

Selectmen's Meeting  
July 10, 2006

A regular meeting of the Board of Selectmen was held on Monday, July 10, 2006, at 7:30 p.m. in the Selectmen's Meeting Room. Chairman Krieger, Mr. Kelley, Mr. Pagett, Mr. Cohen, Mr. Manz; Mr. Valente, Town Manager; and Ms. Pease, Executive Clerk were present.

Public Comment

After reading a letter received anonymously, Mrs. Krieger responded that the Selectmen have made themselves much more available by each having office hours and following up on citizen's requests and also that the office is open until 4:30 every day.

Selectmen Concerns and Liaison Reports

Many citizens have spoken to Mr. Cohen regarding the state of the roads and when they will be repaired. He requested that somehow the citizens be informed.

The Selectmen decided that if e-mail is sent to all Selectmen and it needs to be responded to, that the Chairman will assign and delegate the task to a particular Selectman depending upon the subject.

Mr. Manz also asked about when the roads affected by the Keyspan incident will be fixed and how best to let the citizens know what will be fixed and when. Mr. Valente reported that information will be in the news and on the Town web page soon and that the Town is requesting that Keyspan provide payment for what they are responsible for repairing. The Town Manager will get back to the Selectmen with information on what roads will be repaired and in what order the work will be done and if the work can be completed before winter.

Town Manager Report

Mr. Valente informed the Board that Keyspan would be replacing a gas main along Massachusetts Avenue between Cary Hall and Muzzey Street in the near future. The work will be done between 9:00 p.m. and 7:00 a.m.

Hearing – Flammable Storage License – Avalon Garage

Michael Roberts, AvalonBay Communities, Inc., came before the Selectmen requesting approval of a Flammable Storage License for vehicles that will be in the garages at Met State. Fire Chief Middlemiss has reviewed the plans and confirmed that they comply with the regulations.

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Upon motion duly made and seconded, it was voted to approve a Flammable Storage License for Avalon Bay Communities, Inc. for aboveground and underground storage of gasoline in a total of 158 automobiles located in six (6) parking structures at the Metropolitan State Hospital Main Campus Site at the South Building and the CTG Building.

#### Communications Advisory Committee – LexMedia Evaluation

Ms. Canale, Chairman of the Communications Advisory Committee (CAC), discussed the process that will be followed to evaluate LexMedia as required by the contract. CAC has appointed an ad hoc committee to review the LexMedia contract and RFP, to put together a process for the required public hearing and to recommend criteria. The ad hoc committee will provide all of the above information to the Selectmen for review and ask for feedback. The performance evaluation period will be from October 1, 2005 to September 30, 2006. The public hearing will be planned for sometime in November 2006. The CAC requested that a letter be sent to LexMedia to inform them of the process and criteria.

Upon motion duly made and seconded, it was voted to send a letter to the LexMedia Board of Directors informing them about the upcoming performance evaluation.

#### Anti-Idling Committee – Signage

Tony Galaitsis, Ingrid Klimoff, and Anne Kelly, members of the Article 40 Idling Committee, came before the Board to request approval for the placement of 81 anti-idling signs within the Historic Districts (29 locations), on School Properties (38 locations), and at Town Sites (14 locations). Signs will be put on existing poles and no new poles will be added. Approval is still needed from the Historic Districts Commission and the School Committee for some of the signs.

The Committee feels that it is very important to be very vigilant in stopping cars from idling and their goal is to evaluate the signage in 6 months. To help the program, the police department has agreed to put notices on cars that are idling saying it is against the law.

Mr. Pagett is appalled at the number of signs requested and feels Lexington is already cluttered with signs. Mr. Kelley does not think parents will notice signs at the schools and feels the best way to get the parents to stop idling is by sending home educational information with the children. Committee members stated education would be part of the anti-idling program.

Mrs. McKenna, Chair of the Tourism Committee, requested that the Board not approve the signs in the historic areas until an overall integrated plan is in place for all signage in the historic areas. The Tourism Committee and the Anti-Idling Committee need to meet to discuss signage in the historic areas.

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It is important that the anti-idling signs be installed at the schools prior to when school starts in the fall.

Upon motion duly made and seconded, it was voted 4-1 (Pagett opposed) to approve the recommended locations (52 signs) for the anti-idling signs at the schools and town locations and endorse the anti-idling signs to be installed in the historic areas pending coordination with the Tourism Committee.

#### Marrett Road/Spring Street Intersection

Thomas Stokes, Howard/Stein-Hudson Associates, Inc., discussed the recommendations for improving the Marrett Road/Spring Street intersection. The majority of the Planning Board supports the recommendations to make geometric improvements to the intersection and to add signalization. It is proposed to do the project in two-phases. Part of the project would include curbing, sidewalks and crosswalks. The project can be done without any land taking.

The Selectmen suggested that the neighbors and appropriate Town departments be provided with information regarding the signalization plan and that the project be presented to MassHighway. The Selectmen would like to have this project on the fall Town Meeting agenda, if Town Meeting action is necessary.

Next step is to complete the PNF and submit to MassHighway as a conceptual plan to try and get the project on the Transportation Improvement Plan list.

Upon motion duly made and seconded, it was voted 3-2 (Kelley and Pagett abstained) to proceed with the recommendations for the Marrett Street/Spring Street intersection and to complete and submit a PNF.

#### Appointment of Election Workers

Upon motion duly made and seconded, it was voted 4-1 (Cohen abstained) to appoint Election Officers (28 Republicans, 73 Democrats and 76 Unenrolled registered voters) for the period beginning September 1, 2006 and as listed by the Town Clerk in a memo dated July 7, 2006.

#### Appointment of Special Municipal Employees

Mr. Valente explained that during the conceptual design phase of the DPW facility, a question came up regarding Mr. Bitsko, who is a member of the Conservation Commission. Mr. Bitsko is a part of the HKT design team because he is employed by the company that was hired by HKT. Because the DPW project will require the project team to go before the Conservation Commission, Mr. Bitsko and the Town Manager contacted the Ethics Commission and were advised that: Mr. Bitsko cannot participate in deliberations or vote on the DPW project as a Conservation Commission member; and Mr. Bitsko and/or his firm

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may appear before the Conservation Commission regarding the project and that the entire HKT design team should be designated "special municipal employees" for the purpose of the DPW project only.

Mr. Pagett is concerned with employees being allowed to provide consulting services to commissions on which they serve. He feels it is bound to affect how the commission reviews and votes on such projects.

Upon motion duly made and seconded, it was voted 4-1 (Pagett opposed) to designate the HKT Design Team, including its consultants from other firms, as Special Municipal Employees for the limited purpose of the DPW facility design, contract oversight and administration.

#### Appointment/Reappointments

##### Town Celebrations Committee

Upon motion duly made and seconded, it was voted to reappoint the following members to the Town Celebrations Committee for 3-year terms to expire June 30, 2009:

Suzanne Barry  
Sally Fisher  
Jo-Anne Granger  
Sondra Lucente  
Sandra Podgorski  
Robert Tracey

Upon motion duly made and seconded, it was voted to reappoint the following members to the Town Celebrations Subcommittee for 1-year terms to expire June 30, 2007:

Paul Jenkins  
Julie Miller  
William Mix  
James Shaw

##### 2020 Vision Committee

Upon motion duly made and seconded, it was voted to appoint Gerald Lacey to the 2020 Vision Committee for a 3-year term to expire September 30, 2009.

##### Lexington Bicycle Advisory Committee

Upon motion duly made and seconded, it was voted to appoint Angela Frick to the Lexington Bicycle Advisory Committee as an Honorary Member.

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Lexington Council for the Arts

Upon motion duly made and seconded, it was voted to appoint Mary Whalen Trometer to the Lexington Council for the Arts for a 3-year term to expire September 30, 2006.

Ice Cream Trucks

The Selectmen received a request from Boston Snack Foods to stop at the Town Pool and Lincoln Field to sell ice cream products. There is currently an ice cream truck that has received a food permit from the Health Department, but does not have a permit from the Selectmen. The Selectmen felt it was important to have a set of standards for all ice cream trucks.

In order to receive a permit to sell ice cream products, the following conditions must be met:

1. Vehicle inspection report by the Police Department;
2. Driver history check by the Police Department;
3. Criminal Record check by the Selectmen's Office;
4. Provide a copy of the approved Health Department food permit;
5. Provide proof of \$1 million general liability insurance;
6. Provide Trash receptacle outside the vehicle when vehicle stopped and then remove trash receptacle when leaving;
7. Vehicle cannot park in any parking spots, including handicap spots;
8. Only one vendor at a time is allowed to park at a recreation area;
9. A CORI-approved licensed driver must remain with the vehicle at all times;
10. No smoking is allowed in or outside of the vehicle;
11. List of all employees that may work and/or drive the vehicle; and
12. Check made payable to the Town of Lexington for \$50 for the season March to October.

Upon motion duly made and seconded, it was voted to provide Boston Snack Foods an Ice Cream Truck permit to sell ice cream products at the Town Pool and Lincoln Field for the period July through October 2006.

Consent Agenda

ICMA Conference Approval

Upon motion duly made and seconded, it was voted to approve the request of Mr. Valente to attend the ICMA Conference in September.

Use of the Battle Green – France Legion of Honor Ceremony – Change of Date

Upon motion duly made and seconded, it was voted to approve the request of the France Legion of Honor to use the Battle Green for a ceremony on Saturday, October 14, 2006, at 11:00 a.m. (change of date from October 21).

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Minutes

Upon motion duly made and seconded, it was voted to approve the minutes of June 26, 2006

Executive Session Minutes

Upon motion duly made and seconded, it was voted to approve the executive session minutes of June 26, 2006.

Cost of Living Adjustment for Non-Represented Employees

Upon motion duly made and seconded, it was voted to approve a 2.5% cost-of-living increase for non-represented employees, effective July 1, 2006.

Executive Session

Upon motion duly made and seconded, it was voted by roll call vote to go into executive session for the purpose of disposition of land, with no intent to return to open session.

Upon motion duly made and seconded, it was voted to adjourn at 8:55 p.m.

A true record; Attest:

Lynne A. Pease  
Executive Clerk