

SELECT BOARD MEETING

Wednesday, March 8, 2023

Select Board Meeting Room, 1625 Massachusetts Avenue, Lexington, MA 02420 - Hybrid Participation*
6:30 PM

AGENDA

EXECUTIVE SESSION

1. Exemption 3: Discuss Strategy with Respect to Collective Bargaining - Public Employee Committee 6:30pm

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: The net estimated State Aid for Lexington, released in the Governor's FY24 budget, included a \$2.3 million increase over budget expectations!
2. Select Board Member Concerns and Liaison Reports

TOWN MANAGER REPORT

1. Town Manager Weekly Update

CONSENT AGENDA

1. Approve and Sign Eagle Scout Commendation Letters
 - Timur Bendlin
 - Naoya Miyamoto
 - Rohit Ramanathan
 - David Zhao
2. Applications: Battle Green Permits - William Diamond Junior Fife and Drum Corps
 - Annual Lexington Tattoo & Parade on Massachusetts Avenue
 - Lexington Muster Line Up & Parade on Massachusetts Avenue

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Applications: Common Victualler License & Entertainment License, Doaba Inc. d/b/a Spirit of India, 321 Marrett Road 6:50pm
2. Approve Tax Bill Insert - Cary Lecture Series 6:55pm
3. Review and Approve Tri-Ton Health Services Agreement 7:00pm
4. Presentation - Fire Department Emergency Medical Services (EMS) Fee Survey 7:10pm
5. Request to Amend Housing Partnership Board Charge 7:25pm

6. Discuss Electric Vehicle (EV) Parking Lot Parking Fees 7:35pm
7. 2023 Annual Town Meeting 7:45pm
- Revised Motion - ATM 2023 Article 29: Amend General Bylaws - Tree Bylaw - Changes to Tree Committee Composition
 - Planning Board Report - ATM 2023 Article 33: Amend Zoning Bylaw - Special Permit Residential Development
 - Motion and Planning Board Report:
 - ATM 2023 Article 34: Amend Zoning Bylaw and Map - Multi-Family Zoning Housing for MBTA Communities
 - ATM 2023 Article 35: Supplemental Inclusionary Zoning Requirements for Village Overlay Districts
 - ATM 2023 Article 36: Amend Zoning Bylaw and Map - Central Business District
 - ATM 2023 Article 37: Amend Zoning Bylaw - Action Deadline for Major Site Plan Review
 - ATM 2023 Article 38: Amend Zoning Bylaw - Minor Modifications to Approved Permits
 - ATM 2023 Article 39: Amend Zoning Bylaw - Technical Corrections
 - Planning Board Report and Revised Motion - ATM 2023 Article 40: Amend Section 135 - 4.4 of the Zoning Bylaw-Reduce Residential Gross Floor (Citizen Petition)
 - Motions:
 - ATM 2023 Article 4: Appropriate FY2024 Operating Budget
 - ATM 2023 Article 5: Appropriate FY2024 Enterprise Funds Budgets
 - ATM 2023 Article 11: Appropriate for Recreation Capital Projects
 - ATM 2023 Article 12: Appropriate for Municipal Capital Projects and Equipment
 - ATM 2023 Article 15: Appropriate for School Capital Projects and Equipment
 - ATM 2023 Article 17: Appropriate to Post Employment Insurance Liability Fund
 - ATM 2023 Article 22: Appropriate for Authorized Capital Improvements
 - Proposed Consent Agenda
 - Select Board Article Discussion and Positions
8. Select Board Work Session 8:00pm
- Updates from January 2023 Select Board Retreat/Facilitated Session
 - Proposed Select Board Issue Tracker
 - Communications Matrix
 - Discuss Remote Participation Policy and Procedures

ADJOURN

1. Anticipated Adjournment 8:30pm

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=SFFvYWo3MmVkODF1aG5ETmNsRDVoZz09>

iPhone one-tap:

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

+13126266799,,92482764382#,,,,*380743# US (Chicago)

Telephone:

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

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 Monday, March 13, 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.



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 can provide verbal updates, as well as comment on any additional points and concerns. There are currently no written updates for the March 8, 2023 meeting.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/8/2023

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 update for the week ending:

- March 3, 2023

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/8/2023

ATTACHMENTS:

Description	Type
3-3-23 Update	Cover Memo



Town of Lexington

Town Manager's Office

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

Tel: (781) 698-4540
Fax: (781) 861-2921

MEMORANDUM

TO: Select Board
FROM: Jim Malloy, Town Manager
DATE: March 3, 2023
RE: Weekly Update

The following is an update of activities for the week ending March 23, 2023:

Various Administrative Issues:

- Attached please find the letter from the MSBA inviting the Town into the Feasibility Study phase of the High School project as per their vote on March 1, 2023. The next step will be engaging an Owners Project Manager and then an Architect.
- I held the first, "Java with Jim" for the community on March 1st and we had 22 residents attend and they had many questions on a number of topics. I believe this went over very well and we received positive comments afterwards.
- LexCAN, in partnership with the Town's Sustainability & Resilience Officer, has secured at \$30,000 Mass Save Community Education grant. The funds will be used to hire a part time Clean Heat Outreach Specialist (CHOS). The CHOS will conduct outreach, drive energy efficiency program enrollment and participation, and develop communication tools to empower homeowners and residents to play a role in Lexington's progress toward climate change mitigation and resilience goals. There will be a special focus on reaching renters and low- and moderate- income residents. The CHOS will report to LexCAN in close collaboration with Lexington's Sustainability & Resilience Officer. It is a 10-15 hour/week, one-year position though these terms are flexible.
- Attached please find the agenda tracker for upcoming Select Board meetings.

Cary Library:

- The Conservation Commission will be meeting on Monday, March 6th to discuss the future of the library's StoryWalk project at Parker Meadow. Some members of the community don't feel the project is appropriate for conservation land. Fingers crossed that the project will be able to stay.
- There are some great programs coming up for Women's History Month:
 - Lexington Celebrates International Women's Day – Wednesday, March 8th at 7:00 p.m. (virtual – [register](#)). Join LexSeeHer for a town-wide celebration of International Women's Day. Together with our guest speakers we will explore this year's theme #EmbraceEquity by addressing the challenges of equity for women working in traditionally male dominated fields. State Representative Michelle Ciccolo will start the evening and will be joined by Lexington

Police Officer Elizabeth Brady, Lexington Police Officer Colleen Dunbar, Reverend Anne Mason of First Parish Church, Amber Iqbal, Islam educator, and Hemali Shah, Lexington Chief Equity Officer.

- Hidden Figures & Other Women of NASA – Thursday, March 9th at 7:00 p.m. (virtual – [register](#)). Even before the space age began when the U.S.S.R. orbited Sputnik in 1957, women worked at NASA although many were excluded from the early days of the astronaut corps. Through the movie Hidden Figures, we learned that NASA even had women, many of whom were African American, working as “Human Computers” performing highly complex mathematical calculations by hand. Celebrate Women’s History Month and explore the lives of the many women who made their dreams of careers in science, technology, engineering, and mathematics come true at NASA, and who have been an essential part of the space program since its inception.
- A couple other great programs coming up:
 - Conversation with Zhuqing Li, author of Daughters of the Flower Fragrant Garden – Monday, March 6 at 7:00 p.m. (in person – Living Room). Author Zhuqing Li will discuss her new memoir, Daughters of the Flower Fragrant Garden: Two Sisters Separated by China's Civil War. She will share the journey of her two maternal aunts who were accidentally separated when China split in 1949. The two sisters refused to submit to the random power of history and fought their way to the elite echelons of the two opposing societies after China's split." Zhuqing Li was a longtime Lexington resident. She is currently a visiting associate professor of East Asian Studies and faculty curator of East Asian Collections at the Brown University Library.
 - Let’s Make a Sweet Treat for Ramadan – Monday, March 13 at 7:00 p.m. (virtual – [register](#)). Join Chef Zainab Alsubai to learn to make Baklava in honor of Ramadan.
- Teen Open Mic Night – Thursday, March 16 at 6:30 p.m. (in person – Large Meeting Room). The Teen Library Leadership Council is presenting an Open Mic Night for Teens. Teen performers will recite poems, sing songs, tell jokes, play instruments and more! Teens in grades 6-12 are invited to perform! Groups and individuals welcome. Teens interested in performing [are required to register through link](#).

Recreation & Community Programs

Capital Updates:

- The Center Recreation Restroom/Maintenance Building bid has been opened and is within the appropriation, therefore a contract will be awarded this month and it is expected that the project will mobilize in the next several weeks. Public Facilities is leading the construction with collaboration with Recreation and DPW.
- The Center Recreation Hard Court Reconstruction Project bid has been opened and is within the appropriation, therefore a contract will be awarded this month. The project is expected to mobilize in late June and reach substantial completion in November 2023.
- The Recreation Committee held a Community Meeting last night, the second of a two-part series, to present and discuss the ATM 2023 Capital Request for the Lincoln Park Reconstruction Project. Here is a link to the presentation:
https://www.lexingtonma.gov/DocumentCenter/View/8288/LincolnTurf_Turf_Presentation-FINAL-2-reduced?bidId=

Facilities:

- The Pine Meadows Golf Course is expecting to open by late March, weather permitting.

Programs & Services:

- Spring & Summer 2023 Registration will open on March 14th – this includes memberships for the Pool/Reservoir, Tennis/Pickleball and Camps & Clinics, in addition to the sports leagues and fitness classes.

Land Use Health and Development:

- The following items relative to Town Meeting have been ongoing by the Planning Department:
 - Article 33 – The Planning Board closed the hearing and voted to recommend Town Meeting approve Zoning Amendments to Special permit Residential Developments.
 - Article 40 – The Planning Board closed the hearing and voted to recommend Town Meeting refer Citizen Petition to the Planning Board.
 - Article 36 – The Planning Board removed the Emery Park lot from the zoning map amendment proposal. The Park is now proposed to remain in the GC zone.
 - The Planning Board voted on all the zoning amendment reports for all zoning articles 33-40 and will be finalizing them soon for posting with Town Meeting.

Public Works:

- Chris Filadoro, Public Grounds Superintendent/Tree Warden, successfully graduated from the National Recreation and Park Association Park Maintenance Management School. This 2-year program (one week per year) focuses on park maintenance practices, maintenance budgets, planning and supervision.
- David Pinsonneault, DPW Director, has been selected and appointed as an Honorary Director in the Hanscom Air Force Base Honorary Commander/Director Program. This program provides an opportunity to network with Hanscom officials on a variety of topics. Topics specific to DPW include infrastructure, maintenance and utility related items.
- The Center Streetscape Project is being nominated for a “Project of the Year” Award from the American Public Works Association.
- The AMI Meter Program continues to make progress. As of February 3rd a total of 12,619 meters (85% of the system) have been either replaced (8,533) or retrofitted (4,086).
- Bids are due for the Battle Green Streetscape Project on March 7th.
- The Burlington water main project will begin after Patriot’s Day and will last for approximately 2 – 3 months. The work will be done on Lowell Street from Fulton Road to the Town line.
- The Town water main project will begin after Patriot’s Day and will last approximately 5 – 6 months. The work will be done on Summer Street and continue onto Lowell Street to Maple Street.



Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

March 1, 2023

Mr. James J. Malloy, Town Manager
Town of Lexington
Town Office Building
1625 Massachusetts Avenue
Lexington, MA 02420

Re: Town of Lexington, Lexington High School

Dear Mr. Malloy:

I am pleased to report that the Board of the Massachusetts School Building Authority (the “MSBA”) has voted to invite the Town of Lexington (the “Town”) to partner with the MSBA in conducting a Feasibility Study for the Lexington High School. The Board’s vote follows the Town’s timely completion of all of the requirements of the MSBA’s Eligibility Period.

I do want to emphasize that this invitation to partner on a Feasibility Study is ***not*** approval of a project but is strictly an invitation to the Town to work with the MSBA to explore potential solutions to the problems that have been identified. Moving forward in the MSBA’s process requires collaboration with the MSBA, and communities that “get ahead” of the MSBA without MSBA approval will not be eligible for grant funding. To qualify for any funding from the MSBA, local communities must follow the MSBA’s statute, regulations, and policies which require MSBA collaboration and approval at each step of the process.

During the Feasibility Study phase, the Town and the MSBA will partner pursuant to the terms of the Feasibility Study Agreement to find the most fiscally responsible and educationally appropriate solution to the problems identified at the Lexington High School. The Feasibility Study, which will be conducted pursuant to the MSBA’s regulations and policies, requires the Town to work with the MSBA on the procurement of an Owner’s Project Manager and Designer, which will help bring the Town’s Feasibility Study to fruition.

We will be contacting you soon to discuss these next steps in more detail. In the meantime, however, I wanted to share with you the Board’s decision and provide a brief overview of what this means for the Town of Lexington.

I look forward to continuing to work with you as part of the MSBA’s grant program. As always, feel free to contact me or my staff at (617) 720-4466 should you have any questions.

Page 2
March 1, 2023
Lexington Feasibility Study Invitation Board Action Letter

Sincerely,



John K. McCarthy
Executive Director

Cc: Legislative Delegation
Joseph N. Pato, Member, Lexington Select Board
Sara Cuthbertson, Chair, Lexington School Committee
Dr. Julie Hackett, Superintendent, Lexington Public Schools
Maureen Kavanaugh, Director of Data & Strategy, Lexington Public Schools
Mike Cronin, Director of Public Facilities, Town of Lexington
File: 10.2 Letters (Region 4)

Agenda Tracker

ITEM NAME	PROPOSED DATE	MINUTES	DESCRIPTION
Exemption 3: Collective Bargaining - PEC	8-Mar-23	10	To discuss negotiations with the PEC
Approve and Sign Eagle Scout Commendation Letters	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
Battle Green Use/Parade Requests - William Diamond Junior Fife and Drum Corps x2	8-Mar-23	0	Annual Lexington Tattoo on BG 5/5; line up for Lexington Muster Parade on BG & parade down Massachusetts Avenue towards Hastings Park 5/6
Common Victualler License Application - Doaba Inc. d/b/a Spirit of India, 321 Marrett Road	8-Mar-23	5	New CV application (Zoning; Building; Health - all OK)
Entertainment License Application - Doaba Inc. d/b/a Spirit of India, 321 Marrett Road	8-Mar-23	0	New Entertainment application for live performances, radio/recorded music and TV within a restaurant
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: available to printer by 3/15; tax bills mailed on 3/31
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.
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

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.
ATM 2023 Select Board Article Discussion and Positions	8-Mar-23	15	Discussion to review/vote on Town Meeting articles and related issues
Select Board Work Session: *Updates from January 2023 Select Board Retreat/Facilitated Discussion -Proposed Select Board Issue Tracker (JP) - Communications Matrix (SB) *Remote Participation Policy and Procedures	8-Mar-23	30	Follow up items from 1/11/23 Retreat - Select Board project, March date commitments of project status any updates to wording of Remote Participation Policy/Procedures; 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
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
Public Hearing 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 and Malt Liquor License. Legal ad publishing on 3/2, applicant notifying abutters as required
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.
Tourism Committee Recommendations for Zone B of Battle Green Master Plan	13-Mar-23	15	More commonly referred to as the Visitors Center Lawn (recommendations unanimously approved at Tourism Committee meeting on 12/15) -- CAROL CONFIRMED 3/1
Parking Regulation Amendment Approval	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 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.
Discussion on establishing a Committee to review the Integrated Building Design and Construction Policy	13-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.
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.
ATM 2023			
Select Board Article Discussion and Positions Review DRAFT Select Board Report to Town Meeting	13-Mar-23	15	
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	0	2/6/2023; 2/13/2023
ATM 2023 Select Board Article Discussion and Positions Approve Select Board Report to Town Meeting	20-Mar-23		6:00 start time prior to Town Meeting
ATM 2023 Select Board Article Discussion and Positions Approve Select Board Report to Town Meeting	22-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
ATM 2023 Select Board Article Discussion and Positions	27-Mar-23		
Dissolve Affordable Housing Trust Study Committee?	29-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
Preliminary Request for Reenactment of 200th Anniversary of Lafayette's Visit to Lexington	29-Mar-23	15	Placeholder date till I speak with Marsha Baker from the Lexington Historical Society. 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)

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
ATM 2023			
Select Board Article Discussion and Positions	29-Mar-23		
PLACEHOLDER - Discuss Select Board Committee Recruitment for May 2023 & Possible Committee Recruitment Fair Event for 2024	29-Mar-23		Plan for next recruitment to fill board or committee vacancies after Annual Town Meeting; start discussion and process planning for a possible in-person recruitment fair to fill vacancies on board and committees (involvement and availability of committees and/or chairs)
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.
Tree Canopy Study	24-Apr-23	20	Presentation on the results of the Tree Canopy Study -- not ready for 3/8 meeting because the Tree Committee will not discuss this topic until 3/9 meeting
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)

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve and Sign Eagle Scout Commendation Letters

PRESENTER:

Jill Hai, Select Board Chair

ITEM NUMBER:

C.1

SUMMARY:

Category: Decision-Making

The Select Board is being asked to sign letters of commendation congratulating Timur Bendlin, Naoya Miyamoto, Rohit Ramanathan and David Zhao of Boy Scout Troop 160 for attaining the highest rank of Eagle in Boy Scouting.

SUGGESTED MOTION:

To approve and sign letters of commendation congratulating Timur Bendlin, Naoya Miyamoto, Rohit Ramanathan and David Zhao of Boy Scout Troop 160 for attaining the highest rank of Eagle in Boy Scouting.

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/8/2023

ATTACHMENTS:

Description	Type
 2023 Eagle Scout Letter - T. Bendlin - Troop 160	Backup Material

📄	2023 Eagle Scout Letter - N. Miyamoto - Troop 160	Backup Material
📄	2023 Eagle Scout Letter - R. Ramanathan - Troop 160	Backup Material
📄	2023 Eagle Scout Letter - D. Zhao - Troop 160	Backup Material



Town of Lexington, Massachusetts

SELECT BOARD OFFICE

JILL I. HAI, CHAIR
JOSEPH N. PATO
SUZANNE E. BARRY
DOUGLAS M. LUCENTE
MARK D. SANDEEN

TEL: (781) 698-4580
FAX: (781) 863-9468

March 9, 2023

Timur Bendlin
117 Cedar Street
Lexington, MA 02421

Dear Timur,

Congratulations on attaining the highest rank in Scouting. We know the trail to Eagle Scout has not always been an easy one and we recognize that you have had to work hard to get this far. Your time in positions of leadership within Troop 160, and the successful completion of your Eagle project, speaks to your dedication.

Being an Eagle is so much more than just another rank. It is a recognition of what you have achieved so far, but of more importance is the implied promise you have made to maintain the ideals of Scouting into your adult life.

We know that your family and fellow Scouts are proud of you and will look to you to be a leader as you continue your journey beyond Eagle.

Again, congratulations and good luck in all your future endeavors.

Sincerely,

Jill I. Hai, Chair

Joseph N. Pato

Suzanne E. Barry

Douglas M. Lucente

Mark D. Sandeen



Town of Lexington, Massachusetts

SELECT BOARD OFFICE

JILL I. HAI, CHAIR
JOSEPH N. PATO
SUZANNE E. BARRY
DOUGLAS M. LUCENTE
MARK D. SANDEEN

TEL: (781) 698-4580
FAX: (781) 863-9468

March 9, 2023

Naoya Miyamoto
5 Ward Street
Lexington, MA 02421

Dear Naoya,

Congratulations on attaining the highest rank in Scouting. We know the trail to Eagle Scout has not always been an easy one and we recognize that you have had to work hard to get this far. Your time in positions of leadership within Troop 160, and the successful completion of your Eagle project, speaks to your dedication.

Being an Eagle is so much more than just another rank. It is a recognition of what you have achieved so far, but of more importance is the implied promise you have made to maintain the ideals of Scouting into your adult life.

We know that your family and fellow Scouts are proud of you and will look to you to be a leader as you continue your journey beyond Eagle.

Again, congratulations and good luck in all your future endeavors.

Sincerely,

Jill I. Hai, Chair

Joseph N. Pato

Suzanne E. Barry

Douglas M. Lucente

Mark D. Sandeen



Town of Lexington, Massachusetts

SELECT BOARD OFFICE

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MARK D. SANDEEN

TEL: (781) 698-4580
FAX: (781) 863-9468

March 9, 2023

Rohit Ramanathan
70 Blossomcrest Road
Lexington, MA 02421

Dear Rohit,

Congratulations on attaining the highest rank in Scouting. We know the trail to Eagle Scout has not always been an easy one and we recognize that you have had to work hard to get this far. Your time in positions of leadership within Troop 160, and the successful completion of your Eagle project, speaks to your dedication.

Being an Eagle is so much more than just another rank. It is a recognition of what you have achieved so far, but of more importance is the implied promise you have made to maintain the ideals of Scouting into your adult life.

We know that your family and fellow Scouts are proud of you and will look to you to be a leader as you continue your journey beyond Eagle.

Again, congratulations and good luck in all your future endeavors.

Sincerely,

Jill I. Hai, Chair

Joseph N. Pato

Suzanne E. Barry

Douglas M. Lucente

Mark D. Sandeen



Town of Lexington, Massachusetts

SELECT BOARD OFFICE

JILL I. HAI, CHAIR
JOSEPH N. PATO
SUZANNE E. BARRY
DOUGLAS M. LUCENTE
MARK D. SANDEEN

TEL: (781) 698-4580
FAX: (781) 863-9468

March 9, 2023

David Zhao
32 Lawrence Lane
Lexington, MA 02421

Dear David,

Congratulations on attaining the highest rank in Scouting. We know the trail to Eagle Scout has not always been an easy one and we recognize that you have had to work hard to get this far. Your time in positions of leadership within Troop 160, and the successful completion of your Eagle project, speaks to your dedication.

Being an Eagle is so much more than just another rank. It is a recognition of what you have achieved so far, but of more importance is the implied promise you have made to maintain the ideals of Scouting into your adult life.

We know that your family and fellow Scouts are proud of you and will look to you to be a leader as you continue your journey beyond Eagle.

Again, congratulations and good luck in all your future endeavors.

Sincerely,

Jill I. Hai, Chair

Joseph N. Pato

Suzanne E. Barry

Douglas M. Lucente

Mark D. Sandeen

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Applications: Battle Green Permits - William Diamond Junior Fife and Drum Corps

PRESENTER:

Jill Hai, Select Board Chair

ITEM NUMBER:

C.2

SUMMARY:

Category: Decision-Making

Annual Lexington Tattoo & Parade on Massachusetts Avenue:

The William Diamond Junior Fife and Drum Corps is requesting permission to hold the annual Lexington Fife and Drum Tattoo on the Battle Green on Friday, May 5, 2023, from 6:30pm to 8:30pm. The event itself will begin at 7:00pm and will include the Lexington Minute Men presenting Colors, the National Anthem by the William Diamond Junior Fife and Drum Corps and musical performance by four Fife and Drum Corps members as part of the Lexington Muster weekend. Prior to arriving at the Battle Green, the Parade Corps will gather at Depot Square at approximately 6:15pm and step off onto Massachusetts Avenue (right lane only) at 6:45pm and proceed down to the Battle Green, entering via Harrington Road.

The Police Department, Department of Public Works, Fire Department and the Town Manager's Office have no objections to this request. The applicant shall work with the Engineering Department regarding the status of any sidewalk work being done around the Battle Green at the time of the event.

Lexington Muster Line Up & Parade on Massachusetts Avenue:

The William Diamond Junior Fife and Drum Corps is requesting permission to use the Battle Green on Saturday, May 6, 2023 from 11:00am to 12:30pm for the purpose of 25 Corps lining up for the Lexington Muster Parade. Parade participants will gather on the Battle Green at the corner of Harrington Road and Massachusetts Avenue prior to parading down Massachusetts Avenue towards Hastings Park, where the Lexington Muster will be taking place. The first group will step off of the Battle Green to begin the parade at 12:00pm. Please see the attached map for the parade route.

The Police Department, Department of Public Works, Fire Department and the Town Manager's Office have no objections to this request. The applicant shall work with the Engineering Department regarding the status of any sidewalk work being done around the Battle Green at the time of the event.

SUGGESTED MOTION:

To approve the request of the William Diamond Junior Fife and Drum Corps to use the Battle Green on Friday, May 5, 2023 from approximately 6:30pm to 8:30pm for the annual Lexington Fife and Drum Tattoo as

part of the Lexington Muster weekend, and to further approve the Parade Corps to march down Massachusetts Avenue towards the Battle Green for the annual Lexington Fife and Drum Tattoo starting at 6:45pm.

To approve the request of the William Diamond Junior Fife and Drum Corps to use the Battle Green on Saturday, May 6, 2023 from approximately 11:00am to 12:30pm for the purpose of lining up for the Lexington Muster Parade, and to further approve 25 Corps to parade down Massachusetts Avenue towards Hasting Park for the Lexington Muster starting at 12:00pm.

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/8/2023

ATTACHMENTS:

Description	Type
☐ Map of Parade Route for Lexington Muster Parade	Backup Material
☐ TMO Approval Letter for Use of Hastings Park	Backup Material





Town of Lexington

Town Manager's Office

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

Tel: (781) 698-4540
Fax: (781) 861-2921

February 28, 2023

Ms. Carol Rubenstein
William Diamond Jr. Fife & Drum Corps.
Via email: [REDACTED]

Dear Ms. Rubenstein:

Permission is given to the William Diamond Jr. Fife and Drum Corps. (WDJFDC) to host your "Lexington Muster" event on Saturday, May 6, 2023 from 9:00 a.m. until 6:00 p.m. at Hastings Park. Attendance is expected at 300 participants. Set-up will begin at 7:00 a.m. and break-down should be completed by 7:00 p.m.

Your Muster will begin at the Battle Green (pending Select Board approval) where your participants will march on Massachusetts Avenue to Hastings Park. Please be in touch with Sergeant David Bresnihan, 781-862-1212, in regards to a detail. As previously discussed, the Battle Green Streetscape project will likely be under way so please be aware that there may be areas of roadway and sidewalk that are in construction mode. Areas could be blocked limiting access to certain points. Please check in with our Town Engineer, John Livsey (781-274-8311), about a week prior to May 6 to get an update on the project.

Up to 11 - 10x10 tents, a 20x30 tent, 12 tables, 5 porta-potties, several food trucks and a couple colonial vendors will be onsite. For the larger tent, your tent company will need to obtain a permit from our Building Department. A flame-resistant certificate will be needed for this application. The tent company can apply online at <https://lexingtonma.viewpointcloud.com/sign-up>.

Please have your colonial vendors apply for a hawkers/peddlers permit from our Police Department (781-862-1212). The week leading into your event, you will also want to reach out to Chris Filadoro of the Department of Public Works (781-274-8355) in regards to marking up the irrigation system. Your food vendors will need to be approved by our Health Department (781-698-4533). Just a reminder, the food vendors should not park/pull onto the lawn.

Please forward to me an insurance certificate naming the Town as additionally insured for May 6, 2023. We will need this at least 3 days prior to the event. WDJFDC will be taking care of the removal of any debris. We wish you the best of luck and weather for May 6!

Sincerely,



Catherine B. Severance
Office Manager/Special Events Coordinator

cc: Police Department, Fire Department, Department of Public Works, Land Use – Health & Development, Engineering Department, Select Board

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Applications: Common Victualler License & Entertainment License, Doaba Inc. d/b/a Spirit of India, 321 Marrett Road

PRESENTER:

Talwinder Multani, Applicant

ITEM NUMBER:

I.1

SUMMARY:

Category: Decision-Making

Common Victualler License:

The Select Board is being asked to approve a request for a Common Victualler License for Doaba Inc. d/b/a Spirit of India, 321 Marrett Road for the hours of 10:00am to 9:00pm Sunday through Saturday 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, Talwinder Multani, has been invited to attend the Select Board meeting to answer any questions.

Entertainment License:

The Select Board is being asked to approve a request for an Entertainment License for Doaba Inc. d/b/a Spirit of India, 321 Marrett Road for the purpose of providing radio/recorded background music, live entertainment and televisions within a new restaurant.

SUGGESTED MOTION:

Move to (approve/not approve) a Common Victualler License for Doaba Inc. d/b/a Spirit of India, 321 Marrett Road for the hours of 10:00am to 9:00pm Sunday through Saturday.

Move to (approve/not approve) an Entertainment License for Doaba Inc. d/b/a Spirit of India, 321 Marrett Road for the purpose of providing radio/recorded background music, live performances and televisions within the restaurant space.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/8/2023

6:50pm

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Tax Bill Insert - Cary Lecture Series

PRESENTER:

Kevin Oye, Cary Lecture Committee
Chair

ITEM NUMBER:

I.2

SUMMARY:

Category: Decision-Making

The Cary Lecture Committee is requesting that the attached flyer regarding the Cary Lecture Series be included as a tax bill insert with the 4th quarter tax bill to be mailed out on March 31, 2023. The printer would need to receive the approved insert by March 15, 2023.

SUGGESTED MOTION:

Move to approve the attached flyer regarding the Cary Lecture Series to be included as a tax bill insert with the 4th quarter tax bill to be mailed out on March 31, 2023.

FOLLOW-UP:

Tax Collector/Cary Lecture Committee

DATE AND APPROXIMATE TIME ON AGENDA:

3/8/2023

6:55pm

ATTACHMENTS:

Description	Type
☐ Cary Lecture Series Tax Bill Insert/Flyer	Backup Material



CARY LECTURE SERIES

AN ANNUAL SERIES OF FREE PUBLIC LECTURES
IN LEXINGTON, MASSACHUSETTS

Safeguarding the Mental and Behavioral Health of a City

Saturday, April 22, 2023, 8:00PM at Cary Memorial Hall

Dr. Kevin Simon, Chief Behavioral Health Officer, City of Boston

In June 2022 Dr. Kevin Simon became the first Chief Behavioral Health Officer for the City of Boston with the mission of developing a city-wide strategy to address behavioral health issues, especially among youth.

In his lecture Dr. Simon will describe his background and share his thoughts on the current state of mental health nationally and within Massachusetts. He hopes to engage the audience intellectually and emotionally in a discussion of the challenges in the way our society approaches mental and behavioral health; and he'll highlight opportunities to make positive changes in our community.

Dr. Simon serves as an Attending Psychiatrist at Boston Children's Hospital, an Instructor in Psychiatry at Harvard Medical School, a Commonwealth Fund Fellow in Health Policy at Harvard University, and the Medical Director of Wayside Youth & Family Support Network.



AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Review and Approve Tri-Ton Health Services Agreement

PRESENTER:

Joanne Belanger, Director of Public
Health

ITEM NUMBER:

I.3

SUMMARY:

Category: Decision-Making

The Towns of Lexington, Burlington and Wilmington have worked on a shared services agreement and Burlington (as the lead agency) has been awarded a Public Health Excellence for Shared Services Grant. The purpose is increase all three Town's public health capacities by sharing services and resources to improve public health responses and reporting. Joanne Belanger, Lexington Director of Public Health will be available to provide additional information and respond to any questions the Board may have regarding this program.

SUGGESTED MOTION:

Move to approve the intermunicipal agreement between Lexington, Burlington and Wilmington and further to authorize the Chair to execute the agreement as attached.


FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/8/2023

7:00pm

ATTACHMENTS:

Description	Type
 Intermunicipal Agreement	Cover Memo

**Tri-Ton Shared Services Coalition
Inter-Municipal Agreement (IMA)
for the Public Health Excellence for Shared Services Grant**

This Intermunicipal Agreement (hereinafter “Agreement”), is entered into by and between the Towns of Burlington, Lexington, and Wilmington, hereinafter referred to collectively as the “Municipalities,” and individually as a “Municipality,” and the Town of Burlington in its capacity as Host Agent of the Tri-ton Shared Services Coalition, (hereinafter referred to as “the Coalition”) this ____ day _____ 2023, as follows:

WHEREAS, the Town of Burlington was awarded a Public Health Excellence for Shared Services grant by the Commonwealth of Massachusetts (the “Grant Program”) to create a cross-jurisdictional public health services sharing program consistent with the recommendations of the Special Commission on Local and Regional Public Health’s (SCLRPH) June 2019 Report;

WHEREAS, the purpose of the Grant Program is to implement the recommendations made in the SCLRPH’s June 2019 Report by increasing local public health capacity through cross-jurisdictional shared services programs and agreements.

WHEREAS, each of the Municipalities offers public health services and resources, and desires to increase its capacity to provide said services and resources and improve regional public health and meet performance standards set by the Commonwealth by entering this Agreement.

WHEREAS, the Town of Burlington, entering into an agreement with the Commonwealth of Massachusetts governing its participation in the Grant Program, is willing and able to manage the administrative obligations of the Grant Program through its Director of Public Health, who shall hereinafter be referred to as the “Program Manager”;

WHEREAS each Municipality has authority to enter into this Agreement pursuant to M.G.L. c. 40, §4A;

NOW THEREFORE, the municipalities, in mutual consideration of the covenants contained herein, intending to be legally bound thereby, agree under seal as follows:

1. The Public Health Services Collaborative. There is hereby established a collaborative of the Municipalities to be known as the “**Tri-ton Shared Services Coalition**”, which shall hereinafter be referred to as the “Coalition.” The Coalition, acting by and through an advisory board (“Advisory Board”) as established in Section 5 of this Agreement, and Program Manager, will coordinate, manage, and direct the activities of the parties with respect to the subject matter of the Grant Program, this Agreement, and the agreement between the Town of Burlington, and the Commonwealth of Massachusetts, attached hereto as Exhibit A, the terms of which are expressly incorporated herein and shall bind all parties hereto, and any other programs and

services related thereto. The purpose of the Coalition is to design and implement a program by which the public health staff and resources of the Municipalities are consolidated and shared such that cross-jurisdictional services, investigations, enforcement and data reporting may be carried out and the public health and safety of the Municipalities may be better protected (the “Shared Services Program”).

2. Term. The term of this Agreement shall commence on the date set forth above and shall expire when the funds for the Grant Program are no longer available, or when terminated in accordance with this Agreement, but in no event shall the Term of this Agreement exceed twenty-five (25) years unless permitted by statute. Nothing herein shall be interpreted to prevent the Municipalities from extending the term of this Agreement beyond the exhaustion of the Grant Funds with the written consent of all parties hereto.
3. Lead Municipality. During the term of this Agreement, the Town of Burlington, acting as the “Lead Municipality,” shall oversee the Grant Program and the shared services program provided for herein (the “Shared Services Program”).

As the Lead Municipality, the Town of Burlington shall act for the Coalition with respect to all grant applications to be submitted and gifts and grants received collectively by the Municipalities. The Town of Burlington shall act as the Municipalities’ purchasing agent pursuant to G.L. c. 7, §22B, for all contracts duly authorized by the Advisory Board, established pursuant to Section 5 of this Agreement, to be entered into collectively by the Municipalities. Final approval of any such contract is subject to approval of the Advisory Board appropriation by each Municipality, to the extent required.

4. Program Manager. The Town of Burlington, as Lead Municipality, shall appoint the Town of Burlington’s Director of Public Health as the Program Manager, and, through the Program Manager and its Health Department, shall perform all necessary fiscal and administrative functions necessary to provide the services contemplated under this Agreement, and shall be the holder of all grant funds related to the Grant Program, and the Town of Burlington may retain up to 15% of the funds received through the Grant Program for wages and resources related to the performance of such duties, in accordance with the Grant Program Scope of Services, attached hereto as Exhibit B and incorporated herein. The Program Manager shall report to the Advisory Board and shall keep records of all funding and expenditures for review by the Board, and provide periodic financial status updates. For the purposes of employment status and health, retirement and other benefits, and immunities and indemnification as provided by law, the Program Manager and any Town of Burlington Health Department staff working on behalf of the Coalition or the Advisory Board shall be considered employees of the Town of Burlington and shall be accorded all benefits enjoyed by other Town of Burlington employees within the same classification as they are or shall be established.

5. Advisory Board

There shall be an Advisory Board which shall be convened not less than quarterly by the Advisory Board Chair/Co-Chairs.

- a. Composition: one member and one alternate, both appointed by the Board of Health from each municipality. One representative from each municipality shall be a full voting member whose term shall be as determined by each municipality's local Board of Health. The voting member shall be a Board of Health member or designee of that municipality's Board of Health. The second representative shall be an associate member who shall sit on the Advisory Board as a full member and may vote only when the full member is not in attendance. Each municipality shall maintain its individual local Board of Health, which shall retain its own legal authority and autonomy as provided by law.
- b. Voting: One municipality, one vote. Every voting member shall have an equal voice in determining shared priorities, and services to be provided.
- c. Quorum: A majority of the voting members of the Advisory Board shall constitute a quorum for the purposes of transacting business. The Advisory Board may act by a simple majority of members present and voting unless otherwise provided herein.
- d. Roles and Responsibilities of the Advisory Board:
 - 1) Meet on a regular basis and at least quarterly.
 - 2) Develop annual and long-term goals for the Coalition.
 - 3) Advise on Coalition staff priorities.
 - 4) Collaborate in developing a sustainability plan for the Coalition.
 - 5) Adopt any Coalition-wide policies and recommended regulations.
 - 6) Review and provide recommendations on operating budgets.
 - 7) Assure compliance with all mandatory reporting requirements as proscribed by the Department of Public Health ("DPH") and Office of Local and Regional Health ("OLRH").
 - 8) Assure attendance at monthly or other grant holder meetings convened by DPH and OLRH
 - 9) Review financial status and financial statements provided by the Program Manager.
 - 10) Review and provide recommendations on reports from staff.
- e. Meetings. The Advisory Board shall meet no less than quarterly and may schedule additional meetings, as necessary. All meetings shall be conducted in compliance with the Massachusetts Open Meeting Law M.G.L. c. 30A, §§ 18-25 as may be amended from time to time if required.

6. Shared Services Program Participation. Each Municipality as part of this Agreement shall participate in the Shared Services Program as follows:

- a. Each Municipality will consent to the Coalition's duly-authorized agents and representatives exercising the powers provided for herein and by the Advisory

Board within the boundaries of said Municipality, and will direct its agents and employees to work in good faith with the Coalition's health agents, nurses, and any other employees the Coalition may employ from time to time.

- b. Each Municipality will be a member of the Advisory Board as established pursuant to this Agreement, and appoint and maintain two Advisory Board representatives at all times.
 - c. Each Municipality will use best efforts to ensure that a representative of the Municipality will attend all Advisory Board meetings (either in-person or via remote access) throughout the life of this Agreement.
 - d. Each Municipality will use best efforts to ensure that a representative of the Municipality will attend all training sessions which are offered in conjunction with the Grant Program geared towards stakeholders under the Program, as required by the DPH or its representative.
 - e. Each Municipality will assist in collecting the necessary data as agreed to by the Committee and pursuant to the data reporting policy established pursuant to Section 5 of this Agreement to help meet the goals of the Shared Services Program and the Grant Program. The data collection provided for herein will include, but not be limited to, reporting to the Advisory Board, through the Program Manager, public health outcomes and services related to the Shared Services Program and the Coalition's agents and nurses.
 - f. Each Municipality will request from the appropriate legislative body appropriation for any services, costs and expenses associated with the Coalition and not covered by the Grant Program. Notwithstanding this provision or any other terms of this Agreement, no party shall be obligated to incur any financial cost above the amount made available herein through grants and gifts or other sources, unless the financial obligation is supported by an appropriation made in accordance with law.
 - g. Each Municipality will help promote and market the Shared Services Program and its services within their community.
7. Payment and Funding. Pursuant to G.L. c. 40, §4A, any funds received by the Shared Services Program, Advisory Board, or the Town of Burlington pursuant to this Agreement, shall be deposited with the treasurer of the Town of Burlington and held as a separate account and may be expended, with the approval of the Advisory Board, under the provisions of G.L. c. 44, §53A, for contribution toward the cost of the Shared Services Program and in compliance with established grant guidelines from grantors only.

The Advisory Board may authorize a disbursement of funds for any shared contractor, salary or wages consistent with the terms of this Agreement, and/or for any program, service or benefit that is consistent with the terms of this Agreement.

Except for the 15% of Grant Program funding for administrative costs that the Town of Burlington may retain pursuant to Section 4 of this Agreement, a Municipality may draw on grant funds individually, with prior approval by the Advisory Board, and provided such funds are available, by submitting invoices to the Program Manager for reimbursement from the funds, for expenditure consistent with the purposes of the Shared Services Program and applicable grant funding guidelines.

The Town of Burlington, as the holder of Grant Program funds, will pay the invoice within 30 days, subject to the availability of funds; provided, however, that the Town of Burlington shall not be obligated to supply any funding or incur any cost in excess of the amounts made available to the Advisory Board and the Shared Services Program through the Grant Program and/or any other and gifts, grants, or other sources appropriated for the purposes of this Agreement. Individual municipal costs incurred outside the scope of this Agreement and specific to the needs of that Municipality will be borne solely by that Municipality. Any funds contributed by the Grant Program shall only be used for shared public health services consistent with the purposes of this Agreement.

Annually, the Advisory Board will develop and approve a public health services budget for contractual shared services. Initially, these services are funded by a 3-year Public Health Excellence Grant from the Department of Public Health administered by the Town of Burlington. It is the intention of the Coalition to seek additional grant funds to sustain these services but if that is unsuccessful, participating Municipalities will revisit this Agreement and determine whether they will allocate municipal funds to continue participation. The Program Manager will provide each Municipality with sufficient notice to allow that Municipality's funding authority to authorize any such expenditure. Until grant funds are expended, there will be no cost to participating municipalities. Execution of this Agreement does not obligate any Municipality the Grant Program and a mutually acceptable written contract amendment would be required to do so.

Pursuant to G.L. c. 40, §4A, any party may, but shall not be required to, raise money by any lawful means to further the purposes of the Shared Services Program and any such funds shall be held by the Town of Burlington and expended pursuant to the terms of this Agreement.

8. Other Municipal Services. The Municipalities of the Coalition may request the Advisory Board to add or remove associated services to be delivered as part of the Shared Services Program, and such shall not take effect until this Agreement is so

amended in writing and approved by each Municipality. The Municipalities are not limited exclusively to the Grant Program and are not required to use all services of the Grant Program. Municipalities may apply for other grants outside the Coalition.

The Coalition through a vote of the Advisory Board may apply for other grants, opportunities, funds, and awards for shared services on behalf of the Municipalities. The Advisory Board must approve any and all grants or grant applications submitted as a Coalition. The Advisory Board may appoint other Municipalities to act as host agencies for these other grant opportunities and the Municipalities agree that this Agreement shall be amended to account for any associated grant terms and conditions.

9. Employees. Employees and personnel of each Municipality providing services pursuant to this Agreement shall be deemed employees of their respective Municipalities, and not regional employees or employees of any other Municipality. An employee who performs services, pursuant to this Agreement on behalf of another member Municipality, shall be deemed to be acting within the scope of his current Municipal job duties at all times and remain an employee of the employee's Municipality for insurance coverage purposes. Said Municipal employee shall retain all accrued benefits and shall be subject to standard hiring and personnel practices of such municipality.
10. Indemnification & Insurance. To the extent permitted by law, each Municipality shall defend, indemnify, and hold the other Municipalities harmless from and against any and all claims, demands, liabilities, actions, causes of action, costs and expenses, including attorney's fees, arising out of the indemnifying Municipality's acts or omissions, breach of this Agreement, or the negligence or misconduct of the indemnifying Municipality or its agents or employees. In entering into this Agreement, no Municipality waives any governmental immunity or statutory limitation of damages. Should the Coalition or a Municipality incur any liabilities on behalf of the Grant Program such as unemployment insurance or other unforeseen expenses, each of the member municipalities will proportionally share in the liability for such expenses.

The Town of Burlington and the Municipality shall obtain and keep in full force and effect public liability insurance in the amount of One Million (\$1,000,000) Dollars combined single limit for bodily injury, death and property damage arising out of any one occurrence, protecting the other party against all claims for bodily injury, \$3,000,000 aggregate, death, or property damage arising directly or indirectly out of the Indemnification Provisions of this Agreement.

11. Entrance. Any municipality may petition the Coalition to join this Agreement to the extent permitted by the grants. In order to approve the addition of a new entity to the

Agreement for the Grant Program, the Department of Public Health and no less than a two-thirds vote of the Advisory Board shall be required to approve said entrant.

12. Withdrawal. Any Municipality other than the Lead Municipality, by a vote of its respective authorizing Select Board or Chief Executive Officer and Board of Health, may withdraw from this Agreement with the provision of at least three (3) months prior written notice to the Lead Municipalities. Withdrawal requires the vote of both the Select Board and the Board of Health. Upon such withdrawal, the Program Manager shall prepare full statements of outstanding unpaid financial obligations under this Agreement and present the same to the terminating Municipality for payment within thirty (30) days thereafter. To the extent permitted by the Grant Program and its agreement with the Commonwealth of Massachusetts pursuant thereto, the Lead Municipality, by a vote of its Select Board and Board of Health, may withdraw from this Agreement upon the provision of at least three (3) months prior written notice to the participating Municipalities and the Advisory Board, and a new Lead Municipality shall thereafter be designated by the Advisory Board, by a vote of the representatives of the remaining parties. Prior to the effective date of its withdrawal, the Lead Municipality shall transfer all funds held pursuant to this Agreement to the new Lead Municipality as designated by the Advisory Board any pay any outstanding unpaid financial obligations under this Agreement within thirty (30) days thereafter. Any Municipality may withdraw at the end of any fiscal year in which the Municipality's legislative body has not appropriated funds sufficient to support that Municipality's continued participation in the subsequent fiscal year if such funds are required. In such an event, the Municipality shall give as much notice to the other Municipalities to this Agreement as the circumstances allow. The Advisory Board, by vote of the remaining members, has the authority to reallocate grant funding or other outside funding that would have been allocated to the Municipality that has left the Agreement. Any data collected from the terminating Municipality through a Shared Services Program project, service, or program will remain with the Advisory Board for analysis by the Program Manager and the Advisory Board.
13. Termination. This Agreement may be terminated by a vote of a majority of the Municipalities' representatives of the Advisory Board, at a meeting of the Advisory Board called for that purpose; provided that the representative's vote has been authorized by the Municipality's appointing authority. Any termination vote shall not be effective until the passage of at least sixty (60) days and until the Municipalities have agreed to an equitable allocation of all remaining costs, expenses and assets.
14. Conflict Resolution. The Advisory Board may hold additional meetings to discuss and resolve any conflicts that may arise including, but not limited to, disagreements

regarding the needs of each Municipality, administration of the shared services programs, the terms of this Agreement, data reporting and any other matters the parties deem necessary.

15. Financial Safeguards. The Lead Municipality shall maintain separate, accurate, and comprehensive records of all services performed for each of the Municipalities, and all contributions received from the Municipalities.
16. Assignment. None of the Municipalities shall assign or transfer any of its rights or interests in or to this Agreement, or delegate any of its obligations hereunder, without the prior written consent of all of the other Municipalities.
17. Amendment. This Agreement may be amended only in writing pursuant to an affirmative vote of all Municipalities' appointing authority.
18. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, illegal, or unenforceable, or if any such term is so held when applied to any particular circumstance, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, or affect the application of such provision to any other circumstances, and the remaining provisions hereof shall not be affected and shall remain in full force and effect.
19. Governing Law. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the Commonwealth of Massachusetts.
20. Headings. The paragraph headings herein are for convenience only, are no part of this Agreement, and shall not affect the interpretation of this Agreement.
21. Non-Discrimination. Neither the Lead Municipality nor the Municipalities shall discriminate against any person because of race, color, religious creed, national origin, gender, ancestry, sexual orientation, age, handicap, gender identity, genetic information, military service, or any other protected class under the law with respect to admission to, access to, or operation of its programs, services, or activities.
22. Notices. Any notice permitted or required hereunder to be given or served on any Municipality shall be in writing signed in the name of or on behalf of the Municipality giving or serving the same. Notice shall be deemed to have been received at the time of actual receipt of any hand delivery or three (3) business days after the date of any properly addressed notice sent by mail as set forth below:

Town of _____:

(contact name)
(email)
(phone)

(address)

Town of _____:

(contact name)
(email)
(phone)
(address)

Town of _____:

(contact name)
(email)
(phone)
(address)

23. Complete Agreement. This Agreement constitutes the entire Agreement between the Municipalities concerning the subject matter hereof, superseding all prior agreements and understandings. There are no other agreements or understandings between the Municipalities concerning the subject matter hereof. Each Municipality acknowledges that it has not relied on any representations by any other Municipality or by anyone acting or purporting to act for another Municipality or for whose actions any other Municipality is responsible, other than the express, written representations set forth herein.

WITNESS OUR HANDS AND SEALS as of the first date written above.

Town of Burlington Select Board

Date

Town of Burlington Board of Health

Date

Town of Lexington Select Board

Date

Wendy Heiger-Bemys PhD
Town of Lexington Board of Health

Feb. 17, 2023
Date

Town of Wilmington Select Board

Date

Town of Wilmington Board of Health

Date

EXHIBIT A

Grant Agreement between the Town of Burlington and the Commonwealth of Massachusetts

EXHIBIT B

The scope of services the Town of Burlington shall provide the following services in coordination with member municipalities:

1. Identify and maintain a management position from the lead entity to coordinate between municipalities and with DPH.
2. Maintain documentation of letters of commitment to be part of the Shared Services Area from all municipalities. DPH and the vendor must agree upon changes to the involved municipalities.
3. Maintain a Shared Services Coordinator position.
4. Develop or enhance a shared service arrangement in alignment with the recommendations of the Special Commission on Local and Regional Public Health (SCLRPH).
5. Ensure adequate staffing support and adequately trained staff to meet the needs of the shared service area and comply with the SCLRPH recommendations on workforce standards.
6. Establish and/or enhance a governance structure that involves representatives of all participating municipalities. Governance boards must meet regularly under established rules of procedures to make democratic decisions about district policies, personnel, operations, and finances. Submit draft and executed inter-municipal agreements to OLRH.
7. Enhance the capacity of a shared service area to acquire, store, and use data to improve public health. Utilize MAVEN, MIIS, and new public health data reporting system under development.
8. Participate in local board of health/health department capacity assessment and workforce standards assessment using the tools OLRH and its partners provide.
9. Agree to lead a Regional Training Hub or collaborate with your designated Regional Training Hub.
10. Provide effective, equitable, understandable, and respectful quality care and services responsive to diverse cultural health beliefs and practices, preferred languages, health literacy, and other communication needs and work to adopt Culturally and Linguistically Appropriate Services (CLAS) National Standards. <https://www.mass.gov/service-details/clas-national-standards>
11. Provide quarterly narrative progress updates and expense reports and an annual report in a format and method provided by OLRH.
12. Attend contract, training, learning collaborative, and evaluation meetings provided by OLRH staff and its partners. Required engagements will include attending racial equity training and

participating in various technical assistance activities (e.g., legal, inter-and intra-municipal relations and communications, etc.).

13. Seek prior approval from OLRH for changes in the proposal and use of funding or publishing research, etc.

14. Submit a full, detailed workplan 60 days after completing the capacity assessment, or later date to be determined, for the shared services area in a format, content, and method provided by OLRH. These work plans will be informed by improvement plans, which will result from a capacity assessment.

15. Submit a complete, detailed strategic plan by June 30, 2023, or a later date to be determined, for the shared services area in a format, content, and method provided by OLRH. These strategic plans will be based on the results of a capacity assessment.

16. Ensure 100% continuous MAVEN coverage for all municipalities in shared services arrangement.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Presentation - Fire Department Emergency Medical Services (EMS) Fee Survey

PRESENTER:

Derek Sencabaugh, Fire Chief; James
Robinson, Management Fellow

ITEM NUMBER:

I.4

SUMMARY:

Category: Decision-Making

Attached please find the EMS rate survey and estimated revenues (at the average) and a memo outlining the survey data recommended to use as the basis for rates (comparable communities without Lexington included). The rates being recommended are:

Mileage: \$36.00 (per mile)

BLS Rate: \$1,700

ALS Rate: \$2,200

ALS2 Rate: \$3,000

SUGGESTED MOTION:

Move to amend the EMS Fee Structure to increase the rate per mile to \$36.00; the BLS Rate to \$1,700; ALS Rate to \$2,200; and ALS2 Rate to \$3,000.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/8/2023

7:10pm

ATTACHMENTS:

Description

Type

📄 EMS Rates Survey 2023

📄 EMS Rates Memo

Cover Memo

Cover Memo

TABLE 1: PROEMS SOLUTIONS 1.27.2023 List 1

Municipality / Department	Mileage	BLS Emergency	ALS 1 Emergency	ALS 2 Emergency	Oxygen	Airway	MAST
Central Middlesex Emergency Response Association (CMERA)							
Boxborough, Carlisle, Concord, Lincoln, Maynard, Stow, Weston	\$ 35.00	\$ 1,545.00	\$ 2,075.00	\$ 2,650.00			
Abington	\$ 40.00	\$ 1,650.00	\$ 2,050.00	\$ 2,625.00			
Acton	\$ 35.00	\$ 1,545.00	\$ 2,075.00	\$ 2,650.00			
Amesbury	\$ 30.00	\$ 1,137.00	\$ 1,893.00	\$ 2,932.00			
Barnstable	\$ 36.89	\$ 1,873.75	\$ 2,298.75	\$ 3,097.50			
Belmont	\$ 40.00	\$ 1,999.00	\$ 2,475.00	\$ 2,950.00			
Billerica	\$ 40.18	\$ 1,159.88	\$ 2,185.17	\$ 3,564.71			
Bourne	\$ 25.00	\$ 1,200.00	\$ 1,850.00	\$ 2,750.00			
Brewster Ambulance	\$ 40.00	\$ 1,430.00	\$ 1,690.00	\$ 1,885.00			
Brewster	\$ 32.00	\$ 1,205.00	\$ 1,950.00	\$ 3,037.99			
Cambridge/Pro	\$ 55.00	\$ 2,050.00	\$ 2,450.00	\$ 3,400.00			
Chatham	\$ 15.00	\$ 650.55	\$ 772.54	\$ 1,118.13			
Chelmsford/Trinity	\$ 53.00	\$ 1,430.00	\$ 1,700.00	\$ 2,460.00			
Cotuit	\$ 33.00	\$ 1,350.00	\$ 1,950.00	\$ 2,750.00			
Dennis	\$ 15.00	\$ 703.00	\$ 1,317.00	\$ 1,908.00			
Eastham	\$ 29.76	\$ 1,056.00	\$ 1,928.00	\$ 3,038.00			
Easton	\$ 34.51	\$ 1,346.33	\$ 2,428.46	\$ 3,820.17			
Falmouth	\$ 34.00	\$ 1,294.00	\$ 1,800.00	\$ 2,400.00			
Foxborough Fire	\$ 44.63	\$ 1,360.94	\$ 1,938.42	\$ 3,326.48			
Harwich	\$ 29.76	\$ 1,056.23	\$ 1,927.76	\$ 3,037.99			
Hyannis	\$ 40.00	\$ 2,150.00	\$ 2,450.00	\$ 3,250.00			
Kingston	\$ 40.00	\$ 1,750.00	\$ 2,450.00	\$ 2,990.00			
Lexington	\$ 28.00	\$ 1,251.00	\$ 1,515.00	\$ 2,056.00			
Lynnfield	\$ 50.00	\$ 1,650.00	\$ 2,350.00	\$ 3,450.00			
Mansfield	\$ 31.91	\$ 1,607.27	\$ 2,262.18	\$ 3,404.32			
Mashpee	\$ 20.00	\$ 938.58	\$ 1,480.61	\$ 2,249.76			
Medfield	\$ 35.30	\$ 1,403.00	\$ 2,234.00	\$ 3,391.00			
Medway	\$ 40.00	\$ 1,650.00	\$ 2,150.00	\$ 2,800.00			
Melrose Fire	\$ 50.00	\$ 2,050.00	\$ 2,525.00	\$ 3,200.00			
Merrimac	\$ 44.00	\$ 1,573.00	\$ 2,402.00	\$ 3,420.00			
Middleton Fire	\$ 35.00	\$ 1,350.00	\$ 2,200.00	\$ 3,300.00			
Nahant	\$ 50.00	\$ 1,650.00	\$ 2,150.00	\$ 3,150.00			
Nantucket	\$ 35.97	\$ 1,325.50	\$ 2,145.00	\$ 3,311.00			
Natick	\$ 35.19	\$ 1,506.62	\$ 2,054.06	\$ 2,876.98			
Norfolk	\$ 38.00	\$ 1,488.00	\$ 2,370.00	\$ 3,596.00			
North Reading Fire	\$ 38.00	\$ 1,250.00	\$ 1,650.00	\$ 1,850.00			
Norton	\$ 40.00	\$ 1,750.00	\$ 2,300.00	\$ 3,323.00			
Norwell	\$ 28.00	\$ 1,250.00	\$ 1,695.00	\$ 2,150.00			
Norwood	\$ 50.00	\$ 1,900.00	\$ 2,325.00	\$ 3,050.00			
Orleans	\$ 31.69	\$ 1,127.04	\$ 2,056.97	\$ 3,241.62			
Plainville	\$ 43.00	\$ 1,535.00	\$ 2,300.00	\$ 3,500.00			
Plympton	\$ 40.00	\$ 1,750.00	\$ 2,450.00	\$ 2,990.00			
Sandwich	\$ 35.97	\$ 1,456.00	\$ 2,287.00	\$ 3,420.00			
Seekonk	\$ 35.05	\$ 1,403.00	\$ 2,234.00	\$ 3,391.00			

Sharon	\$	36.11	\$	1,293.00	\$	2,099.00	\$	3,381.96		
Stoughton	\$	44.63	\$	1,740.73	\$	2,420.37	\$	3,320.41		
Topsfield	\$	38.00	\$	1,550.00	\$	2,100.00	\$	2,500.00		
Watertown	\$	40.00	\$	1,999.00	\$	2,475.00	\$	2,950.00		
Walpole	\$	34.51	\$	1,298.88	\$	1,940.19	\$	2,954.56		
Wayland	\$	40.00	\$	1,700.00	\$	2,200.00	\$	2,900.00		
Wellfleet	\$	15.00	\$	475.00	\$	635.00	\$	820.00	\$	70.00
Wenham	\$	35.00	\$	1,600.00	\$	2,200.00	\$	2,200.00		
Winchester	\$	33.00	\$	1,250.70	\$	2,082.30	\$	3,225.20		
Wrentham	\$	42.00	\$	1,750.00	\$	2,234.00	\$	3,391.00		
West Barnstable	\$	37.10			\$	2,878.00	\$	3,525.00		
Westford	\$	28.00	\$	1,250.00	\$	1,695.00	\$	2,150.00		
Yarmouth	\$	22.00	\$	950.90	\$	1,129.21	\$	1,634.36	\$	78.00 \$ 182.00

TABLE 2: PROEMS SOLUTIONS 1.27.2023 List 2

Gloucester Fire	\$	46.08	\$	1,513.84	\$	1,797.44	\$	2,601.58		
Lynn Fire	\$	40.00	\$	1,000.00	\$	1,400.00	\$	1,700.00	\$	150.00 \$ 300.00 \$ 150.00
Medford/Armstrong	\$	35.00	\$	1,500.00	\$	1,800.00	\$	2,000.00	\$	85.00 \$ 200.00
Sudbury	\$	20.61	\$	1,307.00	\$	1,552.00	\$	2,152.00	\$	180.00
Wilmington	\$	44.63	\$	1,097.19	\$	1,302.93	\$	1,885.80	\$	164.69 \$ 400.00 \$ 235.27

TABLE 3: July 2022 Survey

Andover	\$	22.00	\$	1,074.12	\$	1,275.54	\$	1,846.17	\$	82.00 \$ 200.00
Bedford	\$	34.47	\$	1,594.43	\$	1,935.08	\$	2,845.25		
Belmont										SEE TABLE 1: BELMONT
Billerica										SEE TABLE 1: BILLERICA
Burlington	\$	30.20	\$	1,688.92	\$	2,005.56	\$	2,902.80		
Concord										SEE TABLE 1: CONCORD
Lexington										SEE TABLE 1: LEXINGTON
Lynnfield										SEE TABLE 1: LYNNFIELD
Melrose										SEE TABLE 1: MELROSE
Methuen	\$	50.00	\$	1,489.24	\$	1,768.48	\$	2,559.64		
North Andover	\$	32.73	\$	1,414.00	\$	2,358.00	\$	3,198.00		
North Reading										SEE TABLE 1: NORTH READING
Reading	\$	35.00	\$	850.00	\$	1,100.00	\$	1,500.00	\$	125.00 \$ 250.00
Walpole										SEE TABLE 1: WALPOLE
Westborough	\$	47.88	\$	1,466.19	\$	2,303.19	\$	3,443.93		
Westford	\$	31.00	\$	1,494.35	\$	1,911.03	\$	2,568.41		
Wilmington										SEE TABLE 2: WILMINGTON

COMPARISONS AND TAKEAWAYS

Municipality / Department	Mileage	BLS Emergency	ALS 1 Emergency	ALS 2 Emergency
COMSTAR TOP 50 Average	\$ 36.12	\$ 1,477.00	\$ 2,329.00	\$ 3,420.00
Lexington	\$ 28.00	\$ 1,251.00	\$ 1,515.00	\$ 2,056.00
Difference	\$ 8.12	\$ 226.00	\$ 814.00	\$ 1,364.00

Municipality / Department	Mileage	BLS Emergency	ALS 1 Emergency	ALS 2 Emergency
COMPILED LIST AVERAGE COMPARISON (w/ LEXINGTON)	\$ 36.11	\$ 1,422.51	\$ 1,991.25	\$ 2,784.54
Lexington	\$ 28.00	\$ 1,251.00	\$ 1,515.00	\$ 2,056.00
Difference	\$ 8.11	\$ 171.51	\$ 476.25	\$ 728.54

Municipality / Department	Mileage	BLS Emergency	ALS 1 Emergency	ALS 2 Emergency
COMPILED AVERAGE COMPARISON (w/out LEXINGTON)	\$ 36.23	\$ 1,425.03	\$ 1,998.15	\$ 2,795.10
Lexington	\$ 28.00	\$ 1,251.00	\$ 1,515.00	\$ 2,056.00
Difference	\$ 8.23	\$ 174.03	\$ 483.15	\$ 739.10

Municipality / Department	Mileage	BLS Emergency	ALS 1 Emergency	ALS 2 Emergency
Lexington	\$ 28.00	\$ 1,251.00	\$ 1,515.00	\$ 2,056.00
Arlington			---	
Bedford (July 2022)	\$ 34.47	\$ 1,594.43	\$ 1,935.08	\$ 2,845.25
Belmont (January 2023)	\$ 40.00	\$ 1,999.00	\$ 2,475.00	\$ 2,950.00
Burlington (July 2022)	\$ 30.20	\$ 1,688.92	\$ 2,005.56	\$ 2,902.80
Concord (CMERA January 2023)	\$ 35.00	\$ 1,545.00	\$ 2,075.00	\$ 2,650.00
Natick (January 2023)	\$ 35.19	\$ 1,506.62	\$ 2,054.06	\$ 2,876.98
Needham			---	
Waltham			---	
Watertown (January 2023)	\$ 40.00	\$ 1,999.00	\$ 2,475.00	\$ 2,950.00
Wellesley			---	
Winchester (January 2023)	\$ 33.00	\$ 1,250.70	\$ 2,082.30	\$ 3,225.20
Woburn			---	
COMPARISON COMMUNITY AVERAGE (w/ Lexington)	\$ 34.48	\$ 1,604.33	\$ 2,077.13	\$ 2,807.03
Lexington	\$ 28.00	\$ 1,251.00	\$ 1,515.00	\$ 2,056.00
Difference	\$ 6.48	\$ 353.33	\$ 562.13	\$ 751.03
COMPARISON COMMUNITY AVERAGE (w/out Lexington)	\$ 35.41	\$ 1,654.81	\$ 2,157.43	\$ 2,914.32
Lexington	\$ 28.00	\$ 1,251.00	\$ 1,515.00	\$ 2,056.00
Difference	\$ 7.41	\$ 403.81	\$ 642.43	\$ 858.32



Pro EMS Ambulance Fee Comparison
Last updated: 01/27/2023

Department	Mileage	BLS Emgcy	ALS 1 Emgcy	ALS 2 Emgcy	Oxygen	Airway	MAST	Intravenous Therapy	Cardiac Monitor	Defibrillation	Extra EMT	C-Spine	EPI-PEN BLS Meds	ALS Meds	Last Updated
CMERA (7 Towns)	35.00	1,545.00	2,075.00	2,650.00											
Comstar Avg Top 50	36.12	1,477.00	2,329.00	3,420.00											
Abington	40.00	1,650.00	2,050.00	2,625.00											
Acton	35.00	1,545.00	2,075.00	2,650.00											
Amesbury	30.00	1,137.00	1,893.00	2,932.00											
Barnstable	36.89	1,873.75	2,298.75	3,097.50											
Belmont	40.00	1,999.00	2,475.00	2,950.00											
Billerica	40.18	1,159.88	2,185.17	3,564.71											
Bourne	25.00	1,200.00	1,850.00	2,750.00											
Brewster Ambulance	40.00	1,430.00	1,690.00	1,885.00											
Brewster	32.00	1,205.00	1,950.00	3,037.99											
Cambridge/Pro	55.00	2,050.00	2,450.00	3,400.00											
Cataldo															
Chatham	15.00	650.55	772.54	1,118.13											
Chelmsford/Trinity	53.00	1,430.00	1,700.00	2,460.00											
Cotuit	33.00	1,350.00	1,950.00	2,750.00											
Dennis	15.00	703.00	1,317.00	1,908.00											
Eastham	29.76	1,056.00	1,928.00	3,038.00											
Easton	34.51	1,346.33	2,428.46	3,820.17											
Falmouth	34.00	1,294.00	1,800.00	2,400.00											
Foxborough Fire	44.63	1,360.94	1,938.42	3,326.48											
Harwich	29.76	1,056.23	1,927.76	3,037.99											
Hyannis	40.00	2,150.00	2,450.00	3,250.00											
Kingston	40.00	1,750.00	2,450.00	2,990.00											
Lexington	28.00	1,251.00	1,515.00	2,056.00											
Lynnfield	50.00	1,650.00	2,350.00	3,450.00											
Mansfield	31.91	1,607.27	2,262.18	3,404.32											
Mashpee	20.00	938.58	1,480.61	2,249.76											
Medfield	35.30	1,403.00	2,234.00	3,391.00											
Medway	40.00	1,650.00	2,150.00	2,800.00											
Melrose Fire	50.00	2,050.00	2,525.00	3,200.00											
Merrimac	44.00	1,573.00	2,402.00	3,420.00											
Middleton Fire	35.00	1,350.00	2,200.00	3,300.00											
Nahant	50.00	1,650.00	2,150.00	3,150.00											
Nantucket	35.97	1,325.50	2,145.00	3,311.00											
Natick	35.19	1,506.62	2,054.06	2,876.98											
Norfolk	38.00	1,488.00	2,370.00	3,596.00											
North Reading Fire	38.00	1,250.00	1,650.00	1,850.00											
Norton	40.00	1,750.00	2,300.00	3,323.00											
Norwell	28.00	1,250.00	1,695.00	2,150.00											
Norwood	50.00	1,900.00	2,325.00	3,050.00											
Orleans	31.69	1,127.04	2,056.97	3,241.62											
Plainville	43.00	1,535.00	2,300.00	3,500.00											
Plympton	40.00	1,750.00	2,450.00	2,990.00											
Sandwich	35.97	1,456.00	2,287.00	3,420.00											
Seekonk	35.05	1,403.00	2,234.00	3,391.00											
Sharon	36.11	1,293.00	2,099.00	3,381.96											
Stoughton	44.63	1,740.73	2,420.37	3,320.41											
Topsfield	38.00	1,550.00	2,100.00	2,500.00											
Watertown	40.00	1,999.00	2,475.00	2,950.00											
Walpole	34.51	1,298.88	1,940.19	2,954.56							196.88				
Wayland	40.00	1,700.00	2,200.00	2,900.00											
Wellfleet	15.00	475.00	635.00	820.00	70.00			150.00	175.00						
Wenham	35.00	1,600.00	2,200.00	2,200.00											
Winchester	33.00	1,250.70	2,082.30	3,225.20											
Wrentham	42.00	1,750.00	2,234.00	3,391.00											
West Barnstable	37.10		2,878.00	3,525.00											
Westford	28.00	1,250.00	1,695.00	2,150.00											
Yarmouth	22.00	950.90	1,129.21	1,634.36	78.00	182.00		182.00		182.00					
Community Average	36.11	1,441.07	2,055.29	2,881.62											

Department	Mileage	BLS Emgcy	ALS 1 Emgcy	ALS 2 Emgcy	Oxygen	Airway	MAST	Intravenous Therapy	Cardiac Monitor	Defibrillation	Extra EMT	C-Spine	EPI-PEN BLS Meds	ALS Meds	
Gloucester Fire	46.08	1,513.84	1,797.44	2,601.58				425.00			600.00				
Lynn Fire	40.00	1,000.00	1,400.00	1,700.00	150.00	300.00	150.00	300.00	325.00	300.00					
Medford/Armstrong	35.00	1,500.00	1,800.00	2,000.00	85.00	200.00		180.00		150.00					
Sudbury	20.61	1,307.00	1,552.00	2,152.00	180.00			420.00							
Wilmington	44.63	1,097.19	1,302.93	1,885.80	164.69	400.00	235.27	352.87	494.11	352.87					
Community Average	37.26	1,283.61	1,570.47	2,067.88	144.92	300.00	192.64	335.57	409.56	267.62	600.00	#DIV/0!	#DIV/0!	#DIV/0!	



Pro EMS Ambulance Fee Comparison
Last updated: 6/16/22

Department	Mileage	BLS Emgcy	ALS 1 Emgcy	ALS 2 Emgcy	Oxygen	Airway	MAST	Intravenous Therapy	Cardiac Monitor	Defibrillation	Extra EMT	C-Spine	EPI-PEN BLS Meds	ALS Meds	Last Updated
Medicare 01 (2016)															
Medicare 99 (2016)															
CMERA (7 Towns)	35.00	1,545.00	2,075.00	2,650.00											
Comstar Avg Top 50	36.12	1,477.00	2,329.00	3,420.00											
Abington	40.00	1,650.00	2,050.00	2,625.00											
Acton	35.00	1,545.00	2,075.00	2,650.00											
Amesbury	30.00	1,137.00	1,893.00	2,932.00											
Barnstable	36.89	1,873.75	2,298.75	3,097.50											
Belmont	40.00	1,999.00	2,475.00	2,950.00											
Billerica	40.18	1,159.88	2,185.17	3,564.71											
Bourne	25.00	1,200.00	1,850.00	2,750.00											
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Cambridge/Pro	55.00	2,050.00	2,450.00	3,400.00											
Cataldo															
Chatham	15.00	650.55	772.54	1,118.13											
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Westford	28.00	1,250.00	1,695.00	2,150.00											
Yarmouth	22.00	950.90	1,129.21	1,634.36	78.00	182.00		182.00		182.00					
Community Average	35.25	1,407.60	2,024.12	2,872.66											

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Lynn Fire	40.00	1,000.00	1,400.00	1,700.00	150.00	300.00	150.00	300.00	325.00	300.00					
Medford/Armstrong	35.00	1,500.00	1,800.00	2,000.00	85.00	200.00		180.00		150.00					
Sudbury	20.61	1,307.00	1,552.00	2,152.00	180.00			420.00							
Wilmington	44.63	1,097.19	1,302.93	1,885.80	164.69	400.00	235.27	352.87	494.11	352.87					
Community Average	37.26	1,283.61	1,570.47	2,067.88	144.92	300.00	192.64	335.57	409.56	267.62	600.00	#DIV/0!	#DIV/0!	#DIV/0!	

Proc Code	Decsription	Andover	Bedford	Belmont	Billerica	Burlington
A0429	BLS Transport	1,074.12	\$1,594.43	1,999.00	\$1,688.92	\$1,688.92
A0427	ALS 1	1,275.54	\$1,935.08	2,475.00	\$2,185.17	\$2,005.56
A0433	ALS 2	1,846.17	\$2,845.25	2,950.00	\$3,564.71	\$2,902.80
A0425	Mileage	22.00	\$34.47*	40.00	\$40.18	\$30.20.
A0422	Oxygen	82.00				
A0392	Defibrillator	247.00				
A0382	c-Spine/Supplies BLS					
A0398	c-Spine/Supplies -ALS					
A0394	IV Administration	176.00				
A0396	Airway/Intubation	200.00				
A0424	Extra Attendant	0.00				
J0170	Epinephrine	0.00				
93000	Cardiac Monitor	247.00				
	ALS Intercept					
	Specialty Care Transport	1,464.00				
	Treatment No Transport	100.00				
	Extrication	0.00				
	Cost of Medical Control	0.00		10,000.00		

Notes

Rates all- inclusive

ALS Provider

Town information highlighted in yellow was taken from other surveys. Needs verification.

Concord	Lexington	Lynnfield	Melrose	Methuen	Middleton	North Andover	North Reading
\$1,545.00	\$1,251.00	1,650.00	2,050.00	1,489.24	1,500.00	1,414.00	1,352.00
\$2,075.00	\$1,515.00	2,350.00	2,325.00	1,768.48	2,350.00	2,358.00	2,197.00
\$2,650.00	\$2,056.00	3,450.00	3,200.00	2,559.64	3,450.00	3,198.00	3,323.00
\$35.00	\$28.00	50.00	50.00	50.00	36.50	32.73	38.00

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175.00

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10,000.00

15,000.00

275.00

* Rates Bundled

Reading	Tewksbury	Walpole	Westborough	Westford	Wilmington	Average
850.00		1,477.00	\$1,466.19	1,494.35	1,261.88	1,491.45
1,100.00		2,329.00	\$2,303.19	1,911.03	2,667.47	2,062.53
1,500.00		3,420.00	\$3,443.93	2,568.41	3,650.34	2,921.01
35.00		36.12	\$47.88	31.00	44.63	38.46
125.00						127.33
275.00						261.00
250.00						250.00
250.00						250.00
200.00						188.00
250.00						225.00
325.00			\$300.00			208.33
225.00						112.50
275.00						261.00
550.00						412.50
0.00			\$3,954.49		0.00	1,354.62
250.00						175.00
0.00			\$325.00		0.00	81.25
12,000.00		10,000.00	\$5,325.47	18,000.00	3,000.00	9,258.39

400/Mo ALS Fee

Action



Town of Lexington

Town Manager's Office

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

Tel: (781) 698-4540
Fax: (781) 861-2921

MEMORANDUM

TO: Select Board
FROM: Jim Malloy, Town Manager
DATE: March 2, 2023
RE: EMS Rate Recommendation

Attached please find the survey data and revenue estimates that has been previously provided to the Select Board. Of the different surveys, staff is recommending the Community Comparison group without Lexington being included (Lexington pulls down the average) as follows:

Rates Comparison

	Mileage Rate	BLS Emergency Rate	ALS1 Emergency Rate	ALS2 Emergency Rate
Comparison Community Average*	\$35.41	\$1,654.81	\$2,157.43	\$2,914.32
Lexington	\$28.00	\$1,251.00	\$1,515.00	\$2,056.00
<i>Difference</i>	<i>\$7.41</i>	<i>\$403.81</i>	<i>\$642.43</i>	<i>\$858.32</i>

*Bedford, Belmont, Burlington, Concord, Natick, Watertown, Winchester

Lexington CY22 Revenue Actuals

	Total Transports	Total Net Charges	Total Net Rate Projection Totals
Total EMS Projected Revenue	2,269	\$1,987,056	\$1,658,867
Net Revenue Per Transport		\$879	\$731

Revenue Projections based on Average Comp. Community Rates

	Total Transports	Total Net Charges	Total Net Rate Projection Totals
Total EMS Projected Revenue	2,269	\$2,392,194	<i>\$1,966,309</i>
Net Revenue Per Transport		\$1,054	<i>\$867</i>

Differences in Total Net Rate Projection Totals

	Total Net Rate Projection Totals	Per Transport
Comparison Community Average Rates	\$1,966,309	\$867
Lexington Rates	\$1,658,867	\$731
Difference	<i>\$307,422</i>	<i>\$136</i>

The rates being recommended to the Select Board are:

Mileage Rate: \$36.00

BLS Rate: \$1,700

ALS Rate: \$2,200

ALS2 Rate: \$3,000

These rates are the average rounded up, but are not the highest from the survey rates.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Request to Amend Housing Partnership Board Charge

PRESENTER:

Jeri Foutter, HPB Chair; Harriet
Cohen, HPB Clerk

ITEM NUMBER:

I.5

SUMMARY:

Category: Decision-Making

The Housing Partnership Board has requested that the following changes be made to the charge as outlined in the attached redlined version:

- Change "Board of Selectmen" to "Select Board"
- Change the number of members from "9" to "13"
- Add "Quorum: Quorum shall be a majority of members serving"
- Update Description
- Amend Responsibilities
- Update Criteria for Membership
- Update list of boards and committees naming liaisons to the Housing Partnership Board

Jeri Foutter, Housing Partnership Board Chair and Harriet Cohen, Housing Partnership Board Clerk will be in attendance to present the amendments to the charge.

SUGGESTED MOTION:

Move to (amend/not amend) the Housing Partnership Board charge by making the following changes as proposed:

- Change "Board of Selectmen" to "Select Board"
- Change the number of members from "9" to "13"
- Add "Quorum: Quorum shall be a majority of members serving"
- Update Description
- Amend Responsibilities
- Update Criteria for Membership
- Update list of boards and committees naming liaisons to the Housing Partnership Board

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/8/2023

7:25pm

ATTACHMENTS:

Description	Type
☐ Amended Housing Partnership Board Charge - Redlined	Backup Material
☐ Amended Housing Partnership Board Charge	Backup Material
☐ Housing Partnership Board Charge Revision Cover Letter	Backup Material
☐ Current Housing Partnership Board Charge	Backup Material

HOUSING PARTNERSHIP BOARD

Members: 13 voting members
Liaisons: 56, as noted below
Members Appointed By: Select Board
Length of Term: Three years for voting members
Appointments Made: September 30
Meeting Times: As posted

Quorum: Quorum shall be a majority of member serving

Description: ~~The Charge of the Housing Partnership Board is to promote and support production and preservation of very low, low, moderate, senior, and workforce housing.~~ The Charge of the Housing Partnership Board is to promote and support production and preservation of housing, including low and moderate income, older persons, and workforce housing. The Housing Partnership Board will bring together committees, groups, and housing advocates to create a unified and focused approach to achieve housing goals in Lexington.

Responsibilities: The Housing Partnership Board will work with other community organizations to support housing goals. The Housing Partnership Board will support these goals by taking the following actions:

- *1. Identify local, state, and federal housing resources available to individuals seeking housing.₅₇
- *2. Identify local, state, and federal housing resources available to relevant Town Boards,₅₇ Town Committees, and other Town entities, and other relevant local organizations.
- *3. Advocate for land use, regulations, and zoning bylaws to increase the housing stock.₅₇
- *4. Increase public awareness of the need for affordable housing through public information and forums.₅₇
- *5. Assist with land or properties acquisition suitable for development of housing.₅₇
- *6. Make recommendations on proposals that do or could include a housing component,
- *7. Advise the Select Board, Planning Board, and other Town entities to aid in their decision-making process regarding housing. This will include decisions respecting implementation of Objectives, Strategies, and Potential Actions identified in the housing section of the 2022 Comprehensive Plan.
- *8. Provide input to local housing organizations.
- *9. Support adherence to federal and state Fair Housing Laws.

Criteria for Membership: The Housing Partnership will consist of thirteen voting members and ~~five~~_{six} liaisons. Voting members will include individuals recommended by:

- *1. Planning Board
- *2. Council on Aging
- *3. Lexington Housing Authority

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▪4. Lexington Housing Assistance Board (LexHAB)

The following boards and committees will be asked to name liaisons to the Housing Partnership Board:

- 1. Select Board
- 2. Capital Expenditures Committee
- 3. Conservation Commission
- 4. Sustainable Lexington Committee
- ~~5.~~ Human Rights Committee
- 5. ~~Committee on Disabilities~~

Members are also expected to advance the cause of housing by activities outside of Housing Partnership Board meetings.

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 by 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.

Ref.:

Charge adopted by Board of Selectmen on December 1, 2003.

Board of Selectmen voted to designate as Special Municipal Employees on 1/18/06.

Revised charge, October 15, 2007, to 18 Selectmen appointments and 3 appointed by designated boards or committees.

Revised charge, March 15, 2010, to increase general housing advocates to 13, removing specific organizations and removing three liaisons.

Revised charge, September 26, 2011, to decrease membership from 21 to 17 voting members.

Revised charge, October 15, 2012, to decrease membership from 17 to 15 voting members.

Revised charge, April 24, 2017, to decrease membership from 15 to 9 voting members.

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HOUSING PARTNERSHIP BOARD

Members:	13 voting members
Liaisons:	5, as noted below
Members Appointed By:	Select Board
Length of Term:	Three years for voting members
Appointments Made:	September 30
Meeting Times:	As posted
Quorum:	Quorum shall be a majority of members serving

Description: The Charge of the Housing Partnership Board is to promote and support production and preservation of housing, including low and moderate income, older persons, and workforce housing. The Housing Partnership Board will bring together committees, groups, and housing advocates to create a unified and focused approach to achieve housing goals in Lexington.

Responsibilities: The Housing Partnership Board will work with other community organizations to support housing goals. The Housing Partnership Board will support these goals by taking the following actions:

1. Identify local, state, and federal housing resources available to individuals seeking housing.
2. Identify local, state, and federal housing resources available to relevant Town Boards, Town Committees, and other Town entities, and other relevant local organizations.
3. Advocate for land use, regulations, and zoning bylaws to increase the housing stock.
4. Increase public awareness of the need for affordable housing through public information and forums.
5. Assist with land or properties acquisition suitable for development of housing.
6. Make recommendations on proposals that do or could include a housing component,
7. Advise the Select Board, Planning Board, and other Town entities to aid in their decision-making process regarding housing. This will include decisions respecting implementation of Objectives, Strategies, and Potential Actions identified in the housing section of the 2022 Comprehensive Plan.
8. Provide input to local housing organizations.
9. Support adherence to federal and state Fair Housing Laws.

Criteria for Membership: The Housing Partnership will consist of thirteen voting members and five liaisons. Voting members will include individuals recommended by:

1. Planning Board
2. Council on Aging
3. Lexington Housing Authority
4. Lexington Housing Assistance Board (LexHAB)

The following boards and committees will be asked to name liaisons to the Housing Partnership Board:

1. Select Board
2. Capital Expenditures Committee
3. Conservation Commission
4. Sustainable Lexington Committee
5. Human Rights Committee

Members are also expected to advance the cause of housing by activities outside of Housing Partnership Board meetings.

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 by 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.

Ref.:

Charge adopted by Board of Selectmen on December 1, 2003.

Board of Selectmen voted to designate as Special Municipal Employees on 1/18/06.

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Revised charge, April 24, 2017, to decrease membership from 15 to 9 voting members.



Lexington Housing Partnership Board

Date: February 10, 2023

To: Select Board

From: Housing Partnership Board (Jeri Foutter, chair; Betsey Weiss, vice-chair; Harriet Cohen, clerk)

Subject: Summary of Proposed Modifications to the Housing Partnership Board Charge

Introduction

The Housing Partnership Board (HPB) Charge was adopted by the then-Board of Selectmen on December 1, 2003. No material changes have been made to the Charge since its adoption. In the two decades since the adoption, Lexington has significantly increased its focus on housing, including but not limited to affordable housing. As part of the increased focus, the Community Preservation Act has been adopted by Lexington, in part to provide a funding source for affordable housing. Most recently, Town Meeting has created an Affordable Housing Trust.

The HPB has become more knowledgeable both about housing (again, including but not limited to, affordable housing) and has become more knowledgeable about the needs for housing and the increasing sources of funding. This confluence of events has prompted the HPB to propose updates to its Charge.

Summary of Proposed Updates

- ***Increasing membership from 9 to 13:*** the LexHAB and Lexington Housing Authority (LHA) liaisons have been attending meetings regularly since the HPB inception. Both are important players in affordable housing. The HPB recommends changing their status from liaison to voting member, increasing membership from 9 to 11. The COA representative is shown as an HPB member at the Town HPB web page but carried as a liaison on that membership list on the same page. The HPB recommends clarifying the status of the COA representative to member, bringing the total membership to 12. The HPB recommends adding one additional member so that the membership count is odd.
- ***Updating the liaisons to the HPB:*** In addition to LexHAB, the LHA, and the COA, the Select Board and the Conservation Committee are listed as liaisons to the HPB. The Conservation Committee has been invited multiple times over a number of years to send a representative and has declined to do so. The HPB is recommending the removal of the Conservation Committee as an HPB liaison. The HPB is recommending the addition of Sustainable Lexington and the Human Rights Commission as liaisons to the HPB as both have a substantial interest in housing. Both have agreed to provide liaisons. The HPB had invited the Commission on Disabilities (COD) to participate as a liaison, but the COD has not responded to multiple requests. The HPB is no longer recommending that the COD be added as a liaison and will provide a new draft of the Charge to the Select Board with that change.
- ***Clarifying Responsibilities:*** as noted, significant changes have occurred in the Town housing landscape in the last two decades. To reflect those changes, the HPB is recommending the following clarifications:



Lexington Housing Partnership Board

- **Expand the focus of the HPB's responsibility:** expand from “affordable housing” to include other types of much needed housing in Lexington. These types of housing include senior housing, workforce housing, and moderate-income housing.
- **Identify additional areas for advocacy:** as the interest in housing has grown, so have entities with an interest in housing (like Sustainable Lexington) and proposals for new housing. The HPB sees additional opportunities for advocating for housing in Lexington and for additional groups and organizations with whom to advocate.
- **Align with the 2022 Lexington Comprehensive Plan:** goal 2 of the Comprehensive Plan is: “To promote a wide range of housing options that respond to the needs of households, regardless of income and life stage.” The Comprehensive Plan has a set of aggressive objectives for reaching this goal. The HPB will align its work with that of the Planning Board and other boards, committees, and organizations that seek to implement the objectives, strategies, and potential actions identified in the housing section of the Comprehensive Plan.

Conclusion

The HPB seeks to have an active role in the promotion and support of housing in Lexington. The HPB believes that the proposed updates to the HPB Charge reflect the changing housing landscape in Lexington. We would be glad to respond to any further questions regarding the recommended Charge.

HOUSING PARTNERSHIP BOARD

Members: 9 voting members

Liaisons: 5 as noted below

Voting Members Appointed By: Board of Selectmen

Length of Term: Three years for voting members

Appointments Made: September 30

Meeting Times: As Posted

Description: The Charge of the Lexington Housing Partnership is to promote and support affordable housing activities and recommend appropriate actions. The Partnership will bring together committees, groups and housing advocates to create a unified and focused approach to achieve affordable housing goals in Lexington.

Responsibilities: The Partnership will work with other community organizations to support the goal of affordable housing by taking the following actions:

1. Identify local, state and federal housing resources available to the Town and to residents seeking affordable housing,
2. Advocate for land use regulations and zoning bylaws to increase affordable housing stock,
3. Develop and modify affordable housing strategies based on the Planning Board's Comprehensive Plan,
4. Increase public awareness through public information and forums,
5. Assist with land or properties acquisition suitable for development of affordable housing,
6. Make recommendations on particular housing proposals, and
7. Advise the Selectmen and Planning Board to aid in their decision-making process.

Criteria for Membership: The Housing Partnership will consist of nine voting members and five liaisons. Voting members will include individuals recommended by the Planning Board and the Council on Aging. Other voting members appointed by the Board of Selectmen may include, but not be limited to, affordable housing advocates, and representatives from the fields of banking, real estate, development and social services.

The following boards and committees will be asked to name liaisons to the partnership: the Board of Selectmen, the Capital Expenditures Committee, the Conservation Commission, LexHAB, and the Lexington Housing Authority.

Alternates who can vote if the member is unable to attend a meeting may be designated by the Selectmen. Alternates will be encouraged to attend meetings, but do not need to attend all meetings in order to vote in the absence of the member. For voting purposes, alternates will be

selected by the Chairman. Alternates should stay informed on the current issues, either by attendance or review of materials and minutes.

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 by 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.

Ref.:

Charge adopted by Board of Selectmen on December 1, 2003.

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Revised charge, April 24, 2017, to decrease membership from 15 to 9 voting members.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Discuss Electric Vehicle (EV) Parking Lot Parking Fees

PRESENTER:

Jim Malloy, Town Manager

ITEM NUMBER:

I.6

SUMMARY:

Category: Informing

As the Board is aware, there are two issues that need to be addressed in the Parking Regulations and parking fees related to the EV Chargers. The attached proposals addresses these issues. One is related to the hours vehicles may be parked at the EV Chargers and the second is the rate/time of day & days of the week for parking at the EV Chargers and the second provides the ability for vehicles to be parked at the EV Chargers only overnight.

SUGGESTED MOTION:

No motion is required at this time, this is for discussion, this will be on the next agenda for action by the Select Board.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/8/2023

7:35pm

ATTACHMENTS:

Description	Type
 Parking Proposals	Cover Memo

§ 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.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

2023 Annual Town Meeting

PRESENTER:

Board Discussion

ITEM NUMBER:

I.7

SUMMARY:

Category: Decision-Making

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

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/8/2023

7:45pm

ATTACHMENTS:

Description	Type
☐ Art 40 motion changes 2.28.23	Backup Material
☐ Art 40 Revised motion 2.28.23	Backup Material
☐ Art 29 revised motion 2.28.23	Backup Material
☐ Art 33 PB report	Backup Material
☐ Art 34 final motion 3.3.23	Backup Material
☐ Art 34 PB report	Backup Material
☐ Art 35 final motion 3.3.23	Backup Material

📎	Art 35 PB report	Backup Material
📎	Art 36 final motion 3.3.23	Backup Material
📎	Art 36 PB report	Backup Material
📎	Art 37 final motion 3.3.23	Backup Material
📎	Art 37 PB report	Backup Material
📎	Art 38 final motion 3.3.23	Backup Material
📎	Art 38 PB report	Backup Material
📎	Art 39 final motion 3.3.23	Backup Material
📎	Art 39 PB report	Backup Material
📎	Art 40 PB report	Backup Material
📎	Art 4 motion posted 3.3.23	Backup Material
📎	Art 5 motion posted 3.3.23	Backup Material
📎	Art 11 motion posted 3.3.23	Backup Material
📎	Art 12 motion posted 3.3.23	Backup Material
📎	Art 15 school projects motion posted 3.3.23	Backup Material
📎	Art 17 opeb motion posted 3.3.23	Backup Material
📎	Art 22 cap improvements (IP) motion posted 3.3.23	Backup Material
📎	Select Board Working Document - Positions 2023 ATM	Backup Material
📎	Proposed consent agenda draft	Backup Material

Article 40 Motion dated 01/19/2023	Article 40 Motion dated 02/28/2023
<p>4.4.2 Maximum Allowable Residential Gross Floor Area Tables. The total gross floor area of all buildings on a lot containing a one-family or two-family dwelling may not exceed the amount listed in the table below <u>Table 4.4.2.1</u> based on lot area. <u>Notwithstanding the previous sentence, lots in which a one-family or two-family dwelling is lawfully in existence, lawfully begun, or subject to a building permit or special permit issued before January 1, 2024 shall instead be limited to the total the gross floor area amount listed in Table 4.4.2.2 based on lot area. Building permits or special permits pursuant to §135-6.9 or §135-6.12 shall be limited to the total the gross floor area amount listed in Table 4.4.2.2 based on lot area.</u></p>	<p>4.4.2 Maximum Allowable Residential Gross Floor Area Tables. The total gross floor area of all buildings on a lot containing a one-family or two-family dwelling may not exceed the amount listed in the table below <u>Table 4.4.2.1</u> based on lot area. <u>Notwithstanding the previous sentence, the total gross floor area of all buildings on a lot on which a one-family or two-family dwelling is lawfully in existence, lawfully begun, or subject to a building permit or special permit issued before January 1, 2024 may not exceed the amount listed in Table 4.4.2.2 based on lot area. For the purposes of §135-6.12.3.7(a), Table 4.4.2.2 shall be used to determine the gross floor area permitted based on a proof plan.</u></p>
<p>That the amended Bylaws shall take effect for building permit and special permit applications submitted on or after January 1, 2024, in order to avoid making permits at risk of compliance during the legislative process, as outlined under Section 6 of Chapter 40A of the General Laws.</p>	<p>That the amended Bylaws shall take effect for building permit and special permit applications submitted on or after January 1, 2024.</p>

Town of Lexington

Motion

2023 Annual Town Meeting

ARTICLE 40 AMEND ZONING BYLAW, GROSS FLOOR AREA (Citizen Article)

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, except where otherwise stated below, 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: §135-4.4 as follows:

4.4.2 Maximum Allowable Residential Gross Floor Area Tables. The total gross floor area of all buildings on a lot containing a one-family or two-family dwelling may not exceed the amount listed in ~~the table below~~ Table 4.4.2.1 based on lot area. Notwithstanding the previous sentence, the total gross floor area of all buildings on a lot on which a one-family or two-family dwelling is lawfully in existence, lawfully begun, or subject to a building permit or special permit issued before January 1, 2024 may not exceed the amount listed in Table 4.4.2.2 based on lot area. For the purposes of §135-6.12.3.7(a), Table 4.4.2.2 shall be used to determine the gross floor area permitted based on a proof plan.

Table 4.4.2.1:

<u>Lot Area (in square feet)</u>	<u>Maximum Gross Floor Area (in square feet)</u>
<u>0 to 5,000</u>	<u>0.76 * Lot Area</u>
<u>5,000 to 7,500</u>	<u>3,800 + 0.42 * (Lot Area - 5,000)</u>
<u>7,500 to 10,000</u>	<u>4,850 + 0.12 * (Lot Area - 7,500)</u>
<u>10,000 to 15,000</u>	<u>5,150 + 0.11 * (Lot Area - 10,000)</u>
<u>15,000 to 30,000</u>	<u>5,700 + 0.1 * (Lot Area - 15,000)</u>
<u>More than 30,000</u>	<u>7,200 + 0.1 * (Lot Area - 30,000)</u>

Table 4.4.2.2:

<u>Lot Area (in square feet)</u>	<u>Maximum Gross Floor Area (in square feet)</u>
<u>0 to 5,000</u>	<u>0.8 * Lot Area</u>
<u>5,000 to 7,500</u>	<u>4,000 + 0.55 * (Lot Area - 5,000)</u>
<u>7,500 to 10,000</u>	<u>5,375 + 0.23 * (Lot Area - 7,500)</u>
<u>10,000 to 15,000</u>	<u>5,950 + 0.2 * (Lot Area - 10,000)</u>
<u>15,000 to 30,000</u>	<u>6,950 + 0.16 * (Lot Area - 15,000)</u>
<u>More than 30,000</u>	<u>9,350 + 0.16 * (Lot Area - 30,000)</u>

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2. That the amended Bylaws shall take effect for building permit and special permit applications submitted on or after January 1, 2024.

(Revised 02/28/2023)

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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. **A quorum of the Tree committee shall consist of a majority of the voting members then in office.** 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 02/28/2023)



Town of Lexington

PLANNING BOARD

1625 Massachusetts Avenue

Lexington, MA 02420

Tel (781) 698-4560

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

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 33: AMEND ZONING BYLAW — SPECIAL PERMIT RESIDENTIAL DEVELOPMENT

RECOMMENDATION

On Wednesday, March 1, 2023, after three Public Hearings, the Planning Board voted four (4) in favor, none (0) opposed, and one abstention (1) to recommend that Town Meeting **approve** Article 33 to amend the Zoning Bylaw relative to Special Permit Residential Developments (SPRDs).

JUSTIFICATION FOR RECOMMENDATION

The amendments under Article 33 were developed by staff and consultants under the supervision of the Select Board's Special Permit Residential Development (SPRD) Ad Hoc Committee. They update §6.9 of the Zoning Bylaw, which provides alternatives to conventional subdivisions, by replacing Special Permit Residential Developments (SPRDs) with two types of Special Residential Developments (SRDs).

All SRDs:

- Permit a variety of housing types (detached, attached, and multi-family) to create a diverse housing stock;
- Within the existing 40-foot height limit, permit 3-story buildings to gain flexibility in design;
- Limit the total gross floor area (GFA) of the development to what would be permitted in a conventional subdivision plus a 15% bonus to subsidize the inclusionary dwelling units;
- Limit the GFA of each dwelling to maintain the scale of the development;
- Require provision of inclusionary dwelling units with price and income limits to provide housing low-income and workforce housing;
- At least 15% of the developable site area must be set aside for common open space; and
- Be permitted through Site Plan Review rather than by Special Permit to streamline the approval process.

SRDs must provide inclusionary (subsidized) dwelling units with a GFA at least 15% of the total GFA permitted in a conventional subdivision, with at least two-thirds of that GFA incorporated into dwelling units that are eligible for inclusion on the Subsidized Housing Inventory. Where there are six or fewer market-rate dwelling units, a payment to the Affordable Housing Trust calculated in accordance with Planning Board regulations may be made in lieu of providing a dwelling unit.

Site Sensitive Developments (SSDs) are similar in purpose to the current provision of the same name. They require preservation of natural features, mature native trees, habitat areas, sloped areas, and historically or

architecturally significant buildings or places. The number of dwellings is limited to the number permitted in a conventional subdivision but the number and size of dwelling units within those dwellings is not limited.

Compact Neighborhood Developments (CNDs) replace the current Balanced Housing Development (BHD) and Public Benefit Development (PBD) provisions. CNDs do not limit the number of dwellings or dwelling units, but limit the average dwelling unit GFA to 2,250 SF, with an absolute maximum of 2,800 SF. In addition to the price-limited inclusionary dwelling units, CNDs will produce dwelling units significantly smaller and less expensive than those produced currently.

Use of the Site Plan Review process rather than the Special Permit process makes these developments more attractive to landowners while protecting the community's interests. After a public hearing with notice to abutters, the Planning Board will impose conditions to enforce compliance with the zoning bylaw and the Board's development regulations.

SRDs are consistent with goals, objectives, and directives from the 2022 *Lexington NEXT* Comprehensive Plan:

- Goal 2: To promote a wide range of housing options:
 - Produce a range of housing types in a variety of locations throughout town (*objective 2.1*)
 - Increase the supply of subsidized housing (*objective 2.2*)

PUBLIC PROCESS:

The public hearing was opened on February 8, 2023, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 19, 2023, and January 26, 2023. The Board held continued hearings on February 15 and March 1. The SPRD Committee presented at many public meetings and events since 2019. Outreach in 2023 has included:

- Select Board on February 13th.
- Commission on Disability on February 14th
- Planning Board on February 15th
- Housing Partnership Board on February 21st
- Community-Wide Meeting at the Community Center on February 23rd
- Sustainable Lexington Committee on February 28th
- Town Meeting Members Association Information Session on March 2nd
- League of Women Voter's First Friday at Cary Library on March 3rd

The public hearing was closed on March 1 and the Board voted to recommendedTown Meeting approval.

RECORD OF THE VOTE:

Michael Schanbacher moved that the Planning Board recommend that Town Meeting **approve** the motion under Article 33 as presented and amended through March 1. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 4-0-1 (Roll Call: Robert Creech – abstain, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIR

A handwritten signature in black ink, appearing to read "Robert D. Peters", written over a horizontal line.

Robert D. Peters

Exhibits:

Approved [Planning Board Meeting Minutes](#)

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ARTICLE 34

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

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 Lexington NEXT Comprehensive Plan.

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

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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 nonresidential uses permitted in an underlying zoning district.
3. Where the underlying zoning district is the CB District, at least 30% of the net floor area of the street floor shall be occupied by uses permitted on the street floor in the CB District. No more than the greater of 20% or 20 feet of the frontage on a public way may be dedicated to residential uses.
4. Developments in the VO district may contain 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 that require a special permit in the CRS or CB District shall require a special permit.
 - c. The development standards for office uses in Table 1 (Permitted Uses and Development Standards), section 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 and 15 feet, except that where 50% or more of the façade facing the public way is occupied by nonresidential principal uses, no front yard is required. Minimum required front yard areas shall be used as amenity space available for occupants and semi-

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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. Except as noted below, the maximum height in feet of buildings is:

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

- a. *In the VO District, where at least 30% of the total net floor area of the street floor of the development is occupied by nonresidential principal uses, the maximum height is 60 feet if the nonresidential uses are permitted in the underlying district or 52 feet if the nonresidential uses are not permitted in the underlying district.
- b. *In the VHO District where at least 50% of the total net floor area on the lot is occupied by nonresidential principal uses permitted in the underlying district, the maximum height is 115 feet.
11. 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.

7.5.7 § 5.5 (Traffic Standards) does not apply.

7.5.8 § 7.4.4 (Sustainable Design) does not apply.

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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:

1. 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 household income limited to 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 shall be Inclusionary Dwelling Units with household income limited to 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.

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6. Certificate of occupancy. No certificate of occupancy for a dwelling unit in a development permitted under this section shall be issued until the regulatory agreements for any inclusionary dwelling units are recorded.

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. Bedford Street/Bike Path
- e. Marrett Road/Waltham Street
- f. Marrett Road/Spring Street
- g. 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:

- h. Lexington Center
- i. Bedford Street North

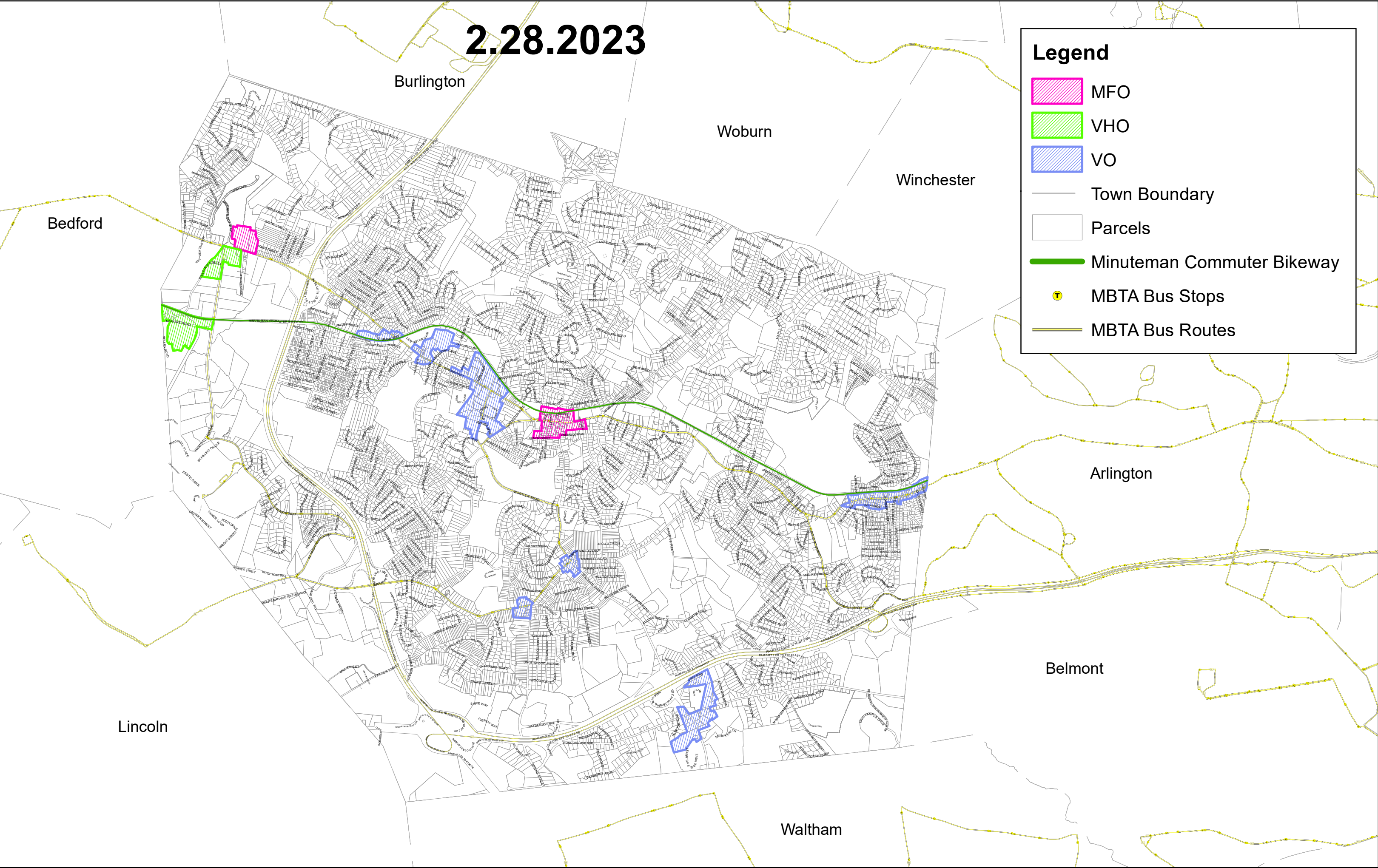
- 7) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VHO District:

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

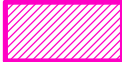
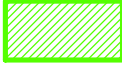






(02/27/2023)

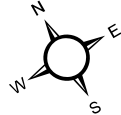
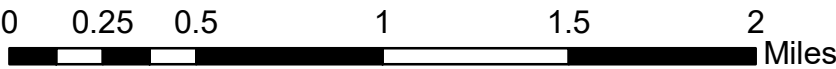
Draft Overlay Districts

2.28.2023

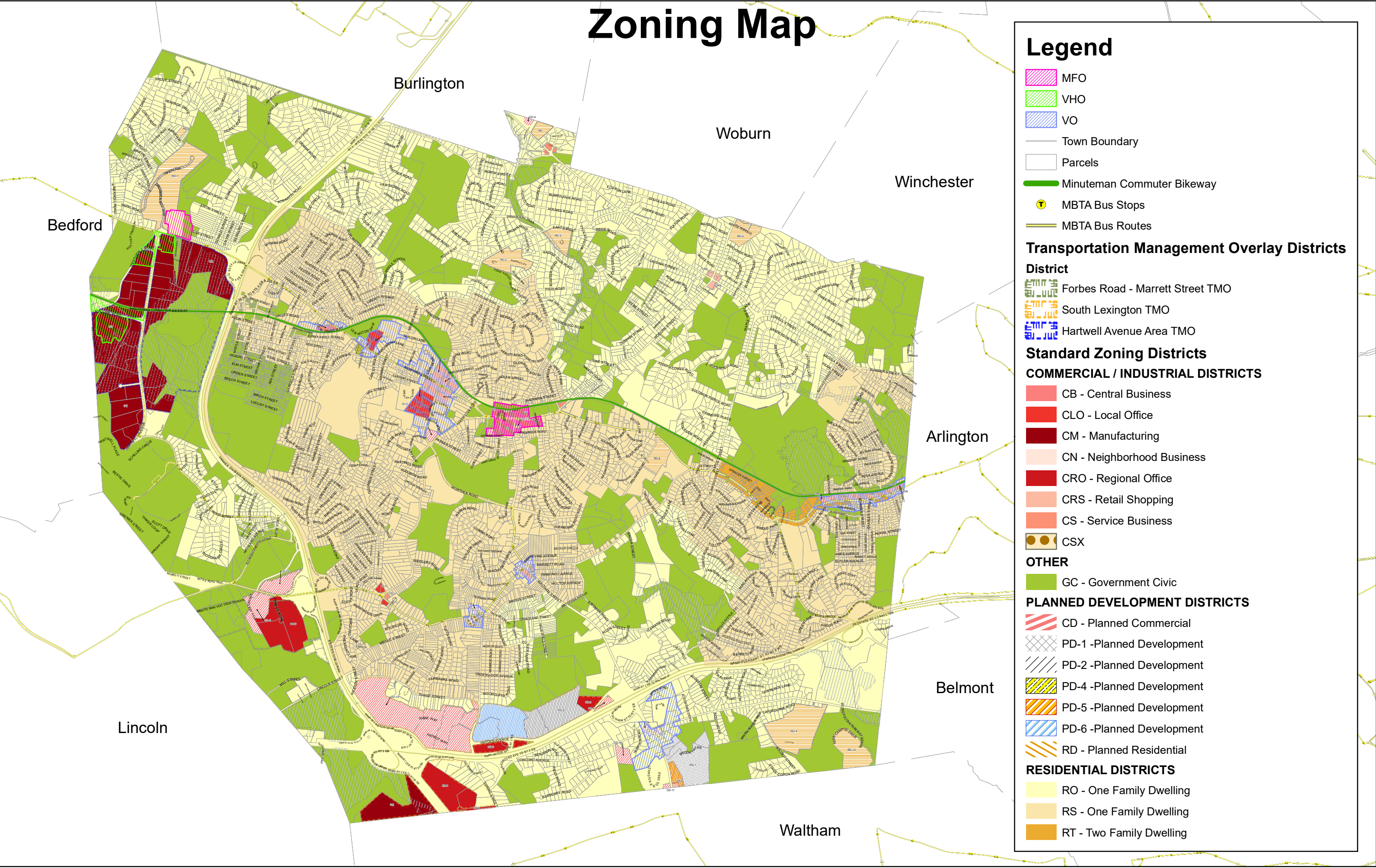


Legend

-  MFO
-  VHO
-  VO
-  Town Boundary
-  Parcels
-  Minuteman Commuter Bikeway
-  MBTA Bus Stops
-  MBTA Bus Routes



Zoning Map



0 0.25 0.5 1 1.5 2 Miles

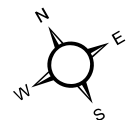


EXHIBIT: ALL PARCELS PROPOSED IN ZONING MAP ARTICLE 34

MFO	VHO	VO		
<u>Map #</u>	<u>Lot #</u>	<u>Site Address</u>	<u>Current Zone</u>	<u>Overlay District</u>
48	23	6 WALLIS CT	CB	MFO
48	24	5 WALLIS CT	CB	MFO
48	25	3 WALLIS CT	CB	MFO
48	22	2-4 WALLIS CT	CB	MFO
48	26	1 WALLIS CT	CB	MFO
48	20	1620 MASSACHUSETTS AVE	CB	MFO
48	38	4 VINE BROOK RD	CB	MFO
48	21	1628 MASSACHUSETTS AVE	CB	MFO
48	27	1640 MASSACHUSETTS AVE	CB	MFO
48	28	1654 MASSACHUSETTS AVE	CB	MFO
48	37	52A-52B WALTHAM ST	CB	MFO
48	30A	1666 MASSACHUSETTS AVE	CB	MFO
48	31	1684-1692 MASSACHUSETTS AVE	CB	MFO
48	35	20 WALTHAM ST	CB	MFO
48	36A	50 WALTHAM ST	CD-12	MFO
48	33	1726 MASSACHUSETTS AVE	CB	MFO
48	34	1734 MASSACHUSETTS AVE	CB	MFO
48	101	1709 MASSACHUSETTS AVE	CB	MFO
48	100	1729 MASSACHUSETTS AVE	CB	MFO
48	102	1707 MASSACHUSETTS AVE	CB	MFO
48	104	4 GRANT ST	CB	MFO
48	99	1733 MASSACHUSETTS AVE	CB	MFO
48	103	EDISON WY	CB	MFO
48	98A	1761 MASSACHUSETTS AVE	CB	MFO
48	97A	1775 MASSACHUSETTS AVE	CB	MFO
48	96	DEPOT SQ	RS	MFO
49	30	73 WALTHAM ST	CB	MFO
49	31B	55 WALTHAM ST	CB	MFO
49	43	20 MUZZEY ST	CB	MFO
49	32	41 WALTHAM ST	CB	MFO
49	42	18 MUZZEY ST	CB	MFO
49	33B	31 WALTHAM ST	CB	MFO
49	66	21 MUZZEY ST	CB	MFO
49	34	27 WALTHAM ST	CB	MFO
49	81	5 RAYMOND ST	RS	MFO
49	35B	25 WALTHAM ST	CB	MFO
49	80	7 RAYMOND ST	CB	MFO
49	40A	14A MUZZEY ST	CB	MFO
49	67	19 MUZZEY ST	CB	MFO
49	35A	1752 MASSACHUSETTS AVE	CB	MFO
49	68	15 MUZZEY ST	CB	MFO
49	183	WALTHAM ST	CB	MFO
49	36	1770 MASSACHUSETTS AVE	CB	MFO
49	39	10 MUZZEY ST	CB	MFO

49	37B	1780 MASSACHUSETTS AVE	CB	MFO
49	69	11 MUZZEY ST	CB	MFO
49	70A	7 MUZZEY ST	CB	MFO
49	37A	1788 MASSACHUSETTS AVE	CB	MFO
49	79	16-16 CLARKE ST	RS	MFO
49	38	1792 MASSACHUSETTS AVE	CB	MFO
49	71	MASSACHUSETTS AVE	CB	MFO
49	73A	1822 MASSACHUSETTS AVE	CB	MFO
49	74		CB	MFO
49	11	MASSACHUSETTS AVE	GC	MFO
49	12A	1777 MASSACHUSETTS AVE	CB	MFO
49	76	1844 MASSACHUSETTS AVE	CB	MFO
49	10	13 DEPOT SQ	CB	MFO
49	9	15 DEPOT SQ	CB	MFO
49	8A	1833 MASSACHUSETTS AVE	CB	MFO
49	6	9-11 MERIAM ST	CB	MFO
49	5A	MERIAM ST	GC	MFO
84	69	476 BEDFORD ST	CM	VHO
84	80A	17 HARTWELL AVE	CM	VHO
84	70A	482 BEDFORD ST	CM	VHO
84	81	7 HARTWELL AVE	CM	VHO
85	17A	1 MAGUIRE RD	CM	VHO
85	11	WESTVIEW ST	CM	VHO
85	16	3 MAGUIRE RD	CM	VHO
85	12	80 WESTVIEW ST	CM	VHO
85	15	10 MAGUIRE RD	CM	VHO
85	3	85 WESTVIEW ST	RO	VHO
85	2	87 WESTVIEW ST	RO	VHO
85	1	0 WESTVIEW ST	RO	VHO
85	5	75 WESTVIEW ST	RO	VHO
85	4	81 WESTVIEW ST	RO	VHO
74	10	125 HARTWELL AVE	CM	VHO
74	6A	131 HARTWELL AVE	CM	VHO
10	18	956 WALTHAM ST	RO	VO
10	19A	952 WALTHAM ST	RO	VO
10	17B	945 WALTHAM ST	RO	VO
10	20	942 WALTHAM ST	RO	VO
10	62	332 CONCORD AVE	RO	VO
10	16	927 WALTHAM ST	RO	VO
10	25	338 CONCORD AVE	RO	VO
10	24	346 CONCORD AVE	RO	VO
10	23	352 CONCORD AVE	RO	VO
10	19B	354 CONCORD AVE	RO	VO
10	21A	922 WALTHAM ST	RO & CD-4	VO
10	15	915 WALTHAM ST	CN	VO
10	14	382 CONCORD AVE	RO	VO
10	31B	331 CONCORD AVE	RO	VO

10	34A	903 WALTHAM ST	CN & RO	VO
10	31A	CONCORD AVE	RO	VO
10	31C	CONCORD AVE	RO	VO
13	1	12 MASSACHUSETTS AVE	CN	VO
13	2	16 MASSACHUSETTS AVE	CN	VO
13	10	32 MASSACHUSETTS AVE	CN	VO
13	11	38-40 MASSACHUSETTS AVE	CN	VO
13	12A	46 MASSACHUSETTS AVE	CN	VO
13	39	62 MASSACHUSETTS AVE	CN	VO
13	40	98-100 MASSACHUSETTS AVE	RT	VO
13	93	104 MASSACHUSETTS AVE	RT	VO
13	94	120 MASSACHUSETTS AVE	RT	VO
13	95	134-136 MASSACHUSETTS AVE	RT	VO
13	96	142 MASSACHUSETTS AVE	RT	VO
13	97	158-160 MASSACHUSETTS AVE	RT	VO
13	98	166 MASSACHUSETTS AVE	RT & RS	VO
13	418	MASSACHUSETTS AVE	CRS	VO
13	99	172 MASSACHUSETTS AVE	RS	VO
13	416	11 MASSACHUSETTS AVE	CRS	VO
13	100A	4 CHARLES ST	RS	VO
13	415B	27 MASSACHUSETTS AVE	CRS	VO
13	327B	MAY ST	RS	VO
13	412	109 MASSACHUSETTS AVE	CRS	VO
13	319	7 BOWKER ST	RS	VO
13	414	55 MASSACHUSETTS AVE	CRS	VO
13	413	93 MASSACHUSETTS AVE	CRS	VO
13	275	198 MASSACHUSETTS AVE	RS	VO
13	318A	11 BOWKER ST	RS	VO
13	381	121 MASSACHUSETTS AVE	CRS	VO
13	327A	18 LISBETH ST	RS	VO
13	411	3 BOW ST	CRS	VO
13	328	15 CLELLAND RD	RS	VO
13	276	214 MASSACHUSETTS AVE	RS	VO
13	320	3 BOWKER ST	RS	VO
13	380A	131 MASSACHUSETTS AVE	CRS	VO
13	277	220 MASSACHUSETTS AVE	RS	VO
13	379A	135 MASSACHUSETTS AVE	CRS	VO
13	326	14 LISBETH ST	RS	VO
13	329	17 CLELLAND RD	RS	VO
13	325	10 LISBETH ST	RS	VO
13	321	250 MASSACHUSETTS AVE	RS	VO
13	335	9-11 LISBETH ST	RS	VO
13	322	262 MASSACHUSETTS AVE	RS	VO
13	331A	19 CLELLAND RD	RS	VO
13	323	280 MASSACHUSETTS AVE	RS	VO
13	324	282 MASSACHUSETTS AVE	RS	VO
13	377A	165 MASSACHUSETTS AVE	CRS	VO

13	334	32 CLELLAND RD	RS	VO
13	337B	284 MASSACHUSETTS AVE	RT, small rear porti	VO
13	376	211 MASSACHUSETTS AVE	CRS	VO
13	338A	286-292 MASSACHUSETTS AVE	RT	VO
13	333	36 CLELLAND RD	RS	VO
13	375	217 MASSACHUSETTS AVE	CRS	VO
13	374	229 MASSACHUSETTS AVE	CRS	VO
13	339	314 MASSACHUSETTS AVE	RT	VO
13	340	320 MASSACHUSETTS AVE	RT	VO
13	372	241 MASSACHUSETTS AVE	CRS	VO
13	341	346 MASSACHUSETTS AVE	RT, rear portion in	VO
13	371	251 MASSACHUSETTS AVE	CRS	VO
13	342	350 MASSACHUSETTS AVE	RT, rear portion in	VO
13	370	267 MASSACHUSETTS AVE	CRS	VO
13	343	356-358 MASSACHUSETTS AVE	RT, rear portion in	VO
13	367	FOTTLER AVE	CRS	VO
13	344	364 MASSACHUSETTS AVE	RT, rear portion in	VO
13	348	CLELLAND RD	RS	VO
13	345	368 MASSACHUSETTS AVE	RT, rear portion in	VO
13	369	275 MASSACHUSETTS AVE	CRS	VO
13	346	378 MASSACHUSETTS AVE	RT, rear portion in	VO
13	347	386 MASSACHUSETTS AVE	RT, rear portion in	VO
13	349	390 MASSACHUSETTS AVE	RT, rear portion in	VO
13	368	301 MASSACHUSETTS AVE	CRS	VO
13	350	400 MASSACHUSETTS AVE	RT	VO
13	351	410 MASSACHUSETTS AVE	RT	VO
13	352	418-420 MASSACHUSETTS AVE	RT	VO
13	353	430 MASSACHUSETTS AVE	RT	VO
13	360	329 MASSACHUSETTS AVE	CRS	VO
13	359	337 MASSACHUSETTS AVE	CRS	VO
13	354	440 MASSACHUSETTS AVE	RT	VO
13	358	343 MASSACHUSETTS AVE	CRS	VO
13	356A	351 MASSACHUSETTS AVE	CRS	VO
13	355	371 MASSACHUSETTS AVE	CRS	VO
13	373	233 MASSACHUSETTS AVE	CRS	VO
13	415A	31 MASSACHUSETTS AVE	CRS	VO
13	417	7 MASSACHUSETTS AVE	CRS	VO
21	12	389 MASSACHUSETTS AVE	CRS	VO
21	11	421 MASSACHUSETTS AVE	CRS	VO
32	13B	429 WALTHAM ST	RS	VO
32	14	407 WALTHAM ST	CRS	VO
32	83	410 WALTHAM ST	RS	VO
32	15	403 WALTHAM ST	CRS	VO
32	82	400 WALTHAM ST	CRS	VO
32	16	324 MARRETT RD	CRS	VO
32	57	311 MARRETT RD	CN	VO
32	55	384 WALTHAM ST	CN	VO

32	56	313 MARRETT RD	CN	VO
32	54	11 GRAPEVINE AVE	RS	VO
32	80+81	396 WALTHAM ST	CRS	VO
33	73	13 SPRING ST	RS	VO
33	72A	15 SPRING ST	RS	VO
33	74	11 SPRING ST	RS	VO
33	75	9 SPRING ST	RS	VO
33	76	7 SPRING ST	RS	VO
33	77	5 SPRING ST	RS	VO
33	72B	SPRING ST	RS	VO
33	78	424 MARRETT RD	CSX	VO
33	79	428 MARRETT RD	CSX	VO
33	80	430 MARRETT RD	CSX	VO
33	81	436 MARRETT RD	CSX	VO
33	82	442 MARRETT RD	CSX	VO
33	83	450 MARRETT RD	RS	VO
33	84	452 MARRETT RD	RS	VO
33	104A	433 MARRETT RD	CN	VO
33	105	419 MARRETT RD	RS	VO
33	103	439 MARRETT RD	RS	VO
33	104B	429 MARRETT RD	CN	VO
33	3	342 MARRETT RD	RS	VO
33	1	336 MARRETT RD	RS	VO
33	266	329 MARRETT RD	CN	VO
33	267	323 MARRETT RD	CN	VO
33	265	335 MARRETT RD	RS	VO
33	268	365-367 WALTHAM ST	CN & RS	VO
5	3	983 WALTHAM ST	RO	VO
5	2	979 WALTHAM ST	RO	VO
5	1	959 WALTHAM ST	RO	VO
56	6C	39 BEDFORD ST	CRS	VO
56	222	33-35 BEDFORD ST	CRS	VO
57	9D	1989 MASSACHUSETTS AVE	RS	VO
57	136	59 WORTHEN RD	RS	VO
57	132	51 WORTHEN RD	CLO	VO
57	4C	32 WORTHEN RD	RS	VO
57	131	2 MILITIA DR	CLO	VO
57	14F	32 BEDFORD ST	CRS	VO
57	133A	4 MILITIA DR	CLO	VO
57	14A	46 BEDFORD ST	CRS	VO
57	130	1 MILITIA DR	CLO	VO
57	134	5 MILITIA DR	CLO	VO
57	129	21 WORTHEN RD	CLO	VO
57	135	3 MILITIA DR	CLO	VO
57	144	45 BEDFORD ST	CRS	VO
57	124A	53 BEDFORD ST	CRS	VO
57	79	60 BEDFORD ST	CRS	VO

57	126	8 CAMELLIA PL	CRS	VO
57	80	74-76 BEDFORD ST	CRS	VO
57	123	69 BEDFORD ST	RS	VO
57	81	80 BEDFORD ST	RS	VO
57	145	3-25 LOIS LN	RS	VO
57	119	81 BEDFORD ST	RS	VO
57	124B	57 BEDFORD ST	CRS	VO
64	157	101 BEDFORD ST	RS	VO
64	161	89 BEDFORD ST	RS	VO
64	158	95-97 BEDFORD ST	RS	VO
64	159	BEDFORD ST	RS	VO
64	156	1 CAROL LN	RS	VO
64	173	3 CAROL LN	RS	VO
64	162	113 BEDFORD ST	RS	VO
64	154	1 REVERE ST	RS	VO
64	65	5 REED ST	RS	VO
64	66	162 BEDFORD ST	CN	VO
64	64	9 REED ST	RS	VO
64	77	159-161 BEDFORD ST	RS	VO
64	63	19 REED ST	RS	VO
64	67	172 BEDFORD ST	CN	VO
64	74A	183 BEDFORD ST	CN	VO
64	73A	185 BEDFORD ST	CN	VO
64	72	187 BEDFORD ST	CN	VO
64	181	175-181 BEDFORD ST	CLO	VO
64	76	171 BEDFORD ST	CLO	VO
64	71	193-195 BEDFORD ST	CN	VO
64	75A	177 BEDFORD ST	CLO	VO
64	70	197 BEDFORD ST	CN	VO
64	98A	11 LARCHMONT LN	RS	VO
71	34	229 BEDFORD ST	CN	VO
71	33	231 BEDFORD ST	CN	VO
71	31A	235 BEDFORD ST	CN	VO
71	30	237 BEDFORD ST	RS	VO
71	62	BEDFORD ST	RS	VO
71	61A	242 BEDFORD ST	CS & RS	VO
84	1C	459 BEDFORD ST	GC	VO
84	85A	475 BEDFORD ST	RO	VO
13	422	0 BOW ST	RS	VO
13	101	11 CHERRY ST	RS	VO
13	305A	0 HILLSIDE AVE	RS	VO
13	102	0 CHERRY ST	RS	VO
10	58A	5 PIPER RD	RO	VO
10	59A	7 PIPER RD	RO	VO
10	61	344 CAMBRIDGE/CONCORD	RO	VO
9	11B	CONCORD AVE	RO	VO
9	29	336 CAMBRIDGE/CONCORD	RO	VO



Town of Lexington

PLANNING BOARD

1625 Massachusetts Avenue
Lexington, MA 02420
Tel (781) 698-4560

planning@lexingtonma.gov
www.lexingtonma.gov/planning

Robert D. Peters, Chair
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Melanie Thompson, Clerk
Robert Creech, Member
Charles Hornig, Member
Michael Leon, Associate Member

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 34: AMEND ZONING BYLAW AND ZONING MAP FOR MULTI-FAMILY HOUSING FOR MBTA COMMUNITIES

RECOMMENDATION

On Wednesday, February 15, 2023, after three public hearings, the Planning Board unanimously voted five (5) in favor and none (0) opposed, to recommend that Town Meeting **approve** Article 34 to Amend the Zoning Bylaw and Zoning Map to allow multi-family housing by adding a new Section 7.5 and establishing Village and Multi-Family Overlay Districts on the Zoning Map.

DESCRIPTION OF ZONING PROPOSAL

This article implements the requirements of M.G.L. c. 40A § 3A applicable to all MBTA-served communities by establishing new Village and Multi-Family Overlay zoning districts on the Zoning Map and adding a new §7.5 to the Zoning Bylaw. Section 7.5 details the specific parameters for any future project proposal such as the permit process, permitted uses, maximum heights, minimum parking requirements, minimum setbacks, and inclusionary dwelling requirements for any future development projects.

Adoption will permit multi-family housing (buildings designed for 3 or more dwelling units) and some mixed-use (residential with nonresidential uses) developments within the overlay districts, after a major site plan review approval and public hearing with the Planning Board. No development projects are proposed or required by the Planning Board as a part of this article. Adoption of this article would allow property owners an opportunity to submit an application to the Planning Board in the following areas (a detailed boundary of these areas is shown on map titled, "Draft Overlay Districts Map"):

East Lexington
Bedford Street/Worthen Road
Bedford Street/Reed Street
Bedford Street near the Bike Path
Marrett Road/Spring Street
Marrett Road/Waltham Street
Concord Avenue/Waltham Street
Lexington Center
Bedford Street North
Hartwell Avenue/Westview Street

Maguire Road
Hartwell Avenue/Wood Street

If not in compliance with the statute, Lexington would become ineligible for MassWorks Infrastructure and Capital Project Fund state grant programs. Lexington has received \$2,670,500 in MassWorks grants over the last ten years for various intersection and sidewalk improvements. In the first year of non-compliance, the Lexington Housing Authority could lose approximately \$31,000 in State Operating Subsidy (10.6%) which support its annual budget as well as DHCHD Capital Project Funds.

JUSTIFICATION FOR RECOMMENDATION

The zoning overlay districts established under Article 34:

- Are consistent with multiple goals, objectives, and directives from the 2022 *Lexington NEXT* Comprehensive Plan:
 - Goal 1: To promote the diversity, equity, and inclusion of people visiting, living, and working in Lexington.
 - Remove barriers to living in Lexington (*objective 1.1*)
 - Goal 2: To promote a wide range of housing options:
 - Produce a range of housing types in a variety of locations throughout town (*objective 2.1*)
 - Increase the supply of subsidized housing (*objective 2.2*)
 - Increase the effectiveness of housing efforts (*objective 2.6*)
 - Affirmatively further fair housing (*objective 2.9*)
 - Goal 3: To promote a vital economy, including a variety of small and large businesses that contribute to the tax base and provide goods and services to meet the needs of residents, employees, and visitors.
 - Encourage private redevelopment in large commercial areas, making them more exciting (*objective 3.1*)
 - Improve Lexington Center so that it becomes more of a destination (*objective 3.3*)
 - Retain and support existing businesses and evaluate opportunities for commercial growth in strategic locations (*objective 3.4*)
 - Goal 7: To make traveling into Lexington safe, pleasant, and efficient with sustainable and equitable mobility options for all ages and abilities.
 - Adopt land use policies that advance the town's transportation goals (*objective 7.5*)
- Develop zoning that will create housing production. Zoning to the minimum state compliance will not create more housing nor vibrant business districts due to land and construction costs;
- Propose districts are 2% of Lexington's total land area;
- Disperse multi-family housing throughout town, on many lots, to promote gradual and incremental change;

- Advance Select Board's goals for more affordable and accessible housing and vibrant mix of businesses;
- Address the region's housing crisis through zoning of multi-family housing;
- Provide more housing options for the local and regional workforce by enabling density that is suitable both for sale and for rent housing;
- Require 10-15% of a project's dwellings to be available for households with limited income and add dwelling units to Lexington's Subsidized Housing Inventory (SHI);
- Promote economic vitality and multimodal transportation by locating districts near bus stops and bus routes, near the Minuteman Bikeway, and in areas near businesses;
- Create walkable neighborhoods with transit-oriented housing opportunities near public transportation and businesses;
- Are consistent with Lexington's 2020 Town Meeting Systemic Racism Resolution to consider "racial and other equity impacts in all decisions and planning processes in order to work towards dismantling systemic racism and white privilege, and take action to integrate racial equity tools into policy making...";
- Are supported by the findings of the Vision for Lexington 2022 town-wide survey;
- Create vibrant commercial areas enjoyable to current and future residents;
- Incentivize mixed uses by allowing higher heights for housing above businesses to help keep a strong commercial tax base to fund town services;
- Are consistent with the Planning Board's long-standing goal to broaden housing opportunities;
- Provide height incentives, i.e., economic development incentives, to developers with the objectives of preserving street level small businesses where they exist today and where they contribute to the vitality of our neighborhoods; and
- Communities must adopt compliant zoning to be eligible to receive MassWorks and Local Capital Project state funds. Adoption will ensure compliance with MGL c. 40A §3A for MBTA Communities, providing a competitive advantage for all state grants, other state funding, and avoid other consequences of not following a state mandate.

PUBLIC PROCESS:

Since the last Annual Town Meeting in 2022, the Planning Board has held 23 public meetings, including a community workshop, eight public work sessions, and three public hearings and public presentations where the public, community members, property owners, and Town Meeting members were invited and encouraged to participate. At the October 25, 2022 Community Workshop, 80 residents were introduced to the law and were asked to identify general locations for housing. The resident-created maps from the workshop served as the basis for the Planning Board's proposed districts. The Planning Board found the resident-created map locations to be logical and defensible when defining the multi-family housing districts.

On Wednesday, February 1, 2023, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 12, 2023 and January 19, 2023, the Planning Board opened the public hearing. Continued

public hearings were held on February 8 and February 15. The public hearing closed on February 15 and the Board voted to approval of Article 34.

Over 200 people attended the February 1st public hearing. A total of 94 written comments were submitted during the public hearings and considered by the Planning Board. The Board carefully considered all testimony and comments to develop the zoning proposal being presented to Town Meeting.

RECORD OF THE VOTE:

Michael Schanbacher moved that the Planning Board recommend that Town Meeting **approve** the motion under Article 34 as presented. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIR

A handwritten signature in dark ink, appearing to read "Robert D. Peters", written over a horizontal line.

Robert D. Peters

Exhibits:

Resident [Created Community Workshop Map](#), combined, from October 25, 2022

Approved [Planning Board Meeting Minutes](#)

[Draft Overlay Districts Map](#)

More info: www.LexingtonMA.gov/MBTAZoning

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 35

**AMEND ZONING BYLAW
SUPPLEMENTAL INCLUSIONARY HOUSING REQUIREMENTS**

MOTION:

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

(02/24/2023)



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planning@lexingtonma.gov

www.lexingtonma.gov/planning

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Michael Schanbacher, Vice Chair
Melanie Thompson, Clerk
Robert Creech, Member
Charles Hornig, Member
Michael Leon, Associate Member

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 35: AMEND ZONING BYLAW – SUPPLEMENTAL INCLUSIONARY HOUSING REQUIREMENTS

RECOMMENDATION

On Wednesday, February 15, 2023, after three public hearings, the Planning Board unanimously voted five (5) in favor and none (0) opposed, to recommend that Town Meeting *refer* Article 35 for Supplemental Inclusionary Housing Requirements to the Planning Board.

RATIONALE FOR RECOMMENDATION

The Department of Housing & Community Development (DHCD)'s *Compliance Guidelines for Multi-family Zoning Districts* permit municipalities to require 10% of units in a project to be affordable units with a cap on the income of households not less than 80% of the Area Median Income (AMI). DHCD may approve a greater percentage of affordable units over 10%, but never more than 20%, if a third party provides an economic feasibility analysis of the zoning demonstrating that the variety of housing units can be feasibly be developed.

The Planning Board initially placed this article on the warrant separately from Article 34 with the intent of performing the study and requiring more 10% of a project's units to be affordable. After consultation with Town Counsel, the Board has incorporated all affordable housing language into the motion under Article 34.

PUBLIC PROCESS:

On Wednesday, February 1, 2023, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 12, 2023 and January 19, 2023, the Planning Board opened the public hearing. Continued public hearings were held on February 8 and February 15. The public hearing closed on February 15 and the Board voted to refer the matter to the Planning Board.

Over 200 people attended the February 1st public hearing. A total of 94 written comments were submitted during the public hearings and considered by the Planning Board. The Board carefully considered all testimony and comments to develop the zoning proposal being presented to Town Meeting.

RECORD OF THE VOTE:

Michael Schanbacher moved that the Planning Board recommend that Town Meeting *refer* Article 35 to the Planning Board. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-

0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIR

A handwritten signature in black ink, appearing to read "Robert D. Peters", written over a horizontal line.

Robert D. Peters

Exhibit:

[Approved Planning Board Meeting Minutes](#)

www.LexingtonMA.gov/MBTAZoning

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 36

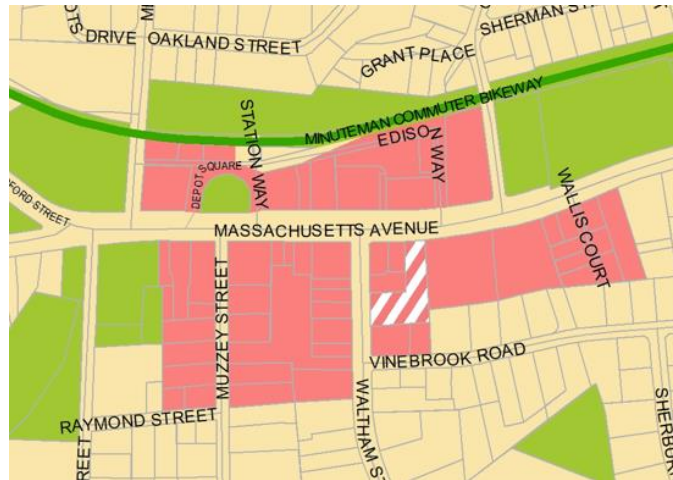
**AMEND ZONING BYLAW AND MAP
CENTRAL BUSINESS DISTRICT**

MOTION:

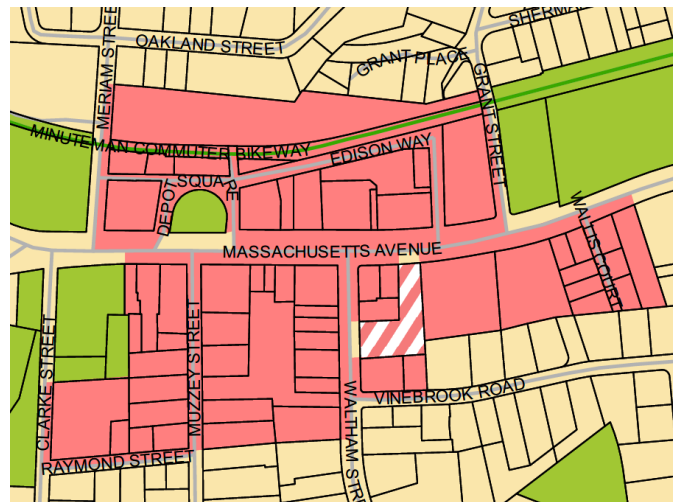
That the Zoning Map be amended as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

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 except lot 11 on assessor's map 49 (Emery Park).

Existing:



Proposed:





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RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 36: AMEND ZONING MAP - CENTRAL BUSINESS DISTRICT

RECOMMENDATION

On Wednesday, February 15, 2023, after three public hearings, the Planning Board unanimously voted five (5) in favor and none (0) opposed, to recommend that Town Meeting **approve** Article 36 to amend the zoning map to expand the Central Business (CB) District.

RATIONALE FOR RECOMMENDATION

This article proposes to amend the Zoning Map by incorporating the following lots and areas into the adjacent CB zoning district:

- The municipal parking lot on Meriam Street, currently zoned GC (Government Civic);
- The medical building at 16 Clarke Street, currently zoned RS (One-Family);
- The residential property at 7 Raymond Street, currently zoned RS; and
- Other areas completely surrounded by the new district boundaries, including a segment of the Minuteman Commuter Bikeway (currently zoned GC) and remnants adjacent to the Bikeway (currently zoned RS).

The purpose of this article is to facilitate development consistent with the rest of the CB District. No changes to the Zoning Bylaw are proposed with this article — these areas would be subject to the current CB District allowable uses and dimensional controls, including the 25-foot height limit.

Rezoned areas owned by the Town can not have their current use changed without Town approval. In the case of Emery Park, approval by the legislature would also be required.

PUBLIC PROCESS:

On Wednesday, February 1, 2023, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 12, 2023, and January 19, 2023, the Planning Board opened the public hearing. Continued public hearings were held on February 8 and February 15 and closed the public hearing on February 15. On March 1, the Board voted to recommend that Town Meeting approve Article 36.

RECORD OF THE VOTE:

Michael Schanbacher moved that the Planning Board recommend that Town Meeting **approve** Article 36. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIRA handwritten signature in black ink, appearing to read "Robert D. Peters", written over a horizontal line.

Robert D. Peters

Exhibit:

[Approved Planning Board Meeting Minutes](#)

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 37

**AMEND ZONING BYLAW
ACTION DEADLINE FOR MAJOR SITE PLAN REVIEW**

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.

(02/24/2023)



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PLANNING BOARD
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planning@lexingtonma.gov
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RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 37: AMEND ZONING BYLAW – ACTION DEADLINE FOR MAJOR SITE PLAN REVIEW

RECOMMENDATION

On Wednesday, February 15, 2023, after three public hearings, the Planning Board unanimously voted five (5) in favor and none (0) opposed, to recommend that Town Meeting **approve** Article 37 to amend the Zoning Bylaw to extend the action deadline for major site plan review from 60 days to 150 days.

JUSTIFICATION FOR RECOMMENDATION

Changing the time to review a major site plan from 60 days to 150 days gives the Planning Board and staff more time to review applications and gives the developer time to respond to comments during the public hearing. The proposed deadline is in line with typical special permit and subdivision review times.

PUBLIC PROCESS:

On Wednesday, February 1, 2023, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 12, 2023 and January 19, 2023, the Planning Board opened the public hearing. Continued public hearings were held on February 8 and February 15. The public hearing closed on February 15 and the Board voted to recommend approval of Article 37.

RECORD OF THE VOTE:

Michael Schanbacher moved that the Planning Board recommend that Town Meeting **approve** the motion under Article 37 as presented. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIR

Robert D. Peters

Exhibits: Approved [Planning Board Meeting Minutes](#)

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 38

**AMEND ZONING BYLAW
MINOR MODIFICATIONS TO APPROVED PERMITS**

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.

(02/23/2023)



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Lexington, MA 02420

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RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 38: AMEND ZONING BYLAW – MINOR MODIFICATIONS TO APPROVED PERMITS

RECOMMENDATION

On Wednesday, February 15, 2023, after three public hearings, the Planning Board unanimously voted five (5) in favor and none (0) opposed, to recommend that Town Meeting **approve** Article 38 to amend the zoning bylaw for minor modifications to approved permits.

RATIONALE FOR RECOMMENDATION

- This zoning amendment establishes a process in the Zoning Bylaw consistent with the current practices of the Board of Appeals and the Planning Board.
- The purpose is to streamline the Board's review process for applications requesting minor changes that have already had a public hearing and received Board approval.
- This amendment allows the Board to consider if the Applicant's request is minor at a public meeting. If the request is not deemed minor, the Applicant must submit a new application for a full public hearing.
- The Board of Appeals and Planning Board will establish regulations to detail the minor modification application process.

PUBLIC PROCESS:

On Wednesday, February 1, 2023, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 12, 2023 and January 19, 2023, the Planning Board opened the public hearing. Continued public hearings were held on February 8 and February 15. The public hearing closed on February 15 and the Board voted to recommend Town Meeting approve article 38.

RECORD OF THE VOTE:

Michael Schanbacher moved that the Planning Board recommend that Town Meeting **approve** Article 38. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIR

A handwritten signature in black ink that reads "Robert D. Peters". The signature is written in a cursive style with a large, sweeping 'R' and a long, horizontal stroke at the end.

Robert D. Peters

Exhibit:

[Approved Planning Board Meeting Minutes](#)

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 39

**AMEND ZONING BYLAW
TECHNICAL CORRECTIONS**

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.~~

(02/23/2023)



Town of Lexington

PLANNING BOARD

1625 Massachusetts Avenue
Lexington, MA 02420
Tel (781) 698-4560

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

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD ARTICLE 39: AMEND ZONING BYLAW – TECHNICAL CORRECTIONS

RECOMMENDATION

On Wednesday, February 15, 2023, after three public hearings, the Planning Board unanimously voted five (5) in favor and none (0) opposed, to recommend that Town Meeting **approve** Article 39 to amend the zoning bylaw for technical corrections.

RATIONALE FOR RECOMMENDATION

This zoning amendment is intended to correct errors and provide clarifications for consistency. It is not intended to alter the zoning in any substantive way. The changes are:

- Correcting a spelling error to change “reactional” to “recreational”; and
- Removal of the term “family” consistent with the 2021 Special Town Meeting article to use more inclusive language.

PUBLIC PROCESS:

On Wednesday, February 1, 2023, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 12, 2023 and January 19, 2023, the Planning Board opened the public hearing. Continued public hearings were held on February 8 and February 15. The public hearing closed on February 15 and the Board voted to recommend Town Meeting approve Article 39.

RECORD OF THE VOTE: Michael Schanbacher moved that the Planning Board recommend that Town Meeting **approve** Article 39. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIR

Robert D. Peters

Exhibit:

[Approved Planning Board Meeting Minutes](#)



Town of Lexington

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Robert Creech, Member
Charles Hornig, Member
Michael Leon, Associate Member

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 40: AMEND SECTION 135-4.4 OF THE ZONING BYLAW — REDUCE RESIDENTIAL GROSS FLOOR AREA

RECOMMENDATION

On Wednesday, March 1, 2023, after two Public Hearings, the Planning Board voted five (5) in favor and none (0) opposed, to recommend that Town Meeting *refer* Article 40 to the Planning Board.

JUSTIFICATION FOR RECOMMENDATION TO REFER TO THE PLANNING BOARD:

The Planning Board and Town staff have not had sufficient time to consider the interaction of the proposed change with other provisions in the Zoning Bylaw or to understand the effect on the housing market in Lexington. Revisions to the proposal made between the February 15 and March 1 hearings require careful consideration, which was not possible when the latest version was published the day before the March 1 hearing.

The public also deserves time to understand the latest changes as well.

The referral would allow time to fully consider:

1. The consequences, both positive and negative, of reducing the maximum residential gross floor area for the various types of development and redevelopment that may occur, including both small and large projects;
2. How the change would affect Lexington's many nonconforming structures and lots;
3. The significant financial impact on the value of older and smaller homes on large lots; and
4. How restrictions on building mass interact with the Planning Board's housing policy initiatives, including missing middle housing.

PUBLIC PROCESS:

On Wednesday, February 1, 2023, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 12, 2023 and January 19, 2023, the Planning Board continued the public hearing to February 15.

At the Planning Board's February 15, 2023 meeting, Matt Daggett gave a presentation to the Planning Board of the proposed changes to the maximum allowable residential Gross Floor Area in §4.4.2. The Board carefully considered all comments received during the Public Hearing and continued the public hearing to March 1.

At the Planning Board's March 1, 2023 meeting, Matt Daggett presented revised proposed changes. The Board carefully considered all comments received during the Public Hearing.

The public hearing was closed on March 1 and the Board voted to recommend that Town Meeting refer Article 40 to the Planning Board.

RECORD OF THE VOTE:

Michael Schanbacher moved that the Planning Board recommend that Town Meeting refer Article 40 to the Planning Board. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIR

A handwritten signature in black ink, reading "Robert D. Peters", written over a horizontal line.

Robert D. Peters

Exhibits:

Approved [Planning Board Meeting Minutes](#)

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 4

APPROPRIATE FY2024 OPERATING BUDGET

MOTION: That the following amounts be appropriated for the ensuing fiscal year and raised in the tax levy or from general revenues of the Town, except where a transfer or other source is indicated, they shall be provided by such transfer or other source.

Program 1000: Education

Personal Services	\$ 112,791,507
Expenses	<u>\$ 21,938,737</u>
Total Line Item 1100, Lexington Public Schools	\$ 134,730,244
1200 Regional Schools	\$ 3,501,977

Program 2000: Shared Expenses

2110 Contributory Retirement	\$ 9,984,800
2130 Employee Benefits (Health/Dental/Life/Medicare)	\$ 34,937,635
2140 Unemployment	\$ 200,000
2150 Workers' Comp.(MGL Ch. 40, Sec. 13A&13C, Ch. 41, Sec. 111F)*	\$ 500,000
2210 Property & Liability Insurance	\$ 992,000
2220 Uninsured Losses (MGL Ch. 40, Sec. 13)*	\$ 200,000
2310 Solar Producer Payments	\$ 390,000

2400 Debt Service

2410 Payment on Funded Debt	\$ 4,840,333
2420 Interest on Funded Debt	\$ 1,210,458
2430 Temporary Borrowing	\$ 803,310
2510 Reserve Fund	\$ 750,000
2600 Facilities	\$ 13,975,403

Program 3000: Public Works

3100-3500 DPW Personal Services	\$ 5,014,681
3100-3500 DPW Expenses	\$ 7,702,828

Program 4000: Public Safety

4100 Law Enforcement Personal Services	\$ 7,868,662
4100 Law Enforcement Expenses	\$ 1,173,868
4200 Fire Personal Services	\$ 7,286,211
4200 Fire Expenses	\$ 815,860

Program 5000: Culture & Recreation

5100 Library Personal Services	\$ 2,696,650
5100 Library Expenses	\$ 689,170

Program 6000: Human Services and Health

6100-6200 Human Services Personal Services	\$ 748,917
6100-6200 Human Services Expenses	\$ 952,781

Town of Lexington

Motion

2023 Annual Town Meeting

6500 Health Personal Services	\$	426.513
6500 Health Expenses	\$	100.800
Program 7000: Land Use, Housing and Development		
7100-7400 Land Use, Housing and Development Personal Services	\$	2,024.579
7100-7400 Land Use, Housing and Development Expenses	\$	374.537
Program 8000: General Government		
8110 Select Board Personal Services	\$	150.784
8110 Select Board Expenses	\$	136.338
8120 Legal	\$	375.000
8130 Town Report	\$	13.688
8140 PEG	\$	658.517
8210-8220 Town Manager Personal Services	\$	1,138.391
8210-8220 Town Manager Expenses	\$	346.561
8230 Salary Transfer Account (MGL Ch.40, Sec 13D)*	\$	725.300
and further that Line 8230 is to be transferred by the Select Board for contractual settlements within departments upon recommendation of the Town Manager		
8310 Financial Committees	\$	8.535
8320 Misc. Boards and Committees	\$	10.500
8330 Town Celebrations Committee	\$	47.173
8400 Finance Personal Services	\$	1,623.147
8400 Finance Expenses	\$	492.025
8500 Town Clerk Personal Services	\$	487.985
8500 Town Clerk Expenses	\$	109.375
8600 Innovation & Technology Personal Services	\$	808.139
8600 Innovation & Technology Expenses	\$	2,110.426

Note: Asterisk denotes a Continuing Balance Account.

and that the Town transfer the following sums to meet, in part, appropriations made at this Town Meeting:

\$ 400,000 from Unreserved Fund Balance/Free Cash for line item 2110;
\$ 240,000 from the Health Claims Trust Fund for line item 2130;
\$ 586,833 from the PEG Access Special Revenue Fund for line items 2130, 2600 and 8140;
\$ 11,500 from the Betterments Fund for line items 2410, 2420 and 2430;
\$ 50,408 from the Cemetery Sale of Lots Fund for line items 2410, 2420 and 2430;
\$ 50,000 from the Visitors Center Stabilization Fund for line items 2410, 2420 and 2430;
\$ 100,000 from the Parking Meter Fund for line items 3100-3500 and 4100;
\$ 171,000 from the Transportation Demand Management/Public Transportation Stabilization Fund for line items 6100-6200 and 7100-7400;
\$1,011,340 from the Water Enterprise Fund;
\$ 588,040 from the Sewer Enterprise Fund; and
\$ 294,687 from the Recreation Enterprise Fund.

Town of Lexington

Motion

2023 Annual Town Meeting

(03/03/2023)

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 5

APPROPRIATE FY2024 ENTERPRISE FUNDS BUDGETS

- MOTION:** a) That the Town appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2024 under the provisions of M.G.L. Chapter 44, Section 53F½:

Personal Services	\$892,639
Expenses	\$577,500
Debt Service	\$1,093,902
MWRA Assessment	\$9,342,814
Total	<u>\$11,906,855</u>

Said sums to be funded from water receipts.

- b) That the Town appropriate the following sums of money to operate the Wastewater (Sewer) Division of the Department of Public Works during fiscal year 2024 under the provisions of M.G.L. Chapter 44, Section 53F½:

Personal Services	\$421,922
Expenses	\$517,400
Debt Service	\$1,492,248
MWRA Assessment	\$9,349,530
Total	<u>\$11,781,100</u>

Said sums to be funded from wastewater receipts.

- c) That the Town appropriate the following sums of money to operate the Recreation and Community Programs Department during fiscal year 2024 under the provisions of M.G.L. Chapter 44, Section 53F½:

Personal Services	\$1,682,935
Expenses	\$1,588,814
Total	<u>\$3,271,749</u>

Said sums to be funded from recreation receipts, except that \$375,000 shall be funded from recreation retained earnings, and \$256,675 shall be raised in the tax levy.

(03/03/2023)

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 11 **APPROPRIATE FOR RECREATION CAPITAL PROJECTS**

- MOTION:**
- a) That \$150,000 be appropriated for Pine Meadows Golf Course improvements, and all incidental costs related thereto; and that to meet this appropriation \$150,000 be appropriated from Recreation Enterprise Fund Retained Earnings;

 - b) That \$124,000 be appropriated for Pine Meadows Golf Course equipment, and all incidental costs related thereto; and that to meet this appropriation \$124,000 be appropriated from Recreation Enterprise Fund Retained Earnings;

 - c) That \$35,000 be appropriated for the replacement of the Pool Water Chemistry Automated Controllers at the Irving H. Mabee Town Pool Complex, and all incidental costs related thereto; and that to meet this \$35,000 be appropriated from the Recreation Enterprise Fund Retained Earnings.

(03/03/2023)

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 12 APPROPRIATE FOR MUNICIPAL CAPITAL PROJECTS AND EQUIPMENT

MOTION: That the following amounts be appropriated for the following municipal capital improvements and that each amount be appropriated as follows:

- a) All-Terrain Vehicle (ATV) - Forestry - \$65,000 to purchase a new All-Terrain Vehicle for the Fire Department, and all incidental costs related thereto, and that to meet this appropriation \$65,000 be appropriated from the General Fund unreserved fund balance;
- b) TMOD Implementation - Permitting and Progress Tracking - \$42,000 to develop a permit tracking system that will track development progress on transportation demand efforts within the Transportation Management Overlay District, and that to meet this appropriation \$42,000 be appropriated from the Transportation Management Overlay District (TMOD) Stabilization Fund;
- c) Transportation Mitigation - \$87,685 for the Transportation Safety Group for certain traffic, pedestrian and bike safety improvements, including the design and construction of smaller scale safety related projects and education programs related to alternative transportation and bike safety, and all incidental costs related thereto, and that to meet this appropriation \$7,685 be appropriated from the Transportation Network Company Special Revenue Fund and \$80,000 be appropriated from the Traffic Mitigation Stabilization Fund;
- d) Bedford St. and Hartwell Ave. Long-Range Transportation Improvements - \$1,750,000 for design, engineering and architectural services to complete the 25% design Plans, Specifications and Estimates (PS&E) for the Route 4/225 Bedford St-Hartwell Avenue-Wood Street Transportation improvement plan; and that to meet this appropriation, \$655,272 be appropriated from the General Fund unreserved fund balance; \$70,000 be appropriated from the premiums received and reserved from the issuance of Bond Anticipation Notes (BANs); and the Treasurer, with the approval of the Select Board, is authorized to borrow \$1,024,728 under M.G.L. Chapter 44, Section 7(1), or any other enabling authority;
- e) Townwide Culvert Replacement - \$390,000 for the repair and replacement of culverts, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor; and all incidental costs related thereto; and that to meet this appropriation \$390,000 be appropriated from the General Fund unreserved fund balance;
- f) Equipment Replacement - \$1,755,000 for the cost of equipment for the Department of Public Works and all incidental costs related thereto, and that to meet this appropriation, \$1,755,000 be appropriated from the General Fund unreserved fund balance;
- g) Sidewalk Improvements - \$800,000 for rebuilding and repaving existing sidewalks, and all incidental costs related thereto, and to take by eminent domain, purchase or otherwise acquire any

Town of Lexington

Motion

2023 Annual Town Meeting

fee, easement or other interest in land necessary therefor; and that to meet this appropriation \$800,000 be appropriated from the General Fund unreserved fund balance;

- h) Storm Drainage Improvements and NPDES compliance - \$570,000 for constructing and reconstructing storm drains and all incidental costs related thereto, and that to meet this appropriation \$570,000 be appropriated from the General Fund unreserved fund balance;
- i) Comprehensive Watershed Stormwater Management - \$390,000 to fund watershed storm management projects and all incidental costs related thereto, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor; and that to meet this appropriation, \$390,000 be appropriated from the General Fund unreserved fund balance;
- j) Street Improvements - \$2,688,312 for road reconstruction, repairs and resurfacing and all incidental costs related thereto, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor, and that to meet this appropriation \$2,688,312 be raised in the tax levy, and authorize the Town to accept and expend any additional funds provided or to be provided by The Commonwealth of Massachusetts through the Massachusetts Department of Transportation;
- k) Hydrant Replacement Program - \$150,000 for the replacement of fire hydrants and all incidental costs related thereto, and that to meet this appropriation \$75,000 be appropriated from Water Fund Retained Earnings and \$75,000 be appropriated from the General Fund unreserved fund balance;
- l) Municipal Parking Lot Improvements - \$575,000 for the construction and reconstruction of the Town's municipal parking lots and all incidental costs related thereto, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor, and that to meet this appropriation \$575,000 be appropriated from the General Fund unreserved fund balance;
- m) New Sidewalk Installations - \$1,620,000 for the design and construction of new sidewalks on Cedar Street, and all incidental costs related thereto, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor, and that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow \$1,620,000 under M.G.L. Chapter 44, Section 7(1), or any other enabling authority;
- n) Network Core Equipment Replacement - \$980,000 to replace aging equipment at the core or head end of the Town network, and that to meet this appropriation \$980,000 be appropriated from the General Fund unreserved fund balance;
- o) Network Redundancy and Improvement Plan - \$988,094 to build a stand-alone fiber network for town computing and communications, and all the incidental costs thereto, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary

Town of Lexington

Motion

2023 Annual Town Meeting

therefor, and that to meet this appropriation \$988,094 be appropriated from the General Fund unreserved fund balance; and

- q) Scanning - Electronic Document Management - \$110,000 to scan existing paper documents into the Town's document management systems, and that to meet this appropriation \$110,000 be appropriated from the General Fund unreserved fund balance.

(03/03/2023)

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 15 APPROPRIATE FOR SCHOOL CAPITAL PROJECTS AND EQUIPMENT

MOTION: That \$1,465,488 be appropriated for maintaining and upgrading the Lexington Public School technology systems, including the acquisition of new equipment in connection therewith, and all incidental costs related thereto, and that to meet this appropriation \$1,465,488 be appropriated from the General Fund unreserved fund balance.

(03/03/2023)

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 17 APPROPRIATE TO POST EMPLOYMENT INSURANCE LIABILITY FUND

MOTION: That \$1,985,486 be appropriated to the town of Lexington Post Employment Insurance Liability Fund established pursuant to Chapter 317 of the Acts of 2002, and that to meet this appropriation, \$2,761 be appropriated from Water Fund receipts, \$3,004 be appropriated from Wastewater Fund receipts, \$240,000 be raised in the tax levy, and \$1,739,721 be appropriated from the General Fund unreserved fund balance.

(03/03/2023)

Town of Lexington
Motion
2023 Annual Town Meeting

ARTICLE 22 **APPROPRIATE FOR AUTHORIZED CAPITAL IMPROVEMENTS**

MOTION: That this article be indefinitely postponed.

(03/03/2023)

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.					Y	Y	Y	Y	Y
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			Y	Y	Y	Y	Y
7	Appropriate To Affordable Housing Trust		MS			Y	Y	Y	Y	Y
8	Evaluation of Archeological Resource Potential (Citizen Petition)	1/23/2023	SB			N	N	N	N	N
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					Y	Y	Y	Y	Y
	b) Munroe Center for the Arts- \$6,635,191					W	Y	W	W	Y
	c) Hancock-Clarke Barn Restoration- \$118,419					Y	Y	Y	Y	Y
	d) Archives and Record Management- \$35,000					Y	Y	Y	Y	Y
	e) First Parish Church Clock Restoration- \$12,000					Y	W	Y	Y	Y
	f) East Village Clock at Follen Church Restoration- \$9,600					Y	W	Y	Y	Y
	g) Willard Woods Site Improvements 1,211,675					W	Y	Y	W	Y
	h) Whipple Hill Trail Repair, Fire Access- \$300,000					Y	Y	Y	Y	Y
	i) Lincoln Park Field Improvements including Lighting- \$3,391,500					Y	W	Y	Y	W

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				Y	Y	Y	Y	Y
	k) Park and Playground Improvements, Justin Park- \$155,000					Y	Y	Y	Y	Y
	l) Public Grounds Irrigation Improvements- \$200,000					Y	Y	Y	Y	Y
	m) Transforming Trees into Art, Birds of New England- \$22,000					W	Y	W	W	Y
	n) Affordable Housing Trust Funding- \$1,500,000					Y	Y	Y	Y	Y
	o) LexHAB Property Acquisition Prefunding- \$400,000					W	Y	Y	Y	Y
	p) LexHAB Rehabilitation/Preservation and Installation of Solar Panels- \$345,125					Y	Y	Y	Y	Y
	q) Projected Debt Service- \$1,788,900					Y	Y	Y	Y	Y
	r) Administrative Budget- \$150,000					Y	Y	Y	Y	Y
11	Appropriate For Recreation Capital Projects		SB							
12	Appropriate For Municipal Capital Projects And Equipment									
	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			Y	Y	Y	Y	Y
25	Amend The General Bylaws - Demolition Delay		SB			W	Y	W	W	Y
26	Amend The General Bylaws - Municipal Opt-In Specialized Stretch Energy Code		JP			W	Y	W	W	Y
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			W	Y	W	W	W
29	Amend General Bylaws - Tree Bylaw - Changes To Tree Committee Composition	2/6/2023	JP			W	Y	W	W	W
30	Humane Pet Store Bylaw Correction		SB			Y	Y	Y	Y	Y
31	Fair Trade Restrictions - Fur Products (Citizen Petition)	2/27/2023	DL			Y	Y	Y	Y	Y
32	Dunback Meadow Sewer Easement (Citizen Petition)	1/23/2023	MS			Y	Y	Y	Y	Y
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			W	Y	W	Y	W
35	Supplemental Inclusionary Zoning Requirements For Village Overlay Districts - Refer Back to Planning Board	2/27/2023	JH			RB	RB	RB	RB	RB
36	Amend Zoning Bylaw And Map - Central Business District	2/27/2023	SB			W	Y	W	W	W
37	Amend Zoning Bylaw - Action Deadline For Major Site Plan Review	2/27/2023	JP			W	Y	Y	Y	Y
38	Amend Zoning Bylaw - Minor Modifications To Approved Permits	2/27/2023	MS			Y	Y	Y	Y	W
39	Amend Zoning Bylaw - Technical Corrections	2/27/2023	JH			Y	Y	Y	Y	Y
40	Amend Section 135 - 4.4 Of The Zoning Bylaw-Reduce Residential Gross Floor (Citizen Petition)	2/13/2023	DL							

**Town of Lexington
CONSENT AGENDA PROPOSED
2023 Annual Town Meeting**

1. ARTICLE 10 APPROPRIATE THE FY2022 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET AND CPA PROJECTS

1. *\$807,500 for the acquisition, creation and preservation of open space, and the rehabilitation and restoration of open space acquired or created with CPA funds;*
 2. *\$807,500 for the acquisition, preservation, rehabilitation and restoration of historic resources;*
 3. *\$807,500 for the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of community housing acquired or created with CPA funds; and*
 4. *\$5,652,500 to the Unbudgeted Reserve.*
- d) *That \$35,000 be appropriated for Archives and Records Management, and to meet this appropriation \$35,000 be appropriated from the Historic Resources Reserve of the Community Preservation Fund;*
 - e) *That \$12,000 be appropriated for the First Parish Church Clock Restoration; and to meet this appropriation \$12,000 be appropriated from the Historic Resources Reserve of the Community Preservation Fund;*
 - f) *That \$9,600 be appropriated for the East Village Clock at Follen Church Restoration, and to meet this appropriation \$9,600 be appropriated from the Historic Resources Reserve of the Community Preservation Fund;*
 - h) *That \$300,000 be appropriated for Whipple Hill Trail Repair, Fire Access, and to meet this appropriation \$250,000 be appropriated from the Open Space Reserve and \$50,000 be appropriated from the Unbudgeted Reserve of the Community Preservation Fund;*
 - j) *That \$285,000 be appropriated for Park and Playground Improvements-Bridge School, and to meet this appropriation \$285,000 be appropriated from the Unbudgeted Reserve of the Community Preservation Fund;*
 - k) *That \$155,000 be appropriated for Park and Playground Improvements-Justin Park, and to meet this appropriation \$155,000 be appropriated from the Unbudgeted Reserve of the Community Preservation Fund;*
 - l) *That \$200,000 be appropriated for Public Grounds Irrigation Improvements, and to meet this appropriation \$80,000 be appropriated from the Unbudgeted Reserve of the Community Preservation Fund and \$120,000 be appropriated from the General Fund unreserved fund balance;*
 - n) *That \$1,500,000 be appropriated for Affordable Housing Trust Funding, and to meet this appropriation \$1,500,000 be appropriated from the Community Housing Reserve of the Community Preservation Fund;*
 - p) *That \$345,125 be appropriated for LexHAB Rehabilitation/Preservation and Installation of Solar Panels, and to meet this appropriation \$345,125 be appropriated from the Community Housing Reserve of the Community Preservation Fund;*
 - q) *That \$1,788,900 be appropriated for CPA Debt Service and related costs, and to meet this appropriation \$309,750 be appropriated from the Open Space Reserve, \$771,750 be appropriated from the Historic Resources Reserve and \$707,400 be appropriated from the Unbudgeted Reserve of the Community Preservation Fund;*
 - r) *That \$150,000 be appropriated for Administrative Expenses and all other necessary and proper expenses of the Community Preservation Committee for FY2024, and to meet this appropriation \$150,000 be appropriated from the Unbudgeted Reserve of the Community Preservation Fund.*

**Town of Lexington
CONSENT AGENDA PROPOSED
2023 Annual Town Meeting**

- 2. ARTICLE 11 APPROPRIATE FOR RECREATION CAPITAL PROJECTS**
- 3. ARTICLE 12 APPROPRIATE FOR MUNICIPAL CAPITAL PROJECTS AND EQUIPMENT**
 - c) *Transportation Mitigation*
 - 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*
 - k) *Hydrant Replacement Program*
 - n) *Network Core Equipment Replacement*
 - o) *Network Redundancy and Improvement Plan*
 - q) *Scanning - Electronic Document Management*
- 4. ARTICLE 14 APPROPRIATE FOR WASTEWATER SYSTEM IMPROVEMENTS**
- 5. ARTICLE 15 APPROPRIATE FOR SCHOOL CAPITAL PROJECTS AND EQUIPMENT?**
- 6. ARTICLE 16 APPROPRIATE FOR PUBLIC FACILITIES CAPITAL PROJECTS**
 - a) *Public Facilities Bid Documents*
 - b) *Public Facilities Interior Finishes*
 - c) *Public Facilities Mechanical/Electrical System Replacements*
 - d) *School Paving and Sidewalks*
 - e) *Municipal Building Envelopes and Associated Systems*
 - f) *School Building Envelopes and Associated Systems*
- 7. ARTICLE 17 APPROPRIATE TO POST EMPLOYMENT INSURANCE LIABILITY FUND**
- 8. ARTICLE 18 RESCIND PRIOR BORROWING AUTHORIZATIONS**
- 9. ARTICLE 20 APPROPRIATE FOR PRIOR YEARS' UNPAID BILLS**
- 10. ARTICLE 22 APPROPRIATE FOR AUTHORIZED CAPITAL IMPROVEMENTS (if IP)**
- 11. ARTICLE 24 SELECT BOARD TO ACCEPT EASEMENTS**
- 12. ARTICLE 30 HUMANE PET STORE BYLAW CORRECTION**
- 13. ARTICLE 35 SUPPLEMENTARY INCLUSIONARY ZONING (REFER TO PB)**

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Select Board Work Session

PRESENTER:

Joe Pato & Suzie Barry, Select Board
Members; Jim Malloy, Town Manager

ITEM NUMBER:

I.8

SUMMARY:

Category: Informing

Joe Pato, Select Board Member, will review the proposed Select Board Issue Tracker for content captured and display format.

Suzie Barry, Select Board Member, will discuss the communications matrix between the Select Board and the Town Manager.

The Select Board will discuss the Remote Participation Policy and Procedures and email to the Board/Committee Chairs regarding post 3-31-23. The Select Board was going to discuss if the 2017 Policy needed to be updated based on changes in the laws during the pandemic.

SUGGESTED MOTION:

No motion required, discussion only.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/8/2023

8:00pm

ATTACHMENTS:

Description

Type

- ▣ Presentation - Prototype of a Select Board Issues Tracker
- ▣ Remote Participation Policy 2017
- ▣ Post 3-31-23 Email to Committee Chairs

Backup Material

Cover Memo

Cover Memo

Prototype SB Issue Tracker

Joe Pato
8 March 2023

[Select Board issue tracking dashboard](#)
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Select Board Issue Dashboard PROTOTYPE - For Discussion Purposes Only											STATUS KEY		PRIORITY KEY		
PROJECT DETAILS							DELIVERABLES			Warnings/Issues		On Hold		Low	
TASK NAME	STATUS	PRIORITY	START DATE	END DATE	ASSIGNEE	DESCRIPTION	NEXT DELIVERABLE	EXPECTED DATE	% DONE	INDICATOR	Not Yet Started		Medium		
Standard Operations (2 items)							75%					In Progress		High	
ATM 2023 Prep	In Progress	High	12/19/2022	3/20/23	Kelly	Prepare Articles for ATM	Finalize Warrant and schedule article presentations	1/18/2023	50%	🟢					
FY24 Budget	Complete	High	9/1/22	7/1/23	Jim	Prepare FY24 Budget	White Book	1/18/2023	100%	🔴					
	In Progress	High			Jim	Waste Hauling Contract	Vendor Option Selections	2/6/2023		🟢	Automation; food waste pilot				
	In Progress	High			Jim	Lexpress	Funding Options	2/13/2023		🟢	food waste pilot				
	In Progress	High			Jim	Compost Pilot	Funding Options	2/13/2023		🟢	food waste pilot				
	Overdue	High			Jim	Fictitious Example	Example of red flag item	1/1/2023		🔴	Fake overdue critical item				
Community Compass (0 items)															
Livable Lexington (1 item)															
Quality Services (1 item)															

Count: 62

	A	B	C	D	E	F	G	H	I	J	K	L	M	
1		Select Board Issue Dashboard PROTOTYPE - For Discussion Purposes Only												
2		PROJECT DETAILS								DELIVERABLES			Warnings/Issues	
3		TASK NAME	STATUS	PRIORITY	START DATE	END DATE	ASSIGNEE	DESCRIPTION	NEXT DELIVERABLE	EXPECTED DATE	% DONE	INDICATOR		
4		Standard Operations (2 items)										75%		
5		ATM 2023 Prep	In Progress	High	12/19/2022	3/20/23	Kelly	Prepare Articles for ATM	Finalize Warrant and schedule article presentations	1/18/2023	50%			
6		FY24 Budget	Complete	High	9/1/22	7/1/23	Jim	Prepare FY24 Budget	White Book	1/18/2023	100%			
7			In Progress	High			Jim	Waste Hauling Contract	Vendor Option Selections	2/6/2023		Automation; food was		
8			In Progress	High			Jim	Lexpress	Funding Options	2/13/2023		food waste pilot		
9			In Progress	High			Jim	Compost Pilot	Funding Options	2/13/2023		food waste pilot		
10			Overdue	High			Jim	Fictitious Example	Example of red flag item	1/1/2023		Fake overdue critical		
11														

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Select Board Issue Dashboard PROTOTYPE - For Discussion Purposes Only												
2	PROJECT DETAILS								DELIVERABLES			Warnings/Issues	
3	TASK NAME	STATUS	PRIORITY	START DATE	END DATE	ASSIGNEE	DESCRIPTION	NEXT DELIVERABLE	EXPECTED DATE	% DONE	INDICATOR		
12	Community Compass (0 items)												
17													
18	Livable Lexington (1 item)												
19	Pleasant St / Watertown St Roundabout	In Progress	Medium	11/28/22	2023 Construction	DPW	Implementation of approved roundabout	Update on construction plans	Summer 2023	<div></div>			
20							Details of task here			<div></div>			
21							Details of task here			<div></div>			
22							Details of task here			<div></div>			
23													
24													
25	Quality Services (1 item)												
26	Mental Health Task Force	In Progress	Medium			Jim	Annual review progress of Mental Health Task Force	Joint SC/SB review	Fall 2023	<div></div>			
27							Details of task here			<div></div>			
28							Details of task			<div></div>			

BOARD OF SELECTMEN POLICY

REMOTE PARTICIPATION

Date Approved by BOS:

October 30, 2017

Signature of Chair:

Suzanne E. Barry

1. Purpose Statement

This policy establishes clear guidelines for remote participation in meetings of Lexington public bodies. The policy promotes greater participation in public meetings by allowing board and committee members to participate by telephone, internet, video conferencing, or other forms of adaptive telecommunications when specific circumstances prevent them from being physically present. However, all members of public bodies are strongly encouraged to attend meetings in person whenever possible.

2. Enabling Authority

The Open Meeting Law regulations at 940 CMR 29.00, amended by the Office of the Attorney General and adopted by the Lexington Board of Selectmen on March 10, 2014, allow members of public bodies to participate remotely in meetings when specific circumstances prevent them from being physically present. 940 CMR 29.10 (8) allows a municipality to prohibit or further restrict remote participation, but does not provide for making those regulations less stringent.

3. Applicability

This policy shall apply to all Lexington public bodies subject to the Open Meeting Law (e.g. boards, committees, commissions and sub-committees), including the School Committee, whether appointed or elected. As provided by statute, the Lexington Retirement Board is not covered by this policy but may choose to adopt its own policy.

4. Technology

- a) The Town does not guarantee that sufficient technology for remote participation will be available for any given meeting.
- b) If hearing assist devices are in use, the technology employed for remote participation must effectively connect with the hearing assist system.

5. Lexington Restrictions Governing Remote Participation

Any costs incurred by a remote participant will not be reimbursed by the Town.

6. References

Policy adopted by the Board of Selectmen on March 10, 2014.
Policy revised on October 30, 2017.
Remote Participation Guide



Town of Lexington Remote Participation Guide

(October 30, 2017)

The Remote Participation Policy, as adopted by the Board of Selectmen, permits remote participation by members of public bodies at public meetings in accordance with 940 CMR 29.10 and outlines local restrictions as allowed under the law.

The State's regulations on remote participation may be found at:

<http://www.mass.gov/ago/government-resources/open-meeting-law/940-cmr2900.html#Remote>.

You are encouraged to read the entire document, but this guide is intended to be an outline of the Attorney General's regulations for remote participation. Should there be any discrepancy between the law and this guide, the law shall prevail.

The chair, or, in the chair's absence, the person authorized to chair the meeting, is responsible for compliance with this policy.

1. Permissible Reasons for Remote Participation

It is the express desire of the Board of Selectmen that remote participation in meetings be an infrequent event, for both individual board members and public bodies as a whole. Chairs of public bodies are encouraged to interpret these rules in a strict fashion and to continue to persuade all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence at a meeting. Chairs are encouraged to inform their colleagues that remote participation will not be permitted simply as a matter of convenience.

A member may remotely participate in a meeting should his/her physical presence be unreasonably difficult.

2. Minimum Requirements for Remote Participation

- a. Remote participants and all persons present at the meeting location shall be clearly audible to each other. If video conferencing technology is also in use, the remote participants shall be clearly visible to all persons present in the meeting location.
- b. A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present.

3. Procedures for Remote Participation

- a. Any member of the body wishing to participate remotely should notify the chair as soon as reasonably possible prior to the meeting. The chair has the authority to grant or deny requests to participate remotely.
- b. At the start of the meeting, the chair must announce the name of any member who will be participating remotely and the reason for his/her remote participation. This information shall be recorded in the meeting minutes.
- c. All votes taken during a meeting in which a member participates remotely shall be by roll call vote.
- d. When feasible, the chair or, in the chair's absence, the person authorized to chair the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he/she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

4. Technology

- a. The minimum technology required will be a speakerphone of sufficient quality to be intelligible to all in the meeting.
- b. If communication problems inhibit the progress of the meeting, the chair must decide whether to continue the meeting, suspend the meeting, or terminate the participation of the remote participant. In the event that more than one member remotely participates, the chair shall evaluate each connection separately and may elect to terminate the participation of one or more of the remote participants should technical difficulties inhibit the progress of the meeting. The meeting minutes must reflect any such decision.

James Malloy

From: Cathy Severance
Sent: Friday, March 3, 2023 12:17 PM
To: James Malloy
Subject: FW: Public Meeting Requirements AFTER March 31, 2023...

- Cathy

Cathy Severance
PH: 781.698.4544
cseverance@lexingtonma.gov

From: Cathy Severance
Sent: Tuesday, February 21, 2023 11:20 AM
To: Cathy Severance <cseverance@lexingtonma.gov>
Cc: Senior Management Team <Managers@lexingtonma.gov>; Robert Lent <rlent@lexingtonma.gov>; Sandra Pentedemos <spentedemos@lexingtonma.gov>; Paula McGlynn <pmcglynn@lexingtonma.gov>; Hemali Shah <hshah@lexingtonma.gov>; Sean Dugan <sdugan@lexingtonma.gov>; James Robinson <jrobinson@lexingtonma.gov>; Karen Mullins <kmullins@lexingtonma.gov>; Lorraine Welch <lgarrett@lexingtonma.gov>; Sharon Coffey <scoffey@lexingtonma.gov>; Julie Krakauer <jkrakauer@lexingtonma.gov>; Meghan McNamara <mmcnamara@lexingtonma.gov>; Joanne Belanger <jbelanger@lexingtonma.gov>; Akeem Mcdougal <amcdougal@lexingtonma.gov>; Siqing Pan <span@lexingtonma.gov>; Sandhya Iyer <siyer@lexingtonma.gov>; Abigail McCabe <amccabe@lexingtonma.gov>; Kiruthika Ramakrishnan <kramakrishnan@lexingtonma.gov>; Susan Barrett <sbarrett@lexingtonma.gov>; Susan Lusk <slusk@lexingtonma.gov>; Mark Barrett <mbarrett@lexingtonma.gov>; Christopher Filadoro <cfiladoro@lexingtonma.gov>; Robin Vella <rvella@lexingtonma.gov>; Lisa Aboyan <laboyan@lexingtonma.gov>; Lisa M. Maguire <lmaguire@lexingtonma.gov>; Kim Katzenback <kkatzenback@lexingtonma.gov>; Stacey Prizio <sprizio@lexingtonma.gov>; Select Board <selectboard@lexingtonma.gov>
Subject: Public Meeting Requirements AFTER March 31, 2023...

Board/Comm. Chairs/Co-Chairs/Vice Chairs (bcc'd) –

Please see the message below from the Town Manager. Town employees, feel free to forward to anyone else in your department that you may not see listed.

Hello All – I've received a number of questions about public meeting requirements AFTER March 31 of this year and how meetings may be handled. I've drafted the following guidance which has been reviewed by Town Counsel for your use (as of April 1):

- After March 31, absent any new legislation, Boards and Committees **will need to meet in accordance with the Open Meeting Law as it stood prior to the pandemic (i.e., before March 2020)**. Boards and Committees will need to meet in person, but may have less than a quorum attending remotely as long as the Chair or a person designated as Chair is in person.
- Public access may continue to be either in the room or via zoom (as we're already doing as per a Select Board vote to allow the public back in the room). **However, public access in person must be provided for even if there is a zoom option. Consultants, etc. may also participate remotely.**

- Under 940 CMR 29.10(2)(g) and MGL Ch. 30A, §20(e) the Commission on Disability may meet entirely remotely, with the exception of the Chair, who must be physically present.

Should you have any questions or need additional information, please do not hesitate to reach out to me directly. Thanks.

Jim

Jim Malloy
Town Manager
Town of Lexington
1625 Massachusetts Avenue
Lexington, MA 02420
781-698-4540
www.lexingtonma.gov

- Cathy

Cathy Severance
Office Manager/Special Events Coordinator
Town Manager's Office
Town of Lexington
1625 Massachusetts Avenue
Lexington, MA 02420
Ph: 781.698.4544
Fax: 781.861.2921
www.lexingtonma.gov

When writing or responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record, and, therefore, may not be kept confidential.

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