

**SPECIAL TOWN MEETING**  
**May 15, 2002**  
**(See Warrant File for Warrant)**

The Special Town Meeting of May 15, 2002 was called to order by Moderator Margery M. Battin at 8:05 p.m. at the Clarke Middle School, 17 Stedman Road. A quorum of 182 Town Meeting Members was present.

The Moderator requested members to sign in and be seated and advised citizens of seating arrangements for the public and town meeting members. The Moderator appointed precinct clerks to serve as tellers and Alexander Nedzel for members at-large. The Moderator reviewed procedures and rules of conduct.

8:11 p.m. Town Clerk, Donna M. Hooper, read the Warrant for the meeting until further reading was waived. The Town Clerk read the Constable's Return of the Warrant.

**ARTICLE 1: REPORTS OF TOWN BOARDS, OFFICERS, COMMITTEES**

8:12 p.m. Selectman Jeanne Krieger reported plans on the Pay-As-You-Throw, and 2003 budget impact.

8:13 p.m. Paul Hamburger moved the Report of the Appropriation Committee on the Special Town Meeting be Accepted and Placed on File. Following a unanimous voice vote, the Moderator declared the Motion Adopted.

Mr. Hamburger reported the Committee recommends eliminating "free" and including a revenue neutral program in the bylaw.

Mr. Hamburger reported the Appropriation Committee is unanimously in favor of the PAYT program.

**ARTICLE 2: AMEND GENERAL BYLAWS**

8:14 p.m. Presented by Charles Lamb, pr.4.

**MOTION:** That Article 2 be taken up after Article 4.

Mr. Lamb extended appreciation for the process undertaken since this article was petitioned.

8:15 p.m. Following a unanimous voice vote, the Moderator declared the **Motion Adopted.**

**ARTICLE 3: AMEND GENERAL BYLAWS**

8:16 p.m. Presented by Selectman Jeanne Krieger.

**MOTION:** That § 90-9 of the General Bylaws be amended by deleting the word "free," and by adding the following at the end "and may require residents to pay a fee for curbside collection of non-recyclable refuse provided that the fee shall be set annually so that the total annual revenue estimated to be received from the fee in any given fiscal year shall not exceed the amount by which the Town's estimated maximum tax levy limit for such fiscal year exceeds the Town's estimated tax levy for such fiscal year", so that the amended bylaw would read as follows:

The Selectmen shall provide and maintain under their care and supervision, some suitable place or method for public disposal for the inhabitants of the town to deposit ashes, cinders, papers and other refuse and rubbish in accordance with such rules and regulations as the Selectmen may from time to time make. Such rules and regulations may require the separation of designated recyclable material or materials from other refuse and may require residents to pay a fee for curbside collection of non-recyclable refuse provided that the fee shall be set annually so that total annual revenue estimated to be received from the fee in any given fiscal year shall not exceed the amount by which the Town's estimated maximum tax levy limit for such fiscal year exceeds the Town's estimated tax levy for such fiscal year.

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- 8:17 p.m. Selectman Jeanne Krieger reported the process taken and bylaw changes being addressed and anticipated impact of changes on the tax bills. Selectman Krieger reported a majority of the Board of Selectmen supports this Motion.
- 8:21 p.m. Selectman Dawn McKenna presented a report of the minority in opposition.
- 8:26 p.m. Paul Hamburger, Appropriation Committee, reported the Committee's unanimous support for this Motion.
- 8:28 p.m. Joyce Miller, Conservation Commission, reported the Commission's support for the concept of a PAYT and support of this Article.
- 8:30 p.m. Martha Wood, Board of Health, reported the Board's support of Article 3, and that PAYT encourages proper disposal of hazardous products.
- 8:31 p.m. Loren Wood, pr.3, presented a number of view graphs and spoke in opposition.
- 8:37 p.m. William Frawley, pr.3, spoke in support.
- 8:42 p.m. Nyles Barnert, pr.4, questioned a change in policy on the distribution of tags. Selectman Jeanne Krieger explained the Town's plans for tag distribution and procedures should changes be desired.
- 8:44 p.m. Daniel Busa, pr. 1, spoke in opposition.
- 8:47 p.m. David Horton, pr.8, spoke in support.
- 8:50 p.m. Neal Boyle, pr.7, spoke in opposition
- 8:52 p.m. David Harris, pr.4, spoke in support and of the incentive to recycle.
- 8:54 p.m. Elizabeth Haines, 279 Concord Avenue, and President of the Lexington League of Women Voters, spoke in support of waste management , this Article, and the continuation of PAYT.
- 8:55 p.m. Lorraine Fournier, pr.8, spoke in opposition to PAYT and on fees imposed on families.
- 8:58 p.m. Edith Sandy, pr.6, spoke in support.
- 9:01 p.m. James Barry, pr. 1, spoke in opposition and questioned projected savings. Mr. Barry moved that when the vote is to be taken that it be taken by a Call of the Roll. With more than 49 others standing in support, the Moderator declared, when the time comes, the vote will be taken by a Call of the Roll.
- 9:05 p.m. Albert Zabin, pr.1, spoke in support.
- 9:10 p.m. Stephen Tripi, 12 Freemont Street, spoke in opposition.
- 9:13 p.m. Myla Kabat-Zinn, pr.2, spoke in support and of concerns with hazardous chemicals being added to the waste stream.
- 9:17 p.m. Marina Smith, pr.4, spoke in opposition and of her view that the PAYT penalizes families with children.
- 9:19 p.m. David Kessler, pr.3, spoke in support.
- 9:22 p.m. Jed Snyder, pr.5, questioned town office and school department recycling initiatives this year, and per-household costs for rubbish disposal. Town Manager Richard White, DPW Director William Hadley, and Solid Waste Coordinator Robert Beaudoin responded to Mr. Snyder's questions and addressed need for economic incentive.
- 9:30 p.m. Maria-Elena Kostorizos, pr. 1, spoke in opposition.
- 9:33 p.m. Richard Schaye, pr.9, spoke in support and urged continuation of PAYT.
- 9:38 p.m. Perry Pollins, 14 Peachtree Road, spoke in opposition.
- 9:40 p.m. John Bartenstein, pr.1, spoke in support and in favor of revenue neutrality, and assuring referendum vote.
- 9:44 p.m. Peter Kelley, pr.4, spoke in opposition and of the need to give the voters a choice at the polls, and of his desire to postpone action on PAYT until Spring 2003.
- 9:48 p.m. Peter Kelley, pr.4, **moved Indefinite Postponement** on Article 3.
- The Moderator explained this is a subsidiary motion, with 10 minutes for debate.
- 9:51 p.m. Ephraim Weiss, pr.5, moved the Question on Indefinite Postponement.

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The Moderator overruled Mr. Weiss as there had been no opportunity for debate.

- 9:53 p.m. Selectman Jeanne Krieger reported 3 of the 5 Selectmen were in favor of Indefinite Postponement.
- 9:55 p.m. Paul Hamburger reported a majority of the Appropriation Committee opposed Indefinite Postponement.
- 9:56 p.m. Peter Kelley, pr.4, spoke in favor of Indefinite Postponement, the uniqueness of the situation, and the issue of due process.
  
- 9:57 p.m. Ephraim Weiss, pr.5, **Called the Question on Indefinite Postponement.** Following a voice vote on whether the question shall now be put, the Moderator declared the Question on Indefinite Postponement now before the meeting, with three minutes to the maker of the motion.
  
- 9:58 p.m. Peter Kelley relinquished his 3 minutes to John Rossi, pr.1, who spoke in favor of Indefinite Postponement.
  
- 10:02 p.m. Following a voice vote on the Motion for Indefinite Postponement, the Moderator declared the **Motion Not Adopted.**
  
- 10:03 p.m. David Burns, pr.5, **Called the Question on the Main Motion.** Following a voice vote on whether the question shall now be put, the Moderator declared the Motion Adopted and the question now before the meeting, with three minutes to the maker of the motion.
  
- 10:08 p.m. Selectman Krieger relinquished her time to Selectman Enrich. Mr. Enrich explained the intent of PAYT is not to raise taxes or generate new revenue and that the Bylaw change requires revenue neutrality.
  
- 10:10 p.m. Town Clerk Donna M. Hooper Called the Role for Article 3, as follows:

**CALL OF THE ROLL – Article 3**

PRECINCT 1	Yes	No	Abstain	Absent	PRECINCT 2	Yes	No	Abstain	Absent
Joel A. Adler				X	James L. Avery		X		
Nancy M. Adler	X				J. Eugene Beauchemin		X		
James E. Barry		X			Judith Boxer	X			
John C. Bartenstein	X				Marian A.O. Cohen	X			
Laura L. Boghosian	X				Robert W. Cunha		X		
Mary Bowes		X			Thomas R. Diaz				X
John P. Breen	X				Robin B. DiGiammarino	X			
Daniel P. Busa		X			Karen A. Dooks	X			
Jean W. Cole	X				Kenneth W. Ford		X		
Jonathan G. Cole	X				Paul H. Lapointe	X			
Stephen D. Cole, Jr.		X			Lucy Lockwood	X			
Maria-Elena Kotorizos		X			Daniel A. Lucas		X		
Lillian T. MacArthur		X			Lauren MacNeil	X			
Eric Jay Michelson		X			Andrew McAleer		X		
Janet Moran		X			Barry Orenstein	X			
John F. Rossi		X			Michael J. O'Sullivan		X		
Barry E. Sampson		X			Joseph Walsh		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		

PRECINCT 3	Yes	No	Abstain	Absent	PRECINCT 4	Yes	No	Abstain	Absent
Darwin P. Adams	X				Lisa A. Baci	X			
Samuel Berman	X				Nyles Nathan Barnert	X			
Nancy M Cannalonga		X			Gloria J. Bloom	X			
Nicholas A Cannalonga		X			Scott F. Burson	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			
Shirley Rauson Frawley	X				David J. Harris	X			
William J. Frawley	X				Michelle Hutnik				X
Sherry L. Gordon	X				Beverly Kelley		X		
Gloria V. Holland	X				Peter C.J. Kelley		X		
Kevin R. Johnson	X				Charles W. Lamb	X			
Arthur Katz	X				Douglas M. Lucente		X		
David J. Kessler	X				Barrie Peltz		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		
Daniel A. Pion		X			Ruth S. Thomas	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

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Paul F. Barnes		X			Florence A. Baturin	X			
David E. Burns		X			Paul Chernick	X			
Ira W. Crowe				X	Norman P. Cohen	X			
Marjorie M. Daggett	X				Peter D. Cohen	X			
Irene M. Dondley	X				Marshall J. Derby	X			
Elaine Dratch	X				Bebe Fallick				X
Andrew J. Friedlich	X				Edmund C. Grant	X			
Anthony G Galaitis	X				Jonathan A. Himmel				X
Paul E Hamburger	X				Morton G. Kahan	X			
John Hayward		X			David L. Kaufman	X			
Carol A. Liff	X				Florence Koplow	X			
Margaret C. Nichols	X				Alan J. Lazarus	X			
Loretta A. Porter		X			Martin Long				X
Blair B. Ruocco		X			Jane Pagett		X		
James M. Shaw		X			Edith Sandy	X			
Sam Silverman	X				Frank Sandy	X			
Jed N. Snyder		X			Sheldon A. Spector	X			
M. Masha Traber	X				H. Jerrold VanHook				X
Charles T. Vail		X			Dana Z. Wendel	X			
Ephraim Weiss	X				Robert V. Whitman	X			
David G. Williams		X			Thomas M. Zimmer		X		

<b>PRECINCT 7</b>	Yes	No	Abstain	Absent	<b>PRECINCT 8</b>	Yes	No	Abstain	Absent
Marsha E. Baker	X				Richard H. Battin	X			
Neal E. Boyle, Jr.		X			Larry N. Belvin	X			
Deborah J. Brown	X				Roger F. Borghesani	X			
George A. Burnell				X	Margaret Bradley	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				Lorraine M. Fournier		X		
Thomas V. Griffiths	X				Anne E. Frymer	X			
Philip K. Hamilton	X				Diana T. Garcia	X			
David G. Kanter	X				Thomas M. Harden	X			
Karl P. Kastorf	X				Charles Hornig	X			
Fred H. Martin		X			David C. Horton	X			
David G. Miller	X				Steven J. Hurley	X			
Joyce A. Miller	X				Stewart G. Kennedy	X			
Wendy C. Rudner		X			Ingrid H. Klimoff	X			
John E. Taylor		X			Alan Mayer Levine	X			
Jane A. Trudeau	X				Richard A. Michelson		X		
James C. Wood				X	James A. Osten		X		
Martha C. Wood	X				Shirley H. Stolz	X			
Alan A. Wrigley		X			Carolyn H. Tiffany	X			

<b>PRECINCT 9</b>	Yes	No	Abstain	Absent	<b>AT-LARGE</b>	Yes	No	Abstain	Absent
Alice J. Adler	X				Margery M. Battin			X	
Narain D. Bhatia				X	Peter D. Enrich	X			
Christopher P. Busa				X	Donna M. Hooper			X	
Richard L. Canale	X				Jay R. Kaufman				X
Donald A. Chisholm	X				William P. Kennedy	X			
Anthony B. Close	X				Jeanne K. Krieger	X			
Rodney Cole	X				William L. Lahey			X	
Margaret E. Coppe	X				Dawn E. McKenna		X		
Mary E. Donahue		X			Leo P. McSweeney		X		
Emily R. Donovan	X								
Susan A. Elberger	X								
Thomas O. Fenn	X					Yes	No	Abstain	Absent
Janice A. Kennedy		X			<b>TOTALS</b>	<b>118</b>	<b>61</b>	<b>3</b>	<b>16</b>
Hank Manz	X								
Wendy Manz	X								
Janet M. Perry		X							
Fred D. Rosenberg	X								
Richard Schaye	X								
Michael E. Schroeder		X							
Francine Stieglitz	X								
Dorris P. Traficante		X							

10:31 p.m. With 118 voting in the affirmative and 61 in the negative, the Moderator declared the **Motion Adopted**.

**ARTICLE 4: AMEND GENERAL BYLAWS**

10:32 p.m. Presented by Selectman Jeanne Krieger.

**MOTION:** That this Article be **Indefinitely Postponed**.

10:32 p.m. Following a voice vote, the Moderator declared the **Motion Adopted**.