Alan Mayer Levine		X		
Wendy C. Rudner	X				Richard A. Michelson	X			
John E. Taylor	X				James A. Osten		X		
Jane A. Trudeau		X			Shirley H. Stolz		X		
James C. Wood		X			Carolyn H. Tiffany		X		
Martha C. Wood		X			Robert V. Whitman		X		
Alan A. Wrigley	X				Thomas M. Zimmer	X			

Adjourned Session of 2001 Annual Town Meeting – March 28, 2001

PRECINCT 9	Yes	No	Abstain	Absent	AT-LARGE	Yes	No	Abstain	Absent
Alice J. Adler		X			Catherine M.DAbbott		X		
Narain D. Bhatia	X				Margery M. Battin			X	
Christopher P. Busa	X				Norman P. Cohen			X	
Richard L. Canale		X			Peter D. Enrich		X		
Anthony B. Close	X				Donna M. Hooper			X	
Rodney Cole				X	Jay R. Kaufman				X
Margaret E. Coppe		X			Jeanne K. Krieger		X		
Emily R. Donovan		X			Dawn E. McKenna	X			
Susan A. Elberger		X			Leo P. McSweeney	X			
Thomas O. Fenn				X					
Janice A. Kennedy	X								
William P. Kennedy	X					Yes	No	Abstain	Absent
Henry Norman Manz		X							
		X			TOTALS	75	98	4	21
Wendy Manz		X							
Paul E. Mazerall	X								
Janet M. Perry	X								
Loretta A. Porter	X								
Fred D. Rosenberg		X							
Richard Schaye				X					
Michael E. Schroeder	X								
Dorris P. Traficante	X								

9:52 p.m. With less than a majority voting in favor of Mr. Kelley's amendment, the Moderator declared the motion **NOT ADOPTED**.

9:52 p.m. Peter C.J. Kelley, pr.4, moved the following amendment:
AMENDMENT: Article 4 item 3000 to add the words - "The Selectmen are required to report back to the next annual Town Meeting on the financial and environmental success of the PAYT program and allow the Town Meeting to vote on whether to continue the program beyond FY2002" after the words "below the levy limit".

9:58 p.m. Selectman Jeanne Krieger, pr.3, reported the unanimous support of the Board of Selectmen for the Kelley amendment.

9:58 p.m. Following a voice vote, the Moderator declared the **AMENDMENT ADOPTED**.

9:59 p.m. Sam Silverman, pr.5, questioned a previous vote of town meeting for line item 3000 which allowed the town to establish an electricity department. Town Manager Richard White explained the previous vote provided the town the option to establish a utility but the situation has not materialized where it would be advantageous for the town to do so. Public Works Director William Hadley explained the town has taken ownership of the street lights, and expenses reduced.

3600	Transportation Personal Services	58,205
3600	Transportation Expenses (Of which \$80,000 is to be transferred from the Parking Meter Fund)	247,833
3700	Water Department (And that to raise such amount \$5,032,956 be transferred from the Water Enterprise Fund.)	5,032,956
3800	Sewer Department (And that to raise such amount \$7,864,345 be transferred from the Sewer Enterprise Fund.)	7,864,345
Public Safety		
4100	Law Enforcement Personal Services (Of which \$97,692 is to be transferred from the Parking Meter Fund.)	3,655,834
4100	Law Enforcement Expenses (Of which \$14,000 is to be transferred from the Parking Meter Fund.)	388,742
4200	Fire Department Personal Services	3,228,076
4200	Fire Department Expenses	343,747

Culture and Recreation