

SELECT BOARD MEETING

Monday, February 27, 2023

Select Board Meeting Room, 1625 Massachusetts Avenue, Lexington, MA 02420 - Hybrid Participation*
6:00 PM

AGENDA

EXECUTIVE SESSION

1. Exemption 10: Discuss Trade Secrets or Confidential, Competitively-Sensitive or Other Proprietary Information - Community Choice (Electricity) Aggregation 6:00pm

PUBLIC COMMENTS

Public comments are allowed for up to 10 minutes at the beginning of each meeting. Each speaker is limited to 2 minutes for comment. Members of the Board will neither comment nor respond, other than to ask questions of clarification. Speakers are encouraged to notify the Select Board's Office at 781-698-4580 if they wish to speak during public comment to assist the Chair in managing meeting times.

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

1. Announcement: Town of Lexington's FY2024 Recommended Budget & Financing Plan (the "Brown Book") is posted to Town's Website.
2. Select Board Member Concerns and Liaison Reports

TOWN MANAGER REPORT

1. Town Manager Weekly Update

CONSENT AGENDA

1. Approve Select Board Meeting Minutes
 - January 18, 2023 Select Board
 - January 18, 2023 Joint Select Board, School Committee, Appropriation Committee, Capital Expenditures Committee, Recreation Committee and Board of Library Trustees
 - January 23, 2023 Select Board
 - January 30, 2023 FY2024 Budget Summit IV
2. Water and Sewer Adjustments
3. Applications: Battle Green Permits - Lexington Minute Men for Patriots' Day Events
 - Dress Rehearsal for Battle of Lexington Reenactment
 - Regrouping and Marching for Parker's Revenge Skirmish Reenactment
 - Battle of Lexington Reenactment & Wreath Laying Ceremony with the Lexington Chapter of the Daughters of the American Revolution
4. Bedford Street and Hancock Street Road Closures Request - Lexington Minute Men & Lexington Historical Society for Patriots' Day Event
 - Arrival of Paul Revere and William Dawes at Hancock-Clarke House Reenactment

5. Application: One-Day Liquor License - Lexington Historical Society, 1 Bedford Street
 - Tavern Night
6. Application: One-Day Liquor License - Spectacle Management, Inc., 1605 Massachusetts Avenue
 - Handel & Haydn Classical Concert
7. Approve Lexington Little League Opening Day Parade Request
8. Select Board Committee Appointments
 - Lexington Affordable Housing Trust Board of Trustees
 - William Erickson
 - Tiffany Payne
 - Linda Prosnitz
 - Elaine Tung
9. FY24 Budget Adjustment - New Employee Health Insurance Adjustment

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Application: Common Victualler License - Taipei Gourmet LLC d/b/a Taipei Gourmet, 211 Massachusetts Avenue 6:45pm
2. Application: Common Victualler License - BIY Foods LLC d/b/a BIY Foods, 317 Woburn Street 6:50pm
3. Open Space and Recreation Plan Review 6:55pm
4. Discussion on State Earmark for Economic Development in Lexington Center - Special Events 7:25pm
5. 2023 Annual Town Meeting 7:35pm
 - Presentation - ATM 2023 Article 31: Fair Trade Restrictions - Fur Products (Citizen Petition)
 - Presentation - ATM 2023 Article 34: Amend Zoning Bylaw and Map - Multi-Family Zoning Housing for MBTA Communities
 - Presentation - ATM 2023 Article 36: Amend Zoning Bylaw and Map - Central Business District
 - Presentation - ATM 2023 Article 37: Amend Zoning Bylaw - Action Deadline for Major Site Plan Review
 - Presentation - ATM 2023 Article 38: Amend Zoning Bylaw - Minor Modifications to Approved Permits
 - Presentation - ATM 2023 Article 39: Amend Zoning Bylaw - Technical Corrections
 - Planning Board Feedback - ATM 2023 Article 40: Amend Section 135 - 4.4 of the Zoning Bylaw-Reduce Residential Gross Floor (Citizen Petition)
 - Planning Board Feedback - ATM 2023 Article 33: Amend Zoning Bylaw - Special Permit Residential Development
 - Select Board Article Discussion and Positions
 - Select Board Report to Town Meeting
6. ARPA Requests - Technology for Town Meeting and Select Board Meeting Room 8:35pm

7. Authorize Town Manager to Accept Bids for Community Choice Program 8:45pm
8. Select Board Liaison Assignment to Ad Hoc Transportation Committee and Select Board Member Appointment to Lexington Affordable Housing Trust Board of Trustees 8:50pm
9. Discussion of Naming of Fire Headquarters for Ken Donnelly 9:00pm

ADJOURN

1. Anticipated Adjournment 9:10pm

Meeting Packet: <https://lexington.novusagenda.com/agendapublic/>

****Members of the public can attend the meeting from their computer or tablet by clicking on the following link at the time of the meeting:***

<https://zoom.us/j/92482764382?pwd=SFvYWo3MmVkODF1aG5ETmNsRDVoZz09>

iPhone one-tap:

+13092053325,,92482764382#,,, *380743# US

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Meeting ID: 924 8276 4382

Passcode: 380743

An Act Relative to Extending Certain State of Emergency

Accommodations: <https://www.mass.gov/the-open-meeting-law>

The next regularly scheduled meeting of the Select Board will be held on Wednesday, March 8, 2023 at 6:30pm via hybrid participation.

Hearing Assistance Devices Available on Request

All agenda time and the order of items are approximate and subject to change.

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AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Select Board Member Concerns and Liaison Reports

PRESENTER:

Select Board Members

ITEM NUMBER:

LR.1

SUMMARY:

Under this item, Select Board Members may make comment on any additional points, reports and concerns.

Please see the attached Select Board Correspondence Secretary Report for the February 27, 2023 meeting

Attached is information sheet regarding HDC Police Station Solar Discussion, conditional approval as FYI.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

ATTACHMENTS:

Description	Type
❑ Information re:HDC Police Station Solar discussion- conditional approval	Backup Material
❑ Correspondence Secretary Report for the period 2/2/23 - 2/23/23	Backup Material

At the 12/1/2022 Historic Districts Commission meeting (beginning at 1:51) Mark Barrett from DPF and Jeff McElravy, the architect, presented two options for the solar arrays (Mike Cronin was not present). Both options presented showed arrays behind Fletcher field, as well as a small section further along the parking area near the back of the Cary building, which was not shown on Monday. Option one was just the back arrays, option two included the leg that came out toward Mass Ave. Mr McElravy stated that the back arrays alone would provide net zero.

There had been an issue with the document delivery (the packet sent from the architects had been too large and didn't deliver) so members of the commission had not received the slides in the packet prior to the meeting. Although the entire Commission commended the design and the responsiveness to their prior comments, there was a lot of discussion that the Commission could not make a final decision without the details and materials typically required of all applicants.

The Commissioners requested renderings with uses in place, information regarding materials and feedback from the stakeholders. Combined with the lack of information regarding final design and drawings, this led to their request for a continuation so the project could return at a subsequent meeting. A lot of time was spent on whether they could only give general direction, rather than any form of approval, due to the lack of required documentation.

Recognizing that the timeline to Town Meeting was finite they agreed to offer a conditional approval on the design, subject to submission of details and a hearing before the full commission on a subsequent date, which would include "design development package" and renderings which included depiction of uses. There was a formal vote to issue that conditional approval, 4-1 (Connors).

There was discussion regarding "the leg" side array toward Mass Ave. One member stated that if they can get to net zero without the leg then that's what they should approve, as all their role covered was approving a design to get the building to net zero, which was achievable with the back arrays alone. That commissioner stated the leg could be added later.

The Chair stated there were several questions; first asking members for a recommendation regarding the leg. The members polled 2-3 against the leg "at this time".

The chair then stated that the next question before them was "is this a voteable proposal?" and the board then discussed whether they could vote on the proposal at all, and if so, in what form (official vote, conditional COA, etc). The chair again polled the board and received support for conditional approval, in order to allow what Mark Barrett described as the necessary ground/footings work. There was then an actual vote to issue a conditional approval, with a required continuation (proposed for February, rescheduled to March 2nd). The Commission then voted to approve "the plans as rendered" (two sets of plans were rendered, both with and without the leg).

Paul O'Shaughnessy, confirmed that the project is scheduled to return on 3/2 as required, in order to receive a CofA: "Our subsequent review will be architectural details on the car port along the bike trail. We approved the plans so far, in order to allow substructure and the overall project to proceed. That said, the Town may submit application for the leg and it can be considered. There was no vote against it."

Joe Pato

Correspondence Secretary Report – 2/2/23 - 2/23/23

Due to the volume of mail received during this period, the format has been changed to describe topics and the number of items received rather than a list of each item.

Topic	Number of messages
Advocate for National Landmark Application for Stone Building	1
Comments on waste management plans	1
Please renew the lease for Lex Farm	71
Complaints about blasting at 69 Pleasant Street development	3
Support curbside compost pickup	47
Opposition to development proposal for Hanscom Civil Airport	2
Support for Multi-Family Zoning for MBTA Communities	1
Renew Lex Farm lease and implement compost collection	1
Request for clarification on budget policies	1
Opposition to regulating trees on private property	1
Support Compost Pilot and PD Solar Panels	1
Support PD Full Solar Panels	1
Complaint about holiday lights at Inn at Hastings Park	1
Complaint about snowplowing blocking driveway	1

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Town Manager Weekly Update

PRESENTER:

Jim Malloy, Town Manager

ITEM NUMBER:

TM.1

SUMMARY:

Attached please find the weekly updates for the weeks ending:

- 2/17/23
- 2/24/23

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

ATTACHMENTS:

Description	Type
☐ 2-17-23	Cover Memo
☐ 2-24-23	Cover Memo



Town of Lexington

Town Manager's Office

James J. Malloy, Town Manager
Kelly E. Axtell, Deputy Town Manager

Tel: (781) 698-4540
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MEMORANDUM

TO: Select Board
FROM: Jim Malloy, Town Manager
DATE: February 17, 2022
RE: Weekly Update

The following is an update of activities for the week ending February 17, 2022:

Various Administrative Issues:

- John Livsey, Town Engineer has been nominated by the New England Chapter of Public Works as the National Professional Manager of the Year in Engineering and Technology. Congratulations to John, it's well deserved recognition!
- IT has identified the full cost of upgrading the Select Board meeting room and is requesting an additional \$20,000 from ARPA funds to complete the project. Tim Goncalves has provided the following breakdown:

Select Board Meeting Room		
		Notes
ARPA Approved Funds	\$ 60,000.00	\$40,000 + \$20,000 previous approvals from ARPA
Encumbered	\$ 26,827.56	Vince & Facilities purchased equipment already on order
Remaining Funds	\$ 33,172.44	
Prov AV Quote to finish work	\$ 49,021.14	Remaining work to bring the room to the latest hybrid specifications. This is based on the Hybrid Refresh Project Standards.
Funding Shortfall	\$ (15,848.70)	
Contingency	\$ 4,000.00	
Additional Funding Request	\$ 19,848.70	Rounded to \$20,000

This is not on the agenda for the first meeting in April, however, given the concerns with using the Owl for Select Board meetings, the Board may want to discuss moving this request forward.

- At the last Select Board meeting, there was discussion regarding the level of community engagement that had (or had not) been undertaken in relation to the solar PV canopy as it related to concerns raised by residents near the Police Station. During the meeting, there was an indication

that there was a community engagement policy of the Select Board. I've reviewed the Select Board's policies and asked the Select Board's staff to review their files and we have not located this policy (and Jill Hai was not aware of a policy). I believe it is best for the Town to draft a policy so that staff have a clear understanding of when and how community engagement is expected. I will be asking several senior managers and others that are responsible for projects that may require community engagement efforts and/or communications to participate in drafting a policy, but also believe the Select Board needs to have a discussion to develop parameters related to community engagement efforts that this group from SMT can work toward, which includes:

- What is community engagement and what is community engagement not? By this, the Board should discuss what the expectation is from community engagement, is it a several month series of meetings with members of the community in which disparate opinions are mediated into an agreed upon project to move forward with (and what are the interim reporting expectations back to the Board) or is it a single community informational meeting where any reasonable requests are taken into consideration and managed as part of a project?
- What is the trigger point for community engagement? In a recent meeting with a Select Board member on a different topic, we had a similar discussion about trigger points and it was suggested anything that requires Select Board approval. After reviewing the past year's Select Board meeting agendas, that would be an overwhelming trigger point. The Board should discuss what the appropriate trigger point is for a community engagement effort (is it Select Board AND Town Meeting approval?) so that there is a clear expectation of when staff is expected to undertake community engagement efforts.
- There needs to be clear understanding of order. In the past year, there was criticism of staff that met with residents regarding the proposal for a roundabout at Pleasant/Watertown Streets because this occurred before staff met with the Select Board and at the most recent Select board meeting there was similar criticism because staff met with the Select Board prior to meeting with residents. Any policy needs to be clear on the order of events to avoid confusion.
- Audience – There also needs to be a clear understanding of who the audience we are trying to reach for community engagement efforts. Is it the general community, immediate abutters or abutters within x feet. The answer may be that it depends on the situation, but this will then need to be clarified to avoid confusion in the future. Staff have undertaken community informational processes in the past and been criticized when they included only direct abutters, so this needs to be clarified so that expectations and standards can be established.

There are very likely other parameters that we will want to include, but these are a few that I request the Select Board begin considering. I will be looking for the first agenda in which we can schedule at least 30 minutes (perhaps March 13) so that we adequate time to have this discussion.

- Attached please find the agenda tracker for upcoming Select Board meetings.

Public Facilities Department:

- At the Westview Cemetery building project, electrical, plumbing, HVAC, duct insulation, and sprinkler rough-in are almost all complete. Windows have arrived on-site and are being installed (you can see them on the Westview Street side of the building). The project is on target for spring completion.
- At the Police Station, the last of the concrete foundation was poured this week. Crane and steel deliveries started February 8th. The project team expects steel erection and metal decking to

continue through the first week of March. Once the steel framing and deck is complete, work will begin on the under slab work (plumbing, conduit for electrical, etc). Continued site work for utilities and drainage will start in March.

- The solar projects have finally received the Interconnection Service Agreement and the Permission to Operate at Bowman, Clarke, Harrington and Lexington Children's Place. Hastings went live a couple of weeks ago. Diamond will be tied in this coming weekend (2/22) and Bridge is still waiting for current limiters (new expected due date is March 4th).

Land Use Health and Development:

- We are happy to welcome back Ariel Chin, who started this month as Visitors Center Manager. Ariel was previously our Assistant Visitors Center Manager, and started out as an intern with the LUHD Department prior to working at the Visitors Center. Her professional background in retail operations and retail management and knowledge of Lexington are great assets.
- An information session on the Special Permit Residential Development (SPRD) zoning bylaw amendment is scheduled for February 23, 7:00pm at the Lexington Community Center and on zoom. The Select Board's SPRD Committee (Ad Hoc) was charged with developing a zoning proposal to revise or replace the SPRD section of the Zoning bylaw to allow and encourage more affordable and diverse home types. Additional outreach dates
 - Housing Partnership Board February 21st – 7:00pm Zoom
 - Community Wide Meeting at the Community Center February 23rd – 7:00pm- 8:30pm Lexington Community Center and Zoom
 - Sustainable Lexington Committee February 28th
 - Town Meeting Members Association Information Session March 2nd or March 15th
 - League of Women Voter's First Friday at Cary Library at 9:30am March 3rd
- Planning Board updates
 - Planning Board closed the public hearings on all their sponsored zoning articles on February 15.
 - Article 35 – Supplemental Inclusionary Housing Requirements, recommend to refer to planning board
 - Articles 34, 36 – 39 Recommend approval to Town Meeting
 - Article 33 – SPD hearing continued to March 1
 - Article 40- Citizen Petition hearing continued to March 1
 - Tracer Lane Solar Project, Site plan Review hearing continued to March 15 PB on Zoom at 6:00 pm

Agenda Tracker

ITEM NAME	PROPOSED DATE	MINUTES	DESCRIPTION
Exemption 10: Discuss/Vote on Lexington Community Choice Electric Aggregation Program	27-Feb-23	20	Lexington's current Community Choice Energy Aggregation Program expires in December 2023. We have received indicative pricing and are scheduled (as of 2/15/23) to receive final pricing the morning of 2/28/23. As in the past, we only have a few hours between receiving final pricing and signing a contract, which requires the Town Manager to be authorized to execute a contract based on indicative pricing.
FY24 Budget Adjustment - New Employee Health Insurance Adjustment	27-Feb-23	0	Normally between the White Book and the Brown Book, the Finance Department moves the benefits cost of any new employees either in the School Department or Municipal Departments from either Department into the Shared Services Budget for benefits. This ensures that the full cost of the new employee is accounted for during budget considerations and by moving it into the Shared Services budget, it ensures that in the ensuing fiscal year, the School or Municipal side of the budget is not over-inflated for future revenue allocations for expenses that have been moved to the Shared Services budget. This requires a vote of the Select Board, which I'll put on the 2/27 agenda . The change is for the 12 new School employees for \$211,000 and to move the funds from the School Budget to the Shared Services budget for benefits.
Approve Select Board Meeting Minutes	27-Feb-23	0	1/18/2023 SB & Joint SB/SC/AC/CEC/RC/BOLT; 1/23/2023; 1/30/2023 FY2024 Budget Summit IV
Water and Sewer Adjustments	27-Feb-23	0	Email request from Robin on 2/7

Battle Green Use Requests - Lexington Minute Men x3	27-Feb-23	0	Dress rehearsal for Battle of Lexington Reenactment 4/1 (rain date: 4/2); Parker's Revenge Reenactment 4/15; Battle of Lexington Reenactment & wreath laying ceremony with DAR at war monuments on the Green 4/17 (rain date: 4/22)
Road Closure Request - Lexington Minute Men & Lexington Historical Society	27-Feb-23	0	Paul Revere's Ride: Bedford Street from Massachusetts Avenue to Hancock Street and Hancock Street to Adams Street closed to all but resident emergency traffic from 10:00pm on 4/16 to 12:30am on 4/17 (Police; Fire; DPW - all OK) - <i>revised start time (from 10:30pm to 10:00pm) per Sue on 2/15 due to crowds arriving earlier</i>
Approve One-Day Liquor License - Lexington Historical Society	27-Feb-23	0	Lexington Historical Society Tavern Night 3/4 inside of Buckman Tavern
Approve One-Day Liquor License - Spectacle Management	27-Feb-23	0	Spectacle Management x1 event at Cary: Handel & Haydn Classical Concert 4/21 (original January date was postponed within days of the event due to a medical issue)
Approve Annual Little League Parade Request - Lexington Little League	27-Feb-23	0	Annual request to use Mass ave for parade
Select Board Committee Appointments	27-Feb-23	0	Lexington Affordable Housing Trust Board of Trustees
Update the Select Board on the Draft Updated TMO-1 Hartwell Area Plan	27-Feb-23	15	The Planning Board is workign on the updated plan, but the Planning Department wants to present to the Select Board and obtain feedback prior to finalizing the plan as the zoning requires the Planning Board adopt the plan in consultation with the Select Board.
Common Victualler License Application - Taipei Gourmet LLC d/b/a Taipei Gourmet, 211 Massachusetts Avenue	27-Feb-23	5	Under new management - new CV application (Zoning; Building; Health - all OK)
Common Victualler License Application - BIY Foods LLC d/b/a BIY Foods, 317 Woburn Street	27-Feb-23	5	New CV application (Zoning; Building; Health - all OK)

Placeholder- Open Space and Recreation Plan Review	27-Feb-23	30	The Open Space and Recreation Plan is near completion. The final draft will be available and open to the Public on/about 12/21-1/31, additionally, another community meeting will be held. The final review required is by the Select Board. In reviewing the timeline, would it be possible to hold a space on the 2/27 Select Board agenda?
LBAC and Friends of Lexington Bikeways Request for Proposed Safety and Courtesy Signs on the Minuteman Bikeway	27-Feb-23	10	On 1/16, the LBAC requested to present and discuss the proposed safety signs at a Select Board meeting prior to Annual Town Meeting.
ATM 2023 presentations: Art 31 FAIR TRADE RESTRICTIONS- FUR PRODUCTS (Citizen Petition) Dinesh Patel Art 34 Amend Zoning Bylaw- MULTI-FAMILY ZONING FOR MBTA COMMUNITIES Art 36 AMEND ZONING Bylaw and MAP- CENTRAL BUSINESS DISTRICT Art 37 Amend Zoning Bylaw- ACTION DEADLINE FOR MAJOR SITE PLAN REVIEW Art 38 Amend Zoning Bylaw- MINOR MODIFICATIONS TO APPROVED PERMITS Art 39 AMEND ZONING BYLAW-TECHNICAL CORRECTIONS Art 40 AMEND SECTION 135-4.4 OF THE ZONING BYLAW- REDUCE RESIDENTIAL GROSS FLOOR AREA (Planning Board feedback) Art 33 AMEND ZONING BYLAW- SPECIAL PERMIT RESIDENTIAL DEVELOPMENT (Planning	27-Feb-23	60	Dinesh Patel- confirmed Abby McCabe- and Bob Peters, PB chair, confirmed
Discussion on State Earmark for Economic Development in Lexington Center - Special Events	27-Feb-23	10	Sandhya requested to be on an agenda at the end of February to discuss events in the Center.

Authorize Town Manager to execute a contract for Community Choice Electric Aggregation	27-Feb-23	5	This is the public vote on the electric aggregation program that is scheduled for executive session discussion earlier in the meeting.
Discuss Select Board Liaison Assignment to Ad Hoc Transportation Committee and Membership to Lexington Affordable Housing Trust Board of Trustees	27-Feb-23	5	
Dissolve Affordable Housing Trust Study Committee?	8-Mar-23	0	Affordable Housing Trust approved at Town Meeting; recruitment is in place for members of the Trust - to be dissolved once Trust has been established
Tri-Ton Health Services Agreement	8-Mar-23	10	This is an Intermunicipal Agreement for a grant program to provide Health Services among the Towns of Burlington, Lexington and Wilmington.
Fire Department EMS Fee Survey	8-Mar-23	15	The Fire Department and James Robinson have undertaken a fee survey of area towns and towns throughout the Commonwealth and found that Lexington's fees are significantly low for EMS. Staff will present recommended fee increases.
Tree Canopy Study	8-Mar-23	20	Presentation on the results of the Tree Canopy Study
Request to Amend Housing Partnership Board Charge	8-Mar-23	10	The HPB submitted a revised charge on 12/15 with multiple changes; updated request sent on 2/13
PLACEHOLDER - Tourism Committee Recommendations for Zone B of Battle Green Master Plan	8-Mar-23	15	More commonly referred to as the Visitors Center Lawn (recommendations unanimously approved at Tourism Committee meeting on 12/15)
Discussion on establishing a Committee to review the Integrated Building Design and Construction Policy	8-Mar-23	10	The policy adopted by the Select Board and School Committee in 2020 requires that the Select Board and School Committee jointly appoint a Committee to review the policy every three years (2023 is the third year). The Select Board should vote to create the Committee and then invite the School Committee into a discussion to determine how to make the joint appointment.

EV Parking Lot Parking Fee Discussion	8-Mar-23	10	At a recent Select Board meeting there was a question regarding the parking fees charged at the EV spots in public parking areas. Contradictory times exist and a uniform time should be established. Additionally, there is a section of the parking regulations that needs to be amended for the EV chargers.
Placeholder - Update on Project Tracker (JP), Communication Matrix (SB)	8-Mar-23	20	Follow up items from 1/11/23 Retreat - Select Board project, March date commitments of project status
Town Meeting Discussion/Votes	8-Mar-23	15	Discussion to review/vote on Town Meeting articles and related issues
PLACEHOLDER - Cary Lecture Committee Request for Tax Bill Insert	8-Mar-23	10	The Cary Lecture Committee is requesting an insert be added to a quarterly tax bill to market the Cary Lecture Series talks to the citizens of Lexington. The Committee will take care of having the insert printed. Deadline for decision?? - need formal request from Committee
Placeholder - Amendment to Flammable Fuel License located at 913 Waltham Street	13-Mar-23	10	Targeted date for Hearing for Flammable Fuel Amend, Legal ad needs to publish by 3/2 (pub request must be submitted by 2/23)
Placeholder Grant of Location - Verizon - Stedman Road	13-Mar-23	10	1/18/22 Request submitted - Engineering requested more detail, waiting for new plan submission
Placeholder - Restaurant Wine and Malt Liquor License - 21 Muzzey Street	13-Mar-23	10	Vintage tea and Cake Company has applied for a Common Victualler Wine Liquor License. Department review is underway, targeting to put the hearing on March 13 if possible.
Preliminary Request for Reenactment of 200th Anniversary of Lafayette's Visit to Lexington	13-Mar-23	15	Marsha Baker from the Lexington Historical Society has requested to present their idea to have a Re-enactment of Lafayette's visit to Lexington at the Board at a January meetings get initial consensus from the Select Board before they spend too much time planning. (Marsha away in Feb/March)
TENTATIVE - Presentation - Wayfinding Signage in East Lexington	13-Mar-23	15	Sandhya requested to be tentatively placed on an agenda in mid-March to present wayfinding signs in East Lexington
Select Board Committee Appointment & Reappointment	20-Mar-23	0	Mina Makarios/Anderson & Krieger LLP to be appointed as Town Counsel; Gordon Jones III seeking reappointment to the Registrars of Voters - both expire on 3/31

Approve and Sign Proclamations - Autism Awareness and Acceptance Month; National Public Safety Telecommunicators Week; National Public Health Week	20-Mar-23	0	April is Autism Awareness and Acceptance Month; National Public Safety Telecommunicators Week 4/9-4/15 (annual proclamations); NEW - National Public Health Week 4/2-4/8
Approve Select Board Meeting Minutes	20-Mar-23		
PLACEHOLDER - Energy Use Disclosure Update (requested for Jan./Feb. meeting)	29-Mar-23	15	Kelly spoke with Maggie Peard who was at a Sustainability meeting with Mark Sandeen on 11/15 and he suggested she come to a SB meeting in Jan/Feb to update on the energy use disclosure
PLACEHOLDER - Green Vehicle Policy Update (requested for Jan./Feb. meeting)	29-Mar-23	15	Maggie Peard will provide an update on where the Town is in tracking the vehicle type and replacement
Approve and Sign Awards for Patriots' Day 2023	10-Apr-23	0	Minuteman Cane Award; Outstanding Youth of Lexington Award (to be signed prior to awarding at Patriots' Day)
Approve and Sign Proclamations - National Library Week; Arbor Day	10-Apr-23	0	National Library Week 4/23-4/29; Arbor Day 4/28 (annual proclamations)
ARPA Requests/Decisions	10-Apr-23	20	This will be the quarterly ARPA request coming before the Select Board for decision making as per previous discussions.
PLACEHOLDER - Presentation - Statement of Concern for Lexington's Trees	24-Apr-23	10	Jill confirmed with CW that group will do the outreach and then come to the Board in April after TM to present. (email 1/18)
Request for Select Board approval for submission of application of the Stone Building as a National Historic Landmark	5-May-23		Jeff Howry submitted request on 2/6/23 seeking to come before the Select Board seeking approval to submit an application for the Stone Building to be considered as National Landmark
PLACEHOLDER - Discuss Deposit Location(s) for Charitable Funds Donated to Town for "Where It's Needed Most"	8-May-23	15	Carolyn suggested that we add this to an agenda for discussion to vote to direct all funds to one place
Discuss Update to the Integrated Building Design & Construction Policy	8-May-23	10	This is to have a discussion on the Select Board's preference on establishing a process to update the Integrated Building Design & Construction Policy. The Policy adopted in 2019 recommended that it be updated every three years and it's 2022 (2022-2019 = 3).



Town of Lexington

Town Manager's Office

James J. Malloy, Town Manager
Kelly E. Axtell, Deputy Town Manager

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MEMORANDUM

TO: Select Board
FROM: Jim Malloy, Town Manager
DATE: February 24, 2022
RE: Weekly Update

The following is an update of activities for the week ending February 24, 2022:

Various Administrative Issues:

- If you haven't seen it yet, the Participatory Budgeting is out to the community for voting. Here is the link where resident can vote: <https://lexington.abalancingact.com/2022-23-participatory-budgeting-cycle> - we're able to track how many residents are voting and will give the Board a count at next Monday's Select Board meeting.
- I've been contacted by the President of the Douglas House requesting to lease 3-4 parking spaces in the Depot Lot for vans for their residents (wheelchair accessible). If the Board is open to this idea, I can work with them to develop a fair price and schedule it for an upcoming Select Board meeting agenda, it is likely to not cross the threshold for public bidding. I will mention this during the Town Manager's Update on 2/27/23 to gauge the Board's willingness before moving forward.
- Attached please find the proposed changes to the Residential Solid Waste Regulations that would be necessary to implement the fee-based services for curbside pickup of white goods and bulky items. I know that there have been discussions about changing the services (for items like bi-weekly trash pick-up instead of weekly), I have not included any changes related to these potential future modifications of the service, simply those changes that are necessary for this proposed change (which is included in the FY24 Budget the Board approved) and some clean-up language. This has been placed on the agenda for discussion on 3/13/23 and for a vote of the Select Board on 3/27/23.
- Attached please find the final proposal to update the parking regulations to allow for vehicles to be parked at EV Chargers. This has been placed on the agenda for discussion on 3/13/23 and for a vote of the Select Board on 3/27/23.
- I know the Select Board members may have been contacted by residents with complaints about the redevelopment of 69 Pleasant Street and by members of the Historic Commission regarding the Hosmer House. The following is a brief synopsis of the status of both:
 - 69 Pleasant Street – The complaints on this have focused on blasting, drilling, time of day, time of the week, sound barriers/decibel levels, holiday construction and tree removal. With the exception of some of the timing of work, the contractor has otherwise been in compliance with the Town's Bylaws and State Regulations (blasting). The Building Commissioner has met

with the contractor to ensure they understand the timing/holiday related issues. The following is taken from my most recent communication with the residents that have complained:

- There are two sections of the Noise Bylaw that apply, one that restricts certain work between 7 AM and 5 PM on weekdays and 9 AM and 5 PM on weekends [§80-4(A)(i)] and the second which restricts blasting and pneumatic hammering to between 9 AM and 5 PM on weekdays [§80-4(A)(iii)]. The Town official responsible (Building Commissioner) for making these determinations has determined that the work that is being undertaken before 9 AM is in compliance with the bylaw as it is not commencing prior to 7 AM.
- The actual blasting decibels that the Building Commissioner has reviewed are 71 and 77 outside the barrier (was 91 within the barrier, which means it was being reduced by 14 decibels by the barrier) on different days. We did receive a report late morning today that there was a 115 db reading that we are looking into.
- The Fire Department and State Fire Marshall have both indicated that the contractor is complying with local and state regulations in regard to blasting.
- The DPW Director has indicated that the contractor/property owner are in compliance with the tree bylaw (pending payment to the tree fund and replanting of the defined number of trees measured at DBH).
- Hosmer House – When the Hosmer House was moved, the second floor needed to be de-constructed to move it through Town (due to overhead conditions). The second floor has been re-constructed and the House layout at its new location appears to be in compliance with the plans that were submitted. The Historic Commission has indicated concern whether this is a violation of the Town’s Demolition Delay bylaw and whether the redevelopment of the Hosmer House is in compliance with the Preservation Restriction. I have asked the Building Commissioner, Planning Director and Assistant Town Manager for Development to review the Preservation Restriction and meet with the owner of the Hosmer House to ensure they are in compliance (scheduled for Monday morning).
- The topping off ceremony for the Police Station project is now confirmed at 9 AM on 3/8/23. If you are attending please meet at the rear of the project (similar to the groundbreaking). If anything changes due to weather or other reasons, we will provide notice.
- We’ve received a resignation from Gina Rada, our Veteran’s Director. While it’s unfortunate for our Veterans District, Gina will be going on as the Deputy Director of Veteran’s Affairs for the Commonwealth and we wish her the best!
- Attached please find the FY24 Preliminary Cherry Sheet (State Aid). Our state aid figure is significantly higher than anticipated and staff will be working through Monday’s Select Board meeting with our counterparts in the School Department and will be providing a recommendation for the Select Board to consider (which will be on the agenda for 3/8 for a vote).
- Attached please find the agenda tracker for upcoming Select Board meetings.

ARTICLE IV
Residential Solid Waste
[Adopted August 1991 by the Select Board]

§ 181-57. General provisions.

- A. Recycling is mandatory in Lexington.
- B. The Town of Lexington is committed to reducing the generation of solid waste within the community by working to:
 - (1) Educate residents to reduce the solid waste they generate;
 - (2) Accelerate recycling and composting efforts;
 - (3) Commit the remainder of solid waste to waste-to-energy (resource recovery) disposal; and
 - (4) Reduce the toxicity of the waste stream.
- C. ~~The~~ Town Meeting has established ~~a~~ requirements for the mandatory separation of certain recyclable materials from the rubbish of Lexington residents. School buildings and public buildings are included in this program. Apartments and condominiums also participate. Residents are encouraged to reduce the volume of packaging they bring home and to buy and use recycled products in order to support markets for recyclable materials.

§ 181-58. Types of waste.

The Town of Lexington collects the following categories of solid waste:

- A. Recyclable waste (every other week curbside collection). The following materials should be included in the Lex-Recycle bin. Consult the recycling brochure for an up-to-date listing or see § 181-60 for details on preparation.
 - (1) Glass. Clear, green and brown food and beverage containers only.
 - (2) Metal. Food and beverage cans.
 - (3) Plastic. Narrow-neck bottles with No. 1 or No. 2 inside the recycling symbol.
 - (4) Aseptic cartons. Milk and juice cartons/boxes.
 - (5) Mixed paper. Newspapers, office papers, junk mail, chipboard, magazines, etc.
- B. Nonrecyclable solid waste (regular weekly curbside trash collection). All garbage and rubbish that is not considered either recyclable or hazardous waste or is not listed in § 181-61E. See all of § 181-61 for details.
- C. Household hazardous products disposal (10 collection events annually). Household hazardous waste includes any products or materials that can be toxic (poisonous), corrosive, flammable or reactive (explosive). See § 181-62 for details.

- D. White goods pickup (curbside appliance pickup). Appliances are collected curbside by appointment only. See § 181-63 for details.
- E. Yard waste (curbside, drop-off facility and home composting). Disposal options for approved yard waste include curbside collection for three weeks in the spring and 10 weeks in the fall, drop-off (see § 181-64 for details) and home composting (see § 181-66).
- F. Christmas trees (curbside trash collection and drop-off recycling). Christmas trees may be disposed of through the curbside collection of regular trash or by dropping them off for recycling (see § 181-65).

§ 181-59. General rules applying to all curbside collection.

- A. Where to place containers. Collection occurs at the curbside. Place trash containers or recycling bins (with at least eight feet between them) parallel to the curb, not going up the driveway or walk. Waste will not be removed from inside houses, garages or other enclosures. Residents should be aware of winter plowing operations and place their refuse containers where they will not impede sidewalk plows or be toppled by street plows.
- B. When. Place the containers at curbside no earlier than 6:00 a.m. and no later than 7:00 a.m. on the collection day. Remove empty containers within 12 hours of the collection. Collection vehicles will not return to an area after the trash or recyclables in that area have been collected.
- C. Holiday collection. Regular waste and recyclables are not collected on legal holidays. Therefore, do not put waste at the curbside on a holiday. During a week when a holiday falls on a collection day, the weekly collection moves forward one day. For example, if a holiday falls on a Monday, waste is collected Tuesday through Saturday of that week; if a holiday falls on a Tuesday, waste is collected on Monday and Wednesday through Saturday of that week. Your recycling brochure lists all legal holidays affecting trash collection.
- D. Sanitary conditions. Before and after collection, residents are responsible for maintaining safe and sanitary conditions at the collection site. Residents must remove refuse from spills or broken containers prior to the collection. The contractor will not collect loose refuse. Dog and/or wild animal complaints can be reported to the Animal Control Department at 862-0500 extension 240 during normal work hours.
- E. Scavenging. Scavenging or picking through trash or recyclables is prohibited.
- F. Penalties. Violation of these rules may subject a resident to penalty provisions under Town Bylaws and adopted regulations of the Select Board. In particular, if recyclable waste appears in a regular trash container, the Town will not collect the resident's regular trash. [Amended 3-27-2019 ATM by Art. 34]

§ 181-60. Rules for curbside recyclables collection.

Mandatory separation of certain recyclable materials from the regular trash by Lexington residents was established by Town Meeting in 1988. A detailed recycling brochure is mailed to all Lexington households annually.

- A. Containers. As part of the Lex-Recycle programs, the Town provides each new household with a recycling bin (provide proof of new residency to pick up free bin). Every household must use at least one Lex-Recycle bin. Additional recycling bins are available for a small fee. These are available at the Public Works Building, 201 Bedford Street, weekdays from 7:30 a.m. until 3:30 p.m. For information, telephone 861-2757.
- B. Recyclable waste preparation. Follow these rules when preparing and putting out recyclables, placing glass, metal, plastic and aseptic containers in the bottom of the Lex-Recycle bin, with bagged or bundled paper on top or beside the bin.
- (1) Glass. Clear, green and brown food and beverage containers. Rinse clean. Remove lids, caps, corks, plastic sleeves, etc. Paper labels are ~~okay~~acceptable. Do not recycle broken glass.
 - (2) Metal. Aluminum and steel (tin) food and beverage cans. Rinse clean. Crush to save space. Discard cutout lids or secure within can by crushing. Labels are ~~okay~~acceptable.
 - (3) Plastic. Narrow-neck bottles with No. 1 or No. 2 within the recycling symbol: water, juice, milk, soda and detergent bottles. Rinse clean, remove lids/neck rings, crush or nest. Labels are ~~okay~~acceptable.
 - (4) Aseptic. Milk and juice cartons/boxes. Empty and rinse clean. Remove straws.
 - (5) Mixed paper. Place newspapers/inserts, junk mail, office paper, book pages, chipboard boxes (empty and flattened), single magazines, catalogs or phone books in brown grocery bags. Magazines, catalogs or phone books may be tied up to twelve-inch stacks. Break down and tie corrugated cardboard 30 inches square maximum. No plastic bags are recyclable.
- C. Items that will not be collected. ~~The r~~Recyclable waste ~~collectors~~contractor will not collect the following items (which may be disposed of in the regular trash collection):
- (1) Plastic bags with mixed paper.
 - (2) Food remnants or wrappings.
 - (3) Soiled paper, chipboard or cardboard cartons.
 - (4) Plastic or foil cereal liners.
 - (5) Book covers or bindings.
 - (6) Waxed cardboard.
 - (7) Unflattened corrugated boxes.
 - (8) Pizza boxes.
 - (9) Window or auto glass, mirrors, Pyrex, ceramics, dishes, etc.
 - (10) Broken glass.

- (11) Aluminum foil, pie pans or trays.
- (12) Paint cans.
- (13) Aerosol cans (empty).
- (14) No wide-top food containers (yogurt, butter tubs, etc.).
- (15) Any plastic bags.
- (16) Motor oil containers.
- (17) Unmarked plastics or bottles with a No. 3, 4, 5, 8 or 7 inside the recycling symbol.
- (18) Soiled aseptic boxes or cartons.

- D. Where. Put the recycling bin(s) at curbside, six to eight feet away from the regular trash containers.
- E. When. Collection of recyclable waste in the Lex-Recycle bin occurs every other week, on the same day as the regular waste pickup. Consult contractor's annual brochure for calendar schedule or call DPW at 861-2757 ~~or Waste Management, Inc., Woburn, (781) 933-2113.~~
- F. When moving. The recycling bin should be turned in to the Water Billing Clerk in the Tax Collector's office, Town Office Building, when the final water bill is paid.

§ 181-61. Rules for collection of nonrecyclable solid waste.

Regular weekly trash collection is divided into five routes, roughly coinciding with precinct lines.

- A. Approved containers. Put all waste in approved containers only. Do not stuff containers beyond their capacity or have items protruding out of the top of the barrels. Cracked or broken containers that are empty will be collected as waste. All containers are used at the owner's risk. Approved containers include:
 - (1) Plastic bags that are at least 1.5 mils thick. The bags must not exceed three cubic feet (30 gallons) in content or 40 pounds in weight. The bags must be tightly sealed or tied.
 - (2) Metal containers should be watertight and rust-resistant and have handles and tight-fitting covers. The containers must not exceed three cubic feet (32 gallons) in content or 50 pounds in weight.
 - (3) Plastic barrels must be heat- and water-resistant and must have handles and tight-fitting covers. They must not exceed three cubic feet (32 gallons) in content or 50 pounds in weight. The waste ~~collector~~ contractor is not responsible for plastic containers that crack during cold weather.
- B. Number of containers. The wWaste collectors-contractor will pick up a maximum of six approved containers per week, ~~one bulky object (see Subsection D)~~ and five bundles of branches over one inch in diameter (for preparation see Subsection E).

- C. When moving. The regular waste ~~collector~~ [contractor](#) will pick up additional trash containers in excess of the maximums listed in Paragraph B when residents are moving or cleaning out basements, etc. Residents must call ~~Waste Management, Inc., 933-2113~~ [the contractor](#) to notify them in advance of their regular collection day. The waste ~~collector~~ [contractor](#) does not make special pickups.
- D. Bulky objects. ~~One bulky object per week~~ will be collected at curbside on the ~~regular collection day~~ [scheduled through the waste contractor at the fee approved by the Select Board](#). A bulky object is anything that will not fit into an approved container (Subsection A), such as a television set, automobile tire (without rim), storm door, lawn furniture, barbecue grill, mattress, box spring, rugs (cut in four-foot lengths, rolled and tied), etc.
- E. Waste preparation. Follow these rules when preparing and putting out waste:
- (1) Drain all liquids from food waste before putting it into the waste container.
 - (2) Wrap food waste securely in plastic bags, such as old bread or supermarket bags.
 - (3) Make sure no waste material protrudes above the top of the container.
 - (4) Window glass should be taped to prevent shattering.
 - (5) Keep waste containers in a sanitary condition, covered and/or tightly sealed. A few drops of ammonia discourages animals from scavenging.
 - (6) Cut tree branches and limbs no less than one inch and no more than four inches in diameter into three-foot lengths and tie in bundles. Bundles must not exceed 50 pounds in weight and 24 inches in diameter. Maximum of five bundles per pickup.
 - (7) Wooden objects such as picnic tables, fence parts and scrap wood should also be cut into three-foot lengths and tied in bundles.
 - (8) Scrap metal such as fence posts, railings, dismantled swing sets, aluminum ladders or lawn furniture should be broken down and securely tied before putting at curbside. [pickup will be scheduled through the waste contractor at the fee approved by the Select Board](#).
 - (9) Lawn mowers should have gas tanks removed and all fluids removed as well.
 - (10) Latex paint must be completely dried out (solidified) before placing in regular trash. Use kitty litter or a similar drying agent to speed up process.
 - (11) Oil-based paints with less than two inches of residue may also be dried out and disposed in trash.
- F. Items that will not be collected by the waste ~~collector~~ [contractor](#):
- (1) Dead animals or animal waste.
 - (2) Hazardous waste products (see § 181-62 for description).

- (3) Biological or infectious wastes, medicines and medical devices.
- (4) Improperly packaged medical sharps.
- (5) Automotive parts, such as batteries, body parts, engine blocks, fenders, frames, tire rims, gas tanks, transmissions, etc. (For disposal, see footnote under § 181-62 re: John Carroll.)
- (6) Logs and tree stumps.
- (7) Yard waste (see § 181-64 for disposal of yard waste).
- (8) Any propane tank (for disposal, see § 181-62 or call Dan McCabe's Home Specialties, 862-5405).
- (9) Recyclable waste (see § 181-60 for list of recyclable waste).
- (10) Building and/or construction debris, e.g. wood, asphalt, concrete, etc. Building contractors are responsible for the proper disposal of all construction and building material or offer debris left from their work, such as wood, beams, shingles, plaster, asphalt, concrete, earth and gravel, etc. The Town of Lexington has no facilities for disposal of construction materials and the regular trash contractor will not remove it as residential waste. Please consult the Yellow Pages for disposal contractors.

G. Unacceptable containers. ~~The w~~Waste ~~collectors~~-contractor will not pick up waste in unacceptable containers. The Town of Lexington and the waste ~~collector~~-contractor assume no responsibility for waste that is not put out in approved containers (see Subsection

~~A).~~ — Unacceptable containers include:

- (1) Cardboard barrels, cartons and crates.
- (2) Plastic bags other than those described under Subsection A.
- (3) Containers without handles or lids.
- (4) Containers with waste protruding above the top.
- (5) Lawn carts or wheelbarrows.
- (6) Oil drums.
- (7) Open baskets or boxes.
- (8) Paper bags.

§ 181-62. Rules for disposal of household hazardous products.

The Town of Lexington has joined with seven neighboring communities to address the problem of household hazardous products disposal. In order to keep these materials out of the waste stream and the environment, residents are encouraged to deposit them at the Minuteman Household Hazardous Products Facility on the scheduled event days. Some of the products that should be separated from your recyclable

or regular trash are listed below. For proper disposal of any hazardous waste not listed below or listings of dates, contact the Board of Health, 862-0500 extension 200.

- A. Location. The Minuteman Household Hazardous Products Facility is located on Hartwell Avenue, at the site of the DPW Composting Operation and the former landfill. The entrance to the facility is located opposite Maguire Road on Hartwell Avenue.
- B. Hours of operation. Collections occur on 10 Saturdays (at least once a month) from April to November. Hours of operation are 9:00 a.m. until 3:00 p.m. Residents will receive an annual mailing indicating the dates when the facility will be open, along with instructions for bringing the waste.
- C. Products. Hazardous waste includes any products or materials that can be toxic (poisonous), corrosive, flammable or reactive (explosive). Collection events include but may not be limited to the following products. Consult the annual mailing for up-to-date product listing and limits.

Cleaning Products:

Bathroom cleaners
Drain openers
Oven cleaners
Metal or furniture polish
Spot removers

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Automotive Products:

Motor oil and oil filters
Brake or transmission fluids
Antifreeze
Solvents
Auto batteries
Polishes and wax

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Pesticides:

Weed killers
Fungicides and herbicides
Insecticides, pest strips
Fertilizers with weed killer
Wood preservatives
Rat poisons

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Paint and Paint Products:

Paint and Paint Thinners
Paint removers
Stains and varnishes
Epoxies and adhesives
Aerosol cans (with product)

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Other Products:

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Batteries***
Fluorescent lights
Thermostats
Driveway sealer
Pool chemicals
Hobby or photography chemicals
Propane tanks (up to 22 pounds)
Waste fuels (e.g. gasoline)

Do Not Bring:

Explosives
Asbestos
Ammunition, fireworks
Commercial hazardous waste
Empty aerosol cans***
Fire extinguishers
Gas cylinders
Infectious or biological wastes
Medicines or syringes
PCBs
Radioactive materials
Smoke detectors
Tires

~~John P. Carroll, 700 Waltham St., 861-6060, accepts auto parts, batteries and clean used oil.~~
~~Latex paint can be completely dried out and placed in regular trash (kitty litter speeds up process).~~
~~Only aerosol cans that contain paint, oil or lubricants. Empty aerosol cans may be put in regular trash.~~
~~Household batteries may be returned any time to Theatre Camera, 1810 Mass. Ave., 862-2026.~~

§ 181-63. Rules for white goods disposal.

Refrigerators, stoves, microwave ovens, dishwashers, washing machines, clothes dryers, water heaters, air conditioners and dehumidifiers are collected curbside by appointment ~~only at no additional charge~~ [at the fee approved by the Select Board](#). Doors must be removed from refrigerators. Collections are currently scheduled once a week. Call the ~~present~~ [waste](#) contractor to schedule a pickup, ~~Waste Management, Inc., Woburn (781) 933-2113.~~

§ 181-64. Rules for disposal of yard waste.

A. Leaves.

- (1) Grass clippings.
- (2) Flower and vegetable plants.
- (3) Wood chips.
- (4) Pine chips.

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- (5) Pine needles.
- (6) Hedge clippings.
- (7) Brush one inch or less in diameter.

B. Yard waste curbside collection. Yard waste is collected at curbside during the spring and fall collection period in a separate truck by the regular waste contractor and transported to the Town compost site at the Hartwell Avenue Recycling Facility.

- (1) Containers. Yard waste must be placed in open trash barrels or biodegradable paper bags and must not be mixed with regular trash. Yard waste in any other containers will not be collected.
- (2) Where and when. Place yard waste (in open barrels or biodegradable paper bags sold by local merchants) containers curbside at least eight feet away from regular trash containers on the regular trash collection day during the three-week spring or ten-week fall collection period. Consult the annual recycling brochure or local newspaper for exact collection dates. Yard waste placed at curbside prior to or after the yard waste curbside collection period will not be collected.
- (3) Biodegradable bags. These thirty-gallon bags hold three times the weight of plastic bags and they do not pollute the environment as plastic bags do. So-called "plastic biodegradable bags" are a combination of plastic and cornstarch. They are weaker in strength than the paper bags and while the cornstarch breaks down the plastic does not. ~~The following Lexington merchants are selling biodegradable paper bags for leaf collection, for \$0.40 per bag, as a community service:~~

~~Alexander's Market 335 Woburn Street
862-7528~~

~~Concord Hill Market
2219 Mass. Avenue
862-9706~~

~~Doran's Greenhouses
150 East Street
862-5127~~

~~Home Environmental
184 Bedford Street
862-2873~~

~~Lexington Gardens
91 Hancock Street
862-7000~~

~~Lexington Hardware
327 Woburn Street
863-0100~~

Commented [JM1]: This should be included in a separate hand out, not a town regulation.

~~Seasons Four~~
~~1265 Mass. Avenue~~
~~861-1200~~

~~Stop & Shop~~
~~36 Bedford Street~~
~~861-0456~~

~~Theater Camera Shop~~
~~1810 Mass. Avenue~~
~~862-2026~~

~~Wagon Wheel Nursery~~
~~927 Waltham Street~~
~~862-2112~~

~~Wilson Farms~~
~~10 Pleasant Street~~
~~862-3900~~

- C. Town compost drop-off site. Residents may bring approved yard waste in any container to the Hartwell Avenue Recycling Facility across from Maguire Road. After the container is emptied, it must be removed from the area (biodegradable paper bags are the only exception to this rule).
- (1) Hours. The recycling area is open for yard waste disposal from April to mid-December during the following hours: Monday through Friday, 7:30 a.m. to 3:00 p.m.; Sunday, 8:00 a.m. to 5:00 p.m. It is also open the Saturday before Easter Sunday from 8:00 a.m. to 5:00 p.m. and closed Easter Sunday and open from 8:00 a.m. to 5:00 p.m. on all Saturdays in November.
 - (2) Contractors employed by Town residents may also dispose of approved yard waste at the recycling area. Contractors must purchase a yard waste permit sticker during business hours at the DPW Operations Facility at 201 Bedford Street. Permit sticker fees are dependent upon the size of the vehicle.
- Contractors who do not obtain a permit or who provide false information will not be allowed to enter the area. Punch cards for occasional disposal of up to 10 yards (one-yard increments) of yard waste or for dumping brush from one inch to three inches in diameter are available for \$50 (\$5 per yard).
- D. Composted product available to residents. At the Recycling Facility, yard waste is composted, mixed with peat and loam, and used in park, cemetery, recreation and highway projects. Compost is also available in small amounts for home use at little or no cost to residents. Bring your own container.

§ 181-65. Disposal of Christmas trees.

Residents may dispose of Christmas trees beginning the first Monday of January by placing them curbside with their regular trash for collection and incineration or bringing them to the DPW Facility at 201 Bedford Street any time after Christmas to recycle them. Leave trees in front of dead-end driveway opposite front entrance. If recycling, please remove all foreign objects from tree: ornaments, tinsel, nails,

wire, tacks, plastic bags, twine or rope. These items are dangerous to employees and equipment when trees are being chipped. No wreaths or roping may be recycled.

§ 181-66. Composting bins.

Lexington has received a state grant from the Department of Environmental Protection to distribute home composting bins at a reduced price of \$20 (plus tax) each. Purchase bins at the DPW at 201 Bedford Street and then pick them up at the Hartwell Avenue Dump during its business hours (Monday through Friday 7:30 a.m. to 3:00 p.m.). An information brochure is available from the Department of Public Works. To make compost:

A. Add:

- (1) High carbon materials ("browns").
 - (a) Fall leaves.
 - (b) Straw.
 - (c) Salt marsh hay.
 - (d) Shredded paper.
 - (e) Cardboard.
 - (f) Paper toweling.
 - (g) Newspaper.
 - (h) Paper plates.
 - (i) Paper bags.
 - (j) Chipped brush.
 - (k) Sawdust.
- (l) Pine needles. (Pine needles should not make up more than 10% of total material in pile.)
- (2) High nitrogen materials ("greens").
 - (a) Grass clippings.
 - (b) Weeds (not laden with seeds).
 - (c) Vegetable and fruit wastes.
 - (d) Seaweed.
 - (e) Eggshells.

(f) Coffee grounds and filters.

(g) Tea bags.

(h) Manure (horse, cow, rabbit, chicken, goat, gerbil, etc.)

B. Mix or layer materials. After every 12 inches ~~or so~~, add ~~a few shovelfuls of~~ rich soil or compost.

C. Keep it damp and aerated. ~~Wait a few months and Voila ... black gold! § 181-67. Questions or suggestions.~~

For questions or suggestions regarding Lex-Recycle programs call Public Works Operations weekdays 7:00 a.m. to 3:30 p.m. (861-2757) or the E-Call Hotline 24 hours a day (1-800-800-6881).

§ 192-23 All-night parking.

It shall be unlawful for the driver of any vehicle, other than one acting in an emergency, to park said vehicle on any street or any municipal off-street parking area for a period of time longer than one hour between the hours of 2:00 a.m. and 6:00 a.m. of any day except in official governmental capacity, [with the exception of vehicles parked at EV Chargers in which there will be no time limitation between 8 PM to 8 AM.](#)

The other issue is amend the parking fee to be consistent with other parking charges to make the parking fee of \$0.50 from 8:00 AM to 8:00 PM Monday through Saturday at the EV Chargers.



MA Department of Revenue

Division of Local Services

Preliminary Municipal Cherry Sheet Estimates

Data current as of 2/23/2023

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Select a Municipality: Lexington ▼

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FY2024 Preliminary Cherry Sheet Estimates

Lexington

[Estimated Receipts](#) [Estimated Assessments & Charges](#)

PROGRAM	FY2023 Cherry Sheet Estimate	FY2024 Governor's Local Aid Proposal	FY2024 HWM Budget Proposal	FY2024 SWM Budget Proposal	FY2024 Conference Committee
Education Receipts:					
Chapter 70	15,058,494	17,609,131			
School Transportation	0	0			
Charter Tuition Reimbursement	64,890	35,880			
Smart Growth School Reimbursement	0	0			
Offset Receipts:					
School Choice Receiving Tuition	0	0			
Sub-Total, All Education Items:	15,123,384	17,645,011			
General Government:					
Unrestricted Gen Gov't Aid	1,775,314	1,810,820			
Local Share of Racing Taxes	0	0			
Regional Public Libraries	0	0			
Veterans Benefits	14,476	26,642			
Exemp: VBS and Elderly	77,559	73,017			
State Owned Land	0	0			
Offset Receipts:					
Public Libraries	65,865	83,142			
Sub-Total, All General Government:	1,933,214	1,993,621			
Total Estimated Receipts:	17,056,598	19,638,632			

 Questions or Assistance Please Email The Municipal Databank at : databank@dor.state.ma.us

Agenda Tracker

ITEM NAME	PROPOSED DATE	MINUTES	DESCRIPTION
Exemption 10: Discuss/Vote on Lexington Community Choice Electric Aggregation Program	27-Feb-23	20	Lexington's current Community Choice Energy Aggregation Program expires in December 2023. We have received indicative pricing and are scheduled (as of 2/15/23) to receive final pricing the morning of 2/28/23. As in the past, we only have a few hours between receiving final pricing and signing a contract, which requires the Town Manager to be authorized to execute a contract based on indicative pricing.
FY24 Budget Adjustment - New Employee Health Insurance Adjustment	27-Feb-23	0	Normally between the White Book and the Brown Book, the Finance Department moves the benefits cost of any new employees either in the School Department or Municipal Departments from either Department into the Shared Services Budget for benefits. This ensures that the full cost of the new employee is accounted for during budget considerations and by moving it into the Shared Services budget, it ensures that in the ensuing fiscal year, the School or Municipal side of the budget is not over-inflated for future revenue allocations for expenses that have been moved to the Shared Services budget. This requires a vote of the Select Board, which I'll put on the 2/27 agenda . The change is for the 12 new School employees for \$211,000 and to move the funds from the School Budget to the Shared Services budget for benefits.
Approve Select Board Meeting Minutes	27-Feb-23	0	1/18/2023 SB & Joint SB/SC/AC/CEC/RC/BOLT; 1/23/2023; 1/30/2023 FY2024 Budget Summit IV
Water and Sewer Adjustments	27-Feb-23	0	Email request from Robin on 2/7
Battle Green Use Requests - Lexington Minute Men x3	27-Feb-23	0	Dress rehearsal for Battle of Lexington Reenactment 4/1 (rain date: 4/2); Parker's Revenge Reenactment 4/15; Battle of Lexington Reenactment & wreath laying ceremony with DAR at war monuments on the Green 4/17 (rain date: 4/22)
Road Closure Request - Lexington Minute Men & Lexington Historical Society	27-Feb-23	0	Paul Revere's Ride: Bedford Street from Massachusetts Avenue to Hancock Street and Hancock Street to Adams Street closed to all but resident emergency traffic from 10:00pm on 4/16 to 12:30am on 4/17 (Police; Fire; DPW - all OK) - revised start time (from 10:30pm to 10:00pm) per Sue on 2/15 due to crowds arriving earlier

Approve One-Day Liquor License - Lexington Historical Society	27-Feb-23	0	Lexington Historical Society Tavern Night 3/4 inside of Buckman Tavern
Approve One-Day Liquor License - Spectacle Management	27-Feb-23	0	Spectacle Management x1 event at Cary: Handel & Haydn Classical Concert 4/21 (original January date was postponed within days of the event due to a medical issue)
Approve Annual Little League Parade Request - Lexington Little League	27-Feb-23	0	Annual request to use Mass ave for parade
Select Board Committee Appointments	27-Feb-23	0	Lexington Affordable Housing Trust Board of Trustees
Common Victualler License Application - Taipei Gourmet LLC d/b/a Taipei Gourmet, 211 Massachusetts Avenue	27-Feb-23	5	Under new management - new CV application (Zoning; Building; Health - all OK)
Common Victualler License Application - BIY Foods LLC d/b/a BIY Foods, 317 Woburn Street	27-Feb-23	5	New CV application (Zoning; Building; Health - all OK)
Open Space and Recreation Plan Review	27-Feb-23	30	The Open Space and Recreation Plan is near completion. The final draft will be available and open to the Public on/about 12/21-1/31, additionally, another community meeting will be held. The final review required is by the Select Board. In reviewing the timeline, would it be possible to hold a space on the 2/27 Select Board agenda?
Discussion on State Earmark for Economic Development in Lexington Center - Special Events	27-Feb-23	10	Sandhya requested to be on an agenda at the end of February to discuss events in the Center.

<p>presentations:</p> <p>Art 31 FAIR TRADE RESTRICTIONS- FUR PRODUCTS (Citizen Petition) Dinesh Patel</p> <p>Art 34 Amend Zoning Bylaw-MULTI-FAMILY ZONING FOR MBTA COMMUNITIES</p> <p>Art 36 AMEND ZONING Bylaw and MAP-CENTRAL BUSINESS DISTRICT</p> <p>Art 37 Amend Zoning Bylaw- ACTION DEADLINE FOR MAJOR SITE PLAN REVIEW</p> <p>Art 38 Amend Zoning Bylaw-MINOR MODIFICATIONS TO APPROVED PERMITS</p> <p>Art 39 AMEND ZONING BYLAW- TECHNICAL CORRECTIONS</p> <p>Art 40 AMEND SECTION 135-4.4 OF THE ZONING BYLAW-REDUCE RESIDENTIAL GROSS FLOOR AREA (Planning Board feedback)</p> <p>Art 33 AMEND ZONING BYLAW- SPECIAL PERMIT RESIDENTIAL DEVELOPMENT (Planning board feedback)</p> <p>Select Board Article Discussion and Positions</p> <p>Select Board Report to Town Meeting</p>	27-Feb-23	60	Dinesh Patel- confirmed Abby McCabe- and Bob Peters, PB chair, confirmed
Town Meeting and Select Board Technology ARPA Requests	27-Feb-23	10	A request from Joe Pato and Doug Lucente for the Board to consider purchasing 200 tablets for Town Meeting members use during Town Meeting and to fund the full cost of upgrading the SBMR technology.
Authorize Town Manager to execute a contract for Community Choice Electric Aggregation	27-Feb-23	5	This is the public vote on the electric aggregation program that is scheduled for executive session discussion earlier in the meeting.
Discuss Select Board Liaison Assignment to Ad Hoc Transportation Committee and Membership to Lexington Affordable Housing Trust Board of Trustees	27-Feb-23	10	
PEC Negotiation	8-Mar-23	10	To discuss negotiations with the PEC
Dissolve Affordable Housing Trust Study Committee?	8-Mar-23	0	Affordable Housing Trust approved at Town Meeting; recruitment is in place for members of the Trust - to be diissolved once Trust has been established

Approve and Sign Eagle Scout Commendation Letter	8-Mar-23	0	Timur Bendlin, Naoya Miyamoto, and David Zhao Boy Scout Troop 160 Eagle Scout Court of Honor on Saturday, March 18th, 2023
Tri-Ton Health Services Agreement	8-Mar-23	10	This is an Intermunicipal Agreement for a grant program to provide Health Services among the Towns of Burlington, Lexington and Wilmington.
Fire Department EMS Fee Survey	8-Mar-23	15	The Fire Department and James Robinson have undertaken a fee survey of area towns and towns throughout the Commonwealth and found that Lexington's fees are significantly low for EMS. Staff will present recommended fee increases.
Tree Canopy Study	8-Mar-23	20	Presentation on the results of the Tree Canopy Study
Request to Amend Housing Partnership Board Charge	8-Mar-23	10	The HPB submitted a revised charge on 12/15 with multiple changes; updated request sent on 2/13
PLACEHOLDER - Tourism Committee Recommendations for Zone B of Battle Green Master Plan	8-Mar-23	15	More commonly referred to as the Visitors Center Lawn (recommendations unanimously approved at Tourism Committee meeting on 12/15)
Discussion on establishing a Committee to review the Integrated Building Design and Construction Policy	8-Mar-23	10	The policy adopted by the Select Board and School Committee in 2020 requires that the Select Board and School Committee jointly appoint a Committee to review the policy every three years (2023 is the third year). The Select Board should vote to create the Committee and then invite the School Committee into a discussion to determine how to make the joint appointment.
EV Parking Lot Parking Fee Discussion	8-Mar-23	10	At a recent Select Board meeting there was a question regarding the parking fees charged at the EV spots in public parking areas. Contradictory times exist and a uniform time should be established. Additionally, there is a section of the parking regulations that needs to be amended for the EV chargers.
Placeholder - Update on Project Tracker (JP), Communication Matrix (SB)	8-Mar-23	20	Follow up items from 1/11/23 Retreat - Select Board project, March date commitments of project status
Town Meeting Discussion/Votes	8-Mar-23	15	Discussion to review/vote on Town Meeting articles and related issues
PLACEHOLDER - Cary Lecture Committee Request for Tax Bill Insert	8-Mar-23	5	The Cary Lecture Committee is requesting an insert be added to a quarterly tax bill to market the Cary Lecture Series talks to the citizens of Lexington. The Committee will take care of having the insert printed. Deadline for decision?? - need formal request from Committee

Remote Participation Policy and Procedures	8-Mar-23	10	<p>any updates to wording of Remote Participation Policy/Procedures;</p> <p>discuss formal training session to committees chairs to ensure all are on same page for the specific details i.e. Standardization of Posting (especially when offering hybrid), What rooms are available, Who are the contacts for room reservations/Zoom Id's, what rooms are available for meetings, which rooms have remote participation technology, the instructions to use that technology do they have to offer zoom</p>
Public Hearing Amendment to Flammable Fuel License located at 915 Waltham Street	13-Mar-23	10	Targeted date for Hearing for Flammable Fuel Amend, Legal ad publishing on 3/2, applicant notifying abutters
Placeholder - Restaurant Wine and Malt Liquor License - 21 Muzzey Street	13-Mar-23	10	Vintage tea and Cake Company has applied for a Common Victualler Wine Liquor License. Department review is underway, targeting to put the hearing on March 13 if possible.
LBAC and Friends of Lexington Bikeways Request for Proposed Safety and Courtesy Signs on the Minuteman Bikeway	13-Mar-23	20	On 1/16, the LBAC requested to present and discuss the proposed safety signs at a Select Board meeting prior to Annual Town Meeting.
Preliminary Request for Reenactment of 200th Anniversary of Lafayette's Visit to Lexington	13-Mar-23	15	Marsha Baker from the Lexington Historical Society has requested to present their idea to have a Re-enactment of Lafayette's visit to Lexington at the Board at a January meeting get initial consensus from the Select Board before they spend too much time planning. (Marsha away in Feb/March)
Parking Regulation Amendment Discussion	13-Mar-23	5	This is to make the parking rates consistent at the EV Chargers with all other metered parking and to allow overnight parking at the EV Chargers.
Residential Solid Waste Regulation Amendment Discussion	13-Mar-23	10	This is to amend the Solid Waste Regulations to all the Select Board to set a fee for curbside pickup of bulky items and white goods and to adopt fees starting on July 1, 2023.
Update the Select Board on the Draft Updated TMO-1 Hartwell Area Plan	13-Mar-23	30	The Planning Board is working on the updated plan, but the Planning Department wants to present to the Select Board and obtain feedback prior to finalizing the plan as the zoning requires the Planning Board adopt the plan in consultation with the Select Board.
TENTATIVE - Presentation - Wayfinding Signage in East Lexington	13-Mar-23	15	Sandhya requested to be tentatively placed on an agenda in mid-March to present wayfinding signs in East Lexington

Discussion on Community Engagement Policy	13-Mar-23	30	This is related to the Town Manager's request to have a discussion on developing a community engagement policy to provide clearer guidance to staff moving forward to meet the SB expectations.
Select Board Committee Appointment & Reappointment	20-Mar-23	0	Mina Makarious/Anderson & Krieger LLP to be appointed as Town Counsel; Gordon Jones III seeking reappointment to the Registrars of Voters - both expire on 3/31
Approve and Sign Proclamations - Autism Awareness and Acceptance Month; National Public Safety Telecommunicators Week; National Public Health Week	20-Mar-23	0	April is Autism Awareness and Acceptance Month; National Public Safety Telecommunicators Week 4/9-4/15 (annual proclamations); NEW - National Public Health Week 4/2-4/8
Approve Select Board Meeting Minutes	20-Mar-23		
Parking Regulation Amendment Vote	27-Mar-23	5	This is to make the parking rates consistent at the EV Chargers with all other metered parking and to allow overnight parking at the EV Chargers.
Residential Solid Waste Regulation Amendment Vote	27-Mar-23	10	This is to amend the Solid Waste Regulations to all the Select Board to set a fee for curbside pickup of bulky items and white goods and to adopt fees starting on July 1, 2023.
Placeholder Grant of Location - Verizon - Stedman Road	27-Mar-23	10	1/18/22 Request submitted - Engineering requested more detail, waiting for new plan submission
PLACEHOLDER - Energy Use Disclosure Update (<i>requested for Jan./Feb. meeting</i>)	29-Mar-23	15	Kelly spoke with Maggie Peard who was at a Sustainability meeting with Mark Sandeen on 11/15 and he suggested she come to a SB meeting in Jan/Feb to update on the energy use disclosure
PLACEHOLDER - Green Vehicle Policy Update (<i>requested for Jan./Feb. meeting</i>)	29-Mar-23	15	Maggie Peard will provide an update on where the Town is in tracking the vehicle type and replacement
Approve and Sign Awards for Patriots' Day 2023		0	Minuteman Cane Award; Outstanding Youth of Lexington Award (to be signed prior to awarding at Patriots' Day)
Approve and Sign Proclamations - National Library Week; Arbor Day		0	National Library Week 4/23-4/29; Arbor Day 4/28 (annual proclamations)
ARPA Requests/Decisions		20	This will be the quarterly ARPA request coming before the Select Board for decision making as per previous discussions.
PLACEHOLDER - Presentation - Statement of Concern for Lexington's Trees		10	Jill confirmed with CW that group will do the outreach and then come to the Board in April after TM to present. (email 1/18)

Request for Select Board approval for submission of application of the Stone Building as a National Historic Landmark			Jeff Howry submitted request on 2/6/23 seeking to come before the Select Board seeking approval to submit an application for the Stone Building to be considered as National Landmark
PLACEHOLDER - Discuss Deposit Location(s) for Charitable Funds Donated to Town for "Where It's Needed Most"		15	Carolyn suggested that we add this to an agenda for discussion to vote to direct all funds to one place
Discuss Update to the Integrated Building Design & Construction Policy		10	This is to have a discussion on the Select Board's preference on establishing a process to update the Integrated Building Design & Construction Policy. The Policy adopted in 2019 recommended that it be updated every three years and it's 2022 (2022-2019 = 3).
Discussion on bike share program		15	The Town has received a \$263,000 earmark for transportation improvements that we have been informed is related to a bike share program. The Board has not discussed and taken a position of supporting or not supporting such a program, but will need to before we can sign an agreement.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Select Board Meeting Minutes

PRESENTER:

Jill Hai, Select Board Chair

ITEM NUMBER:

C.1

SUMMARY:

Category: Decision-Making

The Select Board is being asked to the approve and release the minutes of the following meetings:

- January 18, 2023 Select Board
- January 18, 2023 Joint Select Board, School Committee, Appropriation Committee, Capital Expenditures Committee, Recreation Committee and Board of Library Trustees
- January 23, 2023 Select Board
- January 30, 2023 FY2024 Budget Summit IV

SUGGESTED MOTION:

Move to approve and release the minutes of the following meetings:

- January 18, 2023 Select Board
- January 18, 2023 Joint Select Board, School Committee, Appropriation Committee, Capital Expenditures Committee, Recreation Committee and Board of Library Trustees
- January 23, 2023 Select Board
- January 30, 2023 FY2024 Budget Summit IV

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

ATTACHMENTS:

Description	Type
📎 DRAFT 01182023 Select Board	Backup Material
📎 DRAFT 01182023 Joint Meeting	Backup Material
📎 DRAFT 01232023 Select Board	Backup Material
📎 DRAFT 01302023-Budget Summit IV	Backup Material

SELECT BOARD MEETING
January 18, 2023

A meeting of the Lexington Select Board was called to order at 6:30p.m. on Wednesday, January 18, 2023, in the Select Board Meeting Room of the Town Office Building. Hybrid participation was offered as well via the zoom meeting platform. Ms. Hai, Chair; Mr. Lucente; Vice Chair, Mr. Pato, Ms. Barry, and Mr. Sandeen were present, as well as Mr. Malloy, Town Manager; Ms. Axtell, Deputy Town Manager [late arrival]; and Ms. Katzenback, Executive Clerk.

Ms. Hai called the meeting to order at 6:30pm. She noted that this meeting is a work session, and thus there would not be a public comment period.

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

1. **Announcement: Last week, the Select Board welcomed the public back to our meeting room; our regular meetings are now fully hybrid.**

CONSENT AGENDA

1. **Approve and Sign Proclamation - 20th Anniversary of the Consecration of The Rt. Rev. Gayle Elizabeth Harris as Bishop**

To approve and sign a proclamation recognizing the 20th Anniversary of the Consecration of Lexington resident, The Rt. Rev. Gayle Elizabeth Harris, as Bishop.

DOCUMENTS: 2023 20th Anniversary of the Consecration of The Rt. Rev. Gayle Elizabeth Harris as Bishop

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve the Consent Agenda.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. **Select Board Work Session/Joint Meeting – Select Board, School Committee, Appropriation Committee, Capital Expenditures Committee, Recreation Committee and Board of Library Trustees**

Ms. Hai opened the joint meeting at 6:36 pm. The following committees called their members to order for the Joint meeting:

School Committee (SC): Ms. Cuthbertson, Chair; Ms. Lenihan; Mr. Freeman; Dr. Hackett, Superintendent of Schools[late arrival].

Appropriation Committee (AC): Mr. Parker, Chair; Mr. Padaki, Vice Chair; Mr. Ahuja; Mr. Bartenstein; Mr. Levine; Mr. Michelson, Mr. Osborne[late arrival].

Capital Expenditures Committee (CEC): Mr. Lamb, Chair; Mr. Kanter, Vice Chair and Clerk; Mr. Cole; Ms. Rhodes; Mr. Boudett.

Board of Library Trustees (LT): Ms. Hai, Mr. Lucente, Mr. Pato; Ms. Barry; Mr. Sandeen; Ms. Cuthbertson; Ms. Lenihan; Mr. Freeman.

Recreation Committee (RC): Mr. DeAngelis, Chair, Mr. Boutwell, Vice Chair; Mr. Bassik; Ms. O'Brien, Mr. Li; Ms. Sheth

- **Discuss Upcoming Proposed Projects from the Department of Public Facilities 20-Year Capital Plan**

Mr. Malloy stated that the purpose of this presentation is to discuss both the municipal and school projects that have been identified as part of the 20-year Capital Plan, completed by the Department of Public Facilities last year. Also, specifically to address those buildings that were rated an F by the consultants and to address other safety concerns in order to gain consensus on a debt management schedule. He explained that the following projects were identified in the study: the Police Station, the Library which includes the Children's Library and an HVAC project, the Lexington High School, the Central Administration Office, the East Lexington Fire Station, the Town Office building, and 173 Bedford Street, which is tied to a lot of the other projects.

The Police Station project is underway. This department is currently operating temporarily at 173 Bedford Street. The Police Station project started in December of 2022 and should be completed by June 2024. Regarding the Central Administration building project. The building needs major renovation and is larger than the recent Space Needs Analysis indicated was necessary. The Central Administration Building was proposed to be eliminated as part of the Harrington school project and was anticipated to be turned into recreation fields, which has not happened. As part of the High School construction project recreation fields will be temporarily lost. During construction, the Town could use additional fields, which could potentially be located adjacent to Harrington, where the Central Administration Office currently is.

Mike Cronin stated that the Central Administration Building currently sits at approximately 45,000 s.f. The Space Needs Analysis indicated a range of roughly 20,000 s.f. The work needed in that building includes HVAC, insulation, window replacement, a roof, and some masonry work. In the five-year window this work would cost approximately \$15M-\$16M. The option to construct a new building would cost approximately \$18M-\$20M.

In response to a question from Ms. Hai (SB), Mr. Malloy stated that he has reviewed potential locations for this building. Mr. Cronin noted that the Superintendent indicated that, temporarily, staff can move into other buildings to continue operations until the new project is completed.

Melissa Battite stated that the Athletic Feasibility study was completed in 2022. The Town is currently approximately 6,100 hours short in fields. This takes into account the existing use of the fields but does not account for any fields going down for maintenance, and the temporary loss during the high school build. The recommendation believed to have the largest benefit, calls for synthetic fields with lights to gain as many hours as possible, while the Central Recreation Complex is impacted.

In response to a question from Ms. Barry (SB), Mr. Cronin stated that he believes all existing fields will be consumed by the new High School project.

Ms. Barry (SB) stated that she believes there needs to be larger conversations with all stakeholders regarding this project.

Mr. Levine (AC) asked if the Bowman School and Bridge School have been evaluated as to whether their open space land could be reconfigured to produce additional fields. Ms. Battite stated that this land was considered within the Athletic Feasibility study. Mr. Levine stated that he is sensitive to finding more field space, but he believes it will be extraordinarily expensive to move the Central Administration out of

Old Harrington. He stated it is likely not a good idea to begin additional expensive projects while undertaking the High School project.

Mr. Lucente (SB) asked if the long-term vision is to have the Central Administration co-located with a school, or simply within a new building. Dr. Hackett stated that staff is willing to go wherever is least expensive. A Space Utilization study of the Central Office was completed. She explained that a new building would likely cost approximately the same amount as what it would cost to improve the existing building. The schools have been working with the Recreation Department to determine what the needs are.

In response to a question from Mr. Padaki (AC), Mr. Cronin stated that the temporary fields will not be eligible for MSBA funding.

Ms. Hai (SB) noted that the Old Harrington building is not currently ADA compliant, and a major improvement would require bringing the entire building into compliance. Mr. Cronin agreed.

Mr. Malloy explained that the Library project consists of two major projects: the Children's Library room and the HVAC. These can be done as a single large project or two smaller projects. If done as one project, the Library would likely need to be closed for 18 months. If done as two projects, the majority of the Library could remain open during work on the Children's Room but closed during the HVAC project. Considering this as one project would likely have lower construction and design costs but considering it as two projects could allow for phasing of the projects. There is also a consideration of using 173 Bedford Street as a swing space.

In response to a question from Mr. Padaki (AC), Mr. Cronin explained that the HVAC system in the Library has many different life cycles, most of which end between 2027 and 2032. The whole building will likely need to be repaired by 2030.

Koren Stembridge, Cary Memorial Library Director, stated that there are some safety concerns with the Children's Room. The intention is to complete this part of the project as soon as possible, while waiting as long as possible to take on the HVAC project for the upper level of the building.

Mr. Pato (SB) asked if the Town is considering leasing commercial office space as swing space for this and other projects. Mr. Malloy stated that it would benefit the Town over the next year to do a cost benefit analysis of completing this as one versus two projects. The existing safety concerns may outweigh any minor savings that could be found.

In response to a question from Mr. Lucente (SB), Ms. Stembridge stated that there needs to be more consideration regarding the feasibility of keeping the lower level of the Library operating, while also having an auxiliary location for the adult services.

In response to a question from Mr. Kanter (CEC), Ms. Stembridge stated that the Library has some endowment money, and the Trustees will be discussing using some of that towards this project. The Library also has a Foundation, which has done a great job of raising money for capital needs for the Library over the years. The Foundation is committed to raising approximately \$750,000-\$1M for the project. These funds were largely to be put toward the Children's Room and non-essential functions of the building. There is potential to seek private funding for the HVAC project as well.

Mr. Malloy stated that the MSBA School Building Committee has been appointed for the Lexington High School project. After the Feasibility Study is completed, and the size and location of the building have been proposed, Town Meeting will need to authorize a Home rule Petition, relative to Article 97 and the

land exchanges. The project is anticipated to go before Town meeting for design funding in 2025, and construction funding in 2026. The debt exclusion would also go before Town Meeting in 2026. Construction is estimated began in 2027 and completed by 2029. There is a question as to if the Central Administration Office will remain in its current location, or whether it will be located at the High School or other schools. If it remains in its current location, there will need to be additional discussion regarding other alternatives for recreation fields.

In response to a question from Mr. Pato (SB) regarding the timing of this project, Mr. Cronin stated that the Town is still in Module 1 for this project, which is a nine-month period. The Town is hopeful to be invited into Module 2, at the March 1st meeting. Module 2 is approximately six months long. Following that, the Town would be invited into Feasibility. The Feasibility Study is a 12-15 month documented timeline by the MSBA. This puts the process to the end of 2024.

In response to a question from Mr. Kanter (CEC) regarding what will be accomplished with the three years of projected funding, Mr. Cronin stated that this will include design development, construction documents, and construction.

Mr. Malloy stated that the East Lexington Fire Station is both undersized and not sufficiently designed for current use. Currently, a review is underway of whether the current location is suitable for a replacement fire station. If it is not sufficient, funding will be requested for a broader search of a possible alternative location. One potential location identified is in the Scottish Rite. This land has a restriction on development for 25 years. The land was acquired in 2013, which disallows development until 2038. There is a potential to approach the Scottish Rite and ask if they would be willing to reduce modify the deed restriction to allow for an earlier date.

Ms. Hai (SB) noted that there was a conservation restriction on some part of that land during the original purchase. Mr. Malloy noted that he has reviewed the deed with Town Counsel.

Mr. Malloy stated that the Town Office building is undersized both for the staff that it houses and the meetings it holds. This building is the lowest priority on the list of projects.

Mr. Lucente (SB) noted that the building received an F grade when it was assessed previously. However, a major HVAC project was recently completed in the building. Mr. Cronin stated that the building still needs a new roof and windows. Additional square footage is also needed. Mr. Malloy explained that this project will likely not come forward until the early 2030s.

Mr. Malloy stated that 173 Bedford Street was acquired by swing space for the Town operations, specifically for the Fire and Police departments while those buildings were being reconstructed. Currently, access is limited to the first floor of the building, which could be used as swing space for other departmental uses. For other uses, this building would require some remodeling, the addition of an elevator, and bathroom renovations.

Ms. Barry (SB) stated that the Board needs to have a longer discussion regarding this building in particular. The original agreement was to use it for municipal purposes until it was no longer needed. At that time, the building would be considered for school or other purposes, including selling it or turning it into affordable housing.

In response to a question from Ms. Hai (SB) regarding the renovation of the East Lexington Fire Station, Mr. Malloy stated that, if the current site is usable for a Station, the Department would need to move out during the construction. The likelihood is that operations would temporarily be out of the Fire Headquarters unless other space is found.

Mr. Pato (SB) noted that, in the past, Master Planning Building Committees have reviewed the collection of demands for the community, worked on the issues and come back to the group with proposals. He suggested that this be focused on, as direction for the future.

Mr. Sandeen (SB) agreed that he would like to make decisions based on an economic analysis and interconnectedness review of the scenarios.

Mr. Bartenstein (AC) noted that there has been discussion regarding the creation of new zoning on MBTA routes, which might substantially add to the population of the Town. Dr. Hackett stated that this has been analyzed. The actual number does not appear to be as large as people imagine the problem to be. Mr. Bartenstein noted that this may not be an insignificant number, and it could affect fire protection, police, Town, office buildings, etc.

Mr. Michelson (AC) agreed that this zoning will be in place by 2024 and should be considered. He noted that 173 Bedford Street will lie within one of these proposed housing zones. He noted that this, and an adjacent property, may be needed for a school site.

In response to a question from Mr. Kanter (CEC), Mr. Malloy noted that the white book and brown book will likely be neutral on these projects until fiscal year 2025.

Mr. Boutwell (RC) stated that the fields indicated by Mr. Cronin which would be lost either temporarily or for good as part of the High School project, account for approximately 5,000 hours of the Town's permitted hours per year, or around 20% of the total hours permitted in Town. If lost without replacement, this would have a dramatic impact on all athletic field users in Town. The Harrington B option reviewed would add approximately 4,600 hours of field availability, at an estimated cost of \$6.2M. The Bridge location is currently allocated for approximately 3,000 hours per year. The potential project there, which is outlined in the study, would add approximately 600 hours, at an estimated cost of \$3M. The Bowman location is currently permitted for 1,500 hours per year. The proposed project in that location could add approximately 600 hours, at an estimated cost of \$1.6M. Thus, the Recreation Committee has identified Harrington B as the leading option, in terms of value per dollar, as it allows the largest number of hours to be added to the inventory. This would almost offset the loss time projected during the High School project. It is unclear if, ultimately, the community will support the use of synthetic fields at multiple sites throughout Town, or if the Committee will need to be more selective as to how it applies that type of surface.

Mr. Pato (SB) noted that the MSBA increased the size enrollment projections for the High School, based on the presumption that Lexington would, in fact, rezone for the MBTA Communities Act. This was increased by approximately 10%, or 225 students.

Mr. DeAngelis (RC) noted that the Recreation Committee and the Recreation Department staff provide recreation opportunities and resources for the entirety of the Lexington community, regardless of age, physical condition, etc. It is disturbing, but understandable, that the Town is going to lose quite a bit of field space in the Center, as this is the crown jewel of Lexington recreation. This will cause a recreation crisis. He urged the groups to consider the Harrington B proposal, as it makes eminently good sense.

Ms. Hai (SB) agreed that the Town should consider if it wants to put a lot of money into developing fields on school spaces that will likely need to be rebuilt and/or expanded in the future.

Mr. Lucente (SB) explained that the Town should consider reviewing existing spaces that the Town has previously considered expanding, such as the Community Center.

Ms. Hai (SB) asked all of the groups to consider the options and questions presented. She stated that she and Mr. Malloy would work to discuss a new Master Planning Capital Committee.

The joint meeting adjourned at 8:08pm. By roll call, the School Committee, Appropriation Committee, Capital Expenditures Committee, Recreation Committee and Board of Library Trustees respectively adjourned. The Select Board continued with its regular meeting.

DOCUMENTS: Presentation

The Board took a five-minute recess.

2. FY2024 Town Manager's Preliminary Budget and Financial Planning

Mr. Malloy stated that staff is finalizing the white book and hoping to have it out by this Friday.

In response to a question from Ms. Barry, Ms. Kosnoff stated that the gap on the Town side is approximately \$395,000. This will need to be funded from free cash, in order to balance the municipal budget.

3. 2023 Annual Town Meeting

- **Review Draft Warrant**
- **Discuss Town Meeting Participation Options – In-Person/Hybrid/Remote**
- **Discuss Dates and Times for Presentations and Materials Due**

Ms. Hai explained that the current authorization from the State for remote meetings expires in March, essentially in the middle of Town Meeting. The Board will discuss options at its next meeting.

The Board discussed leaving the wording in the warrant that Town Meeting will be in person. This can be adjusted, if need be, and then communicated out.

Ms. Axtell reviewed a couple of changes to the warrant. She explained that the Historical Commission voted this evening to change the timing in their warrant article from 18 months to 21 months. Also, item 12m will be removed from the warrant.

Ms. Kosnoff explained that the Conservation Department previously submitted a Program Improvement Request to hire a part time staff person to address a very large backlog of permit reviews. This PIR was not funded. However, there is now a proposed warrant article to use fees from a Special Revenue Fund to either hire a part time staff person, who would not be benefit eligible, or to hire a consultant. This would carry forward over one fiscal year to address the backlog. This funding would carry forward, if the backlog cannot be addressed fully in FY24, but will not carry forward in perpetuity.

Ms. Axtell noted that department presentations will begin on Monday, January 23, 2023. Town Meeting begins March 20, 2023. It will run on Mondays and Wednesdays until finished. Town Meeting will not meet on the first night of Passover, which is April 5, 2023, or during the week of April vacation. Town Meeting will meet until all articles are voted on. The new Town Meeting Member workshop has been scheduled for March 11, 2023.

DOCUMENTS: DRAFT 2023 ATM Warrant

ADJOURN

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to adjourn the meeting at 8:40pm.

A true record; Attest:

Kristan Patenaude
Recording Secretary

DRAFT

Joint Meeting of the Select Board, the School Committee,
Appropriation Committee, Capital Expenditures Committee, Recreation Committee
and Board of Library Trustees
January 18, 2023

A remote participation joint meeting of the Lexington Select Board, the School Committee, Appropriation Committee, Capital Expenditures Committee, Recreation Committee and Board of Library Trustees was called to order at 6:36 p.m. on Wednesday, January 18, 2023 via hybrid meeting services.

Present from the Select Board (SB): Mr. Lucente; Vice Chair, Mr. Pato, Ms. Barry, and Mr. Sandeen were present, as well as Mr. Malloy, Town Manager; Ms. Axtell, Deputy Town Manager; and Ms. Katzenback, Executive Clerk.

Present from the School Committee (SC): Ms. Cuthbertson, Chair; Ms. Lenihan; Mr. Freeman; Dr. Hackett, Superintendent of Schools[late arrival].

Present from the Appropriation Committee (AC): Mr. Parker, Chair; Mr. Padaki, Vice Chair; Mr. Ahuja; Mr. Bartenstein; Mr. Levine; Mr. Michelson, Mr. Osborne[late arrival].

Present from the Capital Expenditures Committee (CEC): Mr. Lamb, Chair; Mr. Kanter, Vice Chair and Clerk; Mr. Cole; Ms. Rhodes; Mr. Boudett.

Present from the Board of Library Trustees (LT): Ms. Hai, Mr. Lucente, Mr. Pato; Ms. Barry; Mr. Sandeen; Ms. Cuthbertson; Ms. Lenihan; Mr. Freeman.

Present from the Recreation Committee (RC): Mr. DeAngelis, Chair, Mr. Boutwell, Vice Chair; Mr. Bassik; Ms. O'Brien, Mr. Li; Ms. Sheth.

Also present were Mr. Cronin, Director of Facilities; Ms. Battite, Director of Recreation

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Discuss Upcoming Proposed Projects from the Department of Public Facilities 20-Year Capital Plan

Mr. Malloy stated that the purpose of this presentation is to discuss both the municipal and school projects that have been identified as part of the 20-year Capital Plan, completed by the Department of Public Facilities last year. Also, specifically to address those buildings that were rated an F by the consultants and to address other safety concerns in order to gain consensus on a debt management schedule. He explained that the following projects were identified in the study: the Police Station, the Library which includes the Children's Library and an HVAC project, the Lexington High School, the Central Administration Office, the East Lexington Fire Station, the Town Office building, and 173 Bedford Street, which is tied to a lot of the other projects.

The Police Station project is underway. This department is currently operating temporarily at 173 Bedford Street. The Police Station project started in December of 2022 and should be completed by June 2024. Regarding the Central Administration building project. The building needs major renovation and is larger than the recent Space Needs Analysis indicated was necessary. The Central Administration Building was proposed to be eliminated as part of the Harrington school project and was anticipated to be turned into

recreation fields, which has not happened. As part of the High School construction project recreation fields will be temporarily lost. During construction, the Town could use additional fields, which could potentially be located adjacent to Harrington, where the Central Administration Office currently is.

Mike Cronin stated that the Central Administration Building currently sits at approximately 45,000 s.f. The Space Needs Analysis indicated a range of roughly 20,000 s.f. The work needed in that building includes HVAC, insulation, window replacement, a roof, and some masonry work. In the five-year window this work would cost approximately \$15M-\$16M. The option to construct a new building would cost approximately \$18M-\$20M.

In response to a question from Ms. Hai (SB), Mr. Malloy stated that he has reviewed potential locations for this building. Mr. Cronin noted that the Superintendent indicated that, temporarily, staff can move into other buildings to continue operations until the new project is completed.

Melissa Battite stated that the Athletic Feasibility study was completed in 2022. The Town is currently approximately 6,100 hours short in fields. This takes into account the existing use of the fields but does not account for any fields going down for maintenance, and the temporary loss during the high school build. The recommendation believed to have the largest benefit, calls for synthetic fields with lights to gain as many hours as possible, while the Central Recreation Complex is impacted.

In response to a question from Ms. Barry (SB), Mr. Cronin stated that he believes all existing fields will be consumed by the new High School project.

Ms. Barry (SB) stated that she believes there needs to be larger conversations with all stakeholders regarding this project.

Mr. Levine (AC) asked if the Bowman School and Bridge School have been evaluated as to whether their open space land could be reconfigured to produce additional fields. Ms. Battite stated that this land was considered within the Athletic Feasibility study. Mr. Levine stated that he is sensitive to finding more field space, but he believes it will be extraordinarily expensive to move the Central Administration out of Old Harrington. He stated it is likely not a good idea to begin additional expensive projects while undertaking the High School project.

Mr. Lucente (SB) asked if the long-term vision is to have the Central Administration co-located with a school, or simply within a new building. Dr. Hackett stated that staff is willing to go wherever is least expensive. A Space Utilization study of the Central Office was completed. She explained that a new building would likely cost approximately the same amount as what it would cost to improve the existing building. The schools have been working with the Recreation Department to determine what the needs are.

In response to a question from Mr. Padaki (AC), Mr. Cronin stated that the temporary fields will not be eligible for MSBA funding.

Ms. Hai (SB) noted that the Old Harrington building is not currently ADA compliant, and a major improvement would require bringing the entire building into compliance. Mr. Cronin agreed.

Mr. Malloy explained that the Library project consists of two major projects: the Children's Library room and the HVAC. These can be done as a single large project or two smaller projects. If done as one project, the Library would likely need to be closed for 18 months. If done as two projects, the majority of the Library could remain open during work on the Children's Room but closed during the HVAC project. Considering this as one project would likely have lower construction and design costs but considering it

as two projects could allow for phasing of the projects. There is also a consideration of using 173 Bedford Street as a swing space.

In response to a question from Mr. Padaki (AC), Mr. Cronin explained that the HVAC system in the Library has many different life cycles, most of which end between 2027 and 2032. The whole building will likely need to be repaired by 2030.

Koren Stenbridge, Cary Memorial Library Director, stated that there are some safety concerns with the Children's Room. The intention is to complete this part of the project as soon as possible, while waiting as long as possible to take on the HVAC project for the upper level of the building.

Mr. Pato (SB) asked if the Town is considering leasing commercial office space as swing space for this and other projects. Mr. Malloy stated that it would benefit the Town over the next year to do a cost benefit analysis of completing this as one versus two projects. The existing safety concerns may outweigh any minor savings that could be found.

In response to a question from Mr. Lucente (SB), Ms. Stenbridge stated that there needs to be more consideration regarding the feasibility of keeping the lower level of the Library operating, while also having an auxiliary location for the adult services.

In response to a question from Mr. Kanter (CEC), Ms. Stenbridge stated that the Library has some endowment money, and the Trustees will be discussing using some of that towards this project. The Library also has a Foundation, which has done a great job of raising money for capital needs for the Library over the years. The Foundation is committed to raising approximately \$750,000-\$1M for the project. These funds were largely to be put toward the Children's Room and non-essential functions of the building. There is potential to seek private funding for the HVAC project as well.

Mr. Malloy stated that the MSBA School Building Committee has been appointed for the Lexington High School project. After the Feasibility Study is completed, and the size and location of the building have been proposed, Town Meeting will need to authorize a Home rule Petition, relative to Article 97 and the land exchanges. The project is anticipated to go before Town meeting for design funding in 2025, and construction funding in 2026. The debt exclusion would also go before Town Meeting in 2026. Construction is estimated began in 2027 and completed by 2029. There is a question as to if the Central Administration Office will remain in its current location, or whether it will be located at the High School or other schools. If it remains in its current location, there will need to be additional discussion regarding other alternatives for recreation fields.

In response to a question from Mr. Pato (SB) regarding the timing of this project, Mr. Cronin stated that the Town is still in Module 1 for this project, which is a nine-month period. The Town is hopeful to be invited into Module 2, at the March 1st meeting. Module 2 is approximately six months long. Following that, the Town would be invited into Feasibility. The Feasibility Study is a 12-15 month documented timeline by the MSBA. This puts the process to the end of 2024.

In response to a question from Mr. Kanter (CEC) regarding what will be accomplished with the three years of projected funding, Mr. Cronin stated that this will include design development, construction documents, and construction.

Mr. Malloy stated that the East Lexington Fire Station is both undersized and not sufficiently designed for current use. Currently, a review is underway of whether the current location is suitable for a replacement fire station. If it is not sufficient, funding will be requested for a broader search of a possible alternative location. One potential location identified is in the Scottish Rite. This land has a restriction on

development for 25 years. The land was acquired in 2013, which disallows development until 2038. There is a potential to approach the Scottish Rite and ask if they would be willing to reduce modify the deed restriction to allow for an earlier date.

Ms. Hai (SB) noted that there was a conservation restriction on some part of that land during the original purchase. Mr. Malloy noted that he has reviewed the deed with Town Counsel.

Mr. Malloy stated that the Town Office building is undersized both for the staff that it houses and the meetings it holds. This building is the lowest priority on the list of projects.

Mr. Lucente (SB) noted that the building received an F grade when it was assessed previously. However, a major HVAC project was recently completed in the building. Mr. Cronin stated that the building still needs a new roof and windows. Additional square footage is also needed. Mr. Malloy explained that this project will likely not come forward until the early 2030s.

Mr. Malloy stated that 173 Bedford Street was acquired by swing space for the Town operations, specifically for the Fire and Police departments while those buildings were being reconstructed. Currently, access is limited to the first floor of the building, which could be used as swing space for other departmental uses. For other uses, this building would require some remodeling, the addition of an elevator, and bathroom renovations.

Ms. Barry (SB) stated that the Board needs to have a longer discussion regarding this building in particular. The original agreement was to use it for municipal purposes until it was no longer needed. At that time, the building would be considered for school or other purposes, including selling it or turning it into affordable housing.

In response to a question from Ms. Hai (SB) regarding the renovation of the East Lexington Fire Station, Mr. Malloy stated that, if the current site is usable for a Station, the Department would need to move out during the construction. The likelihood is that operations would temporarily be out of the Fire Headquarters unless other space is found.

Mr. Pato (SB) noted that, in the past, Master Planning Building Committees have reviewed the collection of demands for the community, worked on the issues and come back to the group with proposals. He suggested that this be focused on, as direction for the future.

Mr. Sandeen (SB) agreed that he would like to make decisions based on an economic analysis and interconnectedness review of the scenarios.

Mr. Bartenstein (AC) noted that there has been discussion regarding the creation of new zoning on MBTA routes, which might substantially add to the population of the Town. Dr. Hackett stated that this has been analyzed. The actual number does not appear to be as large as people imagine the problem to be. Mr. Bartenstein noted that this may not be an insignificant number, and it could affect fire protection, police, Town, office buildings, etc.

Mr. Michelson (AC) agreed that this zoning will be in place by 2024 and should be considered. He noted that 173 Bedford Street will lie within one of these proposed housing zones. He noted that this, and an adjacent property, may be needed for a school site.

In response to a question from Mr. Kanter (CEC), Mr. Malloy noted that the white book and brown book will likely be neutral on these projects until fiscal year 2025.

Mr. Boutwell (RC) stated that the fields indicated by Mr. Cronin which would be lost either temporarily or for good as part of the High School project, account for approximately 5,000 hours of the Town's permitted hours per year, or around 20% of the total hours permitted in Town. If lost without replacement, this would have a dramatic impact on all athletic field users in Town. The Harrington B option reviewed would add approximately 4,600 hours of field availability, at an estimated cost of \$6.2M. The Bridge location is currently allocated for approximately 3,000 hours per year. The potential project there, which is outlined in the study, would add approximately 600 hours, at an estimated cost of \$3M. The Bowman location is currently permitted for 1,500 hours per year. The proposed project in that location could add approximately 600 hours, at an estimated cost of \$1.6M. Thus, the Recreation Committee has identified Harrington B as the leading option, in terms of value per dollar, as it allows the largest number of hours to be added to the inventory. This would almost offset the loss time projected during the High School project. It is unclear if, ultimately, the community will support the use of synthetic fields at multiple sites throughout Town, or if the Committee will need to be more selective as to how it applies that type of surface.

Mr. Pato (SB) noted that the MSBA increased the size enrollment projections for the High School, based on the presumption that Lexington would, in fact, rezone for the MBTA Communities Act. This was increased by approximately 10%, or 225 students.

Mr. DeAngelis (RC) noted that the Recreation Committee and the Recreation Department staff provide recreation opportunities and resources for the entirety of the Lexington community, regardless of age, physical condition, etc. It is disturbing, but understandable, that the Town is going to lose quite a bit of field space in the Center, as this is the crown jewel of Lexington recreation. This will cause a recreation crisis. He urged the groups to consider the Harrington B proposal, as it makes eminently good sense.

Ms. Hai (SB) agreed that the Town should consider if it wants to put a lot of money into developing fields on school spaces that will likely need to be rebuilt and/or expanded in the future.

Mr. Lucente (SB) explained that the Town should consider reviewing existing spaces that the Town has previously considered expanding, such as the Community Center.

Ms. Hai (SB) asked all of the groups to consider the options and questions presented. She stated that she and Mr. Malloy would work to discuss a new Master Planning Capital Committee.

DOCUMENTS: Presentation

ADJOURN

VOTE: Upon motions duly made and seconded, the joint meeting adjourned at 8:08pm. By roll call, the School Committee, Appropriation Committee, Capital Expenditures Committee, Recreation Committee and Board of Library Trustees respectively adjourned. The Select Board returned to its regular meeting.

A true record; Attest:

Kristan Patenaude
Recording Secretary

SELECT BOARD MEETING
January 23, 2023

A remote meeting of the Lexington Select Board was called to order at 6:30p.m. on Monday, January 23, 2023. Remote participation was offered via the webinar meeting platform. Ms. Hai, Chair; Mr. Lucente; Vice Chair, Ms. Barry, and Mr. Sandeen were present, as well as Mr. Malloy, Town Manager; Ms. Axtell, Deputy Town Manager; and Ms. Katzenback, Executive Clerk.

Ms. Hai called the meeting to order at 6:30pm. She noted that this meeting is being held fully remote, due to weather conditions.

PUBLIC COMMENT

None at this time.

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

- 1. Announcement: The Town held a groundbreaking for the new Police Station on Thursday, January 19, 2023!**
- 2. Select Board Member Concerns and Liaison Reports**

Mr. Lucente and the Board congratulated Ms. Hai for her new role as president of the Massachusetts Municipal Association.

Ms. Barry noted that the Bicycle Committee recently approved safety signage that they've been working on for several years now. The Committee will review this with the Board shortly.

TOWN MANAGER REPORT

- 1. Town Manager Weekly Update**

Mr. Malloy stated that the Food Pantry has been having a hard time with storage of food items for residents of the Town. An agreement was made to allow the Food Pantry to use the kitchen area in the former Senior Center at the Muzzey Building. He also noted that the Board will have a brief discussion on ARPA at its February 6, 2023 meeting.

DOCUMENTS: Weekly Update 1-20-23

CONSENT AGENDA

- 1. Approve Amendments to Tax Deferral and Exemption Study Committee Charge**

To amend the Tax Deferral and Exemption Study Committee charge by making the following changes as proposed:

- Add "Quorum: Quorum shall be a majority of the members serving"
- Change "Board of Selectmen" to "Select Board"
- Change the length of term from "2 years" to "3 years with staggered membership terms"

DOCUMENTS: Amended Tax Deferral and Exemption Study Committee Charge – Redlined, Amended Tax Deferral and Exemption Study Committee Charge

2. Select Board Committee Appointments

- **Michael Tabaczynski - Greenways Corridor Committee Non-Voting Member**
- **Min Zhou - Vision for Lexington Committee**

To appoint Michael Tabaczynski to the Greenways Corridor Committee as a non-voting member for a three- year term ending on September 30, 2025.

To appoint Min Zhou to the Vision for Lexington Committee to fill an unexpired term set to expire on September 30, 2024.

DOCUMENTS: 2023 Greenways Corridor Committee Non-Voting Member Application - M. Tabaczynski, 2023 Vision for Lexington Committee Application - M. Zhou

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 4-0 to approve the Consent Agenda.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Patriots' Day 2023 Event Requests Parade and Battle Green Use Requests - Town Celebrations Committee

Glen Bassett & Geetha Padaki, Co- Chairs of the Town Celebrations Committee, presented to the Board. Mr. Bassett stated that the Town Celebrations Committee requests Select Board approval for the use of Massachusetts Avenue for the Patriots' Day morning and afternoon parades and use of the Battle Green for Ceremonies on Monday, April 17, 2023 as outlined in their letter dated January 5, 2023.

Ms. Barry noted that the Committee will need to request use of the High School parking lot through the Facilities Department, via the School department.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 4-0 to approve the Town Celebrations Committee request for use of Massachusetts Avenue for the Patriots' Day morning and afternoon parades as well as the use of the Battle Green for Ceremonies on Monday, April 17, 2023, as generally outlined in their letter dated January 5, 2023, subject to working out the details with the appropriate Town Departments.

DOCUMENTS: TCCRequestLetter

2. 2023 Annual Town Meeting

- **Approve Warrant**

Ms. Axtell noted that the Demolition Delay item has a change from 18 months to 21 months. This was not reflected in the warrant but is a change that was made. Also, for Article 11, the figure should be \$309,000.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 4-0 to approve the FY2023 warrant, largely as presented, subject to revisions as stated or that may arise in Scriveners errors or otherwise.

- **Presentation - ATM 2023 Article 10: Appropriate for the FY2024 Community Preservation Committee Operating Budget and CPA Projects**

Marilyn Fenollosa, Community Preservation Committee (CPC), stated that the group has spent \$87.4M on projects for Community Preservation, a real benefit to Lexington. This is without the debt service or administrative expense. An almost 40% State match was received last year, largely due to a \$500,000 bonus received in December from the State's surplus budget. The approximate budget, approaching Town Meeting, is \$16,772,276. The group has a very large set of projects this year that it has tried to accommodate. One of these projects, the Munroe Center for the Arts, is expected to be bonded at approximately \$2M. The group likes to be fiscally prudent and keep a balance of undesignated funds of approximately \$2M in its account.

In response to a question from Mr. Lucente regarding how the fund balance gets invested, Ms. Kosnoff explained that this is a very liquid fund and often being spent down.

Ms. Fenollosa stated that one project is for the Stone Building design and emergency repairs. These repairs will be completed in phases.

In response to a question from Mr. Lucente regarding the minority vote on this item, Ms. Fenollosa stated that she believes this was largely due to cost. This project is estimated to cost \$10.9M over the next four years, with much, if not all of it to be bonded.

Ms. Fenollosa stated that the Munroe Center for the Arts project is a \$6.6M project to allow modifications to provide accessibility, ADA bathrooms and parking in the historic 1904 school. \$2M of this project will be bonded.

In response to a question from Ms. Barry regarding the minority votes on this item, Ms. Fenollosa stated that she believes one was largely due to cost and the other was due to an abstention from the Recreation Committee member who did not have a chance to run this by the Committee prior to voting.

Dawn McKenna, 9 Hancock Street and Precinct 6 Town Meeting Member, stated that this seems like a lot of money if the Town does not plan to keep ownership of it in the future. Mr. Malloy stated that the current use of the building is intended to continue, and the Town recently signed a long-term lease which states as much.

Ms. Fenollosa stated that the next project is for restoration of the barn that sits behind the Hancock Clark House. The Historical Society wants to convert this building into an education center for school groups, as well as visitors and tourists. There has been an extensive review completed by an outside consultant.

Ms. Fenollosa explained that the next project is regarding Archives & Records Management. This includes three volumes of historic books from the 19th century. The project will restore and digitize these documents.

Ms. Fenollosa stated that the next project is the First Parish Clock Restoration. The clock in the Church on the Green is inoperable, and the request is for \$12,000 to bring in an expert in clock restoration to restore the clock. This project avoids any kind of Church/State controversy, due to the nature of the repairs.

In response to a question from Ms. Hai regarding the minority vote on this item, Ms. Fenollosa stated that this was from a member of the Church who declined to participate.

Ms. Fenollosa stated that the next project is a clock restoration for the Follen Church. The group will use the same clock expert as the First Parish Church.

Robert Pressman, 22 Locust Avenue, and member of the CPC, voiced his objection to the first two projects discussed.

Ms. Fenollosa stated that the next project is the Willards Woods Site Improvements. The project proposes to construct a universally accessible loop trail, a universally accessible trail to the fire pits, and to create an observation deck and interpretive panels. This project will make the space accessible to all.

Mr. Sandeen noted that there is also invasive species removal as part of the scope of this project.

Ms. Fenollosa stated that the project for Whipple Hill will allow for emergency equipment to access the site and a new stream crossing. The Lincoln Field project deals with three fields that are at their end of life. This will replace field #1. Field 2 will be replaced in FY25 and field 3 will be replaced in FY26. It also installs lighting on fields 1 and 3. These fields will have artificial turf. The request to the CPC has cut out any cost for the artificial turf.

In response to a question from Ms. Hai regarding the minority votes on this item, Mr. Sandeen stated that he voted against this item because he was hoping that Recreation would be able to explain what materials were planned for the field. The group is not yet ready to make that determination. Ms. Battite noted that the Recreation Committee, Sustainable Lexington, Board of Health, along with associated staff members have been meeting every other Friday to discuss synthetic turf in Lexington, as a whole. The Recreation Committee's request is to move with synthetic turf on fields 1, 2, and 3, given that this is on a landfill and the other multiple health concerns associated with the area.

In response to a question from Ms. Hai, Ms. Battite stated that the synthetic surface typically has an 8–10-year lifespan for warranties. This surface was previously replaced at the 10-year mark.

In response to a question from Mr. Lucente regarding lighting of the fields, Ms. Battite stated that two community meetings have been scheduled. One, on February 1st, specific to Lincoln Park field improvements in regard to lighting. One, on March 1st for Lincoln Park field improvements in regard to athletic playing surfaces.

Mr. Lucente noted that he believes synthetic turf is appropriate at this location in particular, especially due to the fact that it is located over an old landfill. Ms. Battite noted that four of the 26 playing surfaces in Town are synthetic, while 22 are natural grass.

Ms. McKenna agreed with Mr. Lucente that she is generally opposed to synthetic turf, but that it is appropriate for this location. She noted that, when informing abutters, there are neighbors on four sides of Lincoln Field. All four neighborhoods should be invited to the meetings. She would also like to see separate costs for the lighting portion of the project, and the height of the lights proposed.

Mr. Pressman stated that the two nay votes for this item were based on concerns as to whether there would be an assurance to the Town from the turf manufacturer that a particular type of chemicals would not be present in the turf. The Recreation Department has detailed a response to this concern.

Ms. Fenollosa stated that the next project is \$285,000 to repair the field at Bridge School. The next project is for improvements at Justin Park to replace and update playground equipment. The next project is for Public Grounds Irrigation Improvements. This will allow for better water use efficiency and benefits to the environment. The next project is a public arts project. It involves carving of representations of birds of New England from white pine tree stumps along the path abutting the Center Recreation Complex.

In response to a question from M. Lucente regarding the minority votes on this item, Ms. Fenollosa stated that these were a matter of aesthetics and people who did not find this to be art.

Bridger McGaw, Precinct 6 Town Meeting Member and Vice Chair of the Economic Development Advisory Committee, asked if this really a bird watching area. He stated that he does not believe this is the right use of the CPA funds and tax dollars.

Ms. Fenollosa stated that the next project is Affordable Housing Trust Funding. This funding would allow the group to hit the ground running.

In response to a question from Ms. McKenna, Ms. Kosnoff explained that the Trust can be prefunded with CPA funds. Ms. Fenollosa stated that the Town will execute a detailed grant agreement when the funds are transferred. This will outline the types of projects that are expected, but the group will not have any control once the money is placed into the Trust Fund's account. Use of the funds will be directed by the Affordable Housing Trust Board of Trustees, of which one member will be from the Board of Selectmen. Carol Kowalski, Assistant Town Manager for Development, stated that this item was vetted very carefully with Town Counsel. It is very typical and eligible for a prefunding to come from CPA funds. Ms. McKenna stated that she is in support but would like to see some portion of this funding directed specifically to housing.

Ms. Fenollosa stated that the next project is for LexHAB Property Acquisition Prefunding. This is specifically prefunding to enable the purchase of a future property to convert to affordable housing. There will be a very detailed contract between LexHAB and the Town to spell out the parameters. The next project is for LexHAB properties – Preservation, Rehabilitation & Restoration, and also Installation of Solar Panels. Two of the fourteen properties are proposed to have solar panels installed. The next project is CPA Debt Service. This is for this year's obligations of principal and interest on outstanding bonds. The next project is an annual request for \$150,000 for Administrative costs.

- **Presentation - ATM 2023 Article 33: Dunback Meadow Sewer Easement (Citizen Petition)**

Ingrid Klimoff, Citizen Petitioner, and 18 Bacon Street, stated that this warrant article will permit, through an easement, her family to connect their home at 18 Bacon Street to the Town sewer, when this becomes necessary. She noted that her daughter, Sarah, and her family have intentions to move back to this area in approximately 4-5 years. A larger septic system will be needed at this time, the Board of Health strongly recommends that people connect to Town sewer, if possible.

In response to a question from Ms. Barry, Ms. Klimoff stated that she has started discussions with the Conservation Commission on this item.

In response to a question from Mr. Sandeen regarding if there is an alternate solution to going through conservation land, Mr. Hornig, Ms. Klimoff's husband, stated that there are a couple of options. This proposal appears to have the least environmental impact but has a very long lead time due to the legislative process and the Town Meeting process.

- **Presentation - ATM 2023 Article 25: Amend the General Bylaws - Demolition Delay**

Robert Rotberg, Historical Commission, explained that the Commission's proposed warrant article is to amend the general bylaws. The Historical Commission is charged with preserving the historical character of the Town. That has meant the Historical Commission imposing a demolition delay on developers and owners that want to transform the character of their houses. In recent years, the Commission has had much less success in slowing down mansionization, and therefore, the historical character of the Town

has been changing rapidly. Thus, the Commission wants to change its ability from imposing a 12-month demolition delay, to a 21-month delay. Eighteen nearby towns have an 18-month delay. A 12-month delay has not been a sufficient impediment due to the fact that it takes many developers a large number of months, approaching a full year, to gather funding and architectural drawings, etc.,

In response to a question from Ms. Barry regarding the change of timing in this article from 18 months to 21 months, Mr. Rotberg stated that the Commission unanimously agreed that its original 18-month thinking was insufficient.

In response to a question from Mr. Lucente, Mr. Rotberg stated that he has spoken to very small sample of developers, and they do not like this proposal, as it is one more impediment in their process. Mr. Lucente suggested additional outreach to make sure this will have the intended consequence.

In response to a question from Mr. Sandeen, Ms. Fenollosa stated that there are approximately 2,000 houses on the historical inventory for the Town.

Ms. Hai suggested additional outreach to the senior community, as there was some concern from those considering downsizing as to whether or not this would be an impediment to their sales.

- **Presentation - ATM 2023 Article 8: Evaluation of Archeological Resource Potential (Citizen Petition)**

Jeff Howry, Citizen Petitioner, stated that Lexington has inventoried over 2,300 aboveground properties in an extensive survey, but it has not documented any archaeological features. Nothing is known about the residential or commercial area's archaeological potential. The protection of and mitigation of impacts on archaeological sites is mandated by the state and federal governments when state or federal money is involved in permitting, or licensing. The same historic and prehistoric sites receive no recognition, protection, and mitigation when municipal funds are expended. This is not being a good conservator of the Town's history. The first step involves a Town-wide archaeological sensitivity analysis. This could lead to a draft bylaw, which would offer to protect these resources by identifying them more specifically if development is proposed in areas.

In response to a question from Ms. Barry regarding the funding associated with this request, Mr. Howry stated that his request is for \$65,000.

In response to a question from Ms. Barry regarding the potential longer lasting impact on staffing needs and funding in future budget years, Mr. Malloy stated that he is unclear of the funding source being requested for this item by Mr. Howry. This item is not a priority for Town staff, and they have not done an evaluation on what the impact to Town staff may be.

In response to a question from Ms. Hai, Mr. Howry stated that this item was initially proposed for Community Preservation Committee (CPC) funding. Mr. Howry stated that Town Counsel initially was not sure if it qualified for CPC funding and then asked about the potential public benefit. Eventually, it was determined that this does qualify. The CPC took up this item and the group declined to vote in favor of it. The CPC vote on this item was 1-7.

DOCUMENTS: Art 8 EvalArcheological Resource Potential, Art 10 CPA presentation, Art 25 Demo delay motion, Art 25 Demolition delay, Art 32 Dunback easement motion, Art 32 Dunback presentation, Final 2023 ATM warrant

3. Discuss Assignment of Police Officers at Polling Locations

Ms. Barry recused herself on this item.

Ms. Hai noted that MGL Ch. 54, Sec. 72 charges the Select Board with detailing a sufficient number of police officers or constables for each polling location. Town Counsel has reviewed and confirmed that the Select Board may vote to delegate this requirement. At the August 8, 2022 meeting the Board voted to delegate in 2022, beginning at the September 6, 2022 State Primary and all other elections in 2022. As such, the Board is being asked to discuss this assignment for upcoming 2023 and future elections.

Mr. Lucente stated that he believes this staffing item should be delegated to the Police Chief.

Police Chief McLean stated that officers are posted from before the opening of the polls, past the closing of the polls. He stated that, in his 27 years, this has never been an issue. He stated that it would be extremely helpful if the administrative function of assigning the polls would be assigned to him and his staff.

In response to a question from Mr. Sandeen, Mary de Alderete, Town Clerk, stated that it is a requirement under Mass General Law that a police officer is present at the polls.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 3-0 to designate the Police Chief, in consultation with the Town Manager and Town Clerk, for 2023 and all future elections, to assign specific police officers according to scheduling and availability, to provide a sufficient number of police officers, but not less than 1, in each polling location at every election therein, to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections, as required by Section 72 of MGL Chapter 54 as amended by section 13 of Chapter 92 of the Acts of 2022.

DOCUMENTS: MGL Ch.54 Sec72

4. Review and Approve Parking Management Group Recommendations for Parking in Lexington Center

Mr. Malloy stated that, as per the discussion from the December 19, 2022, meeting, there were two other parking-related items that were going to be taken up by the Parking Management Group (PMG). These are: metered street parking that the Board voted to make free parking at a Select Board meeting on April 26, 2021, to revert back to the pre-pandemic rates, and to establish a convenience fee for credit card use at metered parking.

Regarding the first item, there are 83 parking spaces spread out on upper Merriam Street (9 spaces), the south side of Massachusetts Avenue across from the Town Office Building (10 spaces), lower Muzzey Street (14 spaces), Raymond Street (10 spaces), upper Clarke Street (15 spaces), and lower Waltham Street (25 spaces which were previously used by PP stickers on the parking permit program). Regarding the convenience fee, the Pay by Phone fee is \$0.15 per use. The meters are currently free, and the Parking Management Group is recommending establishing a similar convenience fee, of \$0.13 per use.

Mr. Lucente asked why the convenience fee is not being kept at \$0.15 to keep parity. Mr. Malloy explained that this fee amount is not set by the Town. He stated that he prefers the Pay by Phone option and would like the Board to consider expanding this to other areas in Town. Mr. Malloy stated that there would be no opposition from Town staff on this item.

In response to a question from David Kanter, 48 Fifer Lane, Mr. Malloy stated that there has not yet been any discussion regarding seniors not having to pay a fee for this item.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 4-0 to re-establish the metered parking rates in the areas described above on Merriam Street, Massachusetts Avenue, Muzzey Street, Raymond Street, Clarke Street and Waltham Street in the same rates and manner that were in place prior to April 26, 2021; and Further move to approve charging a convenience fee for metered parking credit card use.

DOCUMENTS: 4-2-21 Memo

5. Review and Approve Participatory Budget

Sean Dugan, Communications Director, and Special Projects Coordinator, stated that there is a list of 25 projects with cost estimates and commentary. Some of those projects exceed the \$500,000 limit that was allocated for this participatory budgeting cycle, and some are otherwise not feasible for a variety of reasons, and therefore not recommended for inclusion on the final list. The hope is to narrow the list from 25 to 5-10. The second attachment is the "maybe" items from the ARPA list which was discussed at a previous Select Board meeting to include for consideration on the participatory budgeting.

Ms. Barry reviewed her top list of items: the dog park, Town's Center storefront improvements, pool structure, the community orchard, multi-generational inclusionary items, conservation land funding, flashing crosswalk signs for the bike path, and crosswalks for Across Lexington.

Mr. Sandeen reviewed his top list of items: bus shelters, flashing crosswalk signs for the bike path, crosswalks for Across Lexington, the Clark School smart traffic light, bike parking, and the Recreation/outdoor pool.

Mr. Lucente stated that he believes the group should shoot for a list of ten top items. He agreed with all items brought up by his colleagues.

Ms. Hai stated that she is in favor of the benches, picnic tables, Clark smart traffic light, Town's Center storefront improvements, pool shade, bike racks, Sutherland Park seating, multigenerational inclusionary items, flashing crosswalk signs for the bike path, and crosswalks for Across Lexington.

The Board agreed that it would like to hear Mr. Pato's thoughts at a future meeting before making any decisions.

Mr. Sandeen stated that there are a number of items over the cost limit that he is also interested in. He asked if there are ways to start on some of these projects.

Sandhya Iyer stated that, regarding the East Lexington revitalization project, funding was received for the wayfinding portion of the project, as well as the landscape improvement project. The group is also working on a grant for the store facade improvement project. Regarding Bow Street, this item is difficult because it is partially owned by Arlington and requires ADA improvements.

The Board reviewed a number of items proposed to be removed from the list. The commuter-friendly bus shelters required easements and/or other design and site work that may exceed the budget. Mr. Sandeen noted that this is one of his top items. Ms. Hai asked if there could be research done as to possible locations on Town-owned land for this item, in hopes of moving it forward. Mr. Lucente noted that the

dog park item seems to be ready to move forward, without a known location. Ms. Hai stated that she would be amenable to including \$100,000 for one or more bus shelters, location to be determined.

Ms. Hai noted that the Recreation Community Programs Department does not recommend pursuing the outdoor pool furniture for a variety of reasons including liability, safety, maintenance, replacement costs, impact on daily maintenance, additional staff storage, and it drastically reducing available deck space, which is already limited. The Board agreed to remove this item from the list.

Regarding the Town Center storefront improvement item, Mr. Malloy noted that the original request was very broad, and it is unclear what exactly this funding would be used for. The Board agreed to remove this item from the list.

Regarding the aquatic shade shelter, Ms. Battite stated that a lot of the cost includes the installation of the shade(s). There needs to be research as to where these could fit at the pool.

Ms. Hai reviewed the other items to potential remove from the list either for practical or financial reasons, such as permanent pickleball courts, and safer crosswalks for schools.

Mr. Lucente suggested reincluding the no-touch building fixtures onto the list, for all areas except for the Library. Mr. Sandeen noted that there are a number of items removed from the list, such as protected bike lanes, that he would like to see considered at some point in the future.

Ms. McKenna noted that one of the items of the list includes a recommendation to install a couple of concrete chess tables, potentially at the Visitor Center. She suggested this language be removed until the Board has heard from the Tourism Committee. She also stated that at least the two items related to economic development were discussed and these, in her opinion, should not be part of the participatory process. In particular, financial support for the Visitor Center and Liberty Ride should be voted by the Board as soon as possible. Also, the electric trolley item cannot wait until April to be voted on.

DOCUMENTS: Participatory Budget Memo

6. FY2024 Town Manager's Preliminary Budget & Financial Planning

Mr. Malloy stated that staff has settled on a budget that meets the needs of both the School Department and the municipal departments. The school budget is approximately \$133M, and the Town department budget is approximately \$47M. Both are based on a 3.9% increase in revenues. \$395,000 is calculated using free cash, to offset the large increases received in the curbside sanitation budget this year. Very few PIRs were funded this year. PIRs were requested at approximately \$1.6M and funded at approximately \$270,000. Based on available revenues, the capital budget is \$42M. There is a reduced reliance on free cash for the operating budget. The Town has established the Capital Stabilization Fund and this budget includes following through on that policy adopted by the Board, with approximately \$1.7M going into that fund. This will be adjusted as additional development occurs. There is a dedicated tax levy for the Retirement Fund, due to a large increase in taxes to Takeda. There are two SPED Stabilization funds and the creation of a new SPED Reserve Fund, which \$750,000 will be placed in for extraordinary SPED costs. The Health Department organizational change from the organizational assessment completed it included. As far as Select Board priorities, the cost of the solar canopies is included in this budget, related to Police Department project. Also, \$100,000 was included to begin providing additional funding for public access TV. Staff is also recommending a new revolving fund for a refuse collection for bulky items and white goods.

Ms. Kosnoff noted that, overall, there is a 3.9% increase allocated to the Town and the Schools. One page shows a 4.7% increase for the municipal departments. This is due to a recommendation to supplement the municipal budget with \$395,000 in cash. This would be phased out next year and the Town would absorb this into next year's revenue allocation. An additional State surplus of \$347,000 was added to the revenue budget. New revenues are still split at 74/26%. This leads to a total new allocation for the Schools of \$4.98M, and the Town of \$1.75M. The School Department is still short from their request by \$352,000. A consensus was made to set aside some extra funding from free cash into reserves, in order to allow the Schools to balance their budget within the revenue allocation. The Schools will then shave off the \$352,000 from their allocation. The municipal side is still short \$395,000, and the recommendation is to supplement the budget with free cash. The Town Manager and senior staff did work to shave approximately \$475,000 off the municipal budget.

Ms. Hai stated this preliminary budget will also be presented at the upcoming Financial Summit IV.

DOCUMENTS: Presentation: FY2024 Preliminary Budget & Financing Plan, FY2024 Preliminary Budget & Financing Plan White Book v1

ADJOURN

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 4-0 to adjourn the meeting at 9:45pm.

A true record; Attest:

Kristan Patenaude
Recording Secretary

FY2024 Budget Summit IV
Select Board, School Committee, Appropriation Committee
Capital Expenditures Committee
January 30, 2023

The remote participation Budget Summit IV meeting was called to order by Select Board Chair Jill Hai with a roll call at 7:01 p.m. on Monday, January 30, 2023 via hybrid meeting services.

Present for the Select Board (SB): Ms. Hai, Chair; Mr. Lucente, Vice Chair; Mr. Pato; Ms. Barry; and Mr. Sandeen as well as Mr. Malloy, Town Manager; Ms. Axtell, Deputy Town Manager; Ms. Katzenback, Executive Clerk.

Ms. Cuthbertson, Chair of the Lexington School Committee, called the meeting of the School Committee to order with a roll call. Mr. Parker, Chair of the Appropriation Committee called the meeting of the Appropriation Committee to order with a roll call. Mr. Lamb, Chair of the Capital Expenditures Committee, called the meeting of the Capital Expenditures Committee to order with a roll call.

Present for the School Committee (SC): Ms. Cuthbertson, Chair; Ms. Jay; Ms. Lenihan; Ms. Sawhney, Vice Chair; Mr. Freeman; Dr. Hackett, Superintendent of Schools; and Mr. Coelho, Director of Finance for Lexington Public Schools.

Present for the Appropriation Committee (AC): Mr. Parker, Chair; Mr. Padaki, Vice Chair; Mr. Ahuja; Mr. Bartenstein; Mr. Levine; Mr. Michelson, Mr. Ahuja.

Present for the Capital Expenditures Committee (CEC): Mr. Lamb, Chair; Mr. Kanter, Vice Chair and Clerk; Mr. Cole; Ms. Rhodes; Ms. Beebee; Mr. Boudett.

Also present: Ms. Kosnoff, Assistant Town Manager for Finance; Ms. Labrecque, Budget Officer

Ms. Hai stated that the meeting was being conducted via hybrid services as posted, with the agenda on the Town's website. Ms. Hai provided directions to members of the public watching or listening via the Zoom application, regarding the procedure for making a public comment. Ms. Hai reminded Board members, staff, and members of the public about Lexington's Standard of Conduct regarding civil discourse during Town Government meetings.

ITEMS FOR INDIVIDUAL CONSIDERATION

FY2024 Budget Summit IV

- FY2024 Preliminary Budget and Financing Plan
- Capital Expenditures Committee - Preliminary Report: FY2024 Proposed Capital Projects
- Review 2023 Annual Town Meeting Articles

Ms. Kosnoff presented the White Book to the groups. She noted that this is a balanced budget, including the Town, School, and shared expenses. Overall, the general fund budget is proposed to go up approximately \$9M, or 3.4%, compared to FY2023. The tax levy, the biggest portion of the revenue, is projected to go up 3.9%. This reflect a basic 2.5%, plus the new growth factor being used for the year. Local receipts have started to recover from the pandemic and are projected to go up 5.3%. The revenue offsets look to be decreasing. This is due to the snow and ice deficit in FY2023, and an attempt to build that back into the budget for FY2024. The total revenue is projected to increase 3.4%. Expenses are also proposed to increase 3.4%. The Lexington Public Schools budget is proposed just under \$5 million (M) more than FY2023, which is a 3.9% increase. The Minuteman High School increase is primarily due to

the increasing enrollment of Lexington students at Minuteman High School. The municipal budget is shown to be increasing by approximately 4.7%. This is primarily due to the extraordinarily large trash contracts that expire at the end of this year, which were renegotiated for FY2024. There is also a one-time expense proposed for a municipal wage study. Those two items are proposed to cost approximately \$395,000 and will be recommended to be funded from one-time funds. Next year's budget will not be proposed to be balanced with free cash, as the municipal side will reabsorb the cost of the trash contract. Without those two shared expenses, the municipal department budget would also be going up 3.9%. In FY23, an extraordinary amount was placed into the Capital Stabilization Fund. For this first round of the budget, the amount proposed to be placed into the Capital Stabilization Fund is lower than in prior years, with a recommended \$1.7M, per the fiscal guideline.

Ms. Kosnoff noted that, back in November, the School Department's budget was short by approximately \$710,000 and the municipal side was short by approximately \$1.8M. Changes have been made to allocate more revenue to both sides, including \$347,000 from additional State aid. Additionally, reductions have been made to the shared expenses. The new revenue that can be allocated is \$6.7M. This is a 3.9% increase in revenue from last year to be split between Town and School, using a 74/26 split. This leads to the School Department getting \$4.9M more than last year and the municipal side getting \$1.75M more than last year. This leads to the School Department bring short \$352,000 and the municipal side having a shortfall of \$395,000. The School Department has indicated that it can make up the shortfall in their expense budget and balance the budget. The municipal side will try to address its shortages using one-time revenues.

Ms. Kosnoff noted that, as a compromise with the School Department in balancing its budget, there is a recommendation to set aside \$1.25M into two different funds to help address special education needs if those arise during the year.

Regarding shared expenses, Ms. Kosnoff explained that there has been an indication that health insurance premiums may be increasing close to 6.5% - 7%. The Facilities Department budget is proposed to increase 6.74%, mostly due to energy costs for both gas and electric rising. She noted that there is a bit of debt financing recommended in the capital plan this year. There is some non-tax revenue support proposed in the FY2024 budget. Also, \$11.2M of free cash is being allocated to cash capital. The current Special Education Stabilization Fund sits at \$660,000. If the additional proposed appropriation is approved, it would bring the balance in the Special Education Stabilization Fund to approximately \$1.12M. This new fund would be different than the Stabilization Fund in that, once established, funds do not need to go before Town Meeting to be appropriated. Once in this reserve, funds can be allocated by a vote of the School Committee and the Select Board, allowing for additional flexibility. Ms. Kosnoff noted that \$16M of free cash was projected when developing this budget, but the certification just came in at \$17.1M. The recommendation is to use that one-time revenue as cash capital for this budget.

Mr. Bartenstein (AC) asked about the decision to place the extra \$1.1M into cash capital instead of adding it to the Capital Stabilization Fund, essentially preferring current capital over future capital. Ms. Kosnoff explained that there is currently approximately \$22M in the capital budget being recommended from the general fund, approximately \$7M of which is recommended to be debt financed. Staff is proposing to do as much as possible with cash capital. There will likely be some additional new growth this coming fall that can be allocated into the Capital Stabilization Fund. At this time, it seems to make sense to reduce future interest costs and future debt service costs for the general fund. It will continue to create more capacity there.

In response to a question from Mr. Levine (AC) regarding item 15, Ms. Kosnoff explained that a couple of years ago a new pension evaluation was done, and the liability went up for a variety of reasons. At that time, the Town decided to get a bit more aggressive with the funding plan in order to meet the 2030

pension funding date. The total pension is \$9.M, coming from the tax levy, with the exception of \$400,000 coming from free cash.

Dr. Hackett (SC) stated that this budget addresses the basic needs the schools have, without adding more to address the pandemic situation. There is currently a national shortage in teachers and staff members. In Massachusetts alone, per an article today in The Boston Globe, there are 112,000 fewer workers. The State needs to determine how to create more pathways to attract people to these positions. Educators desire compensation and good leadership to make them stay in a school system. The School Department is grateful that this budget addresses the special education dilemma, though not entirely comfortable that it is outside of the operating budget. This problem is not likely to go away.

Ms. Kosnoff reviewed the municipal budget. The budget, in total, is projected to increase 4.7% or \$2.1M, compared to FY2023. The Department of Public Works budget shows a \$770,000 increase, or 6.4%. This is mostly due to the rising cost of supplies and the trash contract. The Police budget is proposed to increase by 9.5%, mostly due to the contract settled in FY2022. The Health Department is increasing 15.2%. It is important to note that the Health Department was previously part of the Land Use, Health, and Development Department (LUHD). The Town Manager budget is increasing 8.5%. There are two Program Improvement Requests (PIRs) technically included in the Town Manager's budget section. The Salary Adjustment account is decreasing, as a couple of contracts were settled this year. The Town Clerk's budget is decreasing by 4.8%, due to fewer elections in FY2024. The IT budget is increasing 9.4%, reflective of general increases, especially in software costs.

Ms. Kosnoff explained that no new funds for housing are appropriated in this budget. The LUHD has been renamed to the Land Use, Housing, and Development Department. She noted that the State has put new regulations in place that certain items cannot be disposed of for free anymore, including mattresses. Previously, curbside collection for mattresses, bulky goods, white goods, etc., was part of the Town's general services and included in the operating budget. While regular trash and recycling will remain that way, the recommendation is to pull out mattresses, bulky, and white goods and place them into a Refuse Collection Revolving Funds. This would pass through the cost to the user. Ms. Kosnoff explained that, in prior budget years there were two separate revolving funds for Liberty Ride and the Visitor Center. This budget recommends combining those two items together into one Tourism Revolving Fund. This will allow for some administration benefits, along with better timing and budget flexibility.

Mr. Michelson (AC) stated that, per Chapter 90 of the Town bylaws, Section 9 reads the Select Board shall provide and maintain under their care and supervision, some suitable place or method for free public disposal for the inhabitants of the Town to deposit ashes, cinders, papers, and other refuse and rubbish in accordance with such rules, regulations that a Select Board may from time to time make. He asked how the Refuse Collection Revolving Funds will be in compliance with this bylaw. Mr. Malloy explained that he spoke with Town Counsel, and it is believed that this bylaw reads that the Town is required to provide a place, such as the compost facility, but is not required to provide curbside service for free.

Mr. Padaki (AC) asked why the Town is getting involved in refuse collection and creating a fund for it. Mr. Malloy stated the residents will still have the option of contacting a company directly to remove these items. However, a lot of those companies charge a fair amount of markup on removing these items. The intention is to charge only what it costs to Town do remove the items, plus a 10% administrative fee. This should be a less expensive option for residents and will be a wash for the Town as far as the revenue and expenditures.

Ms. Kosnoff reviewed a proposed future revenue source, the Stormwater Enterprise Fund. This would be an additional charge to residents, based on the impervious surface of their properties. Currently, between both the operating and capital budgets, there is approximately \$2.5M of expenses related to stormwater

mitigation. As Department of Environmental Protection (DEP) regulations become more stringent, this cost could increase. At some point it may not be sustainable to keep managing this in the Town's general fund budget. This would be charged as part of the other two utility bills for water and sewer and there would be an offsetting reduction in the general fund expenses. This is not built into the FY2024 budget but will be proposed to establish potentially in the fall.

In response to a question from Mr. Padaki (AC), Mr. Malloy explained that the Lexington Department of Public Works (DPW) is testing out a new webpage that will allow residents to enter an address in Town. This will then tell them what the impervious surface area is for that site, what the equalized residential units are, and an estimated cost of the stormwater enterprise fee for that site on an annual basis. This will apply to everybody in Town, residential, commercial, and non-taxpaying entities.

In response to a question from Mr. Michelson (AC), Mr. Malloy explained that there have been discussions amongst the Select Board regarding the potential of having an override for the amount that gets transferred from the general fund to the Stormwater Enterprise Fund.

Ms. Kosnoff reviewed a number of items in the proposed budget to help meet the Select Board's goal of sustainability. This includes implementing the electric vehicle policy as part of the Town's regular replacement program. There were two potential items in the capital budget under the DPW Equipment line to purchase large electric equipment vehicles, which are not being recommended in this budget. It is recommended that, due to cost, those two vehicles remain gas powered at this time. The budget is recommending upgrading the DPW facility regarding electric service, in order to be able to support a level one charger and potential purchase of these pieces of equipment in the future. Also, a \$3.4M capital project to install solar panels on the roof of the new Police Station and over the municipal parking lot.

Ms. Kosnoff explained that another priority, new this year, is maintaining public access television. Currently, revenue from cable fees goes into a special revenue Public Educational & Government (PEG) Access Fund. Everyone in Town that has cable pays a fee to the cable company to support public access television, and that revenue comes to the Town. This revenue has been declining, and projections are that the fee will not be able to continue to sustain public access television. Beginning with the FY2024 budget, some of that funding will be moved into the general fund and not be funded by the PEG Access Fund. This will be a long, slow transition. The recommendation for this budget is \$100,000. The total budget cost is approximately \$650,000 per year.

Ms. Kosnoff explained that, regarding pedestrian, bicycle, bicycle and vehicle safety, the Town continues to dedicate funding, such as \$5.1M this year, to those collective efforts in a variety of places.

Ms. Kosnoff stated that the Town Manager has recommended a number of items for this budget in terms of program improvement requests (PIRs) that were requested. On the municipal side, there were approximately \$1.5M, of program improvements, including the PEG Access funding of \$100,000. In total, the Town Manager has recommended \$189,000 of PIRs in the general fund. There are a few other PIRs recommended to come out of dedicated revenue sources, including \$76,000 into the Tourism Revolving Fund. This PIR will reinstate a previously furloughed staff member as a Tour Services Coordinator. Some of the other PIRs in the budget include a sealer of weights and measures. The Town will partner with Burlington to share the expense for this item. Also, a municipal classification and compensation study is proposed as a one-time expense at \$30,000. Finally, a full-time administrative assistant for Human Resources. This is due to a dire position in this department which needs to be addressed.

Ms. Kosnoff stated that the budget does not propose to use any of the Capital Stabilization Fund to offset within the levy debt service. The Town is looking to start issuing debt for the Police Station project.

Advice from financial advisors was that it may be better to issue the entire amount of that bond now, as the Town will get a more favorable interest rate now than in the future. This, this February, it is being proposed to issue the majority of the bond for the Police Station project; a total of approximately \$30M. This will accelerate the need for the Capital Stabilization Fund into FY2024, instead of FY2025.

Regarding the capital budget, Ms. Kosnoff explained that there is \$22M worth of projects being recommended from the general fund. The Community Preservation Committee (CPC) cash capital plan has \$13.9M in project requests for this year, two of which are recommended to be financed with debt. There is nothing in the FY2024 capital plan to address construction or renovation of Lexington High School. Funding will likely be needed in FY2025 and FY2026. The capital plan for FY2024 includes the solar canopy project outside of the Police Station, a new sidewalk for the entirety of Cedar Street, the Bedford Street/Hartwell long range transportation plan, Lincoln Park field improvements, and the lead and copper program. The CPC plan for FY2024 includes projects such as the Munroe Center for the Arts, a prefunding of the Affordable Housing Trust, Willards Woods site improvements, several trail improvements, and the Lincoln Park improvements.

In response to a question from Mr. Kanter (CEC), Mr. Pinsonneault stated that the estimate for the lead and copper program is based on what was discovered through the meter replacement program. A design engineer is also working on this item, and the estimate is somewhere around 300 services.

Regarding the Capital Stabilization Fund, Ms. Kosnoff explained that approximately \$4M was appropriated in FY2023, and an additional \$1.7M, from dedicated new growth, will be carried forward into FY2024. It is expected that this amount will increase. Other than the dedicated new growth for this budget, there are no recommendations for any additional free cash to go into the Stabilization Fund at this time. The recommendation is that the rest of the free cash be used for cash capital. As far as the dedicated new growth, FY2025 estimates \$3M.

Ms. Kosnoff explained that the intention is to bring the program summary to the Select Board on Monday, February 13, 2023, to be voted on. Assuming the timeline works out, the final Book would be published by Friday, February 17, 2023.

Mr. Lucente (SB) asked what might happen if the State aid number changes from what is anticipated in this budget development. Ms. Kosnoff explained that this could be part of the fall Special Town Meeting budget adjustments, if needed. She noted that she does believe there will be some new growth revenue, hopefully a bit above and beyond what is projected.

Mr. Lucente (SB) noted that there were several PIRs supported by the Select Board that did make it into the budget. Two in particular, to get additional help for the Conservation Department and the Fire Department, are frustrating. He stated that he believes those two items would directly have a positive impact on the commercial tax revenue.

In response to a question from Mr. Michelson (CEC) regarding the schedule for budget approval by the School Committee, Dr. Hackett stated that there is a Committee meeting on February 7th. She previously asked the School Committee to delay the vote until after this meeting. At the meeting on February 7th, she will make the recommendation to approve the budget.

Ms. Cuthbertson (SC) noted that she is thankful to see funds for special education placed a capital stabilization fund. However, items are also needed in the operating budget that do not necessarily come out of special education fund but do help to serve students prior to them needing special education services. Early intervention saves money over time, and it is important for educators to have the funding to address those critical items as well.

Mr. Pato (SB) echoed Mr. Lucente's concerns regarding the PIRs that are not included in the budget. He also has concerns regarding the upcoming waste contract discussion and organic waste disposal.

Ms. Sawhney (SC) noted that this process has been quite challenging. She believes that part of this is due to the fact that, on the School side, there is a responsibility internally and externally, to be measured on the operations. Whereas on the municipal side, there is a similar responsibility internally and externally to be measured not only on operations, but also on savings. Operations and savings tend to be somewhat in conflict with each other

Ms. Sawhney (SC) asked if it would be possible for it to be a priority to fully fund the new Special Education Reserve Fund, as the 2.2% of net school spending.

Mr. Sandeen (SB) echoed Mr. Pato's and Mr. Lucente's comments regarding the PIRs.

Mr. Lamb (CEC) stated that the CEC reviewed the CIPs and provided comments to the Town Manager and Finance staff. In its review, the group found that several CIPs had flat outyear projections. In those programs, projected future funding requests are not well defined. It is incumbent to try to project future capital budgets, especially given that cash capital funding from free cash is often one of the first things to be sacrificed when gaps need to be closed. It is hard to believe that some increases will not be needed in future years in order to maintain at least a constant level of service in those programs. This lack of clarity symbolizes the high degree of uncertainty that the CEC, and presumably the staff, have in any five-year plan. The roots of this uncertainty come not only from jittery inflation, but the large number of big-ticket capital projects on the radar screen this year. There are large capital projects which may not be entirely funded using the general fund and excluded tax levies. The CEC is not passing judgment on the validity of these projects, but rather highlighting them as being relatively new, perhaps unprioritized and definitely large dollar figures. These new big-ticket items, combined with the difficulty in creating a structurally sound, balanced budget over the past several years, leads the concerns regarding the anticipated debt exclusion in the FY2027 timeframe.

DOCUMENTS: FY2024 Preliminary Budget & Financing Plan Presentation, Capital Expenditures Committee FY2024-FY2028 Capital Improvement Projects, Final 2023 ATM warrant voted/posted, FY2024 Preliminary Budget & Financing Plan White Book v2

ADJOURN

Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0; the School Committee voted 6-0; the Appropriation Committee voted 7-0; and the Capital Expenditures Committee voted 6-0 to adjourn the meeting at 9:02 p.m.

A true record; Attest:

Kristan Patenaude
Recording Secretary

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Water and Sewer Adjustments

PRESENTER:

Jill Hai, Select Board Chair

ITEM NUMBER:

C.2

SUMMARY:

Category: Decision-Making

Water & Sewer Adjustments as recommended by WSAB 1/12/23 (\$37,643.29)

SUGGESTED MOTION:

To approve the above Water & Sewer Adjustments as recommended by WSAB on January 12, 2023.

Move to approve the consent.

FOLLOW-UP:

Treasurer/Collector

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

ATTACHMENTS:

Description	Type
□ 2-27-23 ADJ	Cover Memo



**FY 2023
ADJUSTMENTS TO WATER/ SEWER
AS RECOMMENDED BY THE WATER AND SEWER ABATEMENT BOARD**

WSAB January 12, 2023 SELECT BOARD February 27, 2023

ACCOUNT	NBR	STREET	WATER	SEWER	TOTAL	BILL	YEAR	NOTES
0300675700	3	HOLTON ROAD	\$ (152.88)	\$ (505.23)	\$ (658.11)	1056403	2023	TOILET LEAK
0300648500	83	SCHOOL STREET	\$ (97.05)	\$ (345.01)	\$ (442.06)	1056018	2023	TOILET LEAK
0300666700	18	WOODPARK CIRCLE	\$ (145.87)	\$ (492.60)	\$ (638.47)	1056285	2023	TOILET LEAK
0200972200	5	TIDD CIRCLE	\$ (78.21)	\$ (276.49)	\$ (354.70)	1055093	2023	TOILET LEAK
0200598900	76	ADAMS STREET	\$ (216.20)	\$ (735.77)	\$ (951.97)	1054820	2023	TOILET LEAK
0300620800	2543	MASS AVE	\$ (14.31)	\$ (69.31)	\$ (83.62)	1055629	2023	TOILET LEAK
0100170900	6	CEDARWOOD TER	\$ (221.14)	\$ (741.63)	\$ (962.77)	1048118	2023	TOILET LEAK
0200358700	33	FOREST STREET	\$ (313.20)	\$ (1,517.40)	\$ (1,830.60)	1051314	2023	TOILET LEAK
0300843700	286	LINCOLN STREET	\$ (292.50)	\$ (1,072.00)	\$ (1,364.50)	1058605	2023	TOILET LEAK
0300674100	7	PATTERSON ROAD	\$ (117.78)	\$ (394.28)	\$ (512.06)	1056381	2023	TOILET LEAK
0200352300	242	WALTHAM STREET	\$ (162.80)	\$ (825.84)	\$ (988.44)	1051236	2023	BROKEN SPIGOT
0100076800	14	WESTMINSTER AVE	\$ (202.47)	\$ (852.39)	\$ (1,054.86)	1046771	2023	BROKEN SPIGOT
0300741600	52	REED STREET	\$ (730.72)	\$ (3,121.62)	\$ (3,852.34)	1057284	2023	FAILED WATER HEATER
0200493402	3	FOURTH STREET	\$ (3,433.95)	\$ -	\$ (3,433.95)	1053166	2023	IRRIGATION SYSTEM LEAK
0200378202	18	REVERE STREET	\$ (475.80)	\$ -	\$ (475.80)	1051569	2023	IRRIGATION SYSTEM LEAK
0200376702	11	CAROL LANE	\$ (284.70)	\$ -	\$ (284.70)	1051544	2023	RUNNING SPIGOT
0200397402	30	FULLER ROAD	\$ (950.63)	\$ -	\$ (950.63)	1051846	2023	IRRIGATION SYSTEM LEAK
0200486702	21	WEBB STREET	\$ (261.30)	\$ -	\$ (261.30)	1053075	2023	IRRIGATION SYSTEM LEAK
0200317702	3	ELIOT ROAD	\$ (1,519.05)	\$ -	\$ (1,519.05)	1050682	2023	IRRIGATION SYSTEM LEAK
0100156300	24	SWAN LANE	\$ 14.03	\$ (2,194.58)	\$ (2,180.55)	1047884	2023	IRRIGATION ON DOMESTIC
0200421700	82	SIMONDS ROAD	\$ (830.85)	\$ (3,448.79)	\$ (4,279.64)	1052175	2023	BURST HOSE
0300770500	17	JUSTIN STREET	\$ 50.60	\$ (2,218.66)	\$ (2,168.06)	1057682	2023	IRRIGATION ON DOMESTIC
0300846600	4	LINCOLN TERRACE	\$ -	\$ (3,512.06)	\$ (3,512.06)	1058643	2023	IRRIGATION ON DOMESTIC
0100115600	36	SANDERSON ROAD	\$ 23.00	\$ (2,326.30)	\$ (2,303.30)	1047363	2023	IRRIGATION ON DOMESTIC
0200353200	261	WALTHAM STREET	\$ -	\$ (1,646.10)	\$ (1,646.10)	1051246	2023	IRRIGATION ON DOMESTIC
0100145200	11	CARVILLE AVE	\$ 54.51	\$ (988.16)	\$ (933.65)	1047732	2023	IRRIGATION ON DOMESTIC
0100277700	10	WEBSTER ROAD	NA	NA	NA	1049543	2023	ABT DENIED
0200390100	5	BALLARD TERRACE	NA	NA	NA	1051745	2023	ABT DENIED
0101011900	21	LOWELL STREET	NA	NA	NA	1050322	2023	ABT DENIED
0300834200	11	PARTRIDGE ROAD	NA	NA	NA	1058475	2023	ABT DENIED
			\$ (10,359.07)	\$ (27,284.22)	\$ (37,643.29)			



FY 2023
ADJUSTMENTS TO WATER/ SEWER
AS RECOMMENDED BY THE WATER AND SEWER ABATEMENT BOARD


WSAB January 12, 2023 SELECT BOARD February 27, 2023

ACCOUNT	NBR	STREET	WATER	SEWER	TOTAL	BILL	YEAR	NOTES
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It is the recommendation of the Water and Sewer Abatement Board that the Town Collector be authorized to waive interest that has accrued on the bills included herein, unless stated here otherwise, from the due date of the bill until 30 calendar days after the date of written notification to applicant of the Selectmen's action.

THE SUM SET AGAINST THE ABOVE ACCOUNTS IS HEREBY ADJUSTED.

WATER	SEWER	TOTAL
\$ (10,359.07)	\$ (27,284.22)	\$ (37,643.29)

 2-8-23

DIRECTOR OF PUBLIC WORKS

SELECT BOARD

2/27/23

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Applications: Battle Green Permits - Lexington Minute Men for Patriots' Day Events

PRESENTER:

Jill Hai, Select Board Chair

ITEM NUMBER:

C.3

SUMMARY:

Category: Decision-Making

Lexington Minute Men:

The Lexington Minute Men are requesting the use of the Battle Green for their participation in Patriots' Day events on the following dates and times as outlined in the attached letter dated January 23, 2023:

- Saturday, April 1, 2023 for a dress rehearsal of the annual reenactment of the Battle of Lexington from 9:00am to 4:00pm (Rain Date: Sunday, April 2, 2023 from 9:00am to 4:00pm)
- Saturday, April 15, 2023 for the annual reenactment of regrouping of the Lexington Minute Men and march to Lincoln for Parker's Revenge skirmish from 9:00am to 10:30am (the event will last approximately 30 minutes on the Green followed by a march on Massachusetts Avenue to Fiske Hill at Old Massachusetts Avenue)
- Monday, April 17, 2023 for the annual reenactment of the Battle of Lexington from 1:00am to 1:00pm (Rain Date: Saturday, April 22, 2023 from 1:00am to 1:00pm)
- Monday, April 17, 2023 for the 113th Wreath Laying Ceremony with the Lexington Chapter of the Daughters of the American Revolution at several war monuments around the Battle Green from 10:30am to 11:00am (this is an annual event that is part of the Patriots' Day program)

The Police Department, Department of Public Works, and Fire Department have no objections to these requests.

SUGGESTED MOTION:

To approve the Lexington Minute Men requests for the use of the Battle Green for Patriots' Day events as detailed in the attached request letter dated January 23, 2023 as follows:

- Saturday, April 1, 2023 for a dress rehearsal of the annual reenactment of the Battle of Lexington from 9:00am to 4:00pm (Rain Date: Sunday, April 2, 2023 from 12 noon to 4:00pm)

- Saturday, April 15, 2023 for the annual reenactment of regrouping of the Lexington Minute Men and march to Lincoln for Parker's Revenge skirmish from 9:00am to 10:30am (the event will last approximately 30 minutes on the Green followed by a march on Massachusetts Avenue to Fiske Hill at Old Massachusetts Avenue)
- Monday, April 17, 2023 for the annual reenactment of the Battle of Lexington from 1:00am to 1:00pm (Rain Date: Saturday, April 22, 2023 from 1:00am to 1:00pm)
- Monday, April 17, 2023 for the 113th Wreath Laying Ceremony with the Lexington Chapter of the Daughters of the American Revolution at several war monuments around the Battle Green from 10:30am to 11:00am

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

ATTACHMENTS:

Description	Type
 Battle Green Requests for LMM Participation in Patriots' Day Events	Backup Material



The Lexington Minute Men

CHARTERED SEPTEMBER 6, 1689 AND MAY 5, 1910 • INCORPORATED JULY 15, 1916
(MEMBER, THE CENTENNIAL LEGION OF HISTORIC MILITARY COMMANDS, INC.)

POST OFFICE BOX 1775
LEXINGTON, MASSACHUSETTS 02420



Jan. 23, 2023

Board of Selectmen
1625 Mass. Ave.
Lexington, Mass. 02420

Re: LMM Spring 2023 Use of Battle Green

To the Honorable Board:

The Lexington Minute Men Company respectfully requests the use of the Battle Green and Meriam Park for the following dates and purposes:

- Saturday April 1, 9 a.m.-4 p.m. Dress Rehearsal for the Battle of Lexington Reenactment. There will be no musket firing on the Green during this rehearsal, though please note that one musket will be fired from Buckman Tavern (as is customary) to initiate the action.
- Sunday, April 2, 9 a.m.-4 p.m. Provisional "rain date" for the April 1 rehearsal.
- Saturday, April 15, 9 a.m.-10:30 a.m. Annual reenactment of the Lexington Minute Men regrouping and marching to Lincoln for the Parker's Revenge skirmish. Proceedings on the Green last approximately 30 minutes, followed by a march up Mass. Ave. to Fiske Hill at Old Mass. Ave.
- Sunday, April 16, 10 p.m.-1 a.m. Annual Reenactment of Paul Revere's Ride. The reenactment will take place at the Hancock-Clarke House at approximately 12:00 a.m. Hancock Street will be closed to vehicular traffic immediately before and during the reenactment **THIS REQUEST WAS WITHDRAWN ON FEBRUARY 9, 2023 AS THE BATTLE GREEN WILL NOT BE USED FOR THIS EVENT. THE REQUEST IS BEING PROCESSED AS ROAD CLOSURES ELSEWHERE ON THE AGENDA.**
- Monday, April 17 (Patriots' Day), 1 a.m.-1 p.m. Annual Reenactment of the Battle of Lexington. Held nearly every year since 1971, the Reenactment includes musket firing on the Green during the Battle, after a single shot from Buckman Tavern initiates the action.

"Stand your ground. Don't fire unless fired upon; But if they mean to have a war, let it begin here."

— CPT John Parker, April 19, 1775

- Saturday, April 22, 1 a.m.-1 p.m. Provisional “rain date” for the April 17 Reenactment.

Additionally, please note that the Company requests a police escort from the Green up Mass. Ave. to Fiske Hill on Saturday, April 15, as part of the Parker’s Revenge March. The Company wishes to register its continuing thanks for this annual service by the Police Department.

We will be in contact with the Police Department, Fire Department, Department of Public Works, Town Celebrations Committee, and Visitors’ Center to coordinate the Reenactment and other events with them.

We are grateful for the strong support always offered by the Selectmen and hope that this request will be granted.

It is always an honor and a pleasure to be of service, continuing to keep alive the traditions of Lexington and the memory of the town’s first casualties in the War for Independence.

On behalf of CPT James J. Lee III, our unit’s 77th and present commander, I do remain

Yours in Liberty,

2LT Dan Gipson, Adjutant
Lexington Minute Men

“Stand your ground. Don’t fire unless fired upon; But if they mean to have a war, let it begin here.”

– CPT John Parker, April 19, 1775

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Bedford Street and Hancock Street Road Closures Request - Lexington Minute Men & Lexington Historical Society for Patriots' Day Event

PRESENTER:

Jill Hai, Select Board Chair

ITEM NUMBER:

C.4

SUMMARY:

Category: Decision-Making

The Lexington Minute Men and the Lexington Historical Society are requesting that Bedford Street from Massachusetts Avenue to Hancock Street and Hancock Street to Adams Street be closed to all but resident emergency traffic from 10:00pm on Sunday, April 16, 2023 to no later than 12:30am on Monday, April 17, 2023 for the reenactment of the arrival of Paul Revere and William Dawes at the Hancock-Clarke House. This is an annual event as part of Patriots' Day weekend. This event will not require the use of the Battle Green.

The Police Department, Department of Public Works, and Fire Department have no objections to this request.

SUGGESTED MOTION:

To approve the Lexington Minute Men and the Lexington Historical Society's request for Bedford Street from Massachusetts Avenue to Hancock Street and Hancock Street to Adams Street be closed to all but resident emergency traffic from 10:00pm on Sunday, April 16, 2023 to no later than 12:30am on Monday, April 17, 2023 for the reenactment of the arrival of Paul Revere and William Dawes at the Hancock-Clarke House.

Move to approve the consent.


FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

ATTACHMENTS:

Description	Type
 LMM & LHS Road Closure Request - Paul Revere/William Dawes Arrival at Hancock-Clarke House Reenactment	Backup Material

LEXINGTON Historical Society

History • Education • Community

RECEIVED

FEB 16 2023

SELECT BOARD

January 31, 2023

Select Board
Town of Lexington
Town Hall
Lexington, MA 02420

On behalf of the Lexington Historical Society and the Lexington Minute Men, request is respectfully made that appropriate steps be taken in order to close off portions of Bedford Street and Hancock Street for our special program on April 16-17, 2023.

As we have done for many years, the Society and the Minute Men are preparing to produce a reenactment of the arrival of Paul Revere and William Dawes at the Hancock-Clarke House. The actual program is intended to begin at approximately 11:30 p.m. with interpreters and minutemen at the House awaiting news of the activity of the Regulars in Boston. Paul Revere and then William Dawes will ride down Hancock Street from the Buckman Tavern area and arrive at the Hancock-Clarke House where they will converse with the occupants and then return to their staging area near Buckman.

In order to accomplish all of this and to ensure public safety, we request that Bedford Street from Massachusetts Avenue to Hancock Street and Hancock Street to Adams Street be closed to all but resident emergency traffic from 10:00 p.m. on Sunday, April 16th to no later than 12:30 a.m. on Monday, April 17th. This year we are requesting an earlier closing time to accommodate earlier arrival audience members and keep them safe.

For further information from either organization, you may contact Sue Rockwell suerockwell45@gmail.com home phone 781-862-0489, cell 617-930-0996.

We are delighted to provide this annual gift to the town and are very proud of the fact that it has become a welcome permanent addition to our normal Patriots' Day weekend in Lexington. We appreciate your cooperation in that endeavor.

Very truly yours,

LEXINGTON HISTORICAL SOCIETY

THE LEXINGTON MINUTE MEN

By

Anne Lee
srl

Anne Lee, President

By

James J. Lee
srl

James J. Lee, Captain Commanding

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Application: One-Day Liquor License - Lexington Historical Society, 1 Bedford Street

PRESENTER:

Jill Hai, Select Board Chair

ITEM NUMBER:

C.5

SUMMARY:

Category: Decision-Making

Lexington Historical Society:

The Lexington Historical Society is requesting a One-Day Liquor License to serve beer and wine at Buckman Tavern, 1 Bedford Street, for the purpose of "Tavern Night" (a social and historical education event) on Saturday, March 4, 2023 from 5:00pm to 7:00pm. All drinks will be served and consumed inside of Buckman Tavern.

SUGGESTED MOTION:

To approve a One-Day Liquor License for the Lexington Historical Society to serve beer and wine at Buckman Tavern, 1 Bedford Street, for the purpose of "Tavern Night" on Saturday, March 4, 2023 from 5:00pm to 7:00pm.

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Application: One-Day Liquor License - Spectacle Management, Inc., 1605 Massachusetts Avenue

PRESENTER:

Jill Hai, Select Board Chair

ITEM NUMBER:

C.6

SUMMARY:

Category: Decision-Making

Spectacle Management:

Spectacle Management, Inc. has requested a One-Day Liquor License to serve beer and wine in the lobby of Cary Memorial Building, 1605 Massachusetts Avenue, for the purpose of the Handel & Haydn classical concert on Friday, April 21, 2023 from 7:00pm to 11:00pm. This event was previously scheduled for a January 2023 performance (license approved in December 2022), but it was postponed a few days prior to the concert. This is being processed as a new license.

The request has been reviewed by the Department of Public Facilities with no concerns.

SUGGESTED MOTION:

To approve a One-Day Liquor License for Spectacle Management, Inc. to serve beer and wine in the lobby of Cary Memorial Building, 1605 Massachusetts Avenue, for the purpose of the Handel & Haydn classical concert on Friday, April 21, 2023 from 7:00pm to 11:00pm.

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Lexington Little League Opening Day Parade Request

PRESENTER:

Jill Hai, Select Board Chair

ITEM NUMBER:

C.7

SUMMARY:

Category: Decision-Making

This is an annual request.

The Lexington Little League has requested approval for the Annual Little League Parade to be held on Saturday, April 29, 2023, forming at 8:30am and stepping off at 9:00am at Muzzey Field. The parade will end at the LHS Football Field for their ceremony as outlined in their attached letter dated January 19, 2023. A map of the parade route is included with their request letter.

The Police Department, Recreation Department, Department of Public Works, Fire Department, and Health Department have reviewed this request and have no objections.

SUGGESTED MOTION:

To approve the Lexington Little League request for the Annual Little League Parade on Saturday, April 29, 2023 as outlined in their letter dated January 19, 2023, subject to working out the details with Town Departments.

Move to approve the consent.


FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

ATTACHMENTS:

Description	Type
 Lexington Little League 2023 Parade Request	Backup Material

Lexington Little League

January 19, 2023

Jill Hai
Chairperson, Select Board
Town of Lexington
Town Office Building
Lexington, MA 02420

Dear Ms. Hai,

The Lexington Recreation Department and Lexington Little League are in the early stages of planning for the Annual Little League Parade to kick off the 2023 Little League season. The anticipated date is Saturday, April 29, 2023 forming at 8:30a.m. at Muzzey Field and stepping off at 9:00 a.m.

As in years past, the route will follow Massachusetts Ave. through the town center, turn left on Muzzey St. Different though from prior years, we would like for the parade to end at the LHS football field rather than the Fitzgerald Field/Little League Center #4 ball field off Park Drive. Our intent is to hold the rally at the football field and utilize the space and stands for the players to gather for the Opening Day rally. This will help us maintain the integrity of the C4 baseball diamond in preparation for the games to be played later that morning. We have included the request for use of the LHS football field on this date as part of our field request submission to the Recreation Department.

As we did last year, we are going to include a couple of special treats for our players, including Wally from the Boston Red Sox and an opportunity to take team pictures with the actual World Series Championship trophy. We will also again invite the LHS Baseball and Softball teams, most of whom are former Little Leaguers, to come and cheer on their young counterparts.

In addition, we are in discussions with Melissa Battite from the Recreation and Community Programs Department regarding the concession stand at the field. As we will have the majority of our young athletes there, and we will have both baseball and softball games at C4 and C2 immediately after the rally, we would like to use the concession stand to sell snacks to the attendees. The hope is to build on the festive atmosphere and encourage families to stay and watch the games.

The health and safety of our participants and the community at large are paramount. We will of course abide by all requirements as set forth by Federal, State, and Local bodies including the Lexington Board of Health. But organizing for such an event will take time and thus we are submitting our request for approval early to allow time for proper planning and execution.

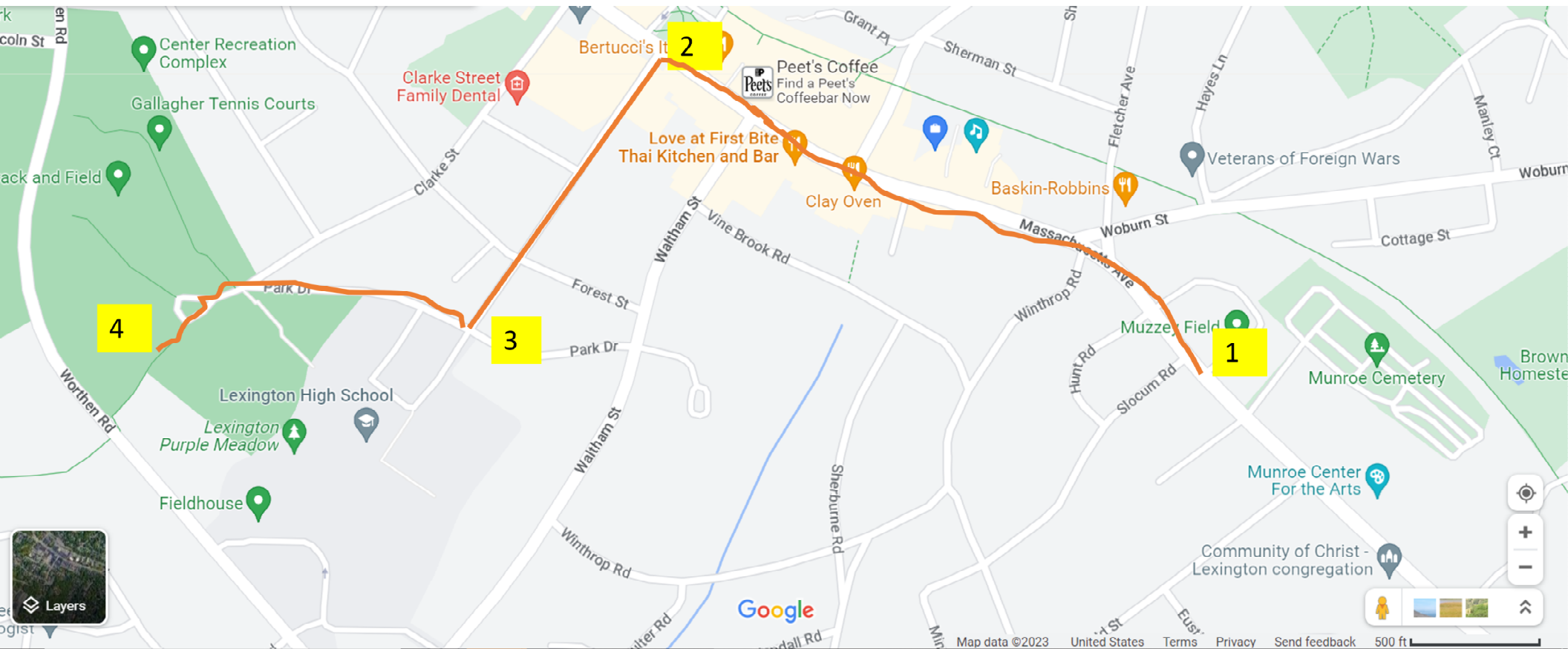
We would appreciate approval from the Select Board to hold the parade as described above. Furthermore, we would be honored if you and/or any other Board members would join us in the parade and opening ceremony.

Thank you for your time and consideration. I look forward to hearing from you at your earliest convenience. If you have any questions or require and further clarification on our plans, please feel free to contact me via email or phone. My contact information is included below.

Respectfully,

Ara J. Najarian
President, Lexington Little League

CC: Melissa Battie, Director of Recreation and Community Programs
Peter Coleman, Assistant Director of Recreation
Cathy Severance, Office Manager/Special Events Coordinator – Town Manager's Office
Stacey Prizio, Department Assistant Office of the Select Board



- 1 – Gather at Muzzey Field starting at 8:30. Parade steps off at 9:00am
- 2 – Parade progresses on Mass Ave from Muzzey Field to Muzzey Street
- 3 – Parade turns left on Muzzey St and proceeds to Park Dr
- 4 – Parade turns right on Park Dr and proceeds to the football field for a rally. Rally will conclude between 11:00 – 11:30

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Select Board Committee Appointments

PRESENTER:

Jill Hai, Select Board Chair

ITEM NUMBER:

C.8

SUMMARY:

Category: Decision-Making

Initial appointment: Trustees shall serve for a term of two (2) years, except that one less than a majority of the initial Trustee appointments shall be for a term of one (1) year.

The Board is being asked appoint the following members to the Lexington Affordable Housing Trust Board of Trustees:

William Erickson for a 2 year term to expire on June 30, 2025

Tiffany Payne for a 2 year term to expire on June 30, 2025

Linda Prosnitz for a 2 year term to expire on June 30, 2025

Elaine Tung for a 1 year term to expire on June 30, 2024

And to designate members of Lexington Housing Trust Board of Trustees as Special Municipal Employees.

SUGGESTED MOTION:

To appoint the following as members of the the Lexington Housing Trust Board of Trustees as follows:

- William Erickson for a 2 year term to expire on June 30, 2025
- Tiffany Payne for a 2 year term to expire on June 30, 2025
- Linda Prosnitz for a 2 year term to expire on June 30, 2025
- Elaine Tung for a 1 year term to expire on June 30, 2024

To designate members of the Lexington Affordable Housing Trust Board of Trustees as Special Municipal Employees

Move to approve the Consent Agenda

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

ATTACHMENTS:

Description	Type
2023 Appt - Affordable Housing Trust Application - W. Erickson	Backup Material
2023 Appt - Affordable Housing Trust Application - L. Prosnitz	Backup Material
2023 Appt - Affordable Housing Trust Application - T. Payne	Backup Material
2023 Appt - Affordable Housing Trust Application - E. Tung	Backup Material
Copy of Motion passed at 2022-3 STM for the creation of Affordable Housing Trust	Backup Material

William M Erickson
31 Sherman Street
Lexington, MA 02420

17 January 2023

The Select Board
Town of Lexington
1625 Massachusetts Avenue
Lexington, MA 02420

Re: Application for Trustee
Lexington Affordable Housing Trust

To Whom it May Concern,

I am writing to express my sincere interest in a position on the Board of Trustees of the newly created Lexington Affordable Housing Trust. I am a principal architect in the firm of Bechtel Frank Erickson, practicing residential architecture in Lexington for the past 30 years. BFE Architects was founded when the three principals entered a competition for the design of affordable housing in a design competition sponsored by "Housing for Vermonters".

I have designed a combination of new homes and additions to existing homes. While the design and construction of a new home is always exciting, I have found some of the most rewarding experiences working with clients with modest budgets making very strategic alterations and small-scale additions to dramatically improve their use and enjoyment of their homes.

I believe I have a skill set that would be beneficial to the Trust. As an architect I normally must evaluate the physical condition of structures, design cost effective solutions to renovations projects, and develop Rough Order of Magnitude cost assessments for projects in the earliest of phases. I have knowledge of the Town of Lexington Zoning by-laws and have represented numerous clients at the ZBA, Historic Districts Commission, the Historical Commission and as sub-consultant the Conservation Commission.

After 49 years of working, the past 31 at my own firm, I will be retiring from active practice at the end of March 2023. I will have the time to commit to working with the Board. I believe solving the affordable housing crisis is critical to the economic health of the community and human dignity. I have two sons in their 30's, both professionals, who have moved out of New England to Texas and Oregon. In both cases a significant part of their decisions involved finding affordable communities to live in and raise their own families.

I appreciate the opportunity to present my credentials for this exciting new Trust and look forward to hearing from you soon

Sincerely

A handwritten signature in black ink that reads "William M. Erickson". The signature is fluid and cursive, with a long horizontal stroke at the end.

William M Erickson, AIA

APPLICATION FOR BOARD OR COMMITTEE MEMBERSHIP

Applicants are encouraged to also include a letter of interest or current resume along with their submission of this application.

Board of Trustees of the Lexington Affordable Housing Trust

Board/Committee Name (one application per Committee): _____

Would you like your application kept on file for up to one year? Yes: Yes No: _____

Full Name: William Manning Erickson

Nickname: Bill Preferred Title: Mr

Home Address: 31 Sherman Street City: Lexington Zip: 02420

Length of Residence in Lexington (*note: ZBA requirement is a minimum of 8 years*): 41

Occupation: Architect

Work Address: 1723 Massachusetts Avenue City: Lexington, MA Zip: 02420

Phone: Home: _____ Cell: _____

Email: Primary: _____ Secondary: _____

Special Training and/or Qualifications: _____

BARCH, Miami University, Oxford, OH - 1975, MARCH, University of Pennsylvania, Philadelphia, PA - 1982.

Registered Architect, Commonwealth of Massachusetts, State of Maryland. Founding principal of Bechtel, Frank Erickson Architects, Inc, in 1992.

What is your interest in this Committee? _____

I will be retiring from the firm I was a founding principal of at the end of March 2023. My position will be Principal Emeritus. I have worked on over 80 residential project in the Town of Lexington over the last 30 years. I firmly believe solving the affordable housing crisis is critical to the health of Lexington, the Commonwealth of Massachusetts and the New England region

How did you hear about the Committee? From the Town email - Weekly update

Have you recently attended any meetings of the Committee? Yes: _____ No: No

Have you confirmed your availability to attend the Committee's meetings? Yes: Yes No: _____
(For questions regarding the meeting schedule, please contact the Board/Committee via the Town website.)

Do you currently serve on another Board/Committee? Yes: _____ No: No

If Yes, please list Board/Committee Name(s): _____

If Yes, please list date of most recent Conflict of Interest Law Training*: _____

Signature: William M. Smith Date: 17 January 2023

****If currently serving on another Board/Committee, please attach a copy of your State Conflict of Interest Law Online Training Certificate, which can be obtained from the Town Clerk's Office.***

APPLICATION FOR BOARD OR COMMITTEE MEMBERSHIP

Applicants are encouraged to also include a letter of interest or current resume along with their submission of this application.

Board/Committee Name (one application per Committee): Affordable Housing Trust

Would you like your application kept on file for up to one year? Yes: X No:

Full Name: Linda Prosnitz

Nickname: Preferred Title: Ms.

Home Address: 3 Demar Road City: Lexington Zip: 02420

Length of Residence in Lexington (note: ZBA requirement is a minimum of 8 years): 25 years

Occupation: Housing Planner

Work Address: 344 Broadway City: Cambridge Zip: 02139

Phone: Home: Cell:

Email: Primary: Secondary:

Special Training and/or Qualifications:

My 30-year career has been devoted to the creation of affordable housing. I have attached a cover letter and a resume which detail my experience. In short, I have worked on a wide array of affordable housing projects, programs, and policies on the state and local levels. I have direct experience working with the Cambridge Affordable Housing Trust, and I have also worked with non-profit and private developers of affordable housing.

What is your interest in this Committee?

I am a long-term resident of Lexington. I have a strong interest in the creation of housing opportunities that are accessible to families and individuals from diverse economic, ethnic and racial backgrounds. I was on the Affordable Housing Trust Study Committee and would like to continue to contribute to the Town's efforts to expand affordable housing and diversity.

How did you hear about the Committee? I was a member of the Affordable Housing Trust Study Committee.

Have you recently attended any meetings of the Committee? Yes: n/a No:

Have you confirmed your availability to attend the Committee's meetings? Yes: X No:
(For questions regarding the meeting schedule, please contact the Board/Committee via the Town website.)

Do you currently serve on another Board/Committee? Yes: X No:

If Yes, please list Board/Committee Name(s): Affordable Housing Trust Study Committee

If Yes, please list date of most recent Conflict of Interest Law Training*: 12/14/2021

Signature: Linda Prosnitz Date: 1/20/2023

****If currently serving on another Board/Committee, please attach a copy of your State Conflict of Interest Law Online Training Certificate, which can be obtained from the Town Clerk's Office.***



Print
Certificate

Return to Data Form

**Linda Prosnitz
3 Demar Road
Lexington, Massachusetts 02420**

January 20, 2023

Lexington Town Office Building
c/o Select Board Office
1625 Massachusetts Avenue
Lexington, MA 02420

Dear Select Board Members:

I am applying to serve as a Trustee of the newly forming Affordable Housing Trust. I have extensive experience and expertise in affordable housing as it has been my profession for over 30 years. As a long-term resident, it would be an honor for me to serve on the Trust and contribute to the creation of affordable housing in Lexington.

My experience includes work with cities, towns, state and federal agencies, and non-profit organizations. My responsibilities have ranged from the statewide management of housing programs and policies to implementation and development of local housing plans, programs, and policies to the development of affordable housing projects.

I believe I could make substantive contributions to the Trust. In addition to my other experience, for the past 15 years I have worked with Cambridge's Affordable Housing Trust. Part of my responsibilities have been staff support to the Trust, including analyzing and recommending funding for affordable housing development and recommending programmatic and policy initiatives. As a result, I have experienced how an Affordable Housing Trust can operate, the projects it can undertake, and its role within a municipal government. I believe this knowledge will be valuable as an Affordable Housing Trust is created in Lexington.

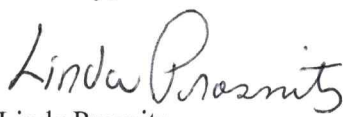
In addition, the Trust will work with developers of affordable housing, and I have worked with both non-profit and private developers. This includes work as a staff member of non-profit in Chelsea, the management of the state office that funded community development corporations throughout the Commonwealth, as a consultant to various towns, and, most recently, working with non-profit and private developers in Cambridge.

Over the past year, I have been a member of Affordable Housing Trust Study Committee. As I member of this committee, I have learned a lot about the affordable housing landscape in Lexington and come to recognize the role the Affordable Housing Trust may play, and some of the opportunities and challenges it may encounter.

I believe an Affordable Housing Trust is a critical addition to the Town's ability to address its housing needs and its commitment to diversity. I am very excited that Lexington is proceeding with the creation of the Trust. Lexington is a remarkable place to live, and I would love to work on expanding a diversity of housing opportunities in Lexington.

Thank you for your consideration.

Sincerely,


Linda Prosnitz

Linda Prosnitz

Profile

Extensive experience in the housing and community development field. Work with state and local governments, housing trusts, community organizations, non-profit and private developers, housing advocacy groups. Experience in housing development, housing policy; housing and community development strategies and plans; finance; local, state, federal programs; and non-profit capacity building.

Experience

City of Cambridge

2008-Present

Housing Project Planner: Senior Staff. Wide range of responsibilities, including management of inclusionary and incentive housing programs and non-profit housing development projects; analysis of a wide range of housing policies; implementation of new housing programs; work with Cambridge Affordable Housing Trust, private and non-profit affordable housing developers; management of consultants in major research projects.

Affordable Housing and Community Development Consultant

1994-2008

Selected Projects:

Bedford Housing Trust, Bedford Housing Partnership, Town of Bedford – Consultant to Town of Bedford and Bedford Housing Partnership. Provide housing consultation to Town on a wide range of issues and projects, including analysis of affordable housing projects, development of housing plans, administration of HOME program, monitoring of existing projects, policy analysis, and support for Housing Partnership.

Minuteman Village LLC – Marketing and buyer selection for affordable townhouse condominiums in Arlington.

Winn Residential – Tenant selection for 33 affordable units at Heritage at Bedford Springs.

Watertown Community Housing, Inc. (WCH) – Marketing, tenant and buyer selection, for three affordable private development projects (13 rental units; 35 condominiums).

Town of Arlington – Conduct buyer selection for three affordable homeownership projects.

Town of Concord – Development of housing plan as part of comprehensive planning process.

Town of Hingham – Hingham Housing Plan (joint venture with ICON Architecture, Inc.)

Town of Lincoln – Lincoln Housing Production Plan and implementation of HOME program.

Banton Street Apartments, Boston – Marketing plan for one stop application.

City of Cambridge Community Development Department, Housing Division – Consultant for multiple projects, including marketing of affordable housing projects; development of marketing manual; study of City's Incentive Zoning Ordinance; creation of HOME funded Purchaser Assist Program; participation in Affordable Housing Trust.

Town of Watertown Department of Community Development and Planning - Extensive work on the Town's affordable housing program, including development of two Five Year Comprehensive Plans (2001;2005); development of affordable condominiums; amendment of inclusionary zoning ordinance; work on Housing Improvement Program, Small Cities proposal, and financial management; administration of Town's HOME program.

Watertown Housing Authority (WHA) – Assistance in preparation of Housing Authority's Five Year Comprehensive Plan.

Citizens Housing and Planning Association (CHAPA) – Policy paper for asset management committee on Massachusetts Housing multi-family properties, Demo Dispo program, tax credits, and underwriting policies.

Methuen Department of Community Development and Planning - Neighborhood revitalization plan for the Tenney and Center Streets neighborhoods (joint venture with City Design Collaborative, Inc.)

Boston Fair Housing Commission – Proposal for Boston Fair Housing Commission, Boston Housing Authority, and Metropolitan Boston Housing Partnership for a \$5 million HUD housing counseling program.

Cambridge Housing Authority - Developed demonstration program to enhance employment opportunities for housing authority residents (joint venture with Mt. Auburn Associates).

National Coalition of Advocates for Students (NCAS) 1992 – 1993

Interim Project Director: Managed national trilingual education project on HIV prevention and comprehensive health targeted to migrant farm workers.

Executive Office of Communities and Development,

Commonwealth of Massachusetts

1984 - 1991

Director, Office of Private Housing Management: Oversight of management of EOCD's private housing portfolio consisting of approximately 7,000 units with a market value of nearly \$600 million.

Director, Office of Community Economic Development: Promoted to direct seven state housing and community development programs, \$8 million in federal and state funds, a staff of 18, and contracts to over 60 community-based organizations.

Chelsea Neighborhood Housing Services, Inc. (NHS) 1982 - 1984

Program Director: Responsible for delivery of NHS financial services, implementation of problem property strategy, and management of home ownership promotion program.

Brockton Community Development Corporation (CDC) 1981 - 1982

Economic Development Director: Responsible for management of economic development program and operations of CDC.

Charles G. Hilgenhurst Associates, Inc. 1980 - 1981

Senior Planner: Projects included: Massachusetts Department of Mental Health, re-use study of institutional facilities; Massachusetts Bay Transportation Authority Green Line Station Study.

Lane, Frenchman and Associates, Inc. 1979 - 1980

Planner: Projects included: New York State Urban Cultural Park Program, Plymouth Waterfront Study, and Boston's Waterfront Study.

Office of U.S. Senator Paul Tsongas 1979

Intern on Economic Development Task Force: Responded to constituents' requests for assistance on federally related economic development issues.

Office of State Planning, Commonwealth of Massachusetts 1978

Intern: Assisted in the development of a legislative package and economic development program, principally through the research and analysis of existing public investment patterns and of new tax incentives to influence business locational decisions.

Carlozzi, Sinton, and Vilkitis, Inc. 1978

Consultant: Co-authored a legal and institutional study of the Lake Champlain Basin for the New England River Basins Commission. Reviewed zoning and subdivision ordinances of the Town of Ashby, Massachusetts and developed a management system to guide their enforcement.

Bergen County Planning Board, Bergen County, New Jersey 1973 – 1974

Planning Intern: Researched, analyzed, and authored reports on New Jersey demography, solid waste disposal, and land use planning.

Education

Masters in Public Administration, University of Massachusetts, State House Fellow

Bachelor of Arts cum laude, Political Science, Boston University

Junior Year Abroad, La Nouvelle Sorbonne, Paris and Universite de Tours, Tours, France through Rutgers University

Volunteer

Town of Lexington – Affordable Housing Trust Study Committee, 2022

Campaign Volunteer – various state and federal elections, 2000-present

Metco Program - Family Friends Coordinator for Estabrook School, 2000-2004.

APPLICATION FOR BOARD OR COMMITTEE MEMBERSHIP

Applicants are encouraged to also include a letter of interest or current resume along with their submission of this application.

Board/Committee Name (one application per Committee): Affordable Housing Trust

Would you like your application kept on file for up to one year? Yes: ☒ No: ☐

Full Name: Tiffany Payne

Nickname: _____ Preferred Title: _____

Home Address: 241 Grove Street City: Lexington Zip: 02420

Length of Residence in Lexington (note: ZBA requirement is a minimum of 8 years): 2 yrs.

Occupation: Personal Caretaker

Work Address: _____ City: _____ Zip: _____

Phone: Home: _____ Cell: _____

Email: Primary: _____ Secondary: _____

Special Training and/or Qualifications: Current serve on multiple boards/organizations like MHTSA speaker's bureau dealing w/ homelessness, One family advocacy group, Communities United, parent policy group, and past committee dealing with CTI's Housing affordable group and serving on the board for Homes for families in Boston.

What is your interest in this Committee? I have personal experience in all different housing relations, ranging from being homeless, going through transitional housing, to receiving a housing voucher, and living in different counties throughout Massachusetts. My viewpoint is different than most people. I have served on multiple boards to give a good standpoint.

How did you hear about the Committee? my housing posted an email LexTab,

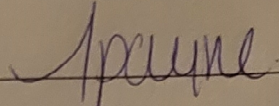
Have you recently attended any meetings of the Committee? Yes: _____ No: ☒

Have you confirmed your availability to attend the Committee's meetings? Yes: ☒ No: _____
(For questions regarding the meeting schedule, please contact the Board/Committee via the Town website.)

Do you currently serve on another Board/Committee? Yes: _____ No: ☒

If Yes, please list Board/Committee Name(s): _____

If Yes, please list date of most recent Conflict of Interest Law Training*: _____

Signature:  Date: 1/19/23

**If currently serving on another Board/Committee, please attach a copy of your State Conflict of Interest Law Online Training Certificate, which can be obtained from the Town Clerk's Office.*

January 19,2023

To: Lexington Town Office Building
c/o Select Board Office
1625 Massachusetts Avenue
Lexington, MA 02420

To Whom this may concern:
I.e Select Board

Hello, My name is Tiffany Payne. I am a newly resided resident of Lexington since June 2021. My five kids and significant other have resided here from Boston. And we are delighted to be amongst the vast diverse residents that live and work here. We currently reside at 241 Grove Street apart with our Housing Agency of Lexhab that picked us among the list of candidates to stay at their newly developed property. Aside from living here, MY background has been a vast timeline of going through trials and tribulations of housing issues. Ranging from being homeless in the Merrimack Valley, to going through the system of living in motels, and hotels through DHCD. It was such a turbulent time not only for myself but for my partner and kids as well. I made the most of the situation, and enrolled myself with resources accordance with where we were living and that was to get back on my feet by enrolling in job placement programs to enhance my skills more better to land a full time job, in that interim of time I not only gained job placement skills but also join housing committee's and childcare policy council These boards/committees were my first volunteered based of getting involved with the community I was in, getting updated about the structures in place to run such organizations, utilizing the resources presented to share within our networks but to also gain the knowledge as well, having diverse conversations by utilizing our voices and making sure it gets heard and so much more was gained during those first times of being in a committee. I share these pivotal times in my life to get a few insights on how I got to where I am today.

I would love the opportunity to share my experience with living and helping others through informational housing issues and problems that are often faced with low to moderate income families. I have the experience of not having a home, so going through the different channels of government and agencies to assist my family with achieving affordable housing can really give insight like no other. Being on this committee would not only help to diversify but to also give actual representation of someone who has lived experience with housing matters.

I not only will give my insight but also to acquire new knowledge about the affordable housing trust committee and hopefully gain skills along the way to help lead others as well.

I hope this letter of interest gave some hindsight into my background and can give you a decision if I am a good fit or not to be among the committee.

All the best,
Tiffany Payne

TIFFANY PAYNE

PROFILE

Experienced in providing exceptional patient care and service. Diverse medical experiences and skills. Comfortable working with patients and clients from different backgrounds and cultures. Able to Succeed in a fast-paced environment. Independent problem solver who is resourceful in finding solutions. Collaborative with colleagues and willing to take a leadership role when required. Eager to take on a new challenge.

SKILLS

- | | |
|--------------------------------|-------------------------------|
| ✓ Patient Care | ✓ CPR Certified |
| ✓ Vital Signs | ✓ EKG Certified |
| ✓ Sterilization of Instruments | ✓ Phlebotomy Certified |
| ✓ Medical Documentation | ✓ Restocking |
| ✓ Intakes | ✓ Bilingual (English/Spanish) |
| ✓ Telephone Screening | |
| ✓ Access Link & TeleTracking | |

EXPERIENCES

Patient Care – Various Hospitals (MGH,Beth Israel Deaconess) July 2010-2016

- Worked closely with an average of # patients daily and provided exceptional and quality care.
- Obtained and recorded patient's Activities of Daily Living, blood sugar levels, and I & O's
- Prepared examination rooms for patients and ensured all equipment was sterilized by following the guidelines and procedures for outgoing surgery patients.
- Transferred an average of # patients daily for tests, examinations or procedures throughout the hospital
- Communicated with the patients, answered questions and educated them about their hospital visits
- Set up 12 EKG leads and telemetry on patients for monitoring
- Attempted to keep patients calm in stressful situations and successfully counseled patients from all cultural backgrounds and incomes

Medical Office Support – (Somerville Home, Private Doctor's Offices)

- Monitored # Daily Logs of patient's procedures via Access Link
- Obtained and gathered patient information to set up # new admissions daily and verified that patients entered information correctly In order to ensure accurate medical records and file keeping
- Used TeleTracking to base patient information and charting patient information
- Maintained thorough knowledge of unit coordinating duties In order to keep the floor running swiftly
- Reviewed care plans and med changes and utilized a medical database to track patient information and charting In order to ensure proper procedures were in place in case of auditing.

Non Profit & Community Advocacy Work – Various Organizations centering on low income,homelessness and mental health non-profits

- Served as advocate for # families to address needs including but not limited to housing, benefits, medical, childcare, legal, education and employment
- Ensured # residents in long term care facilities received the best quality care and advocated for their needs, resulting in protection of their rights
- Developed and maintained liaisons with housing agencies and other community resources in order to keep the communication and roles/responsibilities for adequate housing for those who need
- Facilitated # presentations for speaking engagements within certain schools, public events, and other group settings(?) for the Massachusetts Housing and Shelter Alliance

- Served as Chairperson for Early Head Start(Community Teamwork Inc.) In Lowell and board member for Homes for Families
- Made sure all documents and implementations were in order to conduct services for families and individuals for the role I was under which was administration/office management
- Drafted Grants and Proposals for community services such as the Debt Relief Foundation of Boston and was successful in winning \$ grants for low income applicants to obtain an attorney to file for bankruptcy.

WORK EXPERIENCE

Tech/Clerk Aide , Lowell General Hospital, Lowell, MA	2013 - 2015
Patient Care Technician , Beth Israel Deaconess Medical Center: Boston, MA	2010 - 2014
Certified Nursing Assistant , Woodbriar Nursing Center, Wilmington, MA	2009 - 2010
Medical Assistant/RP , Somerville Home, Somerville, MA	2007 - 2010

EDUCATION & TRAINING

MASSBAY COMMUNITY COLLEGE	2020-2022
DIVERSITY,EQUITY,INCLUSION COURSE	2021-2022
BOSTON EMS BASIC EMT COURSE	2018-2019
SPRINGFIELD COLLEGE, BACHELORS IN HUMAN SERVICES AND A MINOR IN ADDICTIONS	2016-2018
CPR, American Heart Association, Boston EMS, Boston, MA	
Coursework (Nursing), Middlesex Community College, Lowell, MA	
Certified Nursing Assistant, Northeast Metro Technical Vocational High School, Wakefield, MA	

APPLICATION FOR BOARD OR COMMITTEE MEMBERSHIP

Applicants are encouraged to also include a letter of interest or current resume along with their submission of this application.

Board/Committee Name (one application per Committee): Lexington Affordable Housing Trust

Would you like your application kept on file for up to one year? Yes: _____ No: ^x _____

Full Name: Elaine Tung

Nickname: _____ Preferred Title: Ms.

Home Address: 5 Franklin Road City: Lexington Zip: 02420

Length of Residence in Lexington (note: ZBA requirement is a minimum of 8 years): 33 years

Occupation: Attorney (semi-retired)

Work Address: 5 Franklin Road City: Lexington Zip: 02420

Phone: Home: _____ Cell: _____

Email: Primary: _____ Secondary: _____

Special Training and/or Qualifications: _____

Please see attached Resume.

What is your interest in this Committee? _____

Please see attached Statement of Interest.

How did you hear about the Committee? By email from the Town.

Have you recently attended any meetings of the Committee? Yes: _____ No: ^x _____

Have you confirmed your availability to attend the Committee's meetings? Yes: _____ No: See Stmt
(For questions regarding the meeting schedule, please contact the Board/Committee via the Town website.)

Do you currently serve on another Board/Committee? Yes: _____ No: ^x _____

If Yes, please list Board/Committee Name(s): _____

If Yes, please list date of most recent Conflict of Interest Law Training*: _____

Signature: Elaine Tung Date: 1/20/2023

****If currently serving on another Board/Committee, please attach a copy of your State Conflict of Interest Law Online Training Certificate, which can be obtained from the Town Clerk's Office.***

ELAINE TUNG

5 Franklin Road
Lexington, MA 02420

PROFESSIONAL/ COMMUNITY ACTIVITIES

VOLUNTEER LAWYERS PROJECT

Boston, MA

Served as Board Treasurer (2013-2016). VLP provides legal representation in civil matters to low-income residents of greater Boston primarily through the pro bono service of private attorneys. Appointed member of the Board of Directors in 2011 by the Boston Bar Association. Elected Board Treasurer 2013 and Chair of Finance Committee. *2011 to 2016.*

ASIAN AMERICAN LAWYERS ASSOCIATION OF MASSACHUSETTS

Boston, MA

Served as Board Vice President (1998-2002). Served on the Board of Directors 1996-2004. *Member since 1995.*

BOSTON BAR ASSOCIATION

Boston, MA

Appointed to the Diversity Committee by the BBA Council (1998-2000). *Member 1987-2000.*

BOSTON CHINATOWN NEIGHBORHOOD CENTER f/k/a Quincy School Community Center

Boston, MA

Served as Board President (2000-2001) for the largest community center in the City of Boston with over 60 staff and an annual budget of almost 3 million dollars. BCNC serves as a vital link for the Asian immigrant and Asian American community of Greater Boston. It strives to provide the support and resources needed for participants to integrate into American society, while preserving the community's rich culture. Most of those served are immigrant Chinese, with low family incomes and limited English ability. *Board Member 1994-2001.*

LEXINGTON MONTESSORI SCHOOL *Elected Member of Board of Directors, 1996-1998.*

MERRIAM HILL ASSOCIATION *Board President 1997, Secretary 1997, Member 1996-2004.*

EXPERIENCE

LAW OFFICE OF ELAINE TUNG

Lexington, MA

Owner. Specialized in real estate and related matters. Represented lenders, individuals, and developers in a broad spectrum of real estate transactions. Represented owners, lenders and title insurance companies in title related problems. Involved in construction of single family homes to the development of low income housing units in Boston to the development, leasing and sale of residential and commercial properties. Represented individuals and lenders in all aspects of residential, construction, and commercial real estate lending secured by raw land, single family homes and condominiums, commercial properties or multi-family structures. Advised clients regarding title and land use issues, lending issues, preparation of loan documents including commitment letters, and a variety of loan servicing issues. *1995 to present.*

**ROBINSON & COLE LLP successor by merger to
HARRISON & MAGUIRE, P.C.**

Boston, MA

Associate. In Harrison & Maguire's role as general counsel to the Boston Five Cents Savings Bank, advised client on all aspects of mortgage lending including approving loans, servicing loans, selling loans, selling servicing of loans, assignment and discharge of loans. Also advised client on workout of loans and/or foreclosure of loans and sale of real estate owned properties. Represented individuals and other financial institutions in all other aspects of residential, construction and commercial real estate lending. Involved in the development of commercial projects as well as low income housing projects. 1987 to 1995.

LUTIN & LUTIN

Burlington, MA

Associate. Represented individuals and financial institutions in residential real estate transactions. 1986 to 1987.

Statement of Interest

I have lived in Lexington since 1989 and my law practice has been in Lexington since 1995. I have seen Lexington change and I have a strong interest in its future path. I believe I would be able to make a meaningful contribution to the Affordable Housing Trust given my background in real estate law. I also have a history of volunteering for organizations which help low income individuals as well as promoting racial, cultural and economic diversity. I strongly believe that less fortunate individuals must be supported by society and their basic human needs should be met. One of these needs is good quality and affordable housing opportunities. A dependable living situation promotes the ability to finding and maintaining employment, raising children in a stable environment and providing them with a good education, and enable individuals and families to live a happier life. It plays an important part in preventing homelessness and can also promote community economic development.

As an aside, I do want to mention that I am mostly retired and have been since 2019. I only handle a handful of transactions every year for family and close friends usually not in Lexington and I do not believe I would have any conflicts with future Trust work. I would, however, recuse myself if that is the case. It is also my understanding that the Trust may meet as often as two times a month. While I would plan on attending every meeting (and I have some time outside of meetings for Trust work), there will be times when I may not be able to make both meetings for the month in person depending on my travel schedule (particularly in the summer.) I also am away this March for 3 weeks. I would be able to attend by zoom or conference call if that is an option and certainly should be able to attend in person at least once a month. I understand if this is an issue and would prevent me from being appointed.

Thank you for your consideration.

Elaine Tung

Town of Lexington
Motion
2022-3 Special Town Meeting

ARTICLE 12 CREATION OF HOUSING TRUST

MOTION:

- a. That the Town establish a municipal affordable housing trust pursuant to Massachusetts General Laws Chapter 44, Section 55C; and
- b. That the Code of the Town of Lexington be amended by adding a new Chapter 132, as follows, and that the Town Clerk be permitted to make edits to the Bylaw so that its numbering conforms to the format for the Code:

Chapter 21

AFFORDABLE HOUSING TRUST BYLAW

§ 132-1. MUNICIPAL AFFORDABLE HOUSING TRUST

There shall be in the Town of Lexington an Affordable Housing Trust created pursuant to the authority set forth in Massachusetts General Laws c. 44, § 55C and Article 12 of the 2022 Fall Special Town Meeting.

§ 132-2. NAME of the TRUST

The Trust shall be called the "Lexington Affordable Housing Trust" (the "Trust").

§ 132-3. PURPOSE

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Lexington for the benefit of low and moderate income households and for the funding of community housing, as defined in G.L. c. 44B (the "Community Preservation Act").

§ 132-4. TRUSTEES

There shall be a Board of Trustees (the "Board"), which shall include no less than five and no more than nine Trustees, including one member of the Select Board, each of whom, to the extent possible, shall have a background or interest in affordable housing, including a resident with a low- or moderate-income, and who, together, shall have a background in finance, law, real estate or real estate development.

- A. A majority of the Board shall constitute a quorum.
- B. All Trustees shall be appointed by the Select Board.

Town of Lexington
Motion
2022-3 Special Town Meeting

- C. Trustees shall serve for a term of two (2) years, except that one less than a majority of the initial Trustee appointments shall be for a term of one (1) year. Trustees may be reappointed on terms to be determined by the Trust.
- D. Only persons who are residents of Lexington shall be appointed as a Trustee. Any Trustee who ceases to be a resident of Lexington shall cease to be a Trustee hereunder within three months thereafter and shall promptly provide a written notification of change in residence to the Board and to the Town Clerk; provided, however that if a person fails to give such notice, their participation or vote on a matter shall not void the Board's decisions with respect to that matter.
- E. A Trustee may be removed by the Select Board for cause. Any Trustee may also resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. Vacancies shall be filled by the Select Board for the remainder of an unexpired term.
- F. If any Trustee is absent from five (5) consecutive, regularly-scheduled meetings of the Trust or all meetings over any six (6) month period, except in the case of illness, such Trustee's position shall be deemed vacant and shall be filled with a new appointment as set forth above.
- G. The Trustees shall elect officers annually consisting of a Chair, Vice Chair and Clerk. The Trustees may establish subcommittees or ad hoc related committees to carry out the purpose of the Trust.
- H. A majority of Trustees then serving may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.
- I. No Trustee shall be liable for the acts, negligence, or defaults of any other Trustee or any employee, agent, or representative of the Trustees selected with reasonable care, not for errors in judgment, nor mistakes of law or facts made in good faith, nor in reliance in good faith on advice of counsel, nor any other acts or omissions in good faith.
- J. Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town of Lexington.

§ 132-5. MEETINGS OF THE TRUST

- A. The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine.

Town of Lexington
Motion
2022-3 Special Town Meeting

- B. The Trust is a governmental body for purposes of G.L. c. 30A, §§ 18-25 (the “Open Meeting Law”). Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, as may be amended from time to time, including provisions regarding remote participation.
- C. The Clerk shall prepare minutes of meetings of the Trust and shall maintain records thereof. A quorum at any meeting shall be a simple majority of the Trustees then serving.

§ 132-6. POWERS OF THE TRUSTEES

- A. The powers of the Board, all of which shall be carried out in furtherance of the purposes set forth herein, shall include the following powers, except that the Board shall require prior approval of the Select Board to make purchases of real estate that exceed the average sale price of a single-family home in the Town of Lexington as determined annually by the Assessor’s office.
 - 1. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any bylaw or any general or special law or any other source, including money appropriated pursuant to G.L. c. 44B, provided, however, that any such money received from chapter 44B shall be used in accordance with the provisions of G.L. c. 44, § 55C(1);
 - 2. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
 - 3. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
 - 4. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
 - 5. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;

Town of Lexington
Motion
2022-3 Special Town Meeting

6. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
7. to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
8. to participate in any reorganization, recapitalization, merger or similar transaction; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
9. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
10. to carry property for accounting purposes other than acquisition date values;
11. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral, but any mortgage or pledge of assets as collateral greater than the extent of the Trust's assets requires approval by a two-thirds vote of an Annual or Special Town Meeting;
12. to make distributions or divisions of principal in kind;
13. to compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this Trust, to continue to hold the same for such period of time as the Board may deem appropriate;
14. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
15. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;
16. to extend the time for payment of any obligation to the Trust;

Town of Lexington
Motion
2022-3 Special Town Meeting

17. to make recommendations on proposals or Town Meeting warrant articles which affect housing.
 18. to develop policy goals and statements to serve as guidelines for the Trust, subject to approval by the Select Board and consistent with the Town's housing goals and plans as may be adopted and amended by the Select Board from time to time;
 19. to exercise such additional powers consistent with the provisions of this bylaw and G.L. c. 44, § 55C, as may be amended from time to time.
 20. to compensate the Town for services provided to the Trust in connection with the Trust's activities, including but not limited to dedicated staff to Trustees, engineering support for project-specific activities, and other Town services, as such services are requested by the Trustees to the Town Manager and authorized by the Town Manager or designee;
 21. to establish criteria and qualifications for recipients and expenditures in accordance with Trust's stated purposes;
 22. to serve as a lottery and monitoring agent for affordable housing, and to accept compensation for providing such services into the Trust.
- B. Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any Town bylaw or regulation, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within 1 year of the date they were appropriated into the trust, remain Trust property.

§ 132-7. TREASURER AS CUSTODIAN OF FUNDS

- A. The Town Treasurer shall be the custodian of the Trust's funds and shall maintain separate accounts and records for the Trust's funds.
- B. The Treasurer shall invest the funds in the manner authorized by G.L. c. 44, § 55 (Public Funds on Deposit; Limitations; Investments,) § 55A, (Liability of Depositor for Losses Due to Bankruptcy), and § 55B (Investment of Public Funds), as such laws may be amended or replaced.
- C. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

Town of Lexington
Motion
2022-3 Special Town Meeting

- D. Expenditures by the Trust shall be processed through the Town's payment warrant but shall be subject to the provisions of G.L. c. 44, § 55C. The Trust's approved annual budget, and any approved budget revisions, shall be submitted to the Select Board.
- E. As custodian, the Treasurer shall issue checks as directed by the Trustees. In accordance with G.L. c. 44, § 55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. Upon receipt of the audit by the Trustees, a copy shall be provided forthwith to the Select Board.
- F. The Trustees shall keep a record of its activities and at the close of every fiscal year, shall make a report thereof to the Select Board. The report shall include a description and source of funds received and expended and the type of affordable housing programs or properties assisted with the funding.

§ 132-8. MISCELLANEOUS

- A. The Trust is a public employer and the members of the Board are public employees for purposes of G.L. c. 258.
- B. Trustees are designated as public agents for purposes of the constitution of the Commonwealth.
- C. The Trust shall be considered a municipal agency and the Trustees shall be considered special municipal employees and shall be subject to the provisions of G.L. c. 268A.
- D. The Trust is exempt from G.L. c. 59 and c. 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereof.
- E. The Trust is a Board of the Town for purposes of procurement under G.L. c. 30B and c. 40 § 15A; but agreements and conveyances between the Trust and agencies, Boards, commissions, authorities, departments and public instrumentalities of the Town of Lexington shall be exempt from G.L. c. 30B.

§132-9. RECORDINGS; AMENDMENTS

The Trustees are authorized to record a Declaration of Trust and a Certificate of Trustees for the Trust with the Middlesex South District Registry of Deeds and the Registered Land Division of the Land Court Registration Office. The Declaration of Trust may be amended from time to time

Town of Lexington
Motion
2022-3 Special Town Meeting

except as to those provisions specifically required under G.L. c. 44, § 55C, by an instrument in writing signed by all of the Trustees then serving and approved at a meeting called for that purpose, and approved by the Select Board provided that in each case, a certificate of amendment shall be recorded with the Middlesex South District Registry of Deeds and, if necessary, the Registered Land Division of the Land Court.

§ 132-10. DURATION OF THE TRUST

- A. The Trust shall continue so long as authorized under the Laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, The Trust may be terminated by a majority vote of the Town Meeting in accordance with G.L. c. 44, § 55C, provided that an instrument of termination together with a certified copy of the Town Meeting vote are duly recorded with the Middlesex South District Registry of Deeds and, if necessary, the Registered Land Division of the Land Court.
- B. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the Trust's assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

§ 132-11. RECORD TO BE CONCLUSIVE, CERTIFICATE AS TO FACTS

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees then serving as appears from instruments or certificates recorded with the Registry of Deeds and Registered Land Division of the Land Court to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that instruments of amendment pursuant to Section 9 and an instrument of termination pursuant to Section 10 hereof shall be conclusive only if it appears that the delegations, amendments or termination have been executed by all of the Trustees then serving. Any person dealing with the Trust property or the Trustees may rely on a certificate signed by any person appearing from instruments or certificates so recorded to be a Trustee hereunder as to the identity of the then current serving Trustees or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

(Revised 10/28/2022)

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

FY24 Budget Adjustment - New Employee Health Insurance Adjustment

PRESENTER:

ITEM NUMBER:

SUMMARY:

The School Department added 12 new employees for FY24 and the health insurance and other benefits are accounted for in the White Book as a cost associated with the new employee(s) for that department. The practice has then been to move those costs in the Brown Book under the Shared Services Budget under benefits. For the vote the Select Board took on the budget at the last meeting we hadn't made this adjustment yet (although as previously explained, the Brown Book includes the adjustment to avoid confusion). The health and other benefits of the 12 new employees in the School Department budget that needs to be transferred to the FY24 Shared Expenses budget is \$211,000.

SUGGESTED MOTION:

Move to approve the FY24 budget adjustment of \$211,000 for health insurance and other benefits for 12 new employees from the School Department to the Shared Expenses Budget.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Application: Common Victualler License - Taipei Gourmet LLC d/b/a Taipei Gourmet, 211 Massachusetts Avenue

PRESENTER:

Yu Song, Owner; Russell Chin, Esq.

ITEM NUMBER:

I.1

SUMMARY:

Category: Decision-Making

The Select Board is being asked to approve a request for a Common Victualler License for Taipei Gourmet LLC d/b/a Taipei Gourmet, 211 Massachusetts Avenue for the hours of 11:00am to 9:00pm Sunday through Saturday for seating in a restaurant under new management. The applicant has worked with the Department of Public Health, Building Department and Zoning Department for their respective required permits and inspections.

The owner, Yu Song, as well as Russell Chin, Esq., have been invited to attend the Select Board meeting to answer any questions.

SUGGESTED MOTION:

Move to (approve/not approve) a Common Victualler License for Taipei Gourmet LLC d/b/a Taipei Gourmet, 211 Massachusetts Avenue for the hours of 11:00am to 9:00pm Sunday through Saturday.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

6:45pm

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Application: Common Victualler License - BIY Foods LLC d/b/a BIY Foods, 317 Woburn Street

PRESENTER:

Ramona Ciucurita, Owner

ITEM NUMBER:

I.2

SUMMARY:

Category: Decision-Making

The Select Board is being asked to approve a request for a Common Victualler License for BIY Foods LLC d/b/a BIY Foods, 317 Woburn Street for the hours of 6:30am to 6:00pm Monday through Friday; 8:00am to 2:30pm on Saturdays and 8:00am to 1:00pm on Sundays for seating in a new restaurant. The applicant has worked with the Department of Public Health, Building Department and Zoning Department for their respective required permits and inspections.

The applicant, Ms. Ramona Ciucurita, has been invited to attend the Select Board meeting to answer any questions.

SUGGESTED MOTION:

Move to (approve/not approve) a Common Victualler License for BIY Foods LLC d/b/a BIY Foods, 317 Woburn Street for the hours of 6:30am to 6:00pm Monday through Friday; 8:00am to 2:30pm on Saturdays and 8:00am to 1:00pm on Sundays.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

6:50pm

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Open Space and Recreation Plan Review

PRESENTER:

Melissa Battite, Director of Recreation
& Community Programs

ITEM NUMBER:

I.3

SUMMARY:

Category: Informing

The Recreation Department has been working on the update to the Open Space Plan and is providing this update to the Select Board to obtain input prior to finalizing the plan later this year.

SUGGESTED MOTION:

No Motion Required at this time.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

6:55pm

ATTACHMENTS:

Description

Type



Presentation - Open Space and Recreation Plan

Backup Material

OPEN SPACE AND RECREATION PLAN

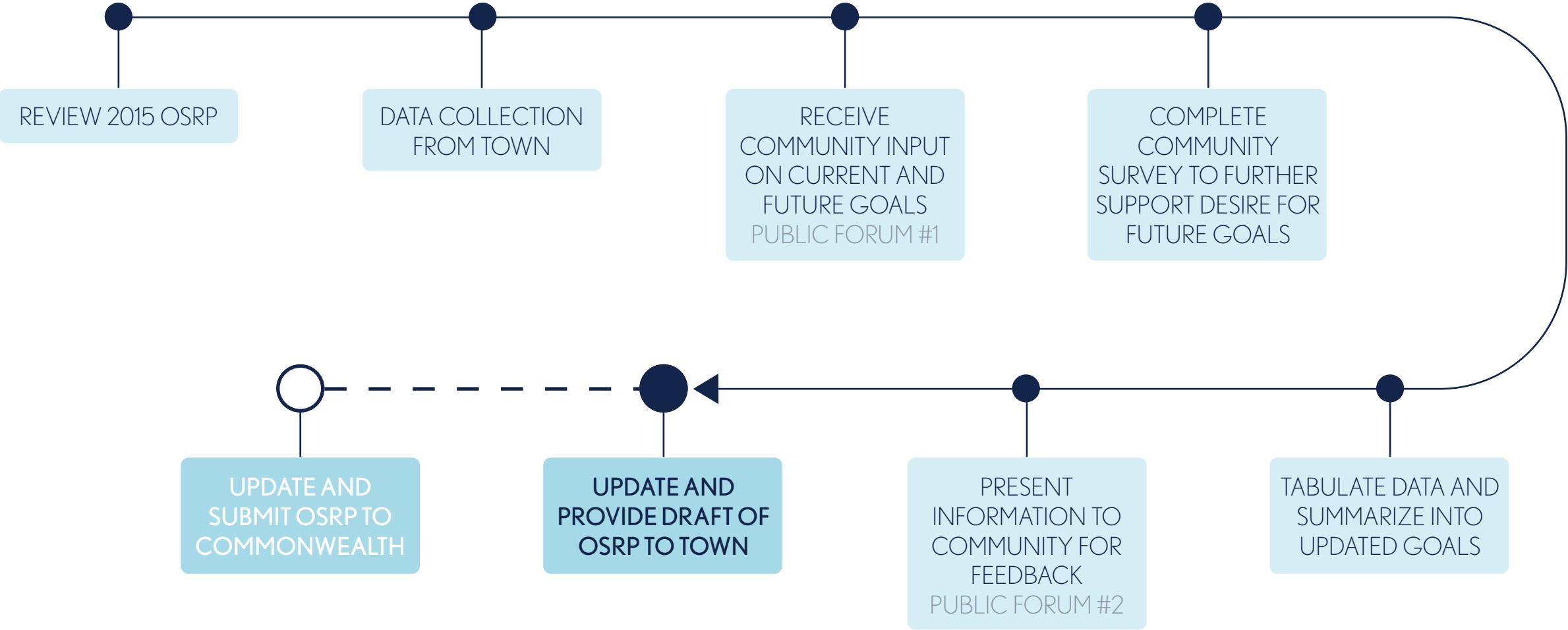
7 YEAR UPDATE | Select Board
27 February 2023

ACTIVITAS
landscape architecture | civil engineering
ZEC EIGHT INSIGHTS
PUBLIC SPACES, PLACES, AND PROGRAMS | CONSULTING

OPEN SPACE AND RECREATION PLAN | 7 YEAR UPDATE



OUR PROJECT PROCESS



OPEN SPACE AND RECREATION PLAN | 7 YEAR UPDATE



PUBLIC COMMENT PERIOD



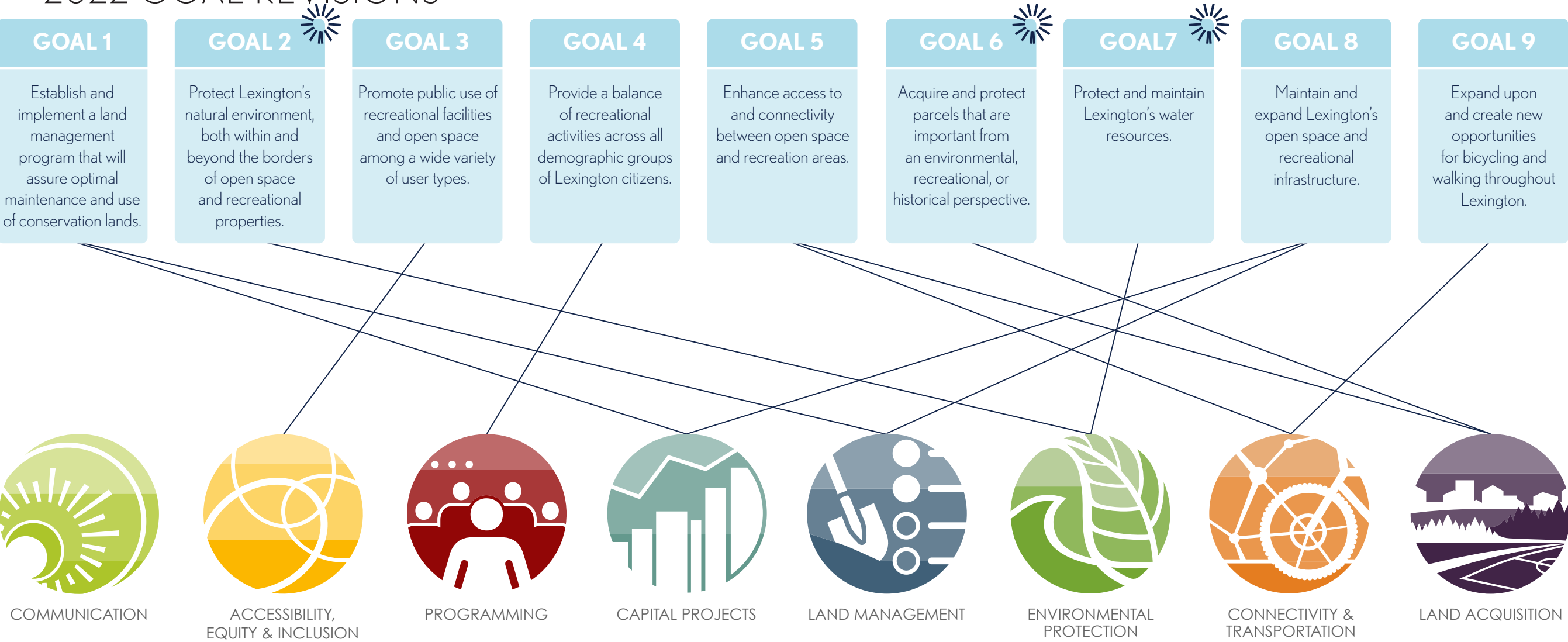
PUBLIC COMMENT TAKEAWAYS:

Agriculture, climate resilience, and bicycling were among the community priorities that commenters felt were underrepresented in the first draft of the report.

OPEN SPACE AND RECREATION PLAN | 7 YEAR UPDATE



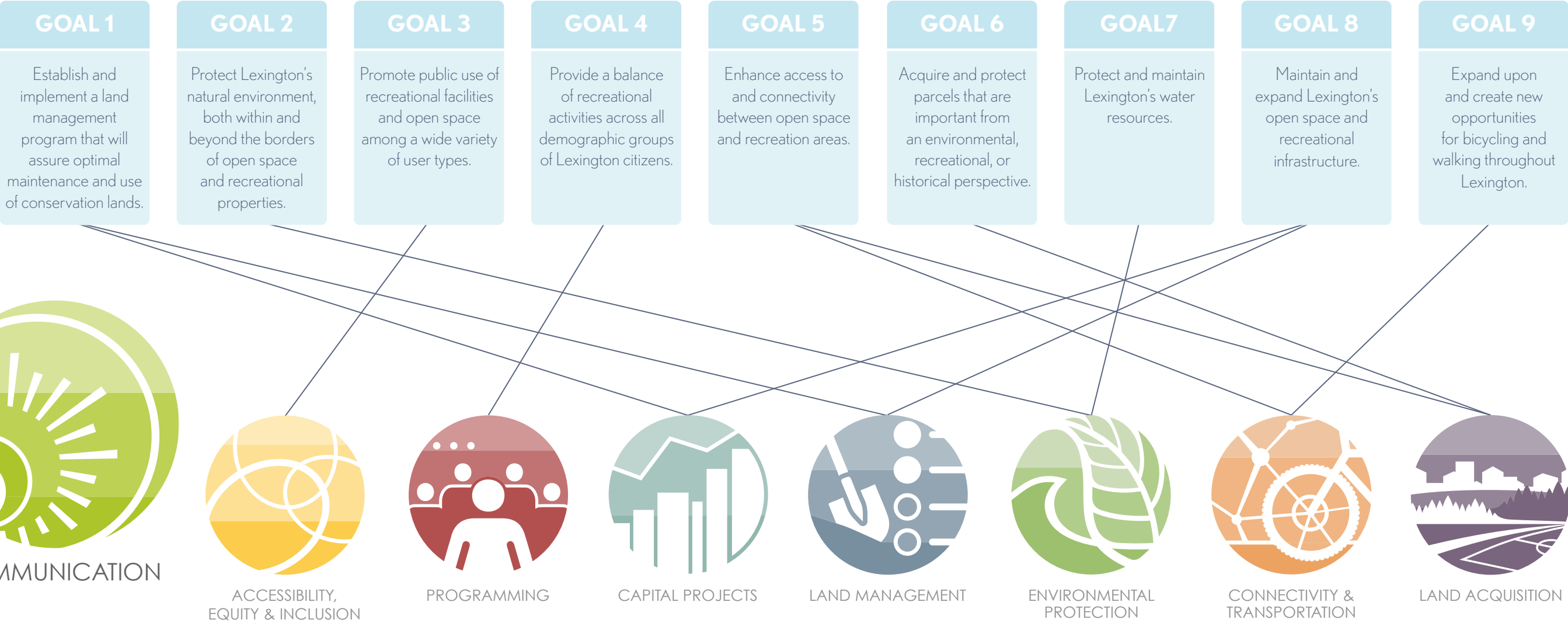
2022 GOAL REVISIONS



OPEN SPACE AND RECREATION PLAN | 7 YEAR UPDATE



2022 GOAL REVISIONS



OPEN SPACE AND RECREATION PLAN | 7 YEAR UPDATE



2022 GOAL REVISIONS

COMMUNICATION



Internal Collaboration
Inter-Community Connections
Standardization
Outreach

Increase the efficacy of communication and collaboration with other Town departments, citizen groups and neighboring communities.

- To increase collaboration opportunities between the Conservation Division and Recreation & Community Programs Department, and between all Town departments regarding goals for open space and recreation.
- To simplify and/or unify methods of communication and outreach from the Conservation Division and Recreation & Community Programs Department to the community.
- To increase collaboration with bordering communities that share or abut open space parcels or watersheds.

ACCESSIBILITY, EQUITY & INCLUSION



ADA Improvements
Non-Apparent Disabilities
All Ages
Language Services
Gender Equity
Environmental Justice

Improve access to programs and facilities for people of all ages, abilities, identities and backgrounds.

- To provide a balance of facilities and opportunities throughout environmental justice (EJ) neighborhoods.
- To complement LexNext Goal 1: Diversity and Inclusion efforts.
- To create more inclusive outdoor experiences for all.



2022 GOAL REVISIONS

PROGRAMMING



Opportunities
Cultural Connections
Education
Community Center

Provide a balance of activity and educational opportunities for all of Lexington's citizens.

- To capture the work of other committees and reflect the results of Comprehensive Planning efforts and Community Needs Assessments, including cultural diversity goals, in future programming.
- To continue to be cognizant of the need to diversify year-round recreational opportunities to reflect Lexington's demographics.
- To utilize connections with volunteer organizations/groups to increase programming opportunities.
- To identify opportunities for collaborative programming between Conservation and Recreation.

CAPITAL PROJECTS



Budgeting
Grant Funding
Operational Costs
Long-term Preventative Maintenance
Infrastructure Expansion

Allocate capital efficiently in order to maintain, preserve, and grow open space and recreational infrastructure for many years in the future.

- To continue to complete 5-year outlooks for projects for the Conservation Division and Recreation & Community Programs Department.
- To coordinate between the Conservation Division and Recreation & Community Programs Department on capital projects within the same open space areas as part of 5-year capital planning.
- To plan for the future maintenance/replacement needs of capital projects and determine effects on other budgetary needs.
- To utilize the goals and objectives within the OSRP to identify potential projects that will help achieve other OSRP goals.



2022 GOAL REVISIONS

LAND MANAGEMENT



Short-Term Maintenance
Invasive Species
Restoration
Stewardship

Identify and establish open space management programs that will assure optimal maintenance and use of Town-owned lands.

- To create land management plans to inventory resources and identify operation, management, infrastructure and maintenance needs at a property.
- To identify alternative funding sources to support maintenance and management
- To establish typical materials to be used consistently in certain project types to ease maintenance of infrastructure including when items need to be replaced.

ENVIRONMENTAL PROTECTION



Conservation Restrictions
Climate Resilience
Stormwater Management
Carbon Sequestration
Resource Conservation

Protect Lexington's natural environment and resources, both within and beyond the borders of open space and recreational properties.

- To create or promote guidelines for open space projects that emphasize environmental protection, native species protection, and water conservation.
- To consider the role of open space and recreation land in climate mitigation, resiliency, and carbon sequestration.

OPEN SPACE AND RECREATION PLAN | 7 YEAR UPDATE



2022 GOAL REVISIONS

CONNECTIVITY & TRANSPORTATION



**Intermodal
Transportation
Corridor Projects
Complete Streets
Access**

Enhance connectivity between open space and recreation areas and develop intermodal transportation opportunities throughout Lexington.

- To enhance connectivity between open space areas via pedestrian and bicycle.
- To promote use of open space and recreational facilities while protecting areas and investments.

LAND ACQUISITION



**Holistic Assessment
Historic Sites
Agriculture
Connected Open Space**

Assess, acquire, and protect parcels that are important from an environmental, recreational, or historical perspective.

- To continue to assess each parcel for best uses in collaboration with Conservation, Recreation, Planning, and the Select Board.
- To continue to identify private land that is useful to meeting open space goals.
- To act to acquire land of significant conservation or recreation value for the benefit of the Town.



QUESTIONS & DISCUSSION

ACTIVITAS
landscape architecture | civil engineering
ZEC EIGHT INSIGHTS
PUBLIC SPACES, PLACES, AND PROGRAMS | CONSULTING

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Discussion on State Earmark for Economic Development in Lexington Center - Special Events

PRESENTER:

Sandhya Iyer, Director of Economic Development

ITEM NUMBER:

I.4

SUMMARY:

Category: Informing

As the Board is aware, the Town received a \$200,000 earmark from the Legislature o \$200,000 for special events, Farmer's Markets, local festivals, parades, musicals and theatrical performances or other government or non-profit events sponsored or sanctioned by the Town. This is being managed through the Economic Development Department. The attached is the program that the Economic Development Director has developed. This does not require the Select Board's approval, but a consensus that the Board is comfortable with the direction is appreciated.

SUGGESTED MOTION:

No motion required.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

7:25pm

ATTACHMENTS:

Description

Type

□ Presentation

Cover Memo



Event Planning Services

The Town of Lexington

THE ANTHEM GROUP

Proposal

The Anthem Group proposes the following activation and programming for The Town of Lexington in 2023. The intention is to bolster Patriots' Day Weekend and bring back signature events from 2022 that were successful.

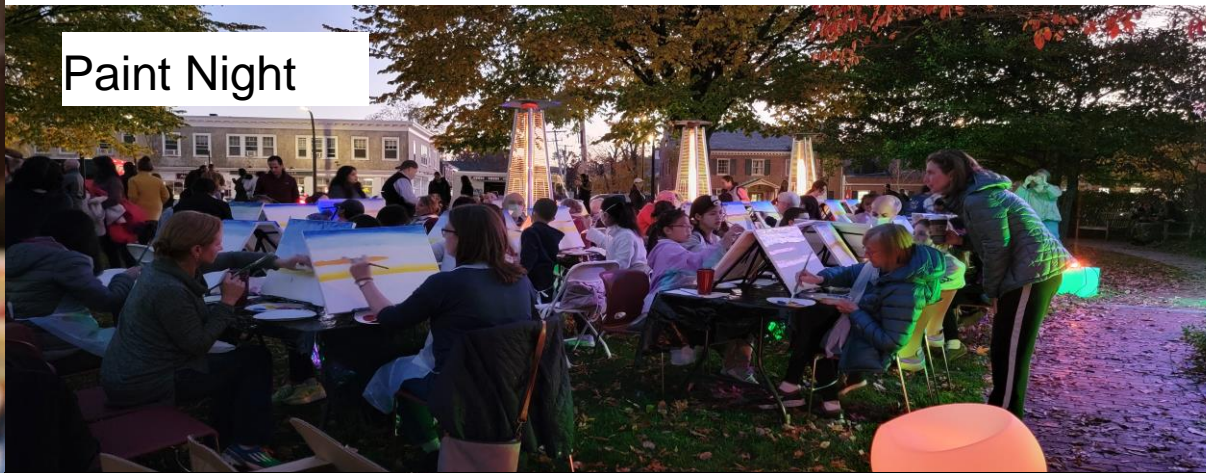
- **Patriots' Day Weekend**
- **Summer Paint Night**
- **Pumpkin Fest**
- **Fall/Winter Aesthetic Placemaking**
- **Lexington Winter Garden**
- **Anthem Operated Wine and Beer Garden**

** Dates can be revised based on existing town events, other activities and preferences.*



2022 Events

Paint Night



Pumpkin Fest



Winter Festival



Taste of Lexington



Celebration – Patriots' Day Weekend

- Weekend-long, family friendly, **Patriots' Day Celebration**
- **Primary objectives:**
 - Entertain and keep attendees engaged throughout the weekend
 - Bridge the gap between existing programs
 - Encourage visitors to stay in Lexington to patronize local businesses
 - Showcase Lexington's dynamic existing and new events heading into the 250th
- **April 15th – April 17th**
 - Saturday: 12:00pm – 11:00pm
 - Sunday: 12:00pm – 11:00pm
 - Monday: 10:00am – 2:00pm
 - Designed to augment Lexington's existing Patriots' Day events with additional programming, entertainment and hospitality offerings
- **Live music/entertainment**
 - Live music performances by local talent
- **Interactive paint party class**
 - Instructor-led patriotic themed paint class
- **Food and beverage**
 - Food trucks/pop-ups from local restaurants
 - Anthem operated beer and wine garden



Celebration— Patriots' Day Weekend

- **All-ages arts/crafts**
 - Children's craft decorating station
- **Children's programming/activities**
 - Face painting and balloon animal artists
 - Lawn and interactive games
- **Movie Night**
 - Featuring family-friendly and patriotic movie selections on Lexington Visitor Center Lawn
 - Shown on a 16' state-of-the- art air screen
- **Event Design and Decor**
 - Patriotic and thematic décor and design items
- **Estimated Budget: \$53,065**



Proposed Events – Summer Paint Night

- Friday, August 4th
- Kickoff to Lexington ArtWalk
- **Interactive paint party class**
 - Instructor-led paint class of a summer scene
- **Live music/entertainment**
 - Live music performance by local talent
- **Food and beverage**
 - Food trucks/pop-ups from local restaurants
- **Estimated Budget: \$15,749**



Proposed Events – Pumpkin Fest

- Sunday, October 29th
- **Live pumpkin carving demonstration** throughout the duration of the event
- **All-ages arts/crafts**
 - Pumpkin carving and/or painting station
 - Instructor-led sugar skull painting class
- **Live music/entertainment**
 - Live music performances by local talent
- **Aerial Show**
 - Holiday themed aerialist, hoop and silk show
 - Two performances throughout the duration of the event
- **Children's programming/activities**
 - Face painting and balloon animal artists
 - Lawn and carnival games
- **Instagram Wall**
 - Photo op with custom designed mural with props and hired photographer
- **Food and beverage**
 - Pop-ups from local restaurants
 - Anthem operated beer and wine garden featuring mulled wine and cider
- **Retail**
 - Pop-up vendor shops in collaboration with local stores
- **Other**
 - Community costume parade/contest
 - Prizes featuring gift cards from local businesses
- **Estimated Budget: \$27,515**



Proposed Events – Fall/Winter Aesthetic Placemaking

- Saturday, November 4th – Saturday, December 2nd
- Aesthetic and decorative elements for longer-term installation for the community to enjoy
- **Illuminate Igloos**
 - Illuminated, heated igloos with seating for up to 10 people
 - Requires heating (w/power to heat) and furniture/seating
 - Anthem/The Anchor can lease/rent to The Town of Lexington
- **Decorative Elements**
 - Thematic and holiday décor and lighting
- **Estimated Budget: \$0** (*remainder of 2022 install covered costs for 2023)



Proposed Events – Lexington Winter Garden

- Saturday, December 2nd
- **Live ice sculpture carving demonstration** throughout the duration of the event
 - Sculptures would revolve around the “Winter Garden” theme and incorporate winter characters (e.g., polar bears, penguins etc.)
- **Live music/entertainment**
 - Live music performances by local talent
- **Illuminate Igloos**
 - Illuminated, heated igloos with seating for up to 10 people
 - Requires heating (w/power to heat) and furniture/seating
 - Anthem/The Anchor can lease/rent to The Town of Lexington
- **Children’s Holiday Happenings**
 - Balloon Twisting Artist
 - Face Painting
 - Winter characters walking around to greet kids and assist with wayfinding
 - Appearances by Santa and Mrs. Claus
- **Instagram Wall**
 - Photo op featuring existing thematic characters (e.g., polar bears, penguins etc.)



Proposed Events – Lexington Winter Garden

- **The Bear Parade**

- Hand crafted, wooden carved, winter-themed and winter dressed polar bears – some with cutouts for faces and others patrons can stand next to
- Perfect for photos for families and children
- Anthem/The Anchor can either lease/rent to The Town of Lexington or commission new pieces of art for Lexington to own

- **Aerial Show**

- Holiday themed aerialist, hoop and silk show
- Two performances throughout the duration of the event

- **Food and beverage**

- Pop-ups from local restaurants
- Ideally featuring winter friendly/warm items including soup, chowder, hot dogs, cookies etc.
- Anthem to spearhead hot cocoa and s'mores bar
- Anthem operated beer and wine garden featuring mulled wine and cider

- **Retail**

- Pop-up vendor shops in collaboration with local stores

- **Estimated Budget: \$42,375**



Anthem Operated Wine and Beer Garden

- Wine and beer garden operation for all proposed events
 - Saturday and Sunday only during Patriots' Day weekend
 - Operational hours: 12:00pm – 11:00pm
 - No operation on Patriots' Day itself
- Anthem operated wine and beer garden featuring various craft beers, wines, mulled wine, cider and non-alcoholic beverages
- Infrastructure for build out to include bar, seating, fencing and tenting
 - To ensure professionalism, security and optimal performance, Anthem will continue its practice of operating the beer garden through its hospitality company in conjunction with regional suppliers/partners to increase marketing and promotional appeal
- **Estimated Budget: \$14,900** (**does not include labor – labor cost is bundled into each individual event*)



Budget

Total Cost for 5 Events in 2023

Anthem Services			
Program	Estimated	Actual	Notes
Event Expenses Subtotal	\$153,604.00	\$0.00	
Agency Fee (24%)	\$36,864.96	\$36,864.96	24% of estimated budget. Inclusive of planning, concept development, advance coordination, due diligence, planning calls/meetings, logistical support, vendor/supplier communication, after-action analysis
Remaining 2022 Balance	(\$14,239.62)	(\$14,239.62)	Remainder of 2022 balance applied to 2023 budget
TOTAL BUDGET	\$176,229.34	\$22,625.34	

Total State Earmark

Budget Line Item (include vendor name where applicable and/or description of expense)	Date	Amount
Patriots' Day Celebrations (2023-2024)		\$100,000
250 th Celebrations (2025)		\$30,000
Farmers Market, Arts & Cultural Organization (2023-2024)		\$30,000
Discovery Day (2023-2024)		\$20,000
Marketing & Promotions (2023-2025)		\$20,000
Total Budget (amount should not exceed total earmark amount)		\$200,000

Funding Request

Events	Total Cost
Budget Estimates	176,229.34-50,000 (earmark)
Unknown Funding Source	126,229.34

ANTHEM CONTACTS

Shelby Elwell

National Director of Programming

(o) 617.381.4746

(c) 860.689.6387

(e) selwell@theanthemgroup.com

Ashley Mercurio

Managing Partner

National Events Director

(o) 617.381.4746

(c) 617.538.6829

(e) amercurio@theanthemgroup.com



AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

2023 Annual Town Meeting

PRESENTER:

Dr. Dinesh Patel, MD; Abby
McCabe, Planning Director; Bob
Peters, Planning Board Chair

ITEM NUMBER:

I.5

SUMMARY:

Category: Informing

Dr. Dinesh Patel, MD will present his citizen petition for Annual Town Meeting 2023 Article 31: Fair Trade Restrictions - Fur Products.

Abby McCabe, Planning Director, and Bob Peters, Planning Board Chair, will present the following 2023 Annual Town Meeting zoning articles:

- Article 34: Amend Zoning Bylaw and Map - Multi-Family Zoning Housing for MBTA Communities
- Article 36: Amend Zoning Bylaw and Map - Central Business District
- Article 37: Amend Zoning Bylaw - Action Deadline for Major Site Plan Review
- Article 38: Amend Zoning Bylaw - Minor Modifications to Approved Permits
- Article 39: Amend Zoning Bylaw - Technical Corrections

And provide Planning Board feedback on the following 2023 Annual Town Meeting articles:

- Article 40: Amend Section 135 - 4.4 of the Zoning Bylaw-Reduce Residential Gross Floor (Citizen Petition)
- Article 33: Amend Zoning Bylaw - Special Permit Residential Development

The Select Board will discuss Annual Town Meeting articles and start to take positions.

The Select Board will discuss the Select Board Report to Town Meeting.

SUGGESTED MOTION:









FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

7:35pm

ATTACHMENTS:

Description	Type
 Art 2 revised	Backup Material
 Art 29 Revised 2.16.23	Backup Material
 Art 31 Fair trade -fur presentation	Presentation
 Art 31 Fair trade -fur motion	Backup Material
 Art 34-39 motions (PB)	Backup Material
 Art 34-39 Summary of PB Articles for TM	Backup Material
 Art 34-39 Presentation	Presentation
 Select Board Working Document - Positions 2023 ATM	Backup Material

**ARTICLE 2 ELECTION OF DEPUTY MODERATOR AND REPORTS OF TOWN BOARDS,
OFFICERS AND COMMITTEES**

MOTION: That Tom Diaz be approved as Deputy Moderator.

MOTION: That the report of the Committee on Cary Lectures be received and placed on file and the Committee discharged.

MOTION: That the report of the Town Manager be received and placed on file.

MOTION: That the report of the Superintendent of Schools be received and placed on file.

MOTION: That the reports of the Appropriation Committee be received and placed on file.

MOTION: That the reports of the Capital Expenditures Committee be received and placed on file.

MOTION: That the report of the Select Board be received and placed on file.

MOTION: That the report of the Community Preservation Committee be received and placed on file.

MOTION: That the reports of the Superintendent of Schools be received and placed on file.

MOTION: That the reports of the Planning Board be received and placed on file.

MOTION: That the report of the Cary Library Trustees be received and placed on file.

MOTION: That the report of the LHS School Building Committee be received and placed on file.

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 29 AMEND GENERAL BYLAWS - TREE BYLAW - CHANGES TO TREE COMMITTEE COMPOSITION

MOTION: That the Town's Tree Bylaw, Chapter 120.6.A of the Code of the Town of Lexington, be amended as follows as follows, ~~struck through text~~ is to be removed and **bolded** text is to be added:

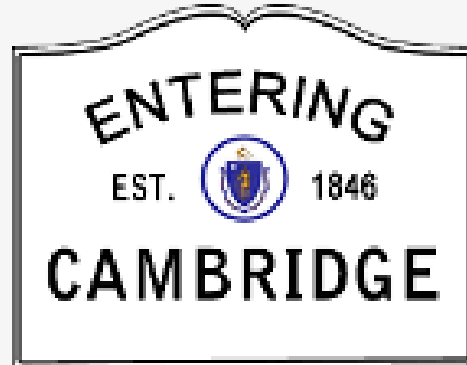
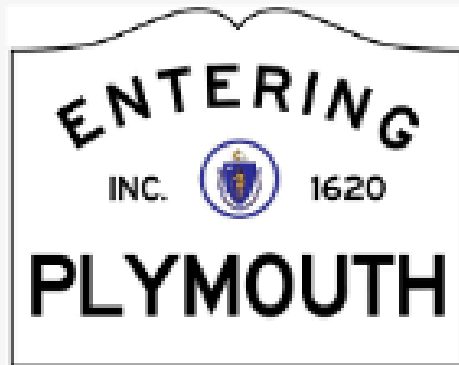
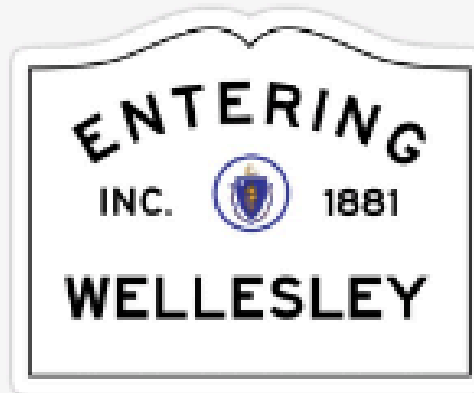
The Town shall have a Tree Committee that consists of seven members **and two non-voting associate members** as appointed by the Select Board. **Four voting members shall constitute a quorum of the Tree Committee.** For the first appointments **of full members**, three members will serve one-year terms; two members will serve two-year terms; and two members shall serve three- year terms. All members up for renewal **and associate members** will ~~then~~ serve three-year terms.

(Revised 02/16/2023)

Fur-Free LEXINGTON



Fur-free in Massachusetts



Fur Sales Bans: State and Local

U.S. municipalities

- West Hollywood, CA (2011)
- Berkeley, CA (2017)
- San Francisco, CA (2018)
- Los Angeles, CA (2019)
- Wellesley, MA (2020)
- Weston, MA (2021)
- Brookline, MA (2021)
- Ann Arbor MI (2021)
- Hallandale Beach, FL (2021)
- Plymouth, MA (2022)
- Cambridge, MA (2023)

U.S. states with fur sales bans

- California (2019)



Source: The Bay City Beacon

<https://www.thebaycitybeacon.com/politics/supervisors-fur-ban-city-high-fashion-against-modern-animal/animals/17839620645-the-bay-city-beacon-5769143319.html>

So, what is the fur industry and who are the animals exploited by it?



Fur Farming impacts millions of animals

Mink pelts produced annually worldwide

- **China:** 20 million
- **Denmark:** 15-20 million
- **Poland:** 6.5 million
- **Netherlands:**
- **Finland:**
- **United States:** 2.7 million
 - Wisconsin, Utah, Idaho, Oregon, and Minnesota



Not a luxury anymore

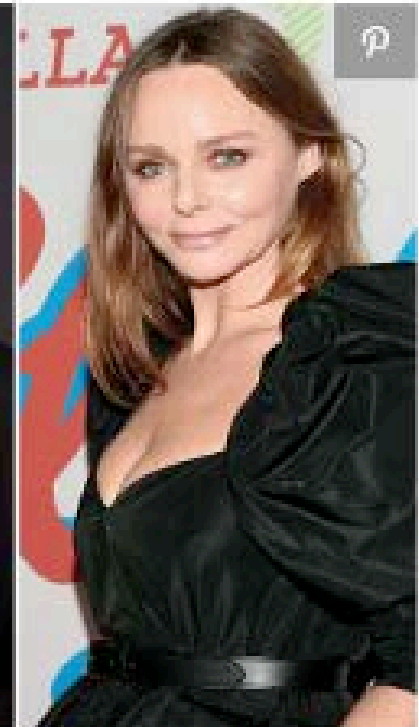
"Fur? I'm out of that.
I don't want to kill animals
to make fashion.
It doesn't feel right."
— Donatella Versace

PEOPLE.COM > STYLE

Luxury Fashion Brands That Are Anti-Fur

Prada is the latest high-fashion brand to join the growing list of fur-free companies

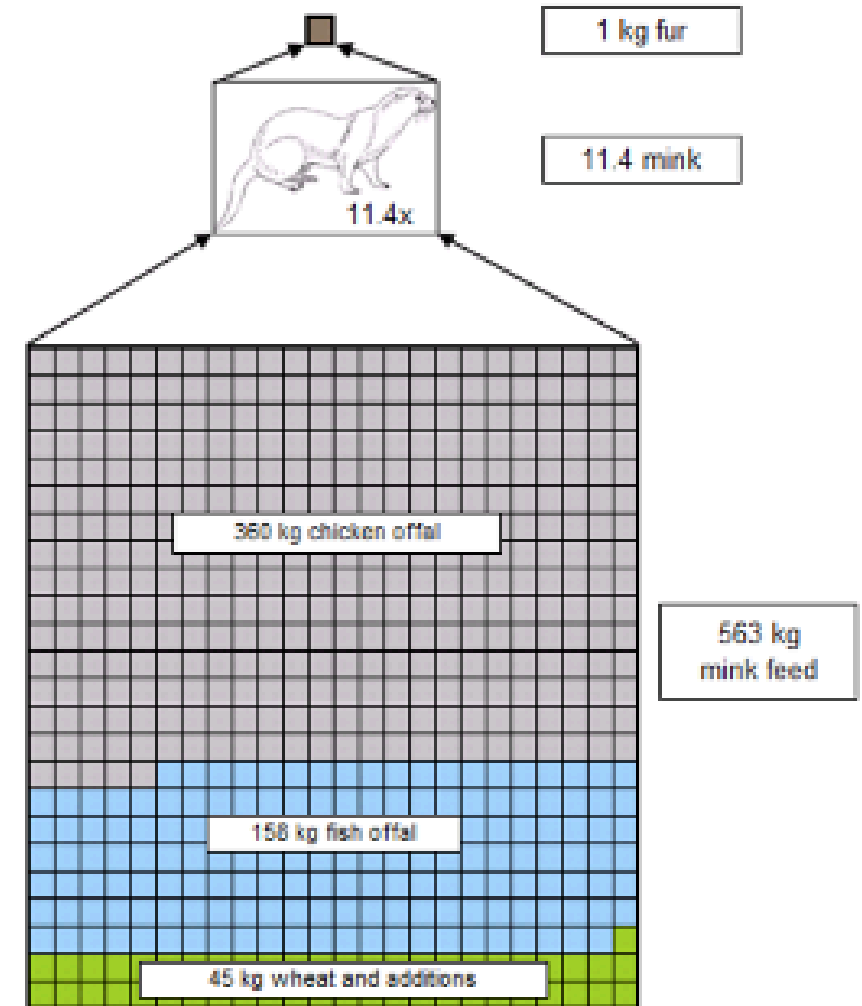
By [Colleen Kratofil](#) | May 22, 2019 11:40 AM



Fur Farming releases toxic waste

- Compared with synthetic and other natural textiles, fur has a higher impact per lb. in 17 of 18 environmental categories, including climate change, waste runoff, and toxicity.
- The climate change impact of mink fur is at least 5x higher than the highest scoring textile (wool) and 6x higher than faux fur.
- 2.2 lbs. (1 kg) of mink fur requires 11.4 minks and more than 1100 lbs. of feed.

–“The environmental impact of mink fur production,” study produced by the environmental sustainability consultancy group CE Delft, 2011



Fur Farming is an environmental hazard

“We used to think of the classic cliché of fun at the lake, running and jumping off the dock. Now there are massive [toxic algae] blooms from late May until November and when they die off, the bacterial decomposition uses up all the oxygen and we end up with huge dead zones.”

–DEBBIE HALL, resident of Lake Fanning, Nova Scotia, Canada (2014)



Row of sheds on a Canadian mink farm in Nova Scotia.
Photo: Joann McArthur/We Animals

Fur Farming spreads disease

ENVIRONMENT NOVEMBER 10, 2020 / 3:20 PM / UPDATED 2 YEARS AGO

Coronavirus kills 15,000 U.S. mink, as Denmark prepares for nationwide cull



Coronavirus rips through Dutch mink farms, triggering culls

Public concerns rise as two workers catch the disease.

Science

Denmark To Kill Up To 17 Million Minks After Discovering Mutated Coronavirus

November 5, 2020 - 2:43 PM ET



Danish Emergency Medical Agency transporting mink from one of 63 Covid-positive fur farms in the country on October 8, 2020. 17 million mink were culled in Denmark alone due to Covid-19.

Fur Farming impacts public health

"If somebody gave me a few hundred thousand bucks and free access to China to find the source of the [Covid-19] virus, I would look in places where raccoon dogs are bred."

—CHRISTIAN DROSTEN, Germany's leading coronavirus expert who discovered the 2003 novel SARS virus



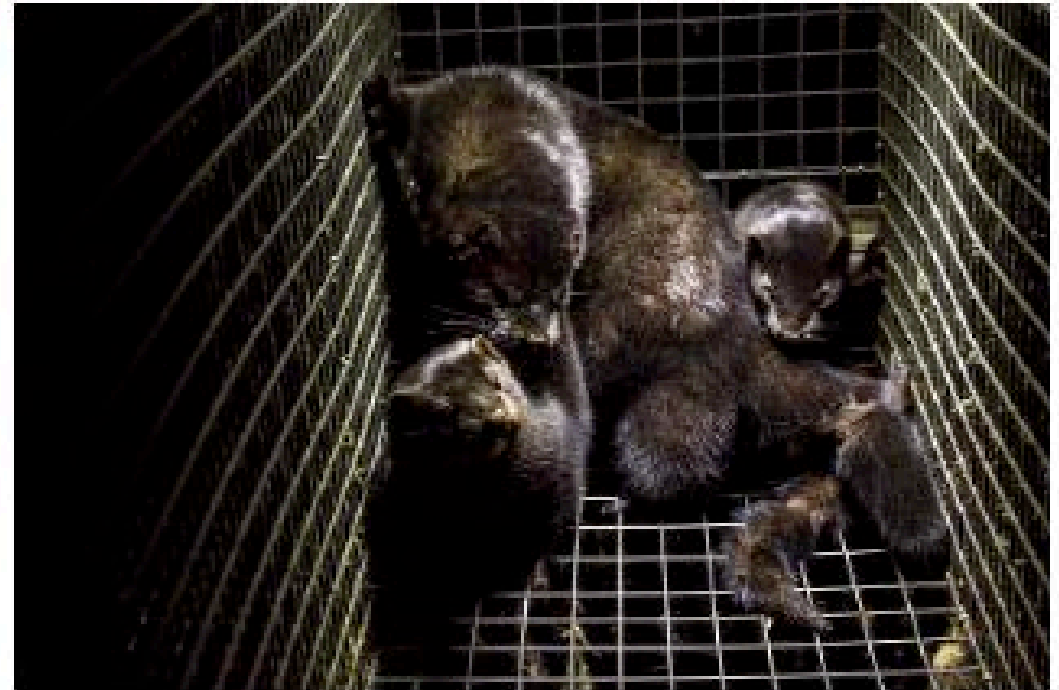
Standard-size fur farm cages. These conditions are ripe for the adaptation and spread of SARS viruses, of which raccoon dogs, foxes, and mink are proven carriers.

Fur traps are inhumane and very cruel



: Daily Herald

<https://www.dailyherald.com/article/20111009/news/710099920/>



: DutchNews.nl

<https://www.dutchnews.nl/news/2020/06/nearly-600000-mink-killed-in-fur-farm-coronavirus-cull/>

Dog and cats suffer injuries from traps



:MSPCA



 Los Angeles Times
<https://www.latimes.com/california/story/2019-09-04/fur-trapping-ban-california-law>

Wild animals live in painful conditions



: Sentient Media, Jo-Anne McArthur/We Animals
<https://sentientmedia.org/fur-farming/>



: Eco Warrior Princess
<https://ecowarriorprincess.net/2020/04/mink-dutch-fur-farm-confirmed-with-coronavirus-incl-animals.html>

What the Lexington Fur Ordinance Does and Doesn't Do

The ordinance **DOES NOT** limit the sale of leather of any kind, or any cowhide or sheepskin with hair fibers still attached.

It **DOES** prohibit the sale of fur from animals raised in fur farms or trapped and killed only for their pelts (foxes, coyotes, racoon dogs, minks, chinchillas, and rabbits)

IT **DOES** prohibit the sale of fur products both in person and online of retailers and buyers physically located in Lexington.

The ordinance exempts:

- used fur sold second-hand
- fur used for Native American tribal purposes
- fur used for religious purposes
- taxidermy



Thank you!



Dr. Dinesh Patel & his grandchildren, Bela, Nayan, Nadia and Lila

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 31 FAIR TRADE RESTRICTIONS- FUR PRODUCTS (Citizen Petition)

That Chapter 9 of the Code of the Town of Lexington be amended by adding the following Section 9-8:

Section 9-8. Trade in Fur Products.

A. Purpose and Findings.

The Town finds that the fur production process is energy intensive and has a significant environmental impact, including air and water pollution. The Town also finds that animals that are slaughtered for their fur endure tremendous suffering. The Town believes that eliminating the sale of fur products in the Town of Lexington will decrease the demand for these cruel and environmentally harmful products, and promote community health and wellbeing, as well as animal welfare, and, in turn, will foster a more humane environment and enhance the reputation of the Town.

B. Definitions.

The following words as used in this Section shall have the following meanings:

“Fur” means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state.

“Fur product” means any article of clothing or covering for any part of the body, or any fashion accessory, including but not limited to handbags, shoes, slippers, hats, earmuffs, scarves, shawls, gloves, jewelry, keychains, toys or trinkets, and home accessories and décor, that is made in whole or part of fur. “Fur product” shall not include any of the following:

- a. An animal skin or part thereof that is to be converted into leather, or which in processing will have the hair, fleece, or fur fiber completely removed;
- b. Cowhide with the hair attached thereto;
- c. Deerskin with the hair attached thereto;
- d. Lambskin or sheepskin with the fleece attached thereto; or
- e. The pelt or skin of any animal that is preserved through taxidermy or for the purpose of taxidermy.

“Non-profit organization” means any corporation that is created for charitable, religious, philanthropic, educational, or similar purposes under state or federal law.

Town of Lexington
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“Offer for sale” means to adverse or otherwise proffer a fur for acceptance by another person or entity.

“Sell” means to exchange for consideration, adopt out, barter, auction, trade, lease or otherwise transfer for consideration.

“Taxidermy” means the practice of preparing and preserving the skin of an animal that is deceased and stuffing and mounting it in lifelike form.

“Ultimate consumer” means an individual who buys a fur product for their own use, or for the use of another, but not for resale or trade.

“Used fur product” means a fur product that has been worn or used by an ultimate consumer.

C. Prohibition of Sale of Fur Products.

Notwithstanding any other provision of law, no person shall sell, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary consideration a fur product in the Town of Lexington.

D. Exemptions.

This section shall not apply to the sale, offer for sale, display for sale, trade, or distribution of:

(1) A used fur product by an individual (excluding a retail transaction), non-profit organization, or second-hand store, including a pawn shop;

(2) A fur product required for use in the practice of a religion;

(3) A fur product used for traditional tribal, cultural, or spiritual purposes by a member of a federally recognized or state recognized Native American tribe; or

(4) A fur product where the activity is expressly authorized by federal or state law.

E. Enforcement.

(1) Section 9-8 of this Bylaw shall be enforced by the Town Manager or their designee pursuant to G.L. c. 40, § 21D, according to the following schedule:

1st Offense: \$50

2nd Offense: \$100

Town of Lexington
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3rd & Each Subsequent Offense: \$300

Each fur product and every day upon which any such violation shall occur shall constitute a separate offense.

(2) This Chapter may also be enforced through any other means available in law or equity. Nothing in this Chapter may be construed to alter or amend any other legal obligations applicable to the sale of fur, or any other entities, under any other law or regulation.

F. Severability.

The invalidity of any provision of this By-Law shall not invalidate any other section or provision thereof.

G. Effective Date.

This By-Law shall become effective upon satisfaction of the requirements for Attorney General approval and for posting or publication provided in M.G.L. c.40, § 32, and no earlier than 6 months after passage.

2. That Section 1-6 of the Code of the Town of Lexington be amended by adding under Chapter 1-6 the following:

§ 9-8:

1st Offense: \$50

2nd Offense: \$100

3rd & Each subsequent Offense: \$300

(02/02/2023)

AMEND ZONING BYLAW AND MAP – VILLAGE & MULTI-FAMILY OVERLAY DISTRICTS
– PLANNING BOARD REVISED 2/21/23

ARTICLE 34

**AMEND ZONING BYLAW AND MAP
MULTI-FAMILY HOUSING FOR MBTA COMMUNITIES**

To see if the Town will vote to amend the Zoning Bylaw and Map to create districts permitting multi-family housing or mixed-use developments by right; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION:

This article implements the requirements of M.G.L. c. 40A § 3A by establishing new overlay zoning districts on the Zoning Map and amending the Zoning Bylaw to permit multi-family housing and mixed-use developments in some areas with an as-of-right approval process within those new districts.

MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, and Zoning Map be amended as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

- 1) Add rows to the table in § 135-2.2.5 (Overlay Districts) as follows:

VO	Village Overlay
MFO	Multi-Family Overlay
VHO	Village High-Rise Overlay

- 2) In § 135-10.0, add a new definition as follows:

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)

The Massachusetts Department of Housing and Community Development.

- 3) Add a new § 135-7.5 as follows:

7.5 VILLAGE AND MULTI-FAMILY OVERLAY DISTRICTS.

7.5.1 Purpose. The purposes of the Village Overlay (VO, MFO, and VHO) Districts are:

1. To provide family housing and ensure compliance with MGL c. 40A § 3A
2. To promote multi-family housing near retail sales and services, office, civic, and personal service uses;
3. To reduce dependency on automobiles by providing opportunities for upper-story and multi-family housing near public transportation such as bus stops, the Minuteman Commuter Bikeway, and major transportation routes;
4. To ensure pedestrian-friendly development by permitting higher density housing in areas that are walkable to public transportation, shopping, and local services;
5. To respond to the local and regional need for affordable housing by permitting a variety of housing types with inclusionary housing requirements;
6. To encourage economic investment in the redevelopment of properties;
7. To encourage residential and commercial uses to provide a customer base for local businesses; and
8. To meet the goals of the housing element of the 2022 LexingtonNEXT Comprehensive Plan.

AMEND ZONING BYLAW AND MAP – VILLAGE & MULTI-FAMILY OVERLAY DISTRICTS
– PLANNING BOARD REVISED 2/21/23

- 7.5.2** Overlay District. Village and Multi-Family Overlay Districts shall not replace existing zoning districts but shall be superimposed over them. The provisions of this section apply only to developments on a lot located entirely within Village and Multi-Family Overlay Districts where the property owner has elected to comply with the requirements of the Village Overlay District, rather than complying with those of the underlying zoning district.
- 7.5.3** Procedures and Regulations. Development under this section requires Site Plan Review by the Planning Board under § 9.5. The Planning Board shall adopt regulations to facilitate site layout, building design, and outdoor amenity spaces. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and DHCD's current *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* as amended.
- 7.5.4** Permitted Uses.
1. All developments under this section shall include multi-family housing. All residential uses under this section shall be multi-family housing.
 2. Developments may also include uses permitted in an underlying zoning district.
 3. Where the underlying zoning district is the CB District, only the greater of 20% of the frontage on a public way or public parking lot or 20 ft. may be dedicated to residential uses.
 4. Developments in the VO district may contain other nonresidential uses on the street floor and basement to the extent permitted in either the CRS or CB zoning district, except that:
 - a. The following uses are not permitted:
 - i. Medical clinic for outpatient services
 - ii. Motor vehicle sales or rental
 - iii. Sale of fuel, motor oil, or other motor vehicle parts or accessories
 - iv. Cleaning, maintenance, and repair of motor vehicles
 - v. Private postal service
 - b. Nonresidential uses in the CRS or CB District that require a special permit shall require a special permit.
 - c. The development standards for office uses in Table 1 (Permitted Uses and Development Standards), G.2.0 shall not apply.
 5. Accessory Uses for residential uses are permitted to the same extent they would be permitted in the RO District.
- 7.5.5** Dimensional controls. The dimensional controls of § 4.0 are modified as follows for developments under this section:
1. § 4.1.4 (One Dwelling Per Lot) does not apply.
 2. § 4.2.2 (Lot Regularity), § 4.2.3 (Lot Area), and § 4.2.4 (Lot Frontage) do not apply to lots with existing buildings.
 3. § 4.3.5 (Height of Dwellings Near Lot Lines) does not apply.
 4. § 4.4 (Residential Gross Floor Area) does not apply.
 5. Nonresidential FAR is not restricted.
 6. The minimum required front yard in feet is the lesser of that required in the underlying zoning district or 15 feet, except that where 50% or more of the front façade of the street floor is

AMEND ZONING BYLAW AND MAP – VILLAGE & MULTI-FAMILY OVERLAY DISTRICTS
– PLANNING BOARD REVISED 2/21/23

occupied by nonresidential principal uses, no front yard is required. Minimum required front yard areas shall be used as amenity space available for residences and semi-public uses such as landscaping, benches, tables, chairs, play areas, public art or similar features. Parking spaces are not permitted in the minimum required front yard.

7. The minimum required side yard in feet is the lesser of that required in the underlying zoning district and that shown below:

If Actual Lot Frontage Is	Side Yard Must Be At Least
More than 100 feet	15 feet
More than 75 feet but not more than 100 feet	12 feet
More than 50 feet but not more than 75 feet	10 feet
More than 0 feet but not more than 50 feet	7.5 feet

8. The minimum required rear yard in feet is the lesser of that required in the underlying zoning district and 15 feet.
9. The site coverage is not restricted.
10. The maximum height in feet of buildings is:

District	VO	MFO	VHO
Height in feet	52	40*	70*

11. *In the VO District:

- a. Where at least 30% of the total net floor area of the street floor of the development is occupied by nonresidential principal uses permitted in the underlying district, the maximum height is 60 feet.
- b. If the nonresidential uses are not permitted in the underlying district, the maximum height is 52 feet.

12. *In the VHO District where at least 50% of the total net floor area of a development project is occupied by nonresidential principal uses permitted in the underlying district, the maximum height is 115 ft.

13. The number of stories is not restricted.

7.5.6 Off-Street Parking and Loading. The provisions of § 5.1 (Off Street Parking and Loading) are modified as follows:

1. The parking factor for dwelling and rooming units is 1 per unit.
2. The parking factor for other uses shall be the same as in § 5.1.4 (Table of Parking Requirements) for the CB District.
3. Developments under this section may provide fewer parking spaces where, in the determination of the Planning Board, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination the Planning Board may develop regulations to evaluate any parking reduction requests to consider complementary uses, proximity to public transportation, proximity to municipal and street parking, transportation demand management (TDM) measures, and shared parking arrangements at the Board's discretion.

AMEND ZONING BYLAW AND MAP – VILLAGE & MULTI-FAMILY OVERLAY DISTRICTS
– PLANNING BOARD REVISED 2/21/23

- 7.5.7** § 5.5 (Traffic Standards) does not apply.
- 7.5.8** §7.4.4 (Sustainable Design) does not apply.
- 7.5.9** The provisions of § 5.3 (Landscaping, Transition and Screening) and §5.3.5 (Required Depth or Width (in feet) of a transition area are modified as follows:
- Transition areas, as specified under § 5.3.4 (Transition Areas), are required only along the boundary of the Village Overlay Districts (VO, MFO, & VHO) and shall have a depth of five (5) feet.
- 7.5.10** The provisions of § 7.3 (Planned Development Districts) are modified as follows:
1. Notwithstanding § 7.3.2.3 (Compliance Required) and § 7.3.3 (Existing RD and CD Districts), development under this section, development of related accessory structures and improvements, and removal of existing structures and improvements need not conform to a preliminary site development and use plan.
- 7.5.11** Nonconforming Off-Street Parking and Loading. The provisions of § 8.7 are modified as follows:
1. § 8.7.1.2 (Increase in Floor Area) does not apply.
 2. § 8.7.2 (Reconstruction or Replacement of a Building) does not apply.
- 7.5.12** Inclusionary Housing.
1. In any development containing eight (8) or more dwelling units, at least 15% of the dwelling units shall be Inclusionary Dwelling Units with a household income at 80% of the Area Median Income and eligible for inclusion on the DHCD's Subsidized Housing Inventory. Where a fraction of a dwelling unit is required for this calculation, the amount of required dwelling units shall be rounded down. If DHCD determines in writing that the Town has not shown this 15% requirement to be feasible, at least 10% of the dwelling units in any development containing ten (10) or more units must be for households with income at 80% of the Area Median Income and eligible for inclusion on the Subsidized Housing Inventory.
 2. Inclusionary dwelling units shall be substantially similar in size, layout, parking, construction materials, fixtures, amenities, and interior and exterior finishes to the other dwelling units in the same dwelling.
 3. Inclusionary dwelling units shall be proportionally dispersed throughout the development and not concentrated within particular sections of a dwelling or within particular dwellings.
 4. Occupants of inclusionary dwelling units shall have the same access to common areas, facilities, and services as enjoyed by other occupants of the development including but not limited to outdoor spaces, amenity spaces, storage, parking, bicycle parking facilities, and resident services.
 5. The Planning Board, in consultation with the Select Board, the Housing Partnership Board, and the Commission on Disability, may adopt regulations consistent with DHCD's Compliance Guidelines and this section to facilitate equitable size, physical characteristics, location, and access to services for the inclusionary units and the form of required legal restrictions.
 6. Certificate of occupancy. No certificate of occupancy for a residence in a development permitted under this section shall be issued until the regulatory agreements for any inclusionary dwelling units are recorded.

AMEND ZONING BYLAW AND MAP – VILLAGE & MULTI-FAMILY OVERLAY DISTRICTS
– PLANNING BOARD REVISED 2/21/23

7.5.13 Playground and Recreation Areas. Any development containing forty (40) or more dwelling units shall provide an outdoor play area or common space appropriate for use by families with children which may include features such as swings, jungle-gyms, slides, tables, chairs, benches and similar features. Areas shall incorporate universal design standards.

7.5.14 Conditions. The Planning Board may impose reasonable terms and conditions, consistent with the parameters established by DHCD's Compliance Guidelines, to promote these objectives and serve the purposes of this section. Approval may reasonably regulate matters such as vehicular access and circulation on site, architectural design of a building, site design, and screening for adjacent properties. The Board may require a performance guarantee to ensure compliance with these conditions.

4) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VO District:

- a. East Lexington
- b. Bedford Street/Worthen Road
- c. Bedford Street/Reed Street
- d. Marrett Road/Waltham Street
- e. Marrett Road/Spring Street
- f. Concord Avenue/Waltham Street

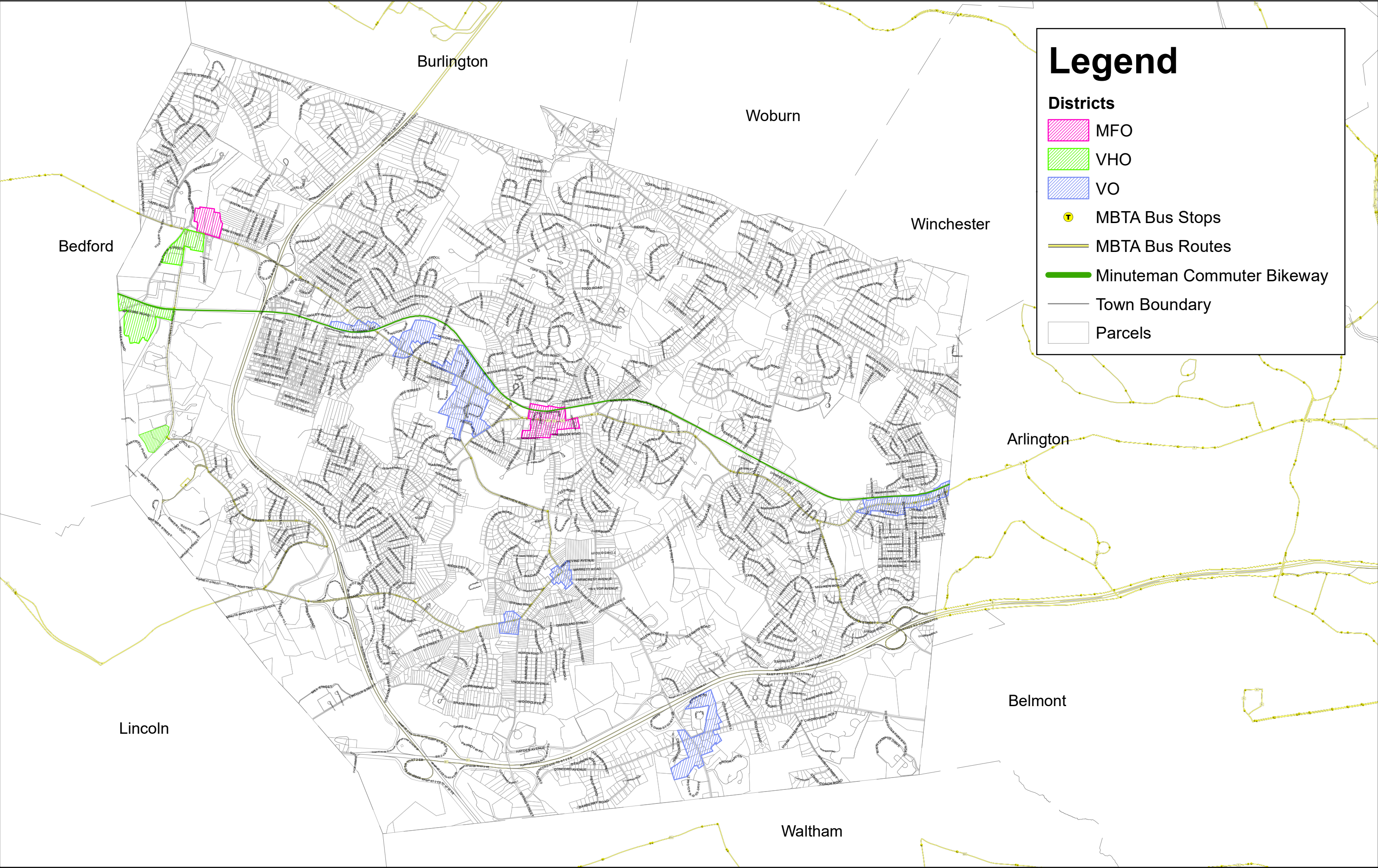
5) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the MFO District:

- g. Lexington Center
- h. Bedford Street North

7) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VHO District:

- i. Hartwell Avenue/Westview Street
- j. Maguire Road
- k. Hartwell Avenue/Wood Street

Village Overlay Districts

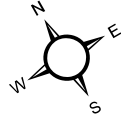
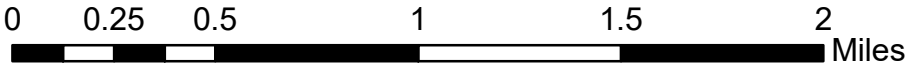


Legend

Districts

- MFO
- VHO
- VO

- MBTA Bus Stops
- MBTA Bus Routes
- Minuteman Commuter Bikeway
- Town Boundary
- Parcels



ARTICLE 35

**AMEND ZONING BYLAW
SUPPLEMENTAL INCLUSIONARY HOUSING REQUIREMENTS**

To see if the Town will vote to amend the Zoning Bylaw to add stricter inclusionary housing requirements for multi-family housing; or act in any other manner in relation thereto.

DESCRIPTION:

This article would have required more inclusionary dwelling units in multi-family housing developments permitted under Article 34. The Planning Board has since amended the previous article 34 to include inclusionary housing requirements greater than the maximum required by the DHCD. DHCD requires an economic analysis to demonstrate feasibility for any inclusionary dwelling zoning that requires a project include over 10% of a project's total dwellings to be income restricted. Lexington has contracted with a consultant to perform the economic feasibility study.

MOTION:

The Planning Board recommends Town Meeting refer this article to the Planning Board.

ARTICLE 36

AMEND ZONING BYLAW AND MAP CENTRAL BUSINESS DISTRICT

To see if the Town will vote to amend the Zoning Map to rezone areas adjacent to the CB District into the CB District; or act in any other manner in relation thereto.

DESCRIPTION:

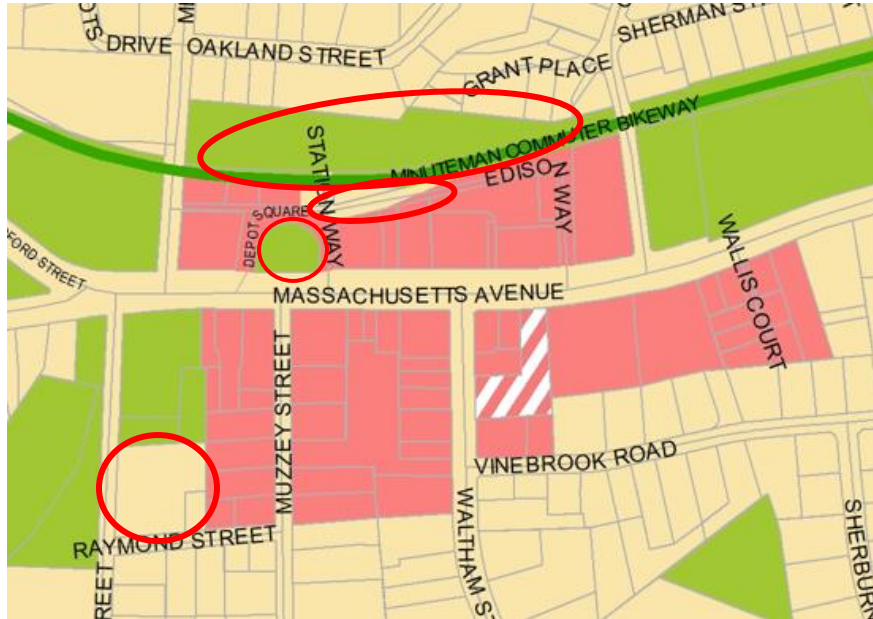
This article would move several properties adjacent to the Central Business (CB) District into the district to facilitate consistent development. The properties proposed include the Meriam Street parking lot, areas between that parking lot and the existing CB District used for parking or recreation, the medical building at 16 Clarke Street, and the adjacent residential property.

MOTION:

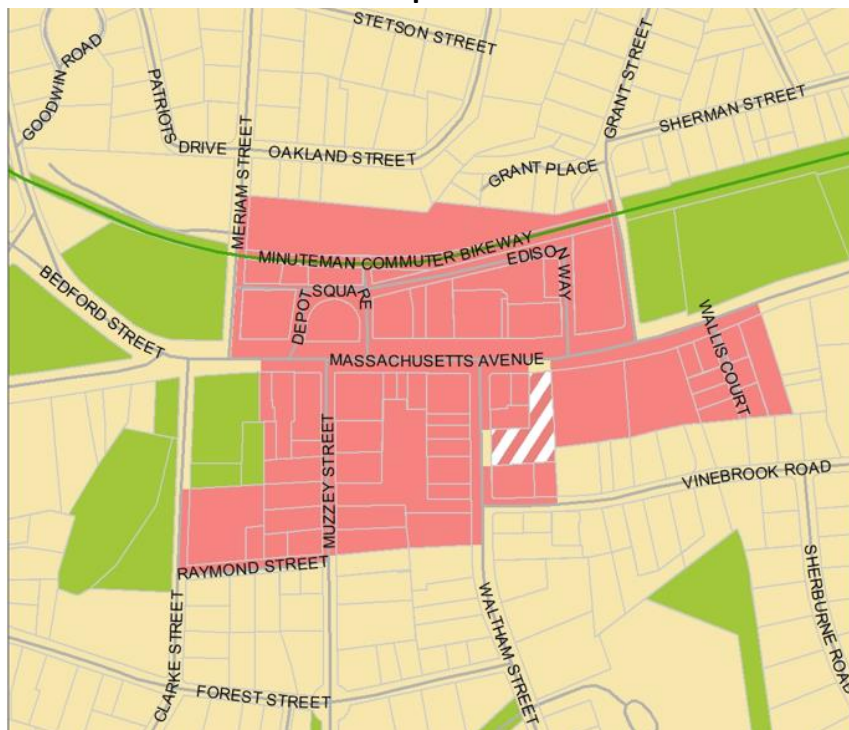
That the Zoning Map be amended as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

1. Amend the Zoning Map to rezone the following areas into the CB District:
 - a. Lots 5A, 79, and 80 on assessor's map 49; and
 - b. All portions of the area bounded by Massachusetts Avenue, Meriam Street, the northern sideline of the Minuteman Commuter Bikeway, and Grant Street not currently located in the CB District.

Existing:



Proposed:



ARTICLE 37

AMEND ZONING BYLAW ACTION DEADLINE FOR MAJOR SITE PLAN REVIEW

To see if the Town will vote to amend Section 9.5.4 of the Zoning Bylaw to modify the action deadline for Major Site Plan Review applications; reference the Planning Board's Zoning Regulations; or act in any other manner in relation thereto.

DESCRIPTION:

This article would extend the Planning Board's current 60-day application action deadline for Major Site Plan Review applications.

MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, where ~~struck through~~ text is to be removed and underlined text is to be added, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

1. Amend §135-9.5.4.4 as follows:
 4. The Planning Board or its designee shall review and act upon the site plan, requiring such conditions as necessary to satisfy the Review Standards and the Zoning Regulations, and notify the applicant of its decision. The decision shall be in writing and shall be rendered within 60 days (for a minor site plan review) and 150 days (for a major site plan review) from the date of submission of a complete application.

ARTICLE 38

AMEND ZONING BYLAW MINOR MODIFICATIONS TO APPROVED PERMITS

To see if the Town will vote to amend Sections 9.2 and 9.4 of the Zoning Bylaw to create a process for minor modifications to projects that have received prior Board of Appeals or Planning Board approval; or act in any other manner in relation thereto.

DESCRIPTION:

This amendment would establish a process that would allow the Board of Appeals or Planning Board to consider requests for minor modifications to projects that have received prior approval at a public meeting without requiring a new public hearing.

PROPOSED MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

- 1) Add a new § 135-9.2.2(5) as follows:
 5. To consider and approve minor modifications to an approved special permit, appeal, variance, or comprehensive permit. Minor modifications shall be limited to changes that do not have a material impact on the project permitted by the special permit, appeal, variance or comprehensive permit, and do not grant any zoning relief not originally requested or approved. Minor modifications shall be consistent with the Zoning Bylaw. Minor modifications may be authorized by a majority vote of the Board of Appeals. If the Board of Appeals in its review determines that a requested modification constitutes a major modification, it shall require the submission of an application for amendment requiring a new public hearing pursuant to M.G.L. c. 40A.

- 2) Add new § 135-9.4.7 as follows:

9.4.7 Modifications.

Any modification to an approved special permit requires prior approval from the SPGA. Certain requests may be considered as a minor modification, authorized by a majority vote of the SPGA. Minor modifications shall be limited to changes that do not have a material impact on the project permitted by the special permit, appeal variance or comprehensive permit, and do not grant any zoning relief not originally requested or approved. Minor modifications shall be consistent with the Zoning Bylaw. If the SPGA in its review determines that a requested modification constitutes a major modification, it shall require the submission of an application for amendment requiring a new public hearing pursuant to M.G.L. c.40A.

ARTICLE 39

AMEND ZONING BYLAW TECHNICAL CORRECTIONS

To see if the Town will vote to approve certain amendments to the Zoning Bylaw that are clerical in nature to correct typographical errors, create consistency; or act in any other manner in relation thereto.

DESCRIPTION:

This article would not change the Zoning Bylaw in any substantive way, but would correct any typos or errors discovered during the course of the public hearings for zoning amendments.

PROPOSED MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, where ~~struck through~~ text is to be removed and underlined text is to be added, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

1. Amend § 135-9.5.5.3 as follows:
 3. Open space, natural features, and the landscape, emphasizing the function of natural, aesthetic, social, and ~~reactional~~ recreational design;
2. Amend § 135-6.7.3.2 as follows:
 2. An owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units as a primary residence, except for temporary absences as provided herein. ~~For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence.~~



Town of Lexington

PLANNING BOARD

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planning@lexingtonma.gov
www.lexingtonma.gov/planning

Robert D. Peters, Chair
Michael Schanbacher, Vice Chair
Melanie Thompson, Clerk
Robert Creech, Member
Charles Hornig, Member
Michael Leon, Associate Member

To: Jill Hai, Chair
Select Board Members

Copy: Jim Malloy, Town Manager
Kelly Axtell, Deputy Town Manager

From: Abby McCabe, Planning Director

Date: February 22, 2023

Re: Summary of Zoning Amendment Articles for Annual Town Meeting

The Planning Board opened the public hearings on the Planning Board sponsored articles 34-39 on February 1 and held continued hearings on February 8 and February 15. On February 15, the Planning Board closed the public hearings and recommended Town Meeting **approve** article 34, 36 – 39 and recommended article 35 be **referred** to the Planning Board.

Article 34 – Amend Zoning Bylaw and Zoning Map for Multi-Family Housing and Mixed-Use Developments for MBTA Communities

In 2020, the Commonwealth enacted zoning requirements intended to produce more housing to address the region's housing crisis. The statute requires MBTA-served municipalities adopt zoning to allow multi-family housing. This zoning amendment proposal was initiated in response to new requirements, but the Planning Board views this as an opportunity to help address the local and regional housing needs.

The recent completion of the *Lexington NEXT* Comprehensive Plan found significant community support for greater housing variety for all ages, incomes, backgrounds, and abilities. Community engagement also found a desire for more vibrant and dynamic commercial business districts.

The proposed zoning allows multi-family housing, and allows for mixed-use with a commercial component in most areas except the area on the north side of Bedford Street, creating three overlay districts in the following areas:

Village Overlay (VO):

East Lexington
Bedford Street/Worthen Road
Bedford Street/Reed Street
Marrett Road/Waltham Street

Marrett Road/Spring Street
Concord Avenue/Waltham Street

Multi-Family Overlay (MFO):

Lexington Center
Bedford Street North (residential only)

Village High-Rise Overlay (VHO):

Hartwell Avenue/Westview Street
Maguire Road
Hartwell Avenue/Wood Street

The zoning prioritizes new housing near local businesses to provide a strong customer base, near bus routes, and where infrastructure already exists. Since the overlay districts are proposed primarily over Lexington's limited commercial land, the VO and VHO zones allow residential above commercial to incentivize commercial development. Mixed-use generates more tax revenue, helps establish vibrant and thriving business districts, and provides a financial incentive for property owners to invest in improvements.

In response to public comments, ground floor commercial is required in the Center and mixed-use is not permitted in the Bedford Street North zone. Presently, the maximum height for a single-family house throughout town is 40 ft. and the proposed maximum heights are:

Proposed Uses	MFO	VO	VHO
Residential Only Project	Center – Not permitted North Bedford St. – 52 ft. (4 stories)	40 ft. (3 stories)	70 ft. (6 stories)
<u>Mixed-Use:</u> In commercial zone	Center – 52 ft. (4 stories) North Bedford St. – Not permitted	60 ft. (5 stories)	115 ft. (9 stories)
In residential zone	Not Applicable	52 ft. (4 stories)	Not Permitted

The zoning fully complies with the state law and is intended to promote the creation of housing. The proposed heights incorporate Lexington's priorities to promote economic incentives to maintain a local commercial base and create thriving business districts. The zoning proposal incorporates several recommendations from the Housing chapter of *Lexington NEXT* but also elements from Diversity & Inclusion, Transportation, Economic Vitality, and Land Use chapters.

On February 15, the Planning Board unanimously recommended Town Meeting approve this article.

Article 35 - Amend Zoning Bylaw for Supplemental Inclusionary Housing Requirements

The Planning Board placed this article on the warrant as a placeholder as a separate article related to the proposed multi-family housing zoning proposed in Article 34. The state's guidelines say the maximum a municipality can require for projects proposing multi-family housing is 10% of a project's total dwelling units, unless an economic feasibility analysis is provided from a third-party consultant demonstrating that over 10%, but not more than 20% of a project, is economically feasible. The Board worked with Town Counsel to add conditional language in Article 34 that allows up to 15% of a project's dwelling units to be income restricted inclusionary dwelling units. The Planning office has engaged a consultant and expects to have the fiscal analysis by the end of March. This separate article is no longer necessary. Based on the results of the report, the Planning Board could amend article 34 during Annual Town Meeting or return at a future Town Meeting for an amendment.

The Planning Board recommends Town Meeting refer this article to the Planning Board.

Article 36 – Expand Central Business (CB) District

This article proposes to amend the Zoning Map by incorporating the following lots into the CB zoning district:

- Municipal parking lot on Merriam Street, currently zoned (GC for Government Civic);
- Medical building at 16 Clarke, current zoned RS (One-Family)
- Residential property at 7 Raymond, current zoned RS
- Depot Square lot, currently zoned RS
- portion of 13 Depot Square, currently zoned RS
- portion of Edison Way, currently zoned RS
- Areas in between such as Emery Park, currently zoned GC.

The only proposed changes are to the Zoning Map, which if approved, would make these properties be in the CB district. The purpose of this article is to add properties into the CB zone.

On February 15, the Planning Board unanimously recommended Town Meeting approve this article.

Article 37 – Expand Action Deadline for Major Site Plan Review

This article proposes amend the zoning bylaw to allow up to a maximum of 150 days (5 months) to review Major Site Plan Review applications from the current 60-day time limit. The existing 2-month time limit is not always sufficient for adequate review and response to comments that may have come from the public process. The intent of this amendment is to give the Board more time to review a project if necessary.

On February 15, the Planning Board unanimously recommended Town Meeting approve this article.

Article 38 – Minor Modifications to Approved Permits

This article proposes to add provisions to allow the Zoning Board of Appeals (ZBA) and the Planning Board to approve minor changes to already approved projects without having to hold a full public hearing with advertisement in the newspaper. Once a project is approved, a minor change could be approved by the ZBA or

Planning Board at a public meeting, but without the time and expense of starting the full application process again. The intent of this article is to streamline the process for applicants on changes that may occur after the initial approval. This article would add provisions to the zoning consistent with the ZBA and Planning Board's current practices.

Article 39 – Technical Corrections

This article is non-substantive in nature. The article proposes to correct a typo and remove the word "family" in the accessory apartments section of the zoning bylaw to be consistent with the Special Town Meeting 2021 changes to incorporate more inclusive terms in the zoning bylaw.

Article 33 – Amendments to Special Permit Residential Developments

The public hearing opened with the Planning Board on February 8 and held a continued hearing on February 15. The Special Permit Residential Development Amendment Bylaw Ad Hoc Committee will return to the Planning Board for a continued public hearing on March 1. The hearing was continued to allow the Committee to consider any changes as a result of the public comments.

Article 40 – Citizen Petition to Reduce Residential Gross Floor Area

The public hearing opened on February 15 and was continued to March 1. The Planning Board requested the specific language be carefully reviewed further by staff, the petitioner, and board members to verify there were no unintended consequences.



Planning Board Presentation to Select Board

Annual Town Meeting 2023

- 6 - Planning Board Sponsored Zoning Amendments
- 2 - Other Zoning Amendment Articles



Article 34: Zoning Bylaw & Map Amendment for Village Overlay Districts to allow Multi-Family Housing for MBTA Communities





Article 34

In 2020, State Zoning Act Amended by Legislature to promote the production of multi-family housing walking distance of public transportation to address a severe regional housing shortage.

The New Law:

“M.G.L. c. 40A § 3A (a)(1) An MBTA Community **shall** have a zoning ordinance or by-law that provides for at least one district of a reasonable size in which multi-family housing is permitted as of right...”



Katahdin Woods Apartments, 1 Katahdin Dr.
120 units = 11 units per acre



Article 34

5 Key Components of the LAW –

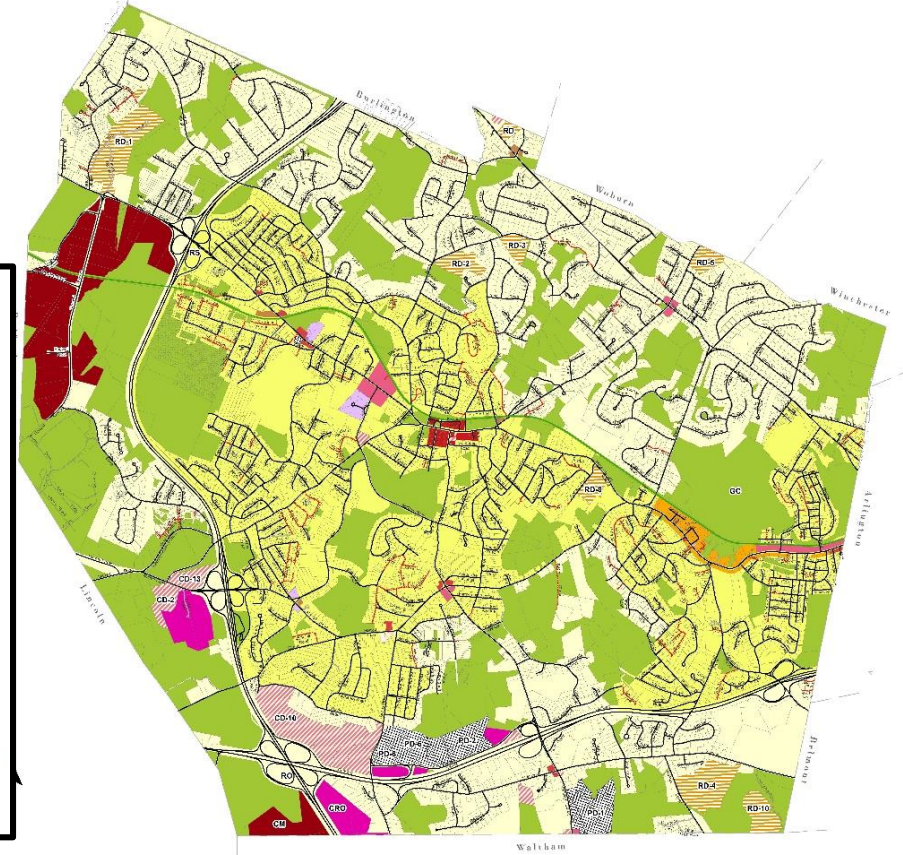
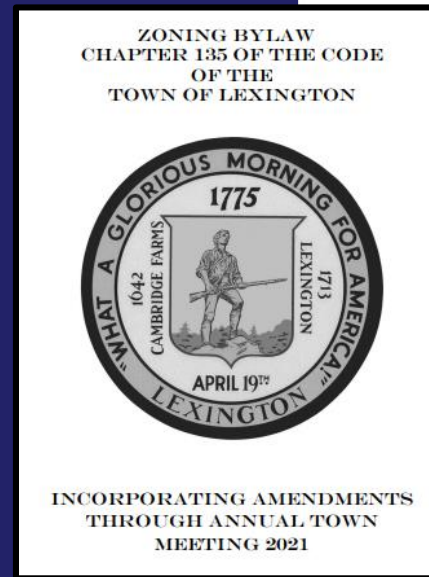
- At least one zoning district of a **reasonable size**
- Walking distance to public transportation, bikeways, bus stops/bus routes, and major transportation routes
- Suitable for families with children
- Zoning must allow a min. gross density of **15 units per acre**
- Zoning permit process **cannot be discretionary**

Multi-family = building designed for 3+ dwellings



Proposing Zoning not construction

- Official Zoning Map and Zoning Bylaw (Text)
- How properties can be developed & under what conditions
- Legal framework regulates development





DENSITY & HEIGHT EXAMPLES

Lexington Place Condos 50 Waltham St.

- 30 units = 44 units / acre, 42 ft., 3 Stories





DENSITY & HEIGHT EXAMPLES

Avalon

Off Concord Ave.

- 386 units = **17** units / acre
- 40-62 ft., varying
- 3 Stories





DENSITY & HEIGHT EXAMPLES

Muzzey School Condos Massachusetts Ave.

- 71 units = **18 units / acre**
- **52 ft.**
- 3 Stories





DENSITY & HEIGHT EXAMPLES

186 Bedford Street Mixed Use

- 13 units = 9.6 units / acre
- 41 ft.
- 3 Stories





HEIGHT EXAMPLES



Cary Memorial Hall
58 ft.



Brookhaven Residential Community
60 ft., 4 Stories

Copyright Photo: James M. Collins

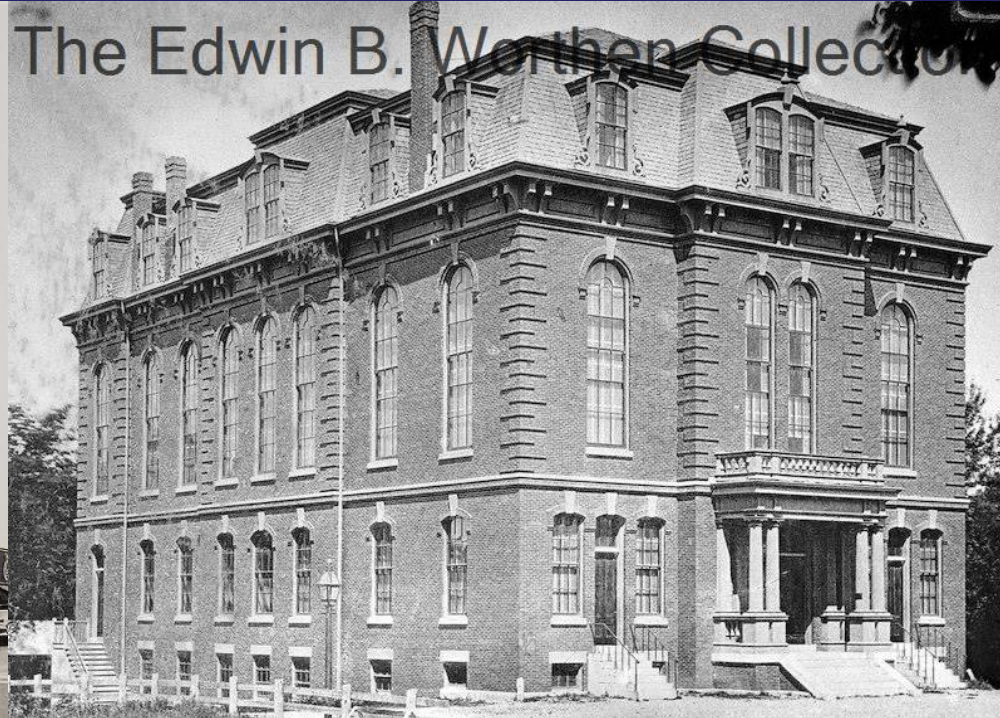


HISTORIC LEXINGTON CENTER

~40 ft.



~46 ft.



~42 ft.





HEIGHT EXAMPLES

62.7 ft.
To parapet
5 Stories



Waterstone at Lexington

Photo: Cranshaw Construction

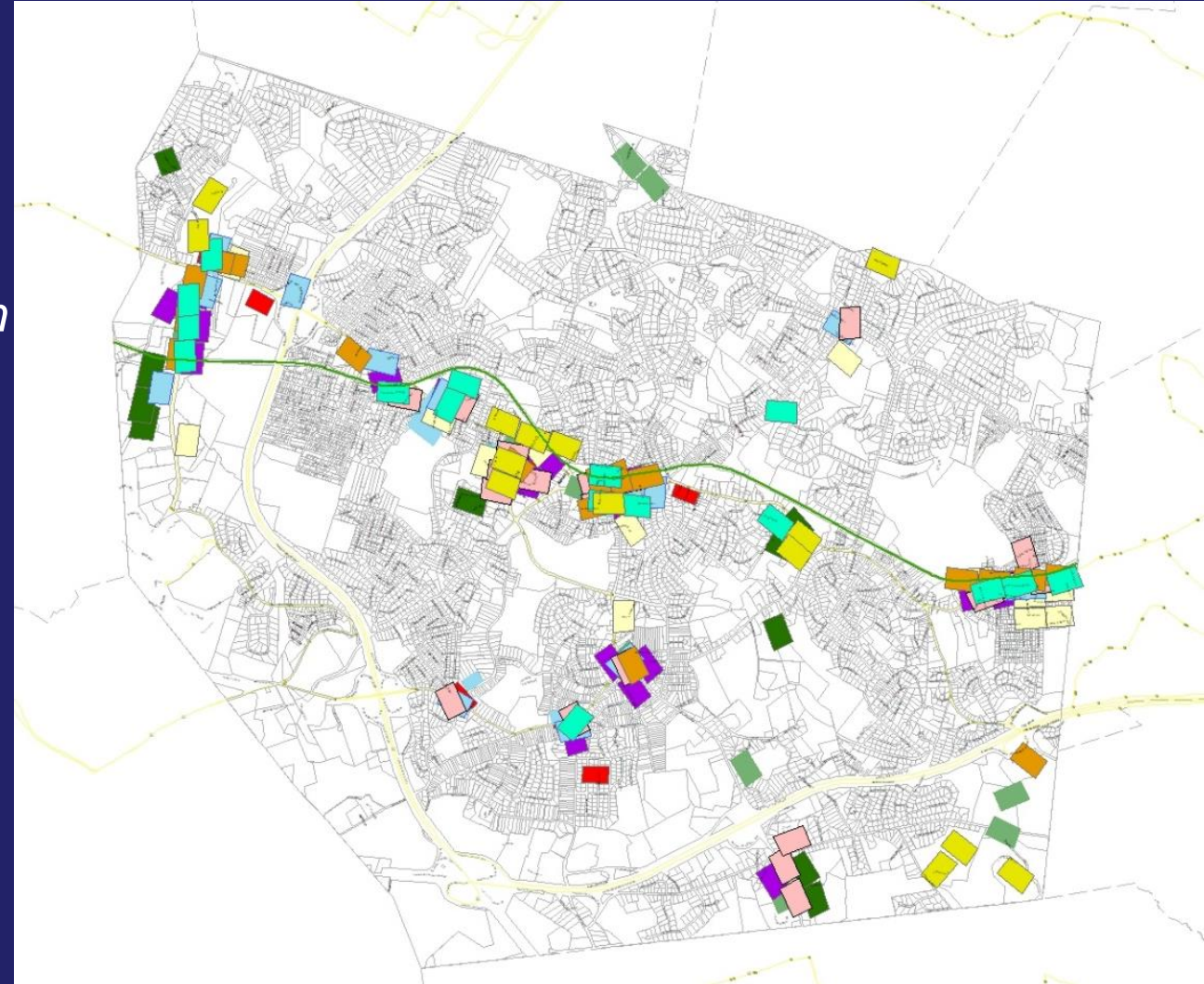


PLANNING BOARD'S WORK

Lexington NEXT:

- *Variety of housing types*
- *Increase subsidized housing*
- *Remove barriers to living in Lexington*
- *Diversity & equity*
- *Redevelopment of commercial properties*
- *Commercial growth*
- *Thriving business districts*
- *Walkable east Lexington*
- *Economic vitality*

**October 25 Workshop for 2023
proposal**





Planning Board Public Outreach

May 4, 2022 – Action Plan	May 18, 2022 – Action Plan	June 1, 2022 – Approved Action Plan	July 14, 2022 – Housing Partnership
July 21, 2022 – EDAC	Sept. 8, 2022 - Town Center Com.	Oct. 12, 2022 – Public Work Session	Oct. 19, 2022 – Public Work Session
Oct. 25, 2022 – Community Workshop	Nov. 4, 2022 – Lex Local, Lex Media	Nov. 9, 2022 – Public Work Session	Nov. 16, 2022 – Public Work Session
Dec. 7, 2022 – Public Work Session	Dec. 14, 2022 – Public Work Session	Dec. 21, 2022 – Public Work Session	Jan. 4, 2023 – Public Work Session
Jan. 6, 2023 – League of Women Voters Forum	Jan. 12, 2023 – Public Work Session	Jan. 18, 2023 – Public Work Session	Jan. 19, 2023 – Housing Partnership
Feb. 1, 2023 – Public Hearing	Feb. 8, 2023 – Public Hearing	Feb. 15, 2023 – Public Hearing	

23 Public Meetings & Presentations

Mailing to property owners

Weekly Lexington News Emails, Lex Media, Lexington Observer

Webpage: www.lexingtonMA.gov/MBTAZoning

Email Notifications – *TMMA, Board Meeting Notifications*



Article 34

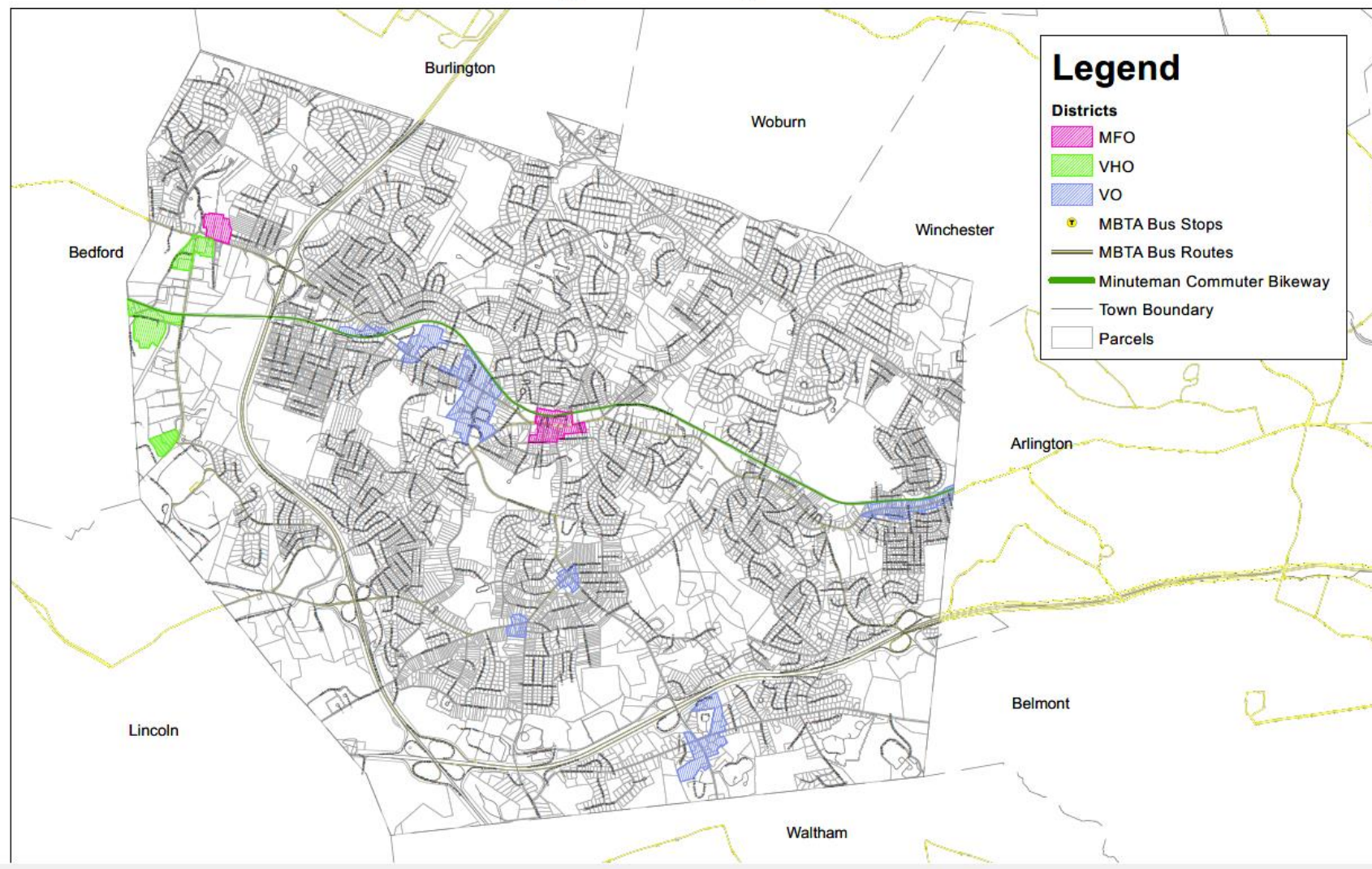
- Ensures compliance with state law and guidelines
- Opportunity to help solve regional housing crisis with housing production
- Incorporates variety of Lexington's goals
- Zoning to regulate, review, and guide growth
- Eligible for grants & competitive advantage
- Advances Select Board's goals for more affordable and accessible housing and vibrant mix of businesses
- Consistent with *Lexington NEXT* Comprehensive Plan recommendations:
 - Housing, Economic Vitality, Transportation,
 - Diversity & Inclusion, Sustainability & Resiliency,
 - Land use



Board's Zoning Proposal

- Bedford St./Worthen Rd.
- Bedford St./Reed St.
- Marrett Rd./Waltham St.
- Marrett Rd./Spring St.
- Concord Ave./Waltham St.
- East Lexington
- Lexington Center
- Bedford St. North
- Hartwell Ave.
- Maguire Rd.

Village Overlay Districts





Maximum Heights

Proposed Uses:	MFO	VO	VHO
Residential Only Project	Center – Not Permitted North Bedford St. – 52 ft. (4 Stories)	40 ft. (3 stories)	70 ft. (6 stories)
<u>Mixed-Use</u> In existing commercial zone	Center - 52 ft. (4 stories) North Bedford St. – Not Permitted	60 ft. (5 stories)	115 ft. (9 stories)
In existing residential zone	NA	52 ft. (4 stories)	NA

MFO = Center & North Bedford St.

VO = All other areas village overlay districts (East Lexington, Bedford St., Marrett Rd...)

VHO = Hartwell Ave. & Maguire Rd.



Village Overlay Districts (VOD)

Sec. 7.5 – Village Overlay Districts

Sets Standard Requirements for Planning Board Application Process

- Major Site Plan Review permit application
- Planning Board public hearing process with abutter notification
- Heights, setbacks, parking, site circulation, trash, lighting, architecture reviewed
- 15% of proposed units required to be inclusionary for SHI
- 85% units are market rate



Response to Public Comments:

Responsive to comments at 8 public work sessions

3 public hearings (230-300 attendees), 68 speakers, 94 written comments

- Residential only at North Bedford St.
- Lowered max. height in Center & North Bedford St. – 4 stories
- Lowered max. height for mixed use in VOs – 4 or 5 stories
- Increased min. parking requirement to 1 / dwelling
- Increased height bonus on Hartwell Ave. & Maguire Rd. for mixed use in CM zone
- 15% of a project's dwellings to all be SHI eligible (safe harbor)



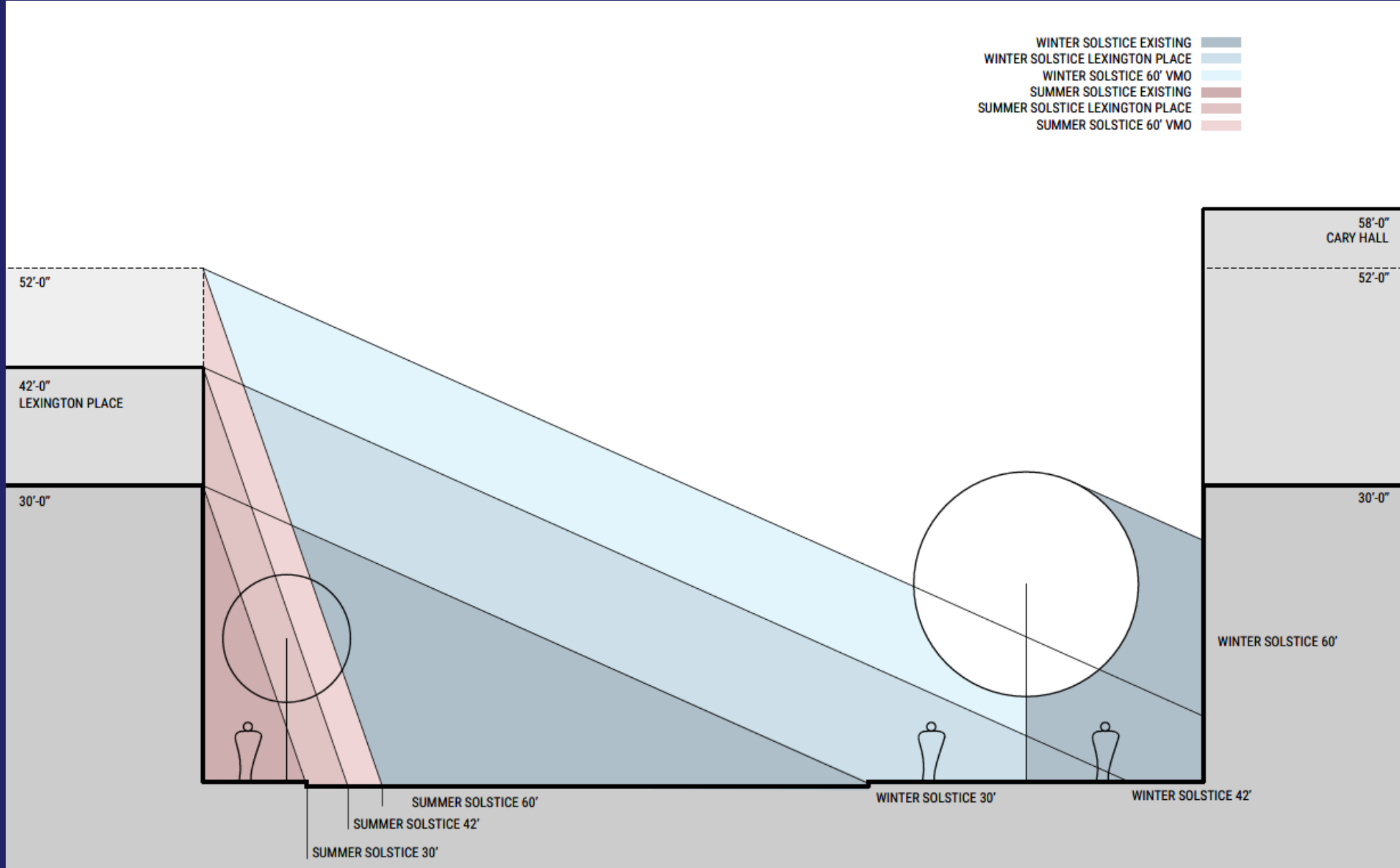
Thank you
Questions and comments

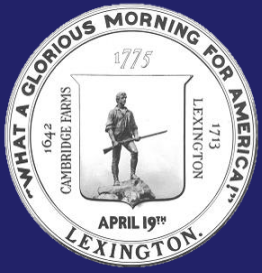


Appendix Exhibits



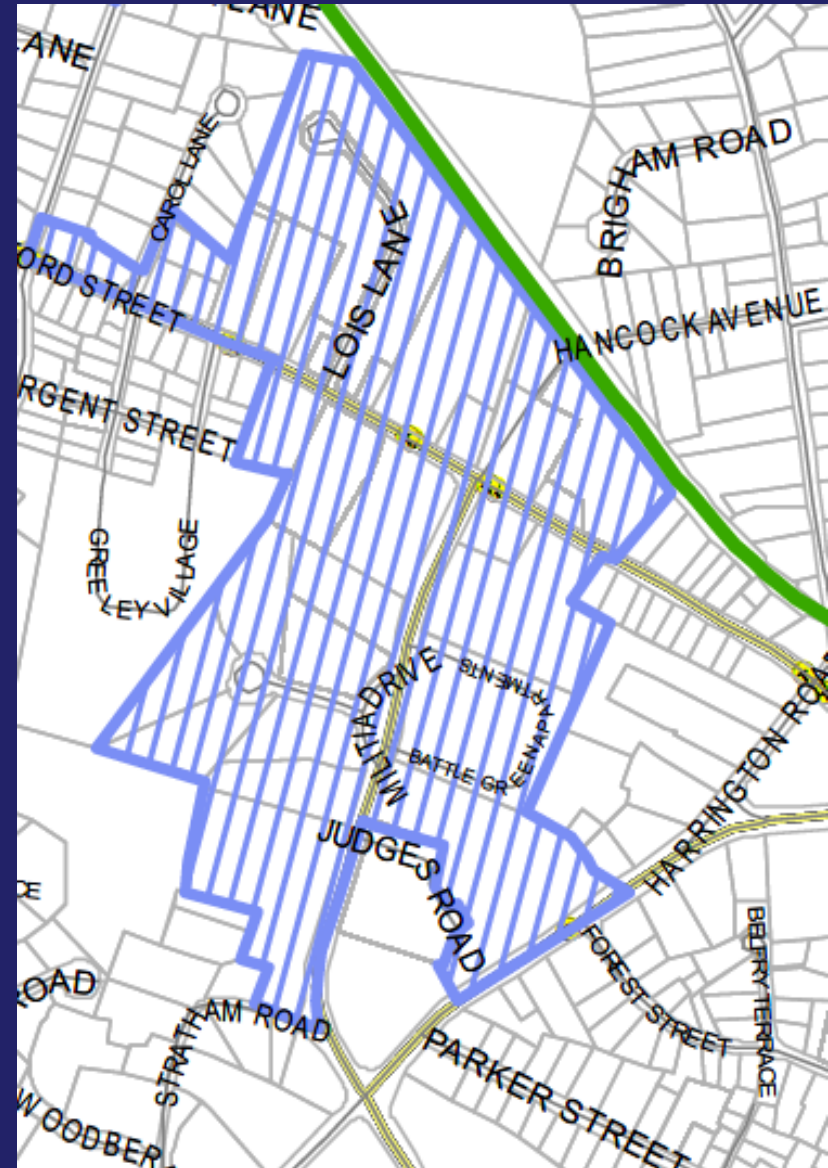
Lexington Center

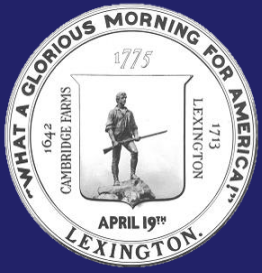




Bedford St./Worthen Rd.

- VO
- Max. height = 40 ft. If only residential (3 stories)
- Height bonus up to 60 ft. if ground floor commercial (5 stories)
- Height bonus up to 52 ft. for commercial if underlying zone is residential (4 stories)





Bedford St./Reed St.

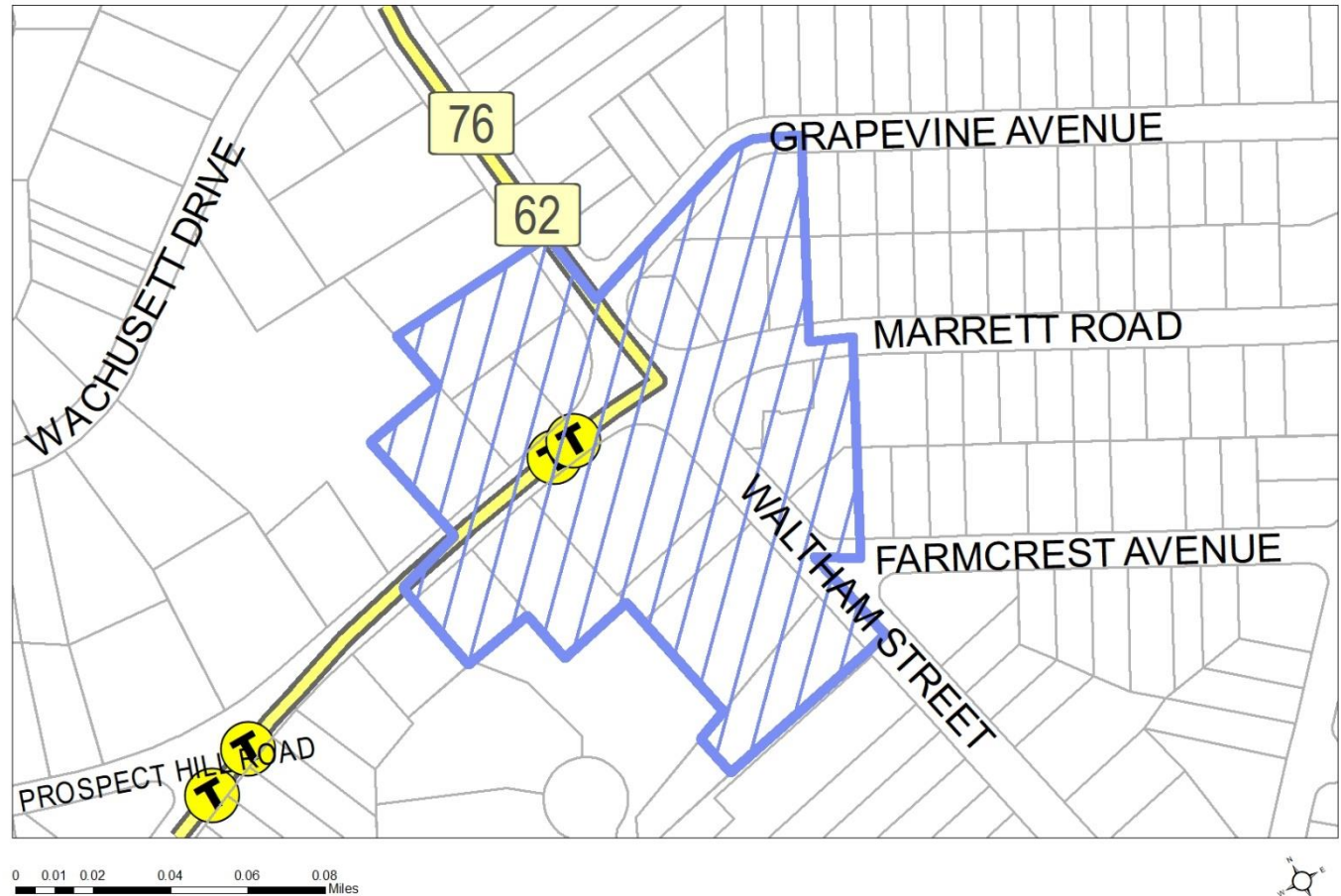
- VO
- Max. height = 40 ft.
If only residential (3 stories)
- Height bonus up to 60 ft. if ground floor commercial (5 stories)
- Height bonus up to 52 ft. for commercial if underlying zone is residential (4 stories)





Marrett Rd. / Waltham St.

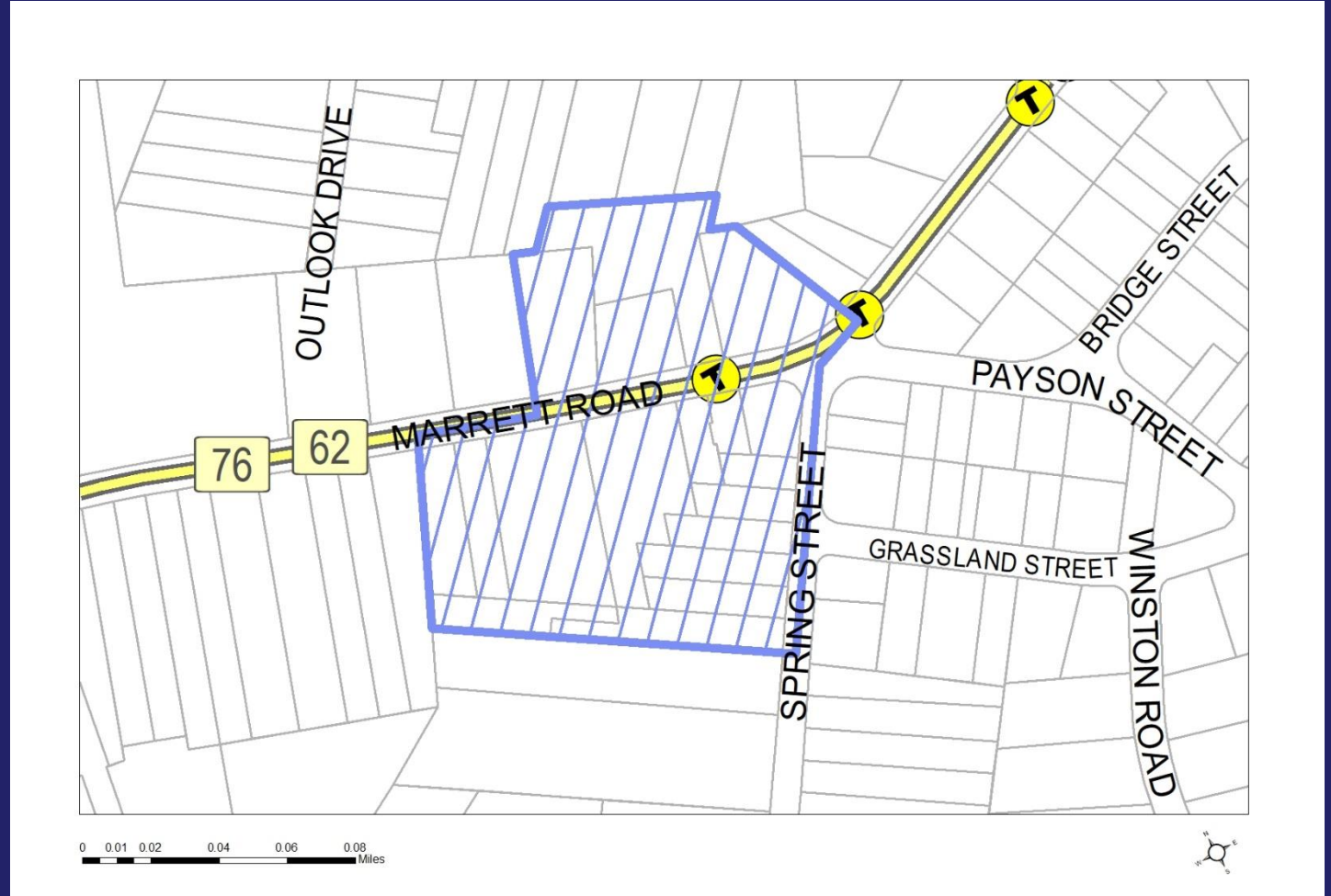
- VO
- Max. height = 40 ft. If only residential (3 stories)
- Height bonus up to 60 ft. if ground floor commercial (5 stories)
- Height bonus up to 52 ft. for commercial if underlying zone is residential (4 stories)

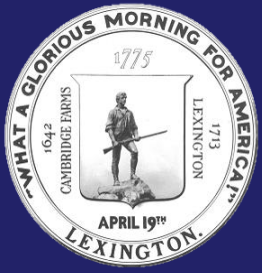




Marrett Rd. / Spring St. - VO

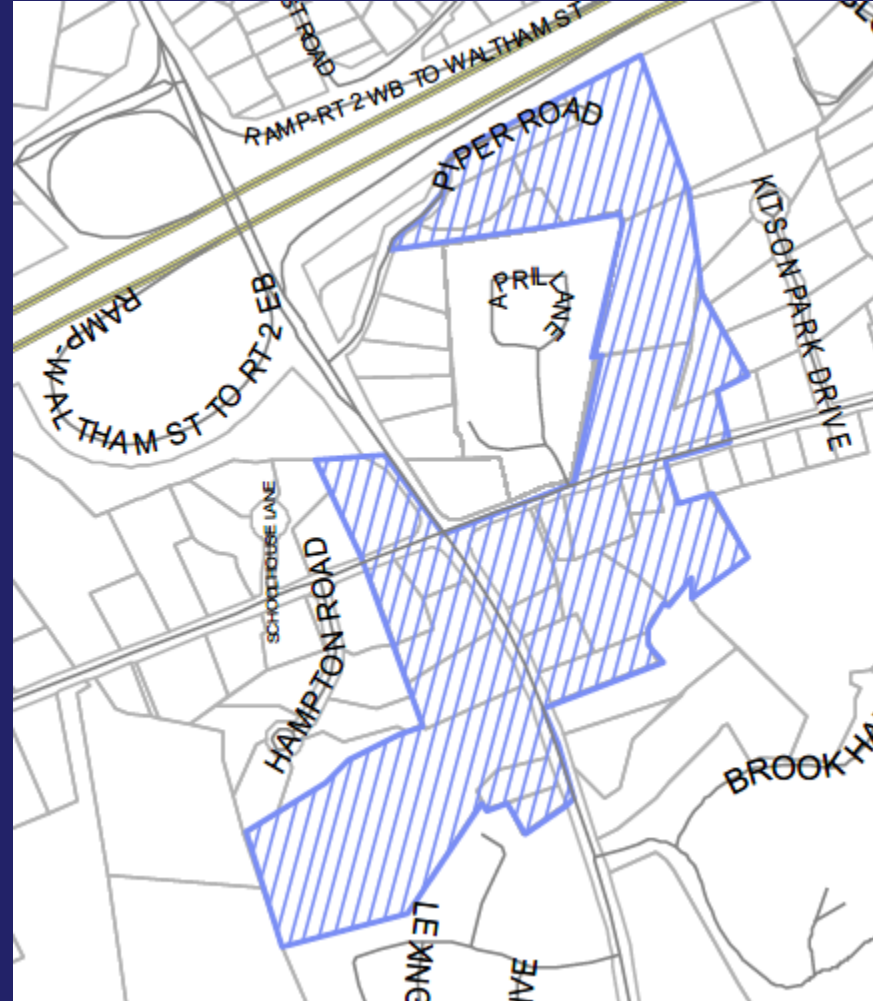
- VO
- Max. height = 40 ft. If only residential (3 stories)
- Height bonus up to 60 ft. if ground floor commercial (5 stories)
- Height bonus up to 52 ft. for mixed use if underlying zone is residential (4 stories)





Concord St. / Waltham St.

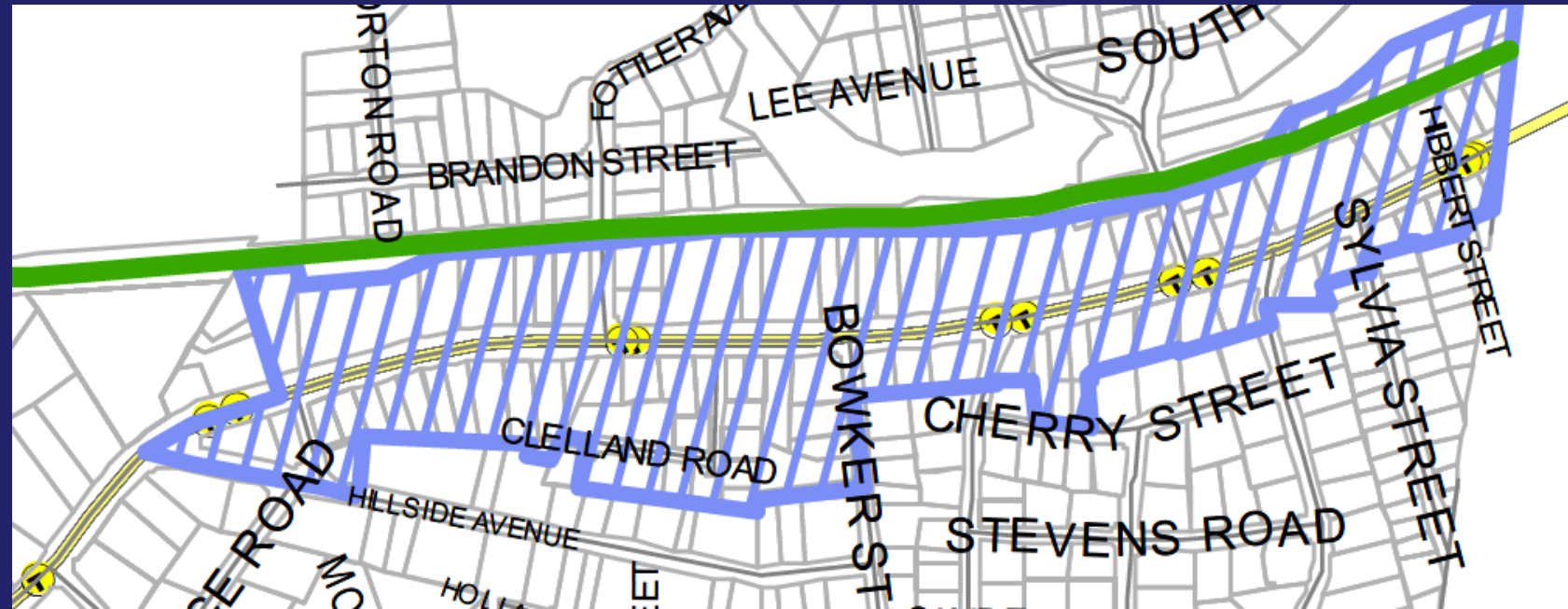
- VO
- Max. height = 40 ft. If only residential (3 stories)
- Height bonus up to 60 ft. if ground floor commercial (5 stories)
- Height bonus up to 52 ft. for commercial if underlying zone is residential (4 stories)





East Lexington - VO

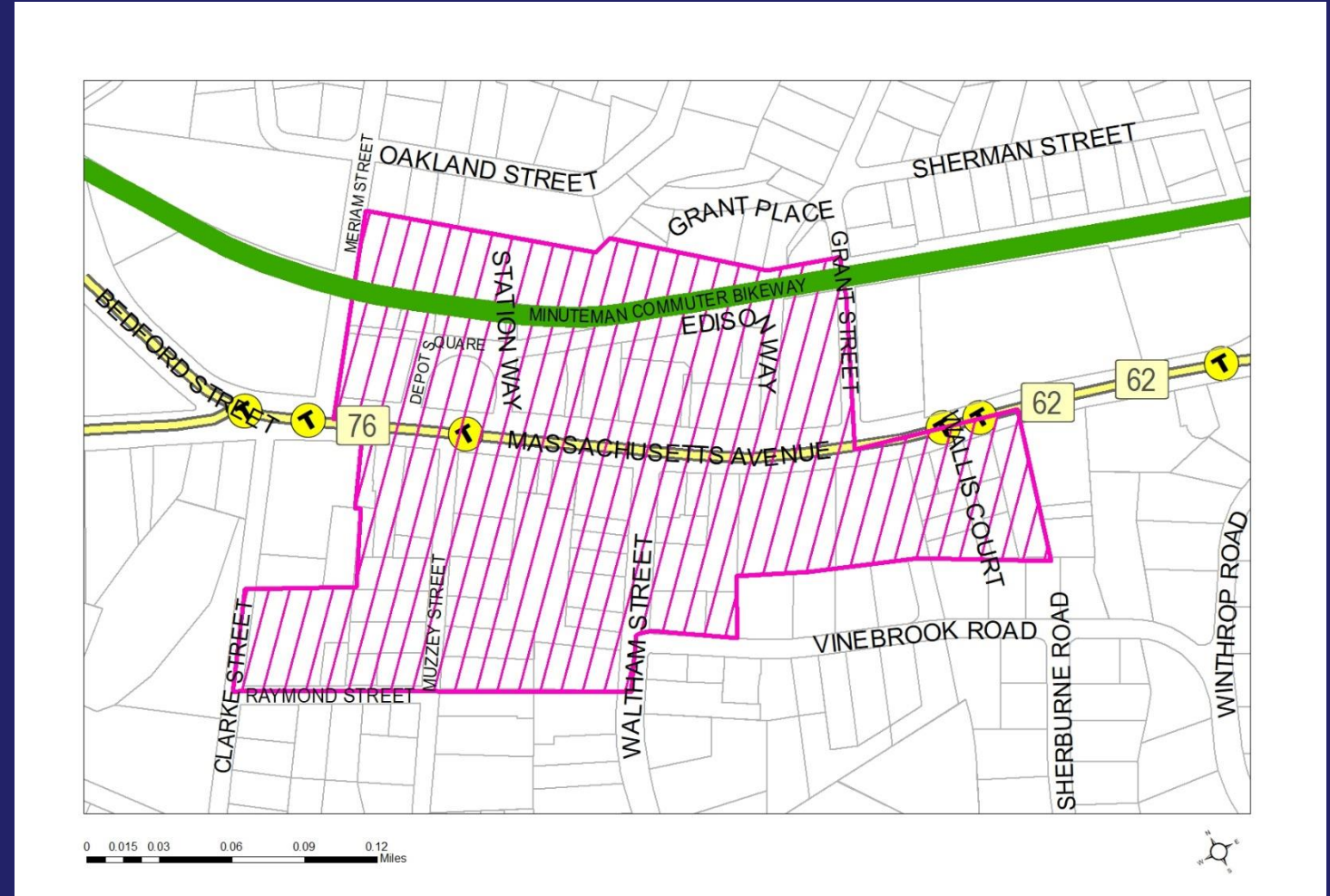
- VO
- Max. height = 40 ft. If only residential (3 stories)
- Height bonus up to 60 ft. if ground floor commercial (5 stories)
- Height bonus up to 52 ft. for commercial if underlying zone is residential (4 stories)





Lexington Center

- MFO
- Up to 4 stories (52 ft.)
- Requires Commercial (CB) uses on first floor





Bedford Street North

- MFO
- Max. 4 Stories (52 ft.)
- Residential only





Hartwell Ave. & Maguire Rd.

- VHO
- Up to 70 ft. height (6 stories), residential only
- Up to 115 ft. if mixed use, uses allowed in underlying CM





Comparison – Reading, MA

Downtown Zoning:
4 Stories
55 ft. height



2009 Zoning Approval

- 9 Projects in 14 years
- 246 units created (overall average of 18 / year)





Comparison - Westwood

- Zoning adopted 2013
- 480 Units (overall average 48 / year)
- 40-60 ft. height





Article 35

Supplemental Inclusionary Housing Requirements

Planning Board recommends *referral* to Planning Board

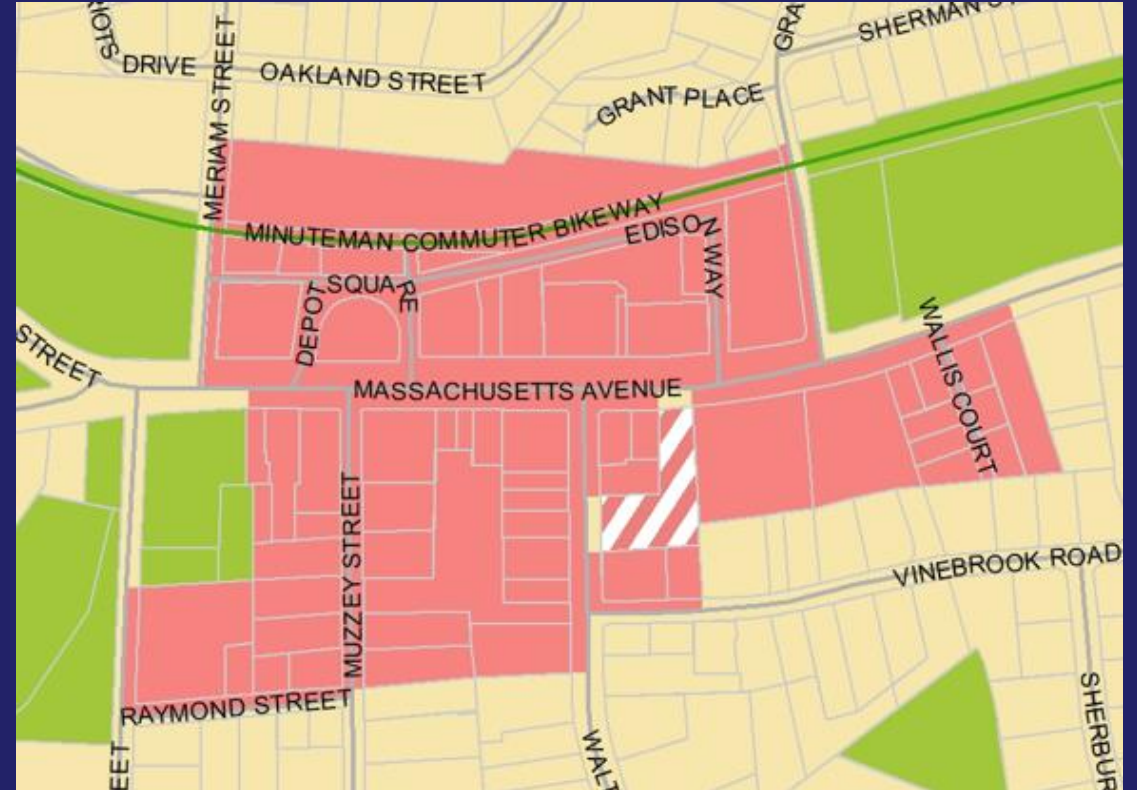


Article 36: Expand CB District

Existing Zoning



Proposed Zoning





Article 37: Extend Site Plan Review Deadline

...Shall review and act upon the site plan, requiring such conditions as necessary to satisfy the Review Standards and the Zoning Regulations, and notify the applicant of its decision. The decision shall be in writing and shall be rendered within 60 days for a minor site plan review and within 150 days for a major site plan review from the date of submission of a complete application.



Article 38: Minor Modifications to Approved Permits

- Adds provisions for Zoning Board of Appeals (ZBA) & Planning Board to approve minor modifications
- At public *meeting* vs. a public *hearing*
- For projects already approved/permitted only
 - Easements
 - Timing
 - Clarifications
 - Underground utility changes
 - Patio changes



Article 39: Technical Corrections

- Amend § 135-9.5.5.3 as follows:
—~~reactional~~ recreational design;

- Amend § 135-6.7.3.2 as follows:

An owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units as a primary residence, except for temporary absences as provided herein. ~~For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence.~~

-



Article 33 – Special Permit Residential Development
Amendments, public hearing continued to March 1

Article 40 – Citizen Petition Reduce Residential Gross Floor
Area, public hearing continued to March 1

Select Board Positions
Working Document

#	Article Name	UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (PC)	Possible IP (?)	DL	JP	SB	JH	MS
1	Notice of Election									
2	Election of Deputy Moderator and Reports of Town Boards, Officers and Committees									
3	Appointments To Cary Lecture Series.									
Financial Articles										
4	Appropriate FY2024 Operating Budget		JH							
5	Appropriate FY2024 Enterprise Funds Budgets		SB							
6	Establish Qualifications for Tax Deferrals	2/6/2023	DL							
7	Appropriate To Affordable Housing Trust		MS							
8	Evaluation of Archeological Resource Potential (Citizen Petition)	1/23/2023	SB							
9	Establish and Continue Departmental Revolving Funds		JP							
10	Appropriate The Fy2024 Community Preservation Committee Operating Budget And CPA Projects	1/23/2023								
	a) Stone Building Design and Repairs- \$400,000									
	b) Munroe Center for the Arts- \$6,635,191									
	c) Hancock-Clarke Barn Restoration- \$118,419									
	d) Archives and Record Management- \$35,000									
	e) First Parish Church Clock Restoration- \$12,000									
	f) East Village Clock at Follen Church Restoration- \$9,600									
	g) Willard Woods Site Improvements 1,211,675									
	h) Whipple Hill Trail Repair, Fire Access- \$300,000									
	i) Lincoln Park Field Improvements including Lighting- \$3,391,500									
			MS							

Select Board Positions
Working Document

#	Article Name	UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (PC)	Possible IP (?)	DL	JP	SB	JH	MS
10 (cont.)	j) Park and Playground Improvements, Bridge School- \$285,000	1/23/2023								
	k) Park and Playground Improvements, Justin Park- \$155,000									
	l) Public Grounds Irrigation Improvements- \$200,000									
	m) Transforming Trees into Art, Birds of New England- \$22,000									
	n) Affordable Housing Trust Funding- \$1,500,000									
	o) LexHAB Property Acquisition Prefunding- \$400,000									
	p) LexHAB Rehabilitation/Preservation and Installation of Solar Panels- \$345,125									
	q) Projected Debt Service- \$1,788,900									
	r) Administrative Budget- \$150,000									
11	Appropriate For Recreation Capital Projects		SB							
12	Appropriate For Municipal Capital Projects And Equipment		JH							
	a) All Terrain Vehicle (ATV)- Forestry									
	b) TMOD Implementation - Permitting and Progress Tracking									
	c) Transportation Mitigation									
	d) Bedford St. and Hartwell Ave. Long-Range Transportation Improvements									
	e) Townwide Culvert Replacement									
	f) Equipment Replacement									
	g) Sidewalk Improvements									
	h) Storm Drainage Improvements and NPDES compliance									
	i) Comprehensive Watershed Stormwater Management									
	j) Street Improvements									

Select Board Positions
Working Document

#	Article Name	UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (PC)	Possible IP (?)	DL	JP	SB	JH	MS
12 (cont.)	k) Hydrant Replacement Program									
	l) Municipal Parking Lot Improvements									
	m) New Sidewalk Installations									
	n) Network Core Equipment Replacement									
	o) Network Redundancy & Improvement Plan									
	p) (there is <i>no item associated with letter p</i>)									
	q) Scanning - Electronic Document Management									
13	Appropriate For Water System Improvements.		MS							
14	Appropriate For Wastewater System Improvements		SB							
15	Appropriate For School Capital Projects And Equipment		JP							
16	Appropriate For Public Facilities Capital Projects		DL							
	a) Public Facilities Bid Documents									
	b) Public Facilities Interior Finishes									
	c) Public Facilities Mechanical/Electrical/Plumbing Replacements									
	d) School Paving and Sidewalks									
	e) Municipal Building Envelopes and Associated Systems									
	f) School Building Envelopes and Associated Systems									
	g) Pine Meadows Clubhouse Renovation- Design									
	h) 173 Bedford Street Renovation- Design;									
	i) Solar Canopy & System - Police Station									
	j) East Lexington Fire Station- Feasibility Study									

Select Board Positions
Working Document

#	Article Name	UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (PC)	Possible IP (?)	DL	JP	SB	JH	MS
17	Appropriate To Post Employment Insurance Liability Fund		JP					R		
18	Rescind Prior Borrowing Authorizations		MS							
19	Establish, Amend, Dissolve And Appropriate To And From Specified Stabilization Funds		DL							
20	Appropriate For Prior Years' Unpaid Bills		SB							
21	Amend Fy2023 Operating, Enterprise And CPA Budgets.		DL							
22	Appropriate For Authorized Capital Improvements.		DL							
23	Establish Special Education Reserve Fund		JH							
General Articles										
24	Select Board To Accept Easements		MS							
25	Amend The General Bylaws - Demolition Delay		SB							
26	Amend The General Bylaws - Municipal Opt-In Specialized Stretch Energy Code		JP							
27	Amend Fossil Fuel Bylaw - Compliance With DOER Regulations And Guidance	2/6/2023	JP							
28	Amend General Bylaws - Tree Bylaw - Increase Protected Tree Look-Back Period	2/6/2023	JP							
29	Amend General Bylaws - Tree Bylaw - Changes To Tree Committee Composition	2/6/2023	JP							
30	Humane Pet Store Bylaw Correction		SB							
31	Fair Trade Restrictions - Fur Products (Citizen Petition)	2/27/2023	DL							
32	Dunback Meadow Sewer Easement (Citizen Petition)	1/23/2023	MS							
Zoning Articles										
33	Amend Zoning Bylaw - Special Permit Residential Development	2/13/2023	JH							

Select Board Positions
Working Document

#	Article Name	UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (PC)	Possible IP (?)	DL	JP	SB	JH	MS
34	Amend Zoning Bylaw And Map - Multi-Family Zoning Housing For MBTA Communities	2/27/2023	JH			R				
35	Supplemental Inclusionary Zoning Requirements For Village Overlay Districts	2/27/2023	JH			R				
36	Amend Zoning Bylaw And Map - Central Business District	2/27/2023	SB			R				
37	Amend Zoning Bylaw - Action Deadline For Major Site Plan Review	2/27/2023	JP							
38	Amend Zoning Bylaw - Minor Modifications To Approved Permits	2/27/2023	MS							
39	Amend Zoning Bylaw - Technical Corrections	2/27/2023	JH							
40	Amend Section 135 - 4.4 Of The Zoning Bylaw-Reduce Residential Gross Floor (Citizen Petition)	2/13/2023	DL							

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

ARPA Requests - Technology for Town Meeting and Select Board Meeting Room

PRESENTER:

Jim Malloy, Town Manager

ITEM NUMBER:

I.6

SUMMARY:

Decision-Making

This is a request that has time sensitivity to the decision from the Select Board to obtain equipment. There are two requests.

The first request is to fund up to \$20,000 for hand held tablets for Town Meeting members to use during Town Meeting. These will be used only at Town Meeting and will be checked out similar to the old clickers but will use the new voting system that has been in use for the past several Town Meetings. The cost is based on approximately \$80 per unit and 200 units which is \$16,000 plus any contingency in case there is other equipment that would be needed (i.e. for charging, storage, etc.).

The second request is for additional funding (please see 2/17/23 Town Manager's Weekly update - attached) for the breakdown for equipment for the Select Board Meeting Room so that it can continue to be used for hybrid meetings in the future. This request is also for \$20,000.

SUGGESTED MOTION:

Move to approve the use of \$20,000 from ARPA funds for tablets for Town Meetings.

Move to approve the use of \$20,000 from ARPA funds to complete the technology build-out of the Select Board Meeting Room.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

8:35pm

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Authorize Town Manager to Accept Bids for Community Choice Program

PRESENTER:

Jim Malloy, Town Manager

ITEM NUMBER:

I.7

SUMMARY:

Category: Decision-Making

The Town will be opening final bids for the Community Electric Aggregation Program (Lexington Community Choice) on February 28, 2023 and the bid needs to be awarded that day and contracts signed in order for it to be effective. The Board will have approved indicative pricing, which is confidential, in executive session previously this evening. The Town Manager will need to be authorize to execute contracts the day of the bid opening.

In the past the Board had placed a parameter on the authorization for the Town Manager to sign a contract. The recommendation is to authorize the Town Manager to execute a contract with the low bidder if the aggregation supply agreement is less than the lowest of Eversource's Published Supply Rates for the past two years (see attached). The lowest supply rate is the Small Commercial & Industrial Rate which over the past two years averaged \$0.171535 per Kwh.

SUGGESTED MOTION:

Move to authorize the Town Manager to execute an aggregation supply agreement if the price is below the lowest Eversource published average two-year price for the previous two years (\$0.171535 per Kwh).


FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

8:45pm

ATTACHMENTS:

Description	Type
 Eversource Published Rates (Source: mass.gov)	Cover Memo

		NSTAR dba Eversource											
		Residential		Small C&I		Large C&I NEMA		Large C&I SEMA					
		Monthly	Fixed	Monthly	Fixed	Monthly	Fixed	Monthly	Fixed				
2023	Dec											Dec	2023
	Nov											Nov	
	Oct											Oct	
	Sept											Sept	
	Aug											Aug	
	July											July	
	June	13.463		13.707								June	
	May	13.984	25.776	13.688	26.176							May	
2022	Apr	15.791		15.888								Apr	2022
	Mar	23.984		24.374		26.891		26.891		40.390		Mar	
	Feb	39.008		40.520		45.795	39.961	45.795				Feb	
	Jan	39.502		41.638		46.487		46.487				Jan	
	Dec	24.813	17.871	24.596	17.827	40.476		40.476				Dec	
	Nov	18.142		17.895		28.610	30.613	28.610		30.127		Nov	
	Oct	14.857		14.465		21.053		21.053				Oct	
	Sept	15.262		15.091		20.307		19.472				Sept	
2021	Aug	16.665	15.764	16.792	14.761	22.51	21.883	21.51		20.959		Aug	2021
	July	17.141		17.327		22.688		21.725				July	
	June	10.061		9.705		10.414		10.328				June	
	May	11.549		9.838		10.682	10.865	10.194		10.470		May	
	Apr	12.613	10.753	10.837	9.850	11.485		10.882				Apr	
	Mar	15.674		14.36		21.044		19.195				Mar	
	Feb	21.279		20.032		31.185	27.572	28.553		25.349		Feb	
	Jan	21.656		20.741		30.813		29.357				Jan	
2020	Dec	12.941	11.795	11.905	11.086	15.919		15.572				Dec	2020
	Nov	11.583		10.257		12.301	12.746	12.047		13.076		Nov	
	Oct	10.603		9.111		10.761		10.734				Oct	
	Sept	10.282		9.069		8.879		8.665				Sept	
	Aug	9.801	9.877	9.215	9.460	9.140	9.132	8.853		10.662		Aug	
	July	9.799		9.350		9.341		8.858				July	
	June	9.941		9.355		8.750		8.657				June	
	May	10.833		9.66		9.437	9.427	8.769		8.999		May	
2019	Apr	11.327	12.517	10.064	12.007	10.223		9.476				Apr	2019
	Mar	11.685		10.791		10.477		10.054				Mar	
	Feb	13.073		12.209		11.562	11.336	10.991		10.662		Feb	
	Jan	12.643		12.154		11.537		10.989				Jan	
	Dec	11.877	10.836	11.378	10.569	11.154		10.408				Dec	
	Nov	10.643		9.858		9.816	9.923	8.900		9.107		Nov	
	Oct	9.717		8.797		8.677		7.872				Oct	
	Sept	9.421		8.853		8.521		8.026				Sept	
2018	Aug	8.924	10.836	8.842	10.569	8.444	8.490	7.991		8.024		Aug	2018
	July	9.005		9.030		8.507		8.056				July	
	June	9.674		9.481		8.420		7.556				June	
	May	10.798		10.095		9.295	9.091	8.274		8.136		May	
	Apr	11.693	13.588	10.845	13.185	9.675		8.590				Apr	
	Mar	12.341		11.913		11.658		10.129				Mar	
	Feb	14.783		14.425		14.286	13.464	12.891		12.175		Feb	
	Jan	14.758		14.525		14.403		13.502				Jan	
2017	Dec	13.270	10.836	12.982	10.569	12.260		11.591				Dec	2017
	Nov	11.357		10.841		10.686	10.976	9.827		10.219		Nov	
	Oct	10.683		9.935		9.783		8.956				Oct	
	Sept	10.221		9.772		9.892		9.847				Sept	
	Aug	9.842	13.588	9.789	13.185	9.764	9.824	9.551		9.656		Aug	
	July	9.922		9.945		9.821		9.654				July	
	June	9.758		9.526		9.761		8.757				June	
	May	11.504		10.953		11.625	11.318	11.267		10.595		May	
2016	Apr	12.253	13.588	11.556	13.185	12.645		11.904				Apr	2016
	Mar	13.269		12.939		14.352		12.908				Mar	
2015	Feb	17.067	13.588	16.959	13.185	18.864	17.265	17.730		16.148		Feb	2015
	Jan											Jan	

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Select Board Liaison Assignment to Ad Hoc Transportation Committee and Select Board Member Appointment to Lexington Affordable Housing Trust Board of Trustees

PRESENTER:

Board Discussion

ITEM NUMBER:

I.8

SUMMARY:

Category: Brainstorming

The Select Board will discuss which of its members will be assigned as the liaison to the newly-formed Ad Hoc Transportation Committee as well as which member will be appointed to the Lexington Affordable Housing Trust Board of Trustees.

SUGGESTED MOTION:

Move to assign _____ as liaison to the Ad Hoc Transportation Committee.

Move to appoint _____ as member of the Lexington Affordable Housing Trust Board of Trustees for a 1 year term to expire June 30, 2024.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

8:50pm

ATTACHMENTS:

Description

Type



Ad Hoc Transportation Committee Charge

Backup Material

- | | | |
|---|--|-----------------|
| D | Creation of Housing Trust Bylaw - STM 2022-3 Article 12 Motion | Backup Material |
| D | 2022-2023 Select Board Liaison Assignments | Backup Material |

AD HOC TRANSPORTATION COMMITTEE

Members:	7 Members to include: (1) member of the Transportation Advisory Committee; (1) member of the Senior Community; the Assistant Town Manager for Finance (or their designee); (1) member of the Economic Development Advisory Committee; (1) business representative; (1) member of the School Committee (or their designee); and the Human Services Director (or their designee) as well as Liaisons from the Select Board, Appropriations Committee and Capital Expenditures Committee.
Appointed by:	Select Board
Assigned Staff:	Transportation Services Manager
Length of Term:	One Year
Meeting Times:	As determined by the Committee
Description:	<p>The Ad Hoc Transportation Committee will evaluate the Lexpress bus service to review:</p> <ul style="list-style-type: none">• Lexpress, MBTA and other shuttle bus routes and passenger volumes• View the cost per passenger for Lexpress in relation to other local, regional and national cost per passenger standards• Review what needs are being met and whether there are needs that are not being met (businesses, students, seniors, etc.)• Review bus routes/times in which Lexpress buses are running routes with no passengers• Review fares and recommend a new fare structure• Review contracted services vs. in-house service• Provide a recommendation on whether the service should continue, if so, the structure of Lexpress, what routes should be and what rate fares should be set at in the future
Mission:	To provide a recommendation to the Select Board no later than December 15, 2023 on the future of the Lexpress bus service in time to be incorporated into the FY25 budget. At least two public hearings; one to obtain input and a second to obtain feedback on the recommendations. It is intended that this Ad Hoc Committee will be disbanded in December 2023.

Prior to serving as a member of this Committee, appointees are required to:

1. Acknowledge receipt of the Summary of the Conflict of Interest Statute. Further, to continue to serve on the Committee the member must acknowledge annually receipt of the Summary of the Conflict of Interest Statute. Said summary will be provided by and acknowledged to the Town Clerk.
2. Provide evidence to the Town Clerk that the appointee has completed the on-line training requirement required by the Conflict of Interest statute. Further, to continue to serve on the Committee, the member must acknowledge every two years completion of the on-line training requirement.

Town of Lexington
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ARTICLE 12 CREATION OF HOUSING TRUST

MOTION:

- a. That the Town establish a municipal affordable housing trust pursuant to Massachusetts General Laws Chapter 44, Section 55C; and
- b. That the Code of the Town of Lexington be amended by adding a new Chapter 132, as follows, and that the Town Clerk be permitted to make edits to the Bylaw so that its numbering conforms to the format for the Code:

Chapter 21

AFFORDABLE HOUSING TRUST BYLAW

§ 132-1. MUNICIPAL AFFORDABLE HOUSING TRUST

There shall be in the Town of Lexington an Affordable Housing Trust created pursuant to the authority set forth in Massachusetts General Laws c. 44, § 55C and Article 12 of the 2022 Fall Special Town Meeting.

§ 132-2. NAME of the TRUST

The Trust shall be called the "Lexington Affordable Housing Trust" (the "Trust").

§ 132-3. PURPOSE

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Lexington for the benefit of low and moderate income households and for the funding of community housing, as defined in G.L. c. 44B (the "Community Preservation Act").

§ 132-4. TRUSTEES

There shall be a Board of Trustees (the "Board"), which shall include no less than five and no more than nine Trustees, including one member of the Select Board, each of whom, to the extent possible, shall have a background or interest in affordable housing, including a resident with a low- or moderate-income, and who, together, shall have a background in finance, law, real estate or real estate development.

- A. A majority of the Board shall constitute a quorum.
- B. All Trustees shall be appointed by the Select Board.

Town of Lexington
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- C. Trustees shall serve for a term of two (2) years, except that one less than a majority of the initial Trustee appointments shall be for a term of one (1) year. Trustees may be reappointed on terms to be determined by the Trust.
- D. Only persons who are residents of Lexington shall be appointed as a Trustee. Any Trustee who ceases to be a resident of Lexington shall cease to be a Trustee hereunder within three months thereafter and shall promptly provide a written notification of change in residence to the Board and to the Town Clerk; provided, however that if a person fails to give such notice, their participation or vote on a matter shall not void the Board's decisions with respect to that matter.
- E. A Trustee may be removed by the Select Board for cause. Any Trustee may also resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. Vacancies shall be filled by the Select Board for the remainder of an unexpired term.
- F. If any Trustee is absent from five (5) consecutive, regularly-scheduled meetings of the Trust or all meetings over any six (6) month period, except in the case of illness, such Trustee's position shall be deemed vacant and shall be filled with a new appointment as set forth above.
- G. The Trustees shall elect officers annually consisting of a Chair, Vice Chair and Clerk. The Trustees may establish subcommittees or ad hoc related committees to carry out the purpose of the Trust.
- H. A majority of Trustees then serving may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.
- I. No Trustee shall be liable for the acts, negligence, or defaults of any other Trustee or any employee, agent, or representative of the Trustees selected with reasonable care, not for errors in judgment, nor mistakes of law or facts made in good faith, nor in reliance in good faith on advice of counsel, nor any other acts or omissions in good faith.
- J. Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town of Lexington.

§ 132-5. MEETINGS OF THE TRUST

- A. The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine.

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2022-3 Special Town Meeting

- B. The Trust is a governmental body for purposes of G.L. c. 30A, §§ 18-25 (the “Open Meeting Law”). Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, as may be amended from time to time, including provisions regarding remote participation.
- C. The Clerk shall prepare minutes of meetings of the Trust and shall maintain records thereof. A quorum at any meeting shall be a simple majority of the Trustees then serving.

§ 132-6. POWERS OF THE TRUSTEES

- A. The powers of the Board, all of which shall be carried out in furtherance of the purposes set forth herein, shall include the following powers, except that the Board shall require prior approval of the Select Board to make purchases of real estate that exceed the average sale price of a single-family home in the Town of Lexington as determined annually by the Assessor’s office.
 - 1. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any bylaw or any general or special law or any other source, including money appropriated pursuant to G.L. c. 44B, provided, however, that any such money received from chapter 44B shall be used in accordance with the provisions of G.L. c. 44, § 55C(1);
 - 2. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
 - 3. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
 - 4. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
 - 5. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;

Town of Lexington
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6. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
7. to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
8. to participate in any reorganization, recapitalization, merger or similar transaction; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
9. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
10. to carry property for accounting purposes other than acquisition date values;
11. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral, but any mortgage or pledge of assets as collateral greater than the extent of the Trust's assets requires approval by a two-thirds vote of an Annual or Special Town Meeting;
12. to make distributions or divisions of principal in kind;
13. to compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this Trust, to continue to hold the same for such period of time as the Board may deem appropriate;
14. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
15. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;
16. to extend the time for payment of any obligation to the Trust;

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2022-3 Special Town Meeting

17. to make recommendations on proposals or Town Meeting warrant articles which affect housing.
 18. to develop policy goals and statements to serve as guidelines for the Trust, subject to approval by the Select Board and consistent with the Town's housing goals and plans as may be adopted and amended by the Select Board from time to time;
 19. to exercise such additional powers consistent with the provisions of this bylaw and G.L. c. 44, § 55C, as may be amended from time to time.
 20. to compensate the Town for services provided to the Trust in connection with the Trust's activities, including but not limited to dedicated staff to Trustees, engineering support for project-specific activities, and other Town services, as such services are requested by the Trustees to the Town Manager and authorized by the Town Manager or designee;
 21. to establish criteria and qualifications for recipients and expenditures in accordance with Trust's stated purposes;
 22. to serve as a lottery and monitoring agent for affordable housing, and to accept compensation for providing such services into the Trust.
- B. Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any Town bylaw or regulation, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within 1 year of the date they were appropriated into the trust, remain Trust property.

§ 132-7. TREASURER AS CUSTODIAN OF FUNDS

- A. The Town Treasurer shall be the custodian of the Trust's funds and shall maintain separate accounts and records for the Trust's funds.
- B. The Treasurer shall invest the funds in the manner authorized by G.L. c. 44, § 55 (Public Funds on Deposit; Limitations; Investments,) § 55A, (Liability of Depositor for Losses Due to Bankruptcy), and § 55B (Investment of Public Funds), as such laws may be amended or replaced.
- C. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

Town of Lexington
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2022-3 Special Town Meeting

- D. Expenditures by the Trust shall be processed through the Town's payment warrant but shall be subject to the provisions of G.L. c. 44, § 55C. The Trust's approved annual budget, and any approved budget revisions, shall be submitted to the Select Board.
- E. As custodian, the Treasurer shall issue checks as directed by the Trustees. In accordance with G.L. c. 44, § 55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. Upon receipt of the audit by the Trustees, a copy shall be provided forthwith to the Select Board.
- F. The Trustees shall keep a record of its activities and at the close of every fiscal year, shall make a report thereof to the Select Board. The report shall include a description and source of funds received and expended and the type of affordable housing programs or properties assisted with the funding.

§ 132-8. MISCELLANEOUS

- A. The Trust is a public employer and the members of the Board are public employees for purposes of G.L. c. 258.
- B. Trustees are designated as public agents for purposes of the constitution of the Commonwealth.
- C. The Trust shall be considered a municipal agency and the Trustees shall be considered special municipal employees and shall be subject to the provisions of G.L. c. 268A.
- D. The Trust is exempt from G.L. c. 59 and c. 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereof.
- E. The Trust is a Board of the Town for purposes of procurement under G.L. c. 30B and c. 40 § 15A; but agreements and conveyances between the Trust and agencies, Boards, commissions, authorities, departments and public instrumentalities of the Town of Lexington shall be exempt from G.L. c. 30B.

§132-9. RECORDINGS; AMENDMENTS

The Trustees are authorized to record a Declaration of Trust and a Certificate of Trustees for the Trust with the Middlesex South District Registry of Deeds and the Registered Land Division of the Land Court Registration Office. The Declaration of Trust may be amended from time to time

Town of Lexington
Motion
2022-3 Special Town Meeting

except as to those provisions specifically required under G.L. c. 44, § 55C, by an instrument in writing signed by all of the Trustees then serving and approved at a meeting called for that purpose, and approved by the Select Board provided that in each case, a certificate of amendment shall be recorded with the Middlesex South District Registry of Deeds and, if necessary, the Registered Land Division of the Land Court.

§ 132-10. DURATION OF THE TRUST

- A. The Trust shall continue so long as authorized under the Laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, The Trust may be terminated by a majority vote of the Town Meeting in accordance with G.L. c. 44, § 55C, provided that an instrument of termination together with a certified copy of the Town Meeting vote are duly recorded with the Middlesex South District Registry of Deeds and, if necessary, the Registered Land Division of the Land Court.
- B. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the Trust's assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

§ 132-11. RECORD TO BE CONCLUSIVE, CERTIFICATE AS TO FACTS

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees then serving as appears from instruments or certificates recorded with the Registry of Deeds and Registered Land Division of the Land Court to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that instruments of amendment pursuant to Section 9 and an instrument of termination pursuant to Section 10 hereof shall be conclusive only if it appears that the delegations, amendments or termination have been executed by all of the Trustees then serving. Any person dealing with the Trust property or the Trustees may rely on a certificate signed by any person appearing from instruments or certificates so recorded to be a Trustee hereunder as to the identity of the then current serving Trustees or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

(Revised 10/28/2022)

2022-2023 Select Board Committee Liaison Assignments

Suzie Barry

Battle Road Scenic Byway Committee
Bicycle Advisory Committee
Greenways Corridor Committee
Monuments and Memorials Committee
Noise Advisory Committee
Recreation Committee
Transportation Advisory Committee

Doug Lucente

Communications Advisory Committee (CAC)
Council for the Arts
Design Advisory Committee
Economic Development Advisory Committee
Lexington Center Committee
Munroe Center for the Arts Board
Small Business Round Table
Tourism Committee
Town Celebrations Committee

Joe Pato

Comprehensive Plan Advisory Committee (CPAC)
Economic Development Advisory Committee
Housing Partnership Board
Lexington Housing Assistance Board (LexHAB)
Permanent Building Committee (PBC)
Sustainable Lexington Committee
Tree Committee

Mark Sandeen

Affordable Housing Trust Study Committee (ad hoc)
Board of Health
Commission on Disability
Council on Aging
Human Rights Committee
Tax Deferral and Exemption Study Committee
Vision for Lexington -ECIL
Youth Commission

Jill Hai, Select Board Chair

Small Business Round Table
Town Report Committee

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Discussion of Naming of Fire Headquarters for Ken Donnelly

PRESENTER:

Board Discussion

ITEM NUMBER:

I.9

SUMMARY:

The Select Board discussed/approved naming the Fire Headquarters in May 2022 (5/23/22) the Kenneth J. Donnelly Fire Headquarters. The Firefighters Union has scheduled a ceremony and the discussion will be related to the ceremony and final details on how the Fire Station naming will be commemorated and any other related issues the Select Board members may have or wish to discuss.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/27/2023

9:00pm