

SELECT BOARD MEETING

Monday, March 27, 2023

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

AGENDA

CONSENT AGENDA

1. Approve Select Board Meeting Minutes

- February 6, 2023 Select Board
- February 13, 2023 Select Board
- February 27, 2023 Select Board
- March 2, 2023 Select Board
- March 8, 2023 Select Board

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Discovery Day Street Fair 2023 Request - Lexington Retailers Association 6:35pm

- Road Closures:
 - Massachusetts Avenue
 - Muzzey Street
- Temporary Sign on Minuteman Commuter Bikeway, 1775 Massachusetts Avenue
- Free Parking at Central Business District Parking Meters and Depot Lot

2. 2023 Annual Town Meeting 6:45pm

- Amendment - 2023 ATM Article 10: Appropriate for the FY2024 Community Preservation Committee Operating Budget and CPA Projects
 - b.) Munroe Center for the Arts- \$6,635,191
- Discuss 2023 ATM Article 16: Appropriate for Public Facilities Capital Projects
 - h.) 173 Bedford Street Renovation- Design
- Select Board Article Discussion and Positions

3. Liquor License - Change of Manager - Bertucci's Restaurants, LLC d/b/a Bertucci's, 1777 Massachusetts Avenue 7:00pm

ADJOURN

1. Anticipated Adjournment 7:05pm

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 scheduled meeting of the Select Board will be held on Wednesday, March 29, 2023 at 6:30pm via hybrid participation and prior to the start of Annual Town Meeting.

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:

Approve Select Board Meeting Minutes

PRESENTER:

Jill Hai, Select Board Chair

ITEM NUMBER:

C.1

SUMMARY:

Category: Decision-Making

The Board is being asked to approve and release the following sets of meeting minutes:

- February 6, 2023 Select Board
- February 13, 2023 Select Board
- February 27, 2023 Select Board
- March 2, 2023 Select Board
- March 8, 2023 Select Board

SUGGESTED MOTION:

To approve and release the following meeting minutes:

- February 6, 2023 Select Board
- February 13, 2023 Select Board
- February 27, 2023 Select Board
- March 2, 2023 Select Board
- March 8, 2023 Select Board

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/27/2023

ATTACHMENTS:

Description	Type
📎 DRAFT 02132023 Select Board min	Backup Material
📎 DRAFT 02272023 Select Board min	Backup Material
📎 DRAFT 03022023 Select Board min	Backup Material
📎 DRAFT 03082023 Select Board min	Backup Material
📎 DRAFT 02062023 Select Board min	Backup Material

SELECT BOARD MEETING
February 13, 2023

A meeting of the Lexington Select Board was called to order at 6:30p.m. on Monday, February 13, 2023, in the Select Board Meeting Room of the Town Office Building. Hybrid participation was offered as well via the webinar meeting platform. Ms. Hai, Chair; Mr. Lucente; Vice Chair, Mr. Pato, Ms. Barry, and Mr. Sandeen were present, as well as Mr. Malloy, Town Manager; Ms. Axtell, Deputy Town Manager; and Ms. Katzenback, Executive Clerk.

Ms. Hai called the meeting to order at 6:30pm.

PUBLIC COMMENTS

Avon Lewis, President of the Lexington Education Association, stated that the Board will be reviewing Moody's AAA bond rating for the town of Lexington this evening. Lexington's local economy is expected to continue growing, given its strong residential market and ongoing demand for commercial and industrial space. She stated that, even as a veteran educator at the top of the Lexington Public Schools pay scale, she was still sent a check from the State last year, as her family is considered low income. This is not an unusual story among the employees of Lexington public schools, and others who work in Town. Regarding sustainability, there are zero chargers in any of the solar parking installations for staff who commute long distances. Regarding social justice and diversity in hiring, the compensation Lexington offers lags peer communities in almost every indicator. The working conditions have declined over the last five years, as staff has continuously been asked to do more with less. She spoke with community members to explain that over \$4M of their tax levy is going into set asides and they were shocked. The Town is sitting on \$17M in free cash, which is plenty for set asides. She asked that the Board put taxes into the services the citizens of this Town depend on.

Francesca Pfrommer, 195 Waltham Street, and employee of Lexington High School, stated that the imperative culture that exists in Lexington's schools is unhealthy and damaging for students. Educators need a contractual commitment from the Superintendent and the School Board to reduce teacher caseloads from 125 students to 100 students per educator. She received a letter over the weekend from Dr. Hackett expressing commitment to phasing a cap to the proposed lows of 100 students. The letter also mentioned attempting to hire additional educators with grant funds. However, there is nothing to support the school's attempt at moving forward in the budget that the Board will vote on this evening. She implored the Board to carefully consider and discuss what would be needed to realize the need to reduce the student loads for LPS educators.

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

1. **Announcement: Moody's once again rated Lexington at its highest level, AAA "judged to be of the highest quality"**
2. **Select Board Member Concerns and Liaison Reports**

Mr. Sandeen stated that a week ago he attended the Hanscom Air Force Base site visit for the project that they are considering developing. He asked if the Board could discuss this item on a future agenda. Mr. Malloy noted that staff has been attending those meetings and Sheila Page is taking the lead. The Board should consider holding this discussion once the Environmental Impact Report (EIR) is issued.

DOCUMENTS: Correspondence Secretary Report - February 6, 2023

TOWN MANAGER'S REPORT

1. Town Manager Weekly Update

Mr. Moody stated that the opioid settlement is valued at approximately \$857,000 over a period of between 5-15 years, depending on the company that is settling.

DOCUMENTS: 2-10-23

CONSENT AGENDA

It was noted that Mr. Lucente recused himself from Item #4. The Board took up this item separately.

1. Select Board Committee Appointments

- Ad Hoc Transportation Committee
 - Sally Castleman - Member of Transportation Advisory Committee
 - Howard Cloth - Member of Senior Community
 - Sharon Gunda - Human Services Designee
 - Varda Haimo - Business Representative
 - Carolyn Kosnoff - Assistant Town Manager for Finance
 - Bridger McGaw - Member of Economic Development Advisory Committee
 - Deepika Sawhney - Member of School Committee

To appoint Sally Castleman as the member of the Transportation Advisory Committee, Howard Cloth as the member of the Senior Community, Sharon Gunda as the Human Services designee, Varda Haimo as the business representative, Carolyn Kosnoff as the Assistant Town Manager for Finance, Bridger McGaw as the member of the Economic Development Advisory Committee and Deepika Sawhney as the member of the School Committee to the Ad Hoc Transportation Committee for a one-year term set to expire on February 13, 2024 or sooner once disbanded, and to further designate all seven members of the Ad Hoc Transportation Committee as Special Municipal Employees.

DOCUMENTS: 2023AdHocTransportationCommitteeApplication-H.Cloth, 2023AdHocTransportationCommitteeApplication-V.Haimo, Ad Hoc Transportation Committee Charge

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

- Jake Shimabukuro

To approve a One-Day Liquor License for Spectacle Management, Inc. to serve beer and wine in the lobby of Cary Memorial Building, 1605 Massachusetts Avenue, for the purpose of the Jake Shimabukuro musical performance on Sunday, July 16, 2023 from 7:00pm to 11:00pm.

3. Town Celebrations Committee Request – Approve Sending Sponsorship Letters for 2023 Patriots' Day Parade

To approve the request of the Town Celebrations Committee to send out Patriots' Day sponsorship letters, as proposed.

DOCUMENTS: 2023 Sponsor Request Letter, List for 2023 TCC mailing for Patriots Day Sponsorship

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve items 1-3 of the Consent Agenda.

4. Application: Battle Green Permit – Lions Club of Lexington, Inc. 109th Annual Patriots' Day 5-Mile Road Race

To approve the request of the Lions Club of Lexington, Inc. to hold the 109th Annual Patriots' Day 5-Mile Road Race on Monday, April 17, 2023 from 10:00am to 12:00pm with an awards ceremony on the Battle Green at approximately 11:15am to 11:30am subject to working out all of the details with the Lexington Police Department, Lexington Fire Department, Department of Public Works, and the Town Manager's Office.

DOCUMENTS: 2023 Patriots' Day Event/Battle Green Use Request - Lions Club of Lexington, Inc.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Review and Approve Police Station Solar Project Design

Jeff McElravy, AIA, Tecton Architects, Inc., displayed a site plan of the proposed project. Regarding the elevations of the project, looking from Massachusetts Avenue towards the back of the property, the lower canopy sits approximately 10' high. The taller canopy is high enough for emergency vehicles to move underneath, without obstruction, approximately 20' high. It was noted that stalls are included on the plan for potential farmer's market stalls and to reduce the amount of vehicles on the field. Regarding the additional leg on the Massachusetts Avenue canopy, he noted that the last Historic Districts Commission meeting vote was against including that canopy by a slim margin. The calculations show that 14,893 s.f. of canopy is required for this project. The large canopy currently is 14,120 s.f. There are potential extensions that can be made. The additional canopy proposed to extend to Massachusetts Avenue would provide 2,048 s.f. of panel, leading to a total of 16,168 s.f. This would lead to 115% of the demand.

Mike Cronin, Director of Public Facilities, explained that 335,000 kilowatts of production per year are needed to offset the Police Station. The production without the Massachusetts Avenue extension equates to 315,000 kilowatts. The Massachusetts Avenue extension would increase this to 350,000 kilowatts.

Mr. McElravy stated that his estimate, including both panel sections, came in at \$3.3M. This includes all items from a construction cost standpoint. Mr. Cronin stated that he believes this estimate will come down once construction dollar estimates are received and once it is determined how to incorporate the battery.

In response to a question from Mr. Lucente, Mr. Cronin explained that, if the Massachusetts Avenue extension is not included, approximately a half million dollars' worth of work can be removed from the estimate.

Mr. Lucente suggested that there be some neighborhood meetings to discuss these plans. Regarding building the field itself, he suggested researching materials that might cut back on dust and mud.

Ms. Barry noted that this integrated design does not require getting to Net Zero. She stated that direct abutters have confirmed that they have not yet been part of this planning process. She expressed extreme displeasure with that.

In response to a question from Ms. Barry, Mr. Cronin stated that the batteries were previously cited, on plans that were approved months ago, near the monopole area.

Ms. Hai asked about the possible encroachment on open space in the field from the project, Mr. Cronin stated that this model actually proposes an additional 10,000 s.f. of grassy area.

Ms. Hai reiterated that the public and abutters need to be heard on this project.

Mr. Pato noted that he would have supported the extension to Massachusetts Avenue. Mr. Cronin noted that another version of the drawings will be presented to the Historic Districts Commission (HDC) on March 2, 2023 in hopes that it will approve the extension.

Ms. Hai noted that there is a motion included in the Board's packet this evening to approve the project as presented. Mr. Malloy stated that the Board could approve the project based on what is currently approved by the HDC, with the understanding that the motion could be amended, if the HDC changes its position in the future.

In response to a question from Mr. Sandeen, Mr. Cronin noted that the estimated \$3.3M does not include the cost of the batteries.

Mr. Sandeen agreed with Mr. Pato that we should achieve net zero with this project and is hopeful that the design team can find a way, as they have suggested may be possible, to achieve that goal. He would like to have a discussion with the Board about how we move forward with energy storage. Mr. Sandeen noted the importance of energy storage batteries for this project. He suggested that the energy storage system can provide substantially more value for the Town than the solar alone. He stated that energy storage for the Police Station can also provide an incredible resilience factor with instantaneous backup. He is supportive of this project and would like to approve the largest possible size, while also discussing the energy storage batteries, as this will allow for the greatest payback of this system.

Mr. Lucente asked how the batteries will be paid for. Mr. Cronin stated that we are anticipating, understanding that the Massachusetts Avenue extension will not be built, since we have the Mass Ave extension built into the project estimate, the funding for the Mass Ave extension could be used to fund the batteries. He stated there is a very good contingency built into this project budget. We do have the capacity to include batteries. The batteries could also be funded using the included contingency. Mr. Lucente stated that he believes the Massachusetts Avenue extension should be dropped, as it has not been approved by the HDC, and removal of it could allow for the batteries to be funded.

Ted Page, 6 Fletcher Avenue, stated that he is a strong supporter of clean energy, but is opposed to the scale of this proposal. He stated that he does not believe the Town needs to sacrifice its open spaces to coordinate an installation of this scale. He is more in favor of the Massachusetts Avenue extension, as it will allow for progress without taking up this space. He expressed concern regarding the trees proposed to be cut and the fact that there has not been any outreach to the surrounding neighborhoods.

Lin Jensen, 133 Reed Street, stated that she would strongly support the Massachusetts Avenue extension to provide a balanced project with additional shade. Renewable energy is important in Town and this building could come close to Net Zero through this project.

Dawn McKenna, Precinct 6 Town Meeting Member, stated that the HDC already voted against the Massachusetts Avenue extension. She stated that this project should not be re-presented to the HDC in hopes of an appeal of its previous decision.

Marcia Gens, 16 Dane Road, stated that she was encouraged to hear about the increase of green space through this project. Green space needs to have trees. Street trees are considered an asset to communities. She believes the plan, as presented this evening, showing trees creating a green space and blocking the leg of the Massachusetts Avenue extension looks nice. Battery storage is essential for this project. She suggested a shaded area with charger for police cars or other vehicles on the side of the building. Electric police cars could be used as another storage capacity.

Sue Erickson, 31 Sherman Street, stated that all neighbors along this street have 6' high fences; this structure is proposed to be 20' high. She is disconcerted that neighbors have not been consulted throughout this design process.

Tina McBride, 45 Turning Mill Road, stated that she hopes the final proposal for the Massachusetts Avenue extension will be presented to the HDC for approval. She is supportive of the battery storage. Sustainability and resiliency should be the first, last, and most important considerations. The possibility previously mentioned of charging electric police cars and using them in an emergency situation is interesting. The idea that a parking lot is more attractive than solar canopies and trees is very confusing. A green space is usually nicely buffered with trees. The back area could be screened with evergreens, which will not lose their leaves.

Leslie Wilcott-Henrie, 70 East Street and speaking on behalf of the Farmer's Market, expressed concern with the green material during the market and the access of the parking spaces mentioned that could be used for the market. She asked when the park will actually be open.

Mr. Cronin stated that the intention is for the green surface to be done simultaneously with the Police Station and solar panel installation. The intention would be to open the building, park, and canopies simultaneously.

Ms. Hai stated that she would like to see a view of this project from the part of Fletcher Road where the residential homes are located. This will give a better idea of the impact of the project to those homes. She stated that she would also like to examine the trees proposed on site, in terms of loss of leaves during seasons. Finally, she would like for there to be conversations with the Farmer's Market to make sure that the overhangs proposed are the correct dimensions to be utilized by the market.

Ms. Hai stated that she is not opposed to the Massachusetts Avenue extension, but she is opposed to reopening a closed case and believes this should move forward with the current vote of the HDC.

Ms. Barry stated that she would like information regarding if the parking spaces will be able to be utilized by the Farmer's Market, in terms of the parking needed for Town staff. She stated that she is opposed to the Massachusetts Avenue extension at this time. She is disappointed that there has not been outreach to the neighbors.

Mr. Sandeen stated that he believes there needs to be more of an in-depth financial analysis before bringing this to Town Meeting. This calculation may want to include Level III charging stations for rapidly charging the police vehicles, as has previously been discussed. Installing a battery in the Police Station can significantly lower the cost of running these vehicles. He believes we have a much stronger financial case to make for the Town by trading the Mass Ave extension cost for additional energy storage.

Mr. Malloy stated that the Board may want to have a discussion regarding the proposed field surface for Fletcher Park, as it is currently proposed to be grass, and there has been conversation that a different

material may be desired. Mr. Cronin stated that the Fletcher Park grass costs and restoration is already included in the Police Station budget.

The Board agreed that it would like to hear more information regarding the financials and outreach to the neighborhoods before voting on this item. There was consensus that this project should not be represented to the HDC at this time.

DOCUMENTS: Presentation

2. 2023 Fee Schedule for Recreation & Community Programs

Melissa Battite, Director of Recreation & Community Programming, stated that the overall revenue projections associated with the adjustments is \$140,137. Some of the new items proposed include a new senior pass for non-residents at the pool, an increase of \$10 for swim lessons at the pool, a punch card system for residents for the pool, an increase in rates for lessons for tennis and pickleball, increases to summer camps and sports clinics due to associated expenses, increases to golf course rates and cart rentals, and increases to flag football, winter basketball and other sports. These proposed increases are determined by reviewing the direct expenses, the entire Recreation Enterprise Fund, and completing a market analysis. She noted that there are no increases proposed to the Community Center. There will be fees associated with certain tiers for use of the mansion space and tent.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve the 2023 Recreation Fee Schedule as presented as per the attached.

DOCUMENTS: 2023 Proposed Fee Schedule Request & Memo

3. 2023 Annual Town Meeting

• Procedures for Participation at 2023 Annual Town Meeting

Ms. Hai noted that the Select Board called for an in-person Annual Town Meeting to begin on Monday, March 20, 2023. Tonight, the Select Board will discuss the use of technology and procedures for an in-person Town Meeting.

Deborah Brown, Town Moderator, stated that she has some goals as the Town moves back toward an in-person Town Meeting. She would like the Town to try to do its best to accommodate the varied health needs and concerns of members. Second, is to be nimble should health and public safety circumstances change suddenly. Third, is to preserve the progress made and collective familiarity with the online portal, in order to easily adapt if and when the legislature acts upon the Home Rule petition to allow for hybrid meetings.

She recommended that Town Meeting dispense with seating by precinct and instead make the entire floor area and two thirds of the balcony for Town Meeting members, leaving one third of the seating for the public. She also recommended using the online portal for voting and queuing for the line at the microphones. This will require providing computing devices and online charging stations. The queuing will allow people to spread out throughout the room. There will also need to be confirmation that only Town Meeting members present at Town Meeting are voting.

Mary de Alderete, Town Clerk, stated that she would like to see the existing poll pad technology used, in order to check Town Meeting members in and assign a clicker or a portal device.

The group discussed ways to demo this process.

Vicki Blier, Precinct 9 Town Meeting member, stated that she likes Mr. Lucente's idea of people sitting with their precincts, instead of only with their friends. She noted that people waiting in line could be required to wear masks.

Ms. McKenna suggested that each precinct be given an area to sit in to allow for adequate spacing. She likes the idea of requiring masks while in line. She stated that she would like to see the meeting run in-person as close to normal as possible.

Andrew Friedlich, 22 Young Street and Precinct 5 Town Meeting member, asked if there would be an option for a training session at Battin Hall, prior to Town Meeting. Ms. Hai agreed that there will need to be some form of training for any system used for Town Meeting.

Ms. Hai noted that, if Town Meeting ultimately goes hybrid, the clicker system will likely not be used anymore. She is unclear if it makes sense to go back to this system, only to then move away from it again.

Ms. Barry stated that she is interested in simplicity and noted that the clickers are sitting in the closet while still being paid for. Simplicity may mean clickers at this time, although that could lead to issues with queuing.

Ms. Brown stated that she believes she could integrate the older system with the queuing system in some way.

Ms. Hai stated that the Board needs a bit more information on the viability of this proposal. Ms. Barry stated that this will push the decision to potentially three weeks prior to Town Meeting.

The Board members were in consensus regarding separating the seating, as proposed by Ms. Brown. The Board agreed that there was no issue with placing additional microphones. Ms. Hai stated that she is in favor of using the software. Mr. Lucente stated that he is in favor of using the clickers. Mr. Pato stated that he is in favor of using the software. Ms. Barry stated that she is in favor of using the clickers. Mr. Sandeen stated that he is in favor of using the software.

Ms. Hai noted that the clickers will still need to be charged and ready to go, just in case.

The Board took a brief recess.

- **Presentation - ATM 2023 Article 40: Amend Section 135 - 4.4 of the Zoning Bylaw – Reduce Residential Gross Floor (Citizen Petition)**

Matt Daggett, Citizen Petitioner, stated that, for over 30 years, the Town has been discussing how to address the phenomenon of having large new residential construction replacing existing housing. Six years ago, progress was made towards addressing some of these challenges by enacting the first regulations that looked at the size of single lot housing as a function of the actual lot size. The purpose of this article is to refine that 2016 proposal and adjust it to address current housing trends, long standing policy goals that the Town has articulated, and residential concerns. The Planning Board formed a Residential Policy Committee which worked on many different initiatives, including a Dimensional Controls working group. A report showed that the trajectory of residential development in Lexington is not consistent with what the Town would like to see, as articulated in the Comprehensive Plan. The first regulation looked to create a diversity in housing stock, by encouraging smaller and medium sized houses. Limiting the massing of a building can help to reduce some of the impacts to abutting properties, the streetscape, etc. This new petition looks to consider a reduction in gross floor area (GFA). One

purpose of this is to manage the impact of large homes on established neighborhoods. He stated that there has already been quite a bit of communication regarding this petition that has taken place with residents, staff, and those in the building community.

Mr. Daggett explained that the purpose of this article is to reduce the allowable gross floor area for all new structures moving forward, while retaining the current limits for the structures that are already lawfully in existence. The GFA reduction starts to increase as a function of larger lot sizes. This will enable the production of smaller, newer construction houses by creating a greater spectrum of size. It could potentially create incentives for the renovation and expansion of existing homes, due to existing properties falling into the lower limits. It also could potentially create a strong incentive for using something other than the conventional subdivision bylaw, such as open space residential developments. He stated that he will be presenting this to the Planning Board on Wednesday for feedback.

Mr. Lucente asked if there is data on the existing housing stock in Lexington and what would not be allowed based on the new table. Mr. Daggett noted that this is a measured reduction that brings the Town in the right direction. An existing property would still be able to expand to the limits existing today. There is still a tremendous amount that is feasible on the existing lots in Town.

- **Select Board Article Presenters, Discussion and Positions**

The Board reviewed this item. Ms. Hai requested that each Board member submit a draft presentation topic to Ms. Katzenback no later than March 9th.

DOCUMENTS: TMMa Survey Results on Mobile Device Access, ModeratorRequest2023ATM, Art 40 GFA reduce draft motion, Art 40 presentation, Art 2 motion 2.9.23, 2023ATM Select Board Positions Working Document, Proposed Topics/Scribes for Select Board Report to 2023ATM, Art10CPCmotion

4. Joint Meeting - Select Board & Special Permit Residential Development Zoning Bylaw Amendment Ad Hoc Committee

- **Presentation - ATM 2023 Article 33: Amend Zoning Bylaw - Special Permit Residential Development**

Wendy Manz and Charles Hornig, SPRD Members, presented the 2023 Annual Town Meeting Article 33: Amend Zoning Bylaw - Special Permit Residential Development. This is an update to the Select Board, with a potential motion as drafted for Town Meeting. This was last presented to the Board in November 2022.

Ms. Hai opened the joint meeting at 9:30 pm.

Special Permit Residential Development Zoning Bylaw Amendment Ad Hoc Committee (SPRD) called their members to order for the Joint Meeting. Present from SPRD: Ms. Hai, Chair; Mr. Cooper; Ms. Hartshorn; Mr. Hornig; Ms. Manz; Ms. Murphy; and Ms. Weiss.

Ms. Manz explained that the goals of this proposal are to create attractive alternatives to building conventional subdivisions, to create new models that will provide smaller, more affordable, and sustainable homes, to increase the number of our affordable homes to meet the Town's SHI obligations, and to simplify and clarify zoning regulations. Placing a number of housing units in individual buildings will allow for the creation of a number of units in Town; also, individual houses could be built on a smaller model scale. Regarding sensitive residential developments, currently these permit single family houses with no inclusionary requirements. This new model suggests different models of housing permitted in sensitive developments, such as attached, detached, or multifamily. A 15% GFA is proposed

to be devoted to affordable housing units, and an additional 15% devoted for market rate housing units as a density bonus to help compensate developers for the cost of providing the affordable units. On smaller developments of six units or fewer, payments in lieu would be allowed. The second model, Compact Neighborhood Development, would also permit a variety of housing types. This model would also have an additional 15% for affordable units, and a density bonus of 15%. The maximum size of single homes in these developments would be 2,800 s.f. GFA, and the average size of units would not exceed 2,250 s.f. GFA, with living area smaller in each case. Hopefully there would be an inclusionary housing requirement in both models. Two thirds of the 15% GFA would be affordable to households making 80% or less of the area median income. The Committee would favor using site plan review for review of these projects, as it provides enough criteria for the Planning Board in dealing with important details of the developments. This will be an incentive to developers, as it will expedite the approval process, while saving the developer time, money, and uncertainty. She stated that moving this forward at the same time as the Planning Board's proposed MBTA multifamily zoning proposal will allow for complementary proposals as part of a comprehensive approach to housing development in Lexington. These two items do not really overlap.

In response to a question from Ms. Barry, Mr. Hornig stated that the fact that the density bonus and the inclusionary percentage are the same is a coincidence. A small group with existing knowledge discussed the 15% amount in order to come up with it.

In response to a question from Mr. Sandeen, Mr. Hornig explained that this proposal could happen anywhere in Lexington, but only on sites of a conventional subdivision, not on a conventional buildable lot. There are few sites in Town large enough to support a subdivision, so, in that sense, this will not have a huge impact.

The joint meeting adjourned at 9:49pm

The Select Board returned to their regular meeting.

DOCUMENTS: Art33 SPRD motion, Article 33 SPRD Presentation

5. Presentation - Town Meeting Member Association (TMMA) Recommendations for Town Meeting Information Improvement

Bridger McGaw, Precinct 6 Town Meeting Member, presented recommendations from the Lexington TMMA Executive Board for improving transparency and timeliness of information sharing with Town Meeting Members through Town website content management. There are five associated recommendations. The first was to continue expanding the use of the Town Meeting webpage for educating Town Meeting members. The second was to revise internal Town processes to ensure transparent posting to the Annual Town Meeting webpage, including memos, analysis, and recommendations specific to articles on the warrant; to begin tagging data well in advance provided by boards and committees for the web page. Also, to create formal policy guidance around citizen's article information, so that it may be posted. Additionally, to add web functionality to allow for printing of supporting materials by Article.

Mr. Lucente noted that the world has changed since he first started attending Town Meetings, but he does not want to lose sight of the original intent of Town Meeting - to be an active participant. Information can be made easier to find though.

Ms. Hai stated that she supports the idea of making information, especially already existing information, more easily available. She also likes the goal of creating more formal policy guidance for articles.

Ms. McKenna noted that people have different learning styles and comfort levels with technology. There should not be an automatic deferral to those who wish to receive information electronically, because not everyone does.

DOCUMENTS: Presentation - Considerations for Increasing Transparency By Providing Essential Information to Town Meeting Members in Advance of Town Meeting, 2023.01.12 TMMA Enhancement Recommendations Memo

6. Award Sale of Bonds and Notes

Ms. Kosnoff stated that on Wednesday, February 8, 2023, the Town sold \$37,165,000 of general obligation bonds. Moody's conducted a review of the sale and rated the Bonds AAA, which is the highest rating that can be obtained by a municipality. The bond issue was for a variety of municipal purposes, including \$31M to finance the design and construction of the new Lexington Police Station. The Town received 14 competitive bids. The bids, based on a calculation of the true interest cost (TIC), which takes into consideration the amount of the issue, coupon rate, underwriting discount and offering premium, ranged from a high of 3.21% to a low of 3.03%. The low bidder was Mesirow Financial, Inc., whose TIC of 3.03% included a premium of \$3,554,982. This premium was applied to reduce the par value of the issuance on the day of the sale, which resulted in a net resized issuance of \$33,940,000 and net proceeds to the Town of \$37,316,796.85.

The Town also renewed \$500,000 of Bond Anticipation Notes for the Hastings Elementary School which were issued in September 2022. This roll-over note approximates the remaining amount of reimbursement that is expected from the Massachusetts School Building Authority when the project close-out is completed. This is a one-year note due in February 2024.

Bids are ranked on a calculation of net interest cost (NIC), which takes into consideration the amount of the issue, coupon rate and offering premium. Two bids were submitted for the notes and the low bid will be awarded to Piper Sandler & Co., whose NIC of 3.65% included a premium of \$9,200.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 that: We hereby determine, in accordance with G.L. c.70B, that the cost of the Hastings School construction project authorized by a vote of the Town passed on October 16, 2017 (Article 2) being financed with proceeds of a portion of the Bonds, together with all other bonds and notes of the Town previously issued to pay costs of this project, does not exceed the portion of the total cost of the project that is not being paid by the school facilities grant and we hereby approve the issuance of notes and bonds to finance this project under G.L. c.70B.

And further: that the sale of the \$33,940,000 General Obligation Municipal Purpose Loan of 2023 Bonds of the Town dated February 23, 2023 (the "Bonds"), to Mesirow Financial, Inc. at the price of \$37,316,796.85 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on February 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

Interest			Interest		
Year	Amount	Rate	Year	Amount	Rate
2024	\$1,940,000	5.00%	2034	\$1,665,000	4.00%
2025	\$1,930,000	5.00%	2035	\$1,660,000	4.00%
2026	\$1,930,000	5.00%	2036	\$1,660,000	4.00%
2027	\$1,925,000	5.00%	2037	\$1,660,000	4.00%

2028	\$1,925,000	5.00%	2038	\$1,660,000	4.00%
2029	\$1,825,000	5.00%	2039	\$1,375,000	4.00%
2030	\$1,825,000	5.00%	2040	\$1,375,000	4.00%
2031	\$1,825,000	5.00%	2041	\$1,370,000	4.00%
2032	\$1,825,000	5.00%	2042	\$1,370,000	4.00%
2033	\$1,825,000	4.00%	2043	\$1,370,000	4.00%

And further: to approve the sale of \$500,000 5.50 percent General Obligation Bond Anticipation Notes of the Town dated February 24, 2023, and payable February 23, 2024 (the “Notes”), to Piper Sandler & Co. at par and accrued interest, if any, plus a premium of \$9,200.

And further: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated February 1, 2023, and a final Official Statement dated February 8, 2023 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved, and adopted.

And further: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated February 3, 2023, and a final Official Statement dated February 8, 2023, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved, and adopted.

And further: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

And further: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a Continuing and Significant Events Disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

And further: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes and to comply with relevant securities laws.

And further: that any certificates or documents relating to the Bonds and the Notes (collectively, the “Documents”), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

And further: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

DOCUMENTS: Moody's Press Release, Moody's Credit Opinion, Bond Sale Bids, Bond Sale Purposes and Results, BANSaleBids, Bond Form, Bond Anticipation Notes, Bond No Litigation Certificate, No

7. Approve Final List of Participatory Budgeting Projects

Mr. Malloy explained that he provided a ranking of potential participatory budgeting projects, as per the Select Board's discussion and votes on January 23, 2023, and Mr. Pato's vote after that meeting. As per the Select Board's discussion at that meeting, Town staff also developed an estimate to install hands-free bathroom fixtures at various locations as per the attached estimate. The Board should review this list one last time and decide whether to limit it to the top five projects at \$440,000 (doesn't exceed the \$500,000 budget); top five items and the hands free at \$617,500; top ten projects at \$1,030,000; or top ten projects and the hands-free fixtures at \$1,207,000. The Board may also reconsider any of the items and include them as well.

In response to a question from Ms. Hai, Mr. Malloy explained that there is a plan to get the voting out to as many residents as possible. Voting will be tied to people's IP addresses and so there should not be an issue with repeat voters. Sean Dugan, Public Information Officer, stated that a mix of both digital and non-digital forms of outreach will be used to get broad outreach.

It was explained that, when voting, people will be able to see the amount budgeted and pick projects to balance within that budget. People will also be able to rank their preference for projects.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to include the following items for residents to vote on for participatory budgeting: flashing lights at crosswalks and bike paths; the Clarke School smart traffic light; the bus shelter(s) on Town-owned land only; bike racks - multiples at \$1,000 each; inclusive multigenerational space; crosswalks for ACROSS Lexington routes N&P; a dog park on Town-owned land only; the Aquatics Center shade; conservation land improvements; benches; Lexington Community Orchard on Town-owned land; and Sutherland Park seating improvements.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to add the hands-free faucets in the as-listed buildings to the list.

DOCUMENTS: Participatory Budget Votes from 1-23-23 SB Meeting, Hands Free Bathroom Fixtures Estimate

8. Discuss and Approve the FY2024 Recommended Budget and Financing Plan

Ms. Kosnoff reviewed the FY24 recommended budget and financing plan.

The Board discussed level service versus level fund for the Lexpress item. Ms. Hai stated that she would like to see this level serviced. Mr. Pato agreed with level servicing this item. Additional cuts could be considered at a later date. Ms. Barry agreed with Ms. Hai and Mr. Pato. Mr. Lucente noted that it is slightly concerning economically to fund an item that the Town is currently getting little value from. However, he agreed with level service funding this item, as cuts have not been fully discussed with the public.

Susan Barrett stated that she would like a chance to discuss the recommendations that came out of the Tri Town Transit Study. A couple of these recommendations deal with funding, including to overhaul the Town permitting processes to start building incentivized private sector partners for local public transportation, financing, and route building.

Ms. McKenna noted that the Board should be very careful in making transportation decisions, as it is yet unknown what kind of services and connections will be needed for the 250th celebration.

A member of the Transportation Advisory Committee stated that, on behalf of the Transportation Advisory Committee, the group is firm in retaining level service. The group is working on solutions to build back ridership and utilization of these services. Grants are being considered for funding sources. Stability will be needed over several years for Lexpress to recover from the pandemic.

The Board discussed curbside composting. Mr. Malloy explained that there are three ways to consider funding this. ARPA is one potential funding source, and free cash is a second source. The third source could be cutting other expenditures or staff, which would be difficult at this point in time. He asked the Board to discuss the parameters of the pilot program.

There was consensus that the intention was for the pilot to be 2,000 households. The 1,300 people who are currently paying would have the option, but some number of them may opt to continue paying as it is already built into their budget. That would open up the opportunity for more than 700 new households, but the program is capped at 2,000.

In response to a question from Ms. Barry regarding how to know if the pilot is successful, Mr. Malloy explained that Black Earth will be providing the Town with estimates for the waste stream that is being removed from the general waste stream through this program.

Ms. McKenna stated that she has a real issue with using ARPA funds for this program, when the Board is still sitting on other requests, with at least one for an already existing program in Town.

Mr. Lucente agreed that this program does not necessarily match the unwritten rules the Board has previously set forth for using ARPA funds. Ms. Hai noted that, while she agrees with that, there is potentially an environmental and health aspect to this proposed project. The Town is using free cash for the trash budget and could consider this project as part of that.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to increase the Human Services Expense Line Item by \$140,000 for a total of \$1,151,601; and to increase the transfer from the TDM Stabilization Fund to the General Fund for this purpose by \$140,000 for a revised total of \$311,000.

Further, Move to approve the use of \$216,000 of ARPA funds for the purpose of funding a curbside composting pilot program.

DOCUMENTS: Memo, FY2024 Recommended Budget - Program Summary_v2, FY2024 Recommended Budget - Program Summary_Blackline

9. Review and Approve PayByPhone at Parking Meters

Mr. Malloy explained that the Board previously discussed adding pay-by-phone option at parking meters, as an additional option for payment. This can be done at minimal expense to the Town and within the current budget. This will be done by placing stickers on the meters, at a minimal cost.

Rob Green, President of Lexington Firefighters Local 1491, asked to speak on the budget. He stated that, at the February 6th Select Board meeting, he and his members took issue with comments made by Town Manager Malloy when speaking about the Fire Prevention PIR. Mr. Malloy referenced that he did not feel

there was a tremendous need for the fire prevention position under the context that he does not receive complaints from contractors or builders that are waiting for inspections. The benchmark for how any Town service is performing should never be that no complaints are received, especially for services serious to public safety. The bar for fire prevention is ensuring safety for buildings being permitted, and also the safety of the men and women of the Lexington Fire Department that respond to those buildings. He implored Town administrators to use creative and pragmatic approaches to meet the needs of the growing community, keeping public safety as a top priority.

Mr. Malloy noted that he not only did not receive any complaints. In fact, he visited businesses with the Economic Development Director and head a lot of compliments.

The Board returned to the pay-by-phone item.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to expand the use of Pay-By-Phone as an additional option for all parking meters on streets in addition to parking lot payment.

Mr. Malloy noted that the FY24 recommended budget motion needed to be restated with additional information.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve the FY24 budget as presented, with the following amendments:

To increase the Human Services Expense Line Item by \$140,000 for a total of \$1,151,601; and to increase the transfer from the TDM Stabilization Fund to the General Fund for this purpose by \$140,000 for a revised total of \$311,000.

Further, Move to approve the use of \$216,000 of ARPA funds for the purpose of funding a curbside composting pilot program.

ADJOURN

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to adjourn the meeting at 11:08pm.

A true record; Attest:
Kristan Patenaude
Recording Secretary

SELECT BOARD MEETING
February 27, 2023

A meeting of the Lexington Select Board was called to order at 6:30p.m. on Monday, February 27, 2023, in the Select Board Meeting Room of the Town Office Building. Hybrid participation was offered as well via the webinar meeting platform. Ms. Hai, Chair; Mr. Lucente; Vice Chair, Mr. Pato, Ms. Barry, and Mr. Sandeen were present, as well as Mr. Malloy, Town Manager; Ms. Axtell, Deputy Town Manager; and Ms. Katzenback, Executive Clerk.

Ms. Hai called the meeting to order at 6:00pm.

EXECUTIVE SESSION

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

Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 at 6:00 p.m. that the Board go into Executive Session under Exemption 10: Discuss Trade Secrets or Confidential, Competitively-Sensitive or Other Proprietary Information - Community Choice (Electricity) Aggregation. Further, Ms. Hai declared that an open meeting discussion on this item may have a detrimental effect on the bargaining position of the Town.

Select Board reconvened to open session at 6:26 pm

PUBLIC COMMENTS

Dawn McKenna, Precinct 6 Town Meeting Member, and 9 Hancock Street, noted that there will be a gathering on election night at the Depot starting at 7:30pm. This has become a tradition where anyone who wants to see the results of the election and meet with fellow Town Meeting Members and citizens can do so.

Nancy Page, 6 Fletcher Ave, expressed concern that residents still have not been reached out to regarding the solar canopy project. Mr. Malloy explained that a meeting is going to be held on March 14, 2023 for this item. Notifications will be made to neighbors within the next couple of days.

IvKa Kalus, 55 Pleasant Street, expressed concern regarding the blasting project located at 69 Pleasant Street. She stated she was dismayed that the Town was not getting involved to rectify issues experienced by the neighbors regarding the noise level. Ms. Hai noted that several letters have been received regarding this issue.

James Frankel stated that he lives within the 250' circumference of the 69 Pleasant Street development. He expressed concern regarding the project. He previously sent a letter to the Board which has not been directly responded to.

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

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

Ms. Hai reminded everyone that Monday is election day. This Friday morning, the League of Women Voters is holding its first Friday event at the Cary Library, and the Special Permit Residential Development Committee will be making a presentation regarding Article 33.

Mr. Pato noted that there were 135 email messages received during this period. A response was sent to each.

DOCUMENTS: Information re:HDC Police Station Solar discussion- conditional approval, Correspondence Secretary Report for the period 2/2/23 - 2/23/23

TOWN MANAGER'S REPORT

1. Town Manager Weekly Update

Mr. Malloy stated that, regarding participatory budgeting, 1033 people voted in the first 48 hours, with 697 voting the first day. He noted that the Douglas House is seeking to utilize parking spaces in the Depot Lot for wheelchair accessible parking spaces. These would only be used during the day.

Mr. Pato asked if, given the concern raised about availability of parking spots, additional spots at Our Redeemer be leased for this purpose, so that the Depot Lot spots can continue to be used for public parking. Ms. Hai agreed that she would be concerned with removing additional spaces from the Depot Lot at this time, without yet knowing what the need is. There was consensus on the Board to get more information regarding the potential impact of removing those spots.

Regarding 69 Pleasant Street, Mr. Malloy explained that the complaints from neighbors have focused on blasting, drilling, the time of day and week for this work, whether the sound barrier installed is effective, and tree removal. With the exception of some of the timing of work, the contractor has otherwise been in compliance with Town's bylaws and State regulations. The Town's Building Commissioner and Fire Department have reviewed the site on a number of occasions and have brought in the State Fire Marshal's Office to do additional review. Derek Sencabaugh, Fire Chief, has indicated that Lexington has its own rules that allow only 50% of the blasting level that the State regulations allow. This contractor is actually 25% of that amount. There are two sections of a noise bylaw that apply to this project, one which restricts certain work between 7am and 5pm on weekdays, and 9am and 5pm on weekends. The second which restricts blasting and hammering between 9am and 5pm on weekdays. The Building Commissioner has determined that the work is being undertaken before 9am and is thus in compliance with the bylaws. The actual blasting decibels reviewed were at 71 and 77 outside of the barrier. The bylaw requires this to be 85 at the property down. The barrier was shown to reduce levels by 14 decibels. The bylaw suggests that the barrier should be capable of reducing it by 10 decibels. A compliance was received late Friday regarding a decibel reading of 115 from one of the residents, but there is no further information on that at this time. The DPW Director has indicated that the contractor and property owner are in compliance with the tree bylaw. It is clear neighbors are experiencing the impact from this project. This is temporary. The Town can only enforce its bylaws. This has been the response of the Town, though neighbors have not been satisfied with that response. All but one resident in this area has had a preblast survey completed. He is not aware of any complaints or claims filed against the contractor at this point in time.

Mr. Sandeen noted that this project has not been pleasant for the neighbors. There is a long history of Lexington residents asking the Town to protect them against excessive noise. The Town Manager mentioned a photo of a sound meter installed at a resident's house by the developer showing 115 dB. He has seen information that permanent hearing loss can occur with noise over 85 dBs, that 115 dBs is the equivalent to being at a loud rock concert. He asked if this was a one time reading. He also asked when the permit was issued, when the ledge work began, and when the noise mitigation plan was submitted and

approved. Mr. Malloy noted that he did not have this information at hand. Ms. Hai stated that this could be addressed offline.

Mr. Malloy noted that Gina Rada, the Town's Veteran's Director, will be moving onto another position. He wished her well and noted what a loss this is to the Town.

Mr. Malloy stated that the Town's State Sid figure came in significantly higher than anticipated. He suggested that the Board meet on Thursday to discuss these additional funds. The Board agreed.

DOCUMENTS: 2-17-23, 2-24-23

CONSENT AGENDA

The Board pulled Item 3 Application: Battle Green Permits – Lexington Minute Men for Patriots Day events, to further discuss the start time of the rain date for the rehearsal.

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

To approve and release the minutes of the following meetings: January 18, 2023 Select Board January 18, 2023 Joint Select Board, School Committee; Appropriation Committee, Capital Expenditures Committee, Recreation Committee and Board of Library Trustees; January 23, 2023 Select Board and January 30, 2023 FY2024 Budget Summit IV

DOCUMENTS: DRAFT 01182023 Select Board, DRAFT 01182023 Joint Meeting, DRAFT 01232023 Select Board, DRAFT 01302023-Budget Summit IV

2. Water and Sewer Adjustments

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

DOCUMENTS: 2-27-23 ADJ

3. Applications: Battle Green Permits – Lexington Minute Men for Patriots' Day Events
 - Dress Rehearsal for Battle of Lexington Reenactment
 - Regrouping and Marching for Parker's Revenge Skirmish Reenactment
 - Battle of Lexington Reenactment & Wreath Laying Ceremony with the Lexington Chapter of the Daughters of the American Revolution

This item was discussed outside of the Consent Agenda.

4. Bedford Street and Hancock Street Road Closures Request – Lexington Minute Men & Lexington Historical Society for Patriots' Day Event
 - Arrival of Paul Revere and William Dawes at Hancock-Clarke House Reenactment

To approve the Lexington Minute Men and the Lexington Historical Society's request for Bedford Street from Massachusetts Avenue to Hancock Street and Hancock Street to Adams Street be closed to all but

resident emergency traffic from 10:00pm on Sunday, April 16, 2023 to no later than 12:30am on Monday, April 17, 2023 for the reenactment of the arrival of Paul Revere and William Dawes at the Hancock-Clarke House.

DOCUMENTS: LMM & LHS Road Closure Request - Paul Revere/William Dawes Arrival at Hancock-Clarke House Reenactment

5. Application: One-Day Liquor License – Lexington Historical Society, 1 Bedford Street
 - Tavern Night

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

6. Application: One-Day Liquor License – Spectacle Management, Inc., 1605 Massachusetts Avenue
 - Handel & Haydn Classical Concert

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

7. Approve Lexington Little League Opening Day Parade Request

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

DOCUMENTS: Lexington Little League 2023 Parade Request

8. Select Board Committee Appointments
 - Lexington Affordable Housing Trust Board of Trustees
 - William Erickson
 - Tiffany Payne
 - Linda Prosnitz
 - Elaine Tung

To appoint the following as members of the Lexington Housing Trust Board of Trustees as follows: William Erickson for a 2-year term to expire on June 30, 2025; Tiffany Payne for a 2-year term to expire on June 30, 2025; Linda Prosnitz for a 2-year term to expire on June 30, 2025 and Elaine Tung for a 1-year term to expire on June 30, 2024.

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

DOCUMENTS: 2023Appt-AffordableHousingTrustApplication-W.Erickson, 2023Appt-AffordableHousingTrustApplication-L.Prosnitz, 2023Appt-AffordableHousingTrustApplication-T.Payne, 2023Appt-AffordableHousingTrustApplication-E.Tung, Copy of Motion passed at 2022-3 STM for the creation of Affordable Housing Trust

9. FY24 Budget Adjustment – New Employee Health Insurance Adjustment

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

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve Items 1, 2, 4, 5, 6, 7, 8, and 9 of the Consent Agenda.

3. Applications: Battle Green Permits – Lexington Minute Men for Patriots' Day Events

- Dress Rehearsal for Battle of Lexington Reenactment
- Regrouping and Marching for Parker's Revenge Skirmish Reenactment
- Battle of Lexington Reenactment & Wreath Laying Ceremony with the Lexington Chapter of the Daughters of the American Revolution

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve the Lexington Minute Men requests for the use of the Battle Green for Patriots' Day events as detailed in the attached request letter dated January 23, 2023 as follows:

- Saturday, April 1, 2023 for a dress rehearsal of the annual reenactment of the Battle of Lexington from 9:00am to 4:00pm (Rain Date: Sunday, April 2, 2023 from 12:00 Noon to 4:00pm)
- Saturday, April 15, 2023 for the annual reenactment of regrouping of the Lexington Minute Men and march to Lincoln for Parker's Revenge skirmish from 9:00am to 10:30am (the event will last approximately 30 minutes on the Green followed by a march on Massachusetts Avenue to Fiske Hill at Old Massachusetts Avenue)
- Monday, April 17, 2023 for the annual reenactment of the Battle of Lexington from 1:00am to 1:00pm (Rain Date: Saturday, April 22, 2023 from 1:00am to 1:00pm)
- Monday, April 17, 2023 for the 113th Wreath Laying Ceremony with the Lexington Chapter of the Daughters of the American Revolution at several war monuments around the Battle Green from 10:30am to 11:00am

DOCUMENTS: Battle Green Requests for LMM Participation in Patriots' Day Events

ITEMS FOR INDIVIDUAL CONSIDERATION

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

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

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve a Common Victualler License for Taipei Gourmet LLC d/b/a Taipei Gourmet, 211 Massachusetts Avenue for the hours of 11:00am to 9:00pm Sunday through Saturday.

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

Ms. Hai stated that the Select Board is being asked to approve a request for a Common Victualler License for BIY Foods LLC d/b/a BIY Foods, 317 Woburn Street for the hours of 6:30am-6:00pm Monday

through Friday; 8:00am to 2:30pm on Saturdays; and 8:00am-1:00pm on Sundays for seating in a new restaurant. The applicant has worked with the Department of Public Health, Building Department and Zoning Department for their respective required permits and inspections.

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

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve a Common Victualler License for BIY Foods LLC d/b/a BIY Foods, 317 Woburn Street for the hours of 6:30am to 6:00pm Monday through Friday; 8:00am to 2:30pm on Saturdays and 8:00am to 1:00pm on Sundays.

3. Open Space and Recreation Plan Review

Amber Carr, Conservation Coordinator, stated that the Conservation and Recreation Departments have been working with the consultant, Activitas, Inc., to update the Open Space and Recreation Plan. This is a plan that is good for seven years and identifies the priorities and objectives for the entire Town of Lexington for all open space.

Olivia Messenger, Activitas, Inc., reviewed the new eight goals that the report is built around.

Mr. Sandeen asked if the land acquisition goal could be updated to read ‘assess and acquire protected parcels that are important from an environmental, recreational, affordable housing, or historical perspective.’ It was noted that the goal could be updated to reflect this. Mr. Pato noted that the Housing Partnership Board has been working on a charter for land acquisition to broaden participation for housing, in addition to open space, conservation, and recreation use.

Mr. Pato asked if the plan addresses some of the real challenges regarding recreation in Town, as a major reconstruction project for the High School and other items are being considered. Meg Buczynski, Activitas, Inc., noted that this could fit well under the goals of communication and programming. She noted that the Recreation Department has been reviewing potential projects to help mitigate the offset of losing fields and recreational areas during the build.

Ms. McKenna noted concern that the report does not acknowledge the role that the School Department plays in the management of fields.

DOCUMENTS: Presentation - Open Space and Recreation Plan

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

Sandhya Iyer, Director of Economic Development stated that the Town received a \$200,000 earmark from the Legislature for special events, Farmer’s Markets, local festivals, parades, musicals and theatrical performances, or other government or non-profit events sponsored or sanctioned by the Town. This is being managed through the Economic Development Department. This year’s proposal includes six events, including Patriots Day weekend, summer painting night, Pumpkinfest, Winter Fun Fest, and the Lexington Winter Garden. These events will be spread from April throughout the year. All of these events would total approximately \$126,000 of funding. This is not within the existing budget. The events will either need to be funded through ARPA or the events will not occur this year.

In response to a question from Mr. Lucente regarding the earmarked funding, Mr. Iyer explained that the earmark from the State is to be used for all events between now and 2026, including cultural events.

Mr. Lucente stated that the events throughout last year were very successful, well attended, and there was positive feedback from some businesses in Town that they benefited from having extra people in the Center. He expressed concern regarding the Patriot's Day weekend events. He wants to make sure the setup for all events that weekend do not conflict. He noted that people come to see the reenactment and parade, but not necessarily a giant movie screen and bouncy house. Some items may be more appropriate outside of the historic areas.

Mr. Pato stated that he would like to see more information regarding the funding aspect, such as what funding is needed for the 250th Celebration. He would like the Board to affirm the decision regarding beer gardens operating in Town based on a concern raised by residents. He stated that there also appear to be some conflicting events proposed for the Monday of Patriot's Day weekend.

In response to a question from Ms. Barry, Mr. Malloy noted that the earmarked funds can be reimbursable from the State.

Ms. Barry stated that, for decades, it has been the Select Board's practice to not permit vendors to be in the area from the Library up to the Battle Green. She has concern regarding some of the events scheduled in this area and would like to hear from Police, Fire and DPW on this. She agreed with a further discussion regarding funding for the 250th.

Ms. McKenna noted that Greek Easter is actually the Sunday before Patriot's Day this year. The Orthodox Easter celebration, including a midnight mass is quite important, and there will likely be traffic around this area at this time. She expressed concern regarding the number of additional activities proposed for this Patriot's Day, as it may be the first "normal" year since the pandemic.

DOCUMENTS: Presentation

The Board took a five-minute recess.

5. 2023 Annual Town Meeting
 - Presentation - ATM 2023 Article 31: Fair Trade Restrictions - Fur Products (Citizen Petition)

Dr. Dinesh Patel, MD presented his citizen petition for Annual Town Meeting 2023 Article 31: Fair Trade Restrictions - Fur Products. A study in 2020 by the Humane Society Legislative Fund, and the Fur Free Alliance found that the majority of Massachusetts voters 59%-64% support a Statewide fur ban, with only 19% opposing. Fur bans in Massachusetts have always passed voting on the first round. Fur is a fabric made from the skin of animals such as minks, rabbits, raccoon dogs, foxes, seals, chinchillas, raccoons, sometimes even cats and dogs. Taking fur from an animal, means that the animal is killed in a cruel way. The conditions on fur farms are brutal, painful, and inhumane. As a Town with many loving dog owners and an appreciation for nature, Lexington residents understand that this cruel procedure does not belong in Town. Compared to synthetic and other natural textiles, fur has a higher impact per pound in 17 of 18 environmental categories including climate change, waste, runoff, and toxicity. The fur ordinance proposed does not limit the sale of leather of any kind, or cowhide or sheepskin with hair fibers still attached. It does prohibit the sale of fur from animals raised in fur farms and attracted and killed only for the pelt. It does prohibit the sale of fur products sold in person and online to retailers and buyers physically located in Lexington. The ordinance excludes secondhand fur, fur used for Native American Tribal purposes, fur used for religious purposes, and taxidermy.

In response to a question from Mr. Lucente, Dr. Patel stated that he has not been able to find any stores in Lexington which currently sell fur.

In response to a question from Ms. Hai, it was noted that alpaca is considered wool, which is not covered under the ban.

The Board thanked the proponents for their presentation.

- Presentation - ATM 2023 Article 34: Amend Zoning Bylaw and Map - Multi- Family Zoning Housing for MBTA Communities

Bob Peters, Planning Board Chair, explained that the Housing Choice legislation passed by the legislature and signed by the Governor in 2020 contains several changes to the zoning statute, most pertinent at this time is the addition of Section 3A to Massachusetts General Law Chapter 40A, which requires municipalities to allow multifamily housing by right for MBTA communities. Lexington is one of 175 communities affected by this law. If the required zoning is not in place, a landowner could sue the Town and possibly seek an order for issuance of a building permit for a multifamily housing project. Article 34 is necessary because Lexington currently does not permit multifamily housing at all. Over 200 people attended the February 1st public hearing on this article. A total of 94 written comments were received, and all of the testimony and comments made were considered to develop this proposal. The proposal consists of ten overlay districts, totaling 227 acres out of the 10,560 total acres of land in Lexington, or 2.15% of the Town's total area. The 227 acres includes both developable and undevelopable land in the districts. Non-discretionary means that the multifamily use category cannot be denied. All other aspects of zoning such as heights, parking, lighting, etc., would still apply. Abutters within 300' would still be notified of any projects when submitted. The Planning Board is requesting that 15% of projects be eligible for inclusion on the subsidized housing inventory. There were not initially any provision for affordability. The Department of Housing and Community Development has added that up to 10% affordability can be required. The Planning Board is requesting a 15% affordability requirement. In order to get to 15%, a third-party consultant has to be consulted regarding the economic viability to build at a greater rate of affordability.

Mr. Lucente stated that he filed an appropriate disclosure with the Town Clerk's Office and is confident in his ability to perform his official duties objectively and fairly. He asked how much above and beyond this proposal goes from the original MBTA law. Abby McCabe, Planning Director, explained that State law for Lexington states that there needs to be at least 50 acres in zone to allow for 1,231 housing units. In looking at acreage alone, it was determined that approximately 82 acres would be needed to meet minimum compliance with the State. This proposal is more than that but spread out over Town. Mr. Lucente asked for more information on what a potential build out of the proposed 227 acres would look like.

Ms. Barry noted that there is more acreage in this project than is truly needed by law. This could be an issue on Town Meeting floor. The Center does not necessarily need to be part of this project. Mr. Peters explained that this proposal spreads out development along the bus lines and across Town, so that it does not impact any one neighborhood exclusively. Non-compliance is not an option for the requirements set by the State. If this proposal is unsuccessful at Town Meeting, a revised plan will be created to address the public's concerns. At a previous public workshop, there was a lot of public interest and support in distributing these areas of development throughout Town.

Ms. Barry asked about the financial impact to the Town if this does not pass. Mr. Peters stated that the deadline for compliance is December 31, 2024. There would be dire consequences faced by the Housing Authority if this item is not brought into compliance.

Mr. Sandeen said he is looking forward to how we might use housing to help revitalize the center. He said many residents ask about the by-right aspect of this development in terms of design guidelines. Mr. Peters explained that the development is by-right through site plan review, which includes design controls. He asked if the proposal includes higher floor setbacks. Mr. Peters said, higher floor step backs are not included at this time.

Jerry Michelson, Center Committee, stated that the Committee feels that the proposal is appropriate to move forward with at this time. More housing in the Center would help the business community. Some concerns were raised to the Planning Board regarding keeping the first-floor storefronts for commercial use, and heights of proposed buildings. The Committee has a desire for step backs, and this could be part of the site plan review for projects.

Bridger McGaw, Precinct Town 6 Meeting Member, and member of the Economic Development Advisory Committee, asked what the amount of funding is threatened by non-compliance. Ms. McCabe noted that, through non-compliance, the State can then choose not to fund any State grant it so chooses. The State has stated that there are three specific grants that the Town would not even be able to apply for, but other funding could also be at stake. The Town has received some of these grants previously. Thus, there is not a specific number known at this time. Another issue with noncompliance is that private property owners would then have standing to bring litigation against the Town for the ability to construct multifamily housing, without the proper zoning in place. Mr. McGaw noted that specific financial examples should be presented as part of this proposal.

Pam Hoffman, Precinct 7 Town Meeting member, stated that, while she was initially interested in this proposal with buildings the height of Lexington Place, she is not interested in 4-, or 5- story buildings. She noted that this does not need to be passed at this Annual Town Meeting but could also wait until fall or next year. She stated that she believes this Article tries to do too much all at one time. The Center could potentially be rezoned separately from this proposal with additional controls. She believes the Town should start smaller to meet the State requirements and use its other zoning tools to meet other needs.

Doris Wong, 12 Drummer Boy Way, echoed comments by Ms. Hoffman. She stated that she would not have advocated for buildings around Town, if she had known they might be the height presented this evening. She is in favor of rezoning land in Town to allow for multifamily housing but believes the Town can fulfill the quota without 4- and 5- story buildings. Larger multifamily housing buildings will put more strain on Town services. She favors this item going to a Town referendum.

Jay Luker, 26 Rindge Avenue, stated that he has heard numerous people speak in support of this proposal and does not believe that was well represented during the presentation.

Tad Dickenson, 48 Hancock Street, agreed that Town Center should not be included in this proposal. He asked why Town Center should be controlled by as-right zoning, instead of through other Town inputs. The additional students that may come into Town from some of this zoning could lead to additional burdens on the tax system. This zoning also proposes to move commercial areas in Town and there should be a review of this commercial balance. This proposal should be reduced to only 50 acres and expended in the future, if need be.

Ms. McKenna asked how many units are planned for the 127 additional acres proposed. She asked if the Planning Board has prepared a plan that would show compliance using the minimal numbers. She also asked how many existing properties in Town are 70' or taller. She asked if the Town Meeting vote could somehow consider each of the overlay districts separately.

- Presentation - ATM 2023 Article 36: Amend Zoning Bylaw and Map - Central Business District

Mr. Peters noted that Article 25 will be referred back to the Planning Board.

Mr. Peters explained that Article 36 looks to add the Center parking lot, a sliver of property near the Historical Society, and even out the District by adding the Depot Square and the property along Raymond Street and Clarke Street.

Ms. Barry noted that some of the properties in this proposal were previously intentionally placed in the GC Zone. She asked the process regarding moving these into the CD District, especially Emery Park. Ms. McCabe noted that there are no plans to develop some of these areas, the intention was to even out the District and make it match Article 34. No matter what happens with Article 34, the maximum height in the Central Business District is 25'. This Article does not look to change that.

Mr. Dickenson stated that he believes this proposal could be seen as being very deliberate in making this area part of the Business District to facilitate development. Therefore, he believes this is putting Emery Park at risk by moving it to the CD District.

- Presentation - ATM 2023 Article 37: Amend Zoning Bylaw - Action Deadline for Major Site Plan Review

Mr. Peters stated that Article 37 looks to extend the plan review deadline for a major site plan review. Currently, both minor site plan and major site plans require a decision being rendered within 60 days. For major site plan reviews, the proposal is to increase this deadline to 150 days.

Mr. Lucente asked about the large jump proposed in this Article. The Town has previously heard from developers that it can be difficult to work with, and he is concerned this could be seen as an additional delay. Ms. McCabe noted that this is proposed to be consistent with the Planning Board's deadlines for special permits and subdivision regulations, which is five months.

- Presentation - ATM 2023 Article 38: Amend Zoning Bylaw - Minor Modifications to Approved Permits

Mr. Peters stated that Article 38 is for the ZBA and Planning Board to approve minor modifications at a public meeting versus a public hearing. This is for projects already approved and permitted, and for changed considered minor modifications.

- Presentation - ATM 2023 Article 39: Amend Zoning Bylaw - Technical Corrections

Mr. Peters stated that Article 39 deals with technical corrections, both scrivener's errors and to clarify certain definitions.

- Planning Board Feedback - ATM 2023 Article 40: Amend Section 135 - 4.4 of the Zoning Bylaw-Reduce Residential Gross Floor (Citizen Petition)

Mr. Cataldo stated that the proponent for this Article has stated that he has reached out to local builders and developers in continued outreach. Mr. Cataldo clarified that, while he and other builders in Town received an initial email from the proponent, their response emails asking for more information have not been answered. No contact has been received from any of the other builders he has spoken to. This Article should be withdrawn and considered in the Planning Board's workplan.

A revision to this Article was submitted today from the proponent and will be included in the Board's next meeting packet.

- Planning Board Feedback - ATM 2023 Article 33: Amend Zoning Bylaw - Special Permit Residential Development

This item was not directly discussed at this time.

- Select Board Article Discussion and Positions

The Select Board took initial positions on some of the 2023 Annual Town Meeting articles as follows:

Article 3: all in favor	Article 10o: 1 wait, 4 in favor
Article 6: all in favor	Article 10p: all in favor
Article 7: all in favor	Article 10q: all in favor
Article 8: all against	Article 10r: all in favor
Article 10a: all in favor	Article 24: all in favor
Article 10b: 3 waits, 2 in favor	Article 25: 3 waits, 2 in favor
Article 10c: all in favor	Article 26: 3 waits, 2 in favor
Article 10d: all in favor	Article 28: 4 waits, 1 in favor
Article 10e: 1 wait, 4 in favor	Article 29: 4 waits, 1 in favor
Article 10f: 1 wait, 4 in favor	Article 30: all in favor
Article 10g: 2 waits, 3 in favor	Article 31: all in favor
Article 10h: all in favor	Article 32: all in favor
Article 10i: 2 waits, 3 in favor	Article 34: 3 waits, 2 in favor
Article 10j: all in favor	Article 35: refer back
Article 10k: all in favor	Article 36: 4 waits, 1 in favor
Article 10l: all in favor	Article 37: 1 wait, 4 in favor
Article 10m: 3 waits, 2 in favor	Article 38: 1 wait, 4 in favor
Article 10n: all in favor	Article 39: all in favor

- Select Board Report to Town Meeting

Ms. Hai reminded the Board to submit their respective sections of the report to Ms. Katzenback.

DOCUMENTS: Art2revised, Art 29 Revised 2.16.23, Art 31 Fair trade -fur presentation, Art 31 Fair trade -fur motion, Art 34-39 motions (PB), Art 34-39 Summary of PB Articles for TM, Art 34-39 Presentation, Select Board Working Document - Positions 2023ATM

9. Discussion of Naming of Fire Headquarters for Ken Donnelly

The Board took up this item at this time.

Ms. Hai explained that the Select Board discussed/approved naming the Fire Headquarters in May 2022 the Kenneth J. Donnelly Fire Headquarters. The Firefighters Union has scheduled a ceremony for April 2nd and this discussion will be related to the ceremony and final details on how the Fire Station naming will be commemorated and any other related issues.

There was discussion regarding the Board cosponsoring the ceremony and the plaque proposed. Ms. Hai noted that she wants it to be clear that the Town is supportive of this ceremony and there will be an offline discussion regarding which Board members are available to attend.

6. ARPA Requests – Technology for Town Meeting and Select Board Meeting Room

Mr. Malloy explained that the first request is to fund up to \$20,000 for handheld tablets for Town Meeting members to use during Town Meeting. These will be used only at Town Meeting and will be checked out similar to the old clickers but will use the new voting system that has been in use for the past several Town Meetings. The cost is based on approximately \$80 per unit and 200 units, totaling \$16,000 plus any contingency in case other equipment is needed.

The second request is for additional funding for the Select Board Meeting Room so that it can continue to be used for hybrid meetings in the future. This request is also for \$20,000.

The Board discussed the proposed equipment for the Select Board Meeting Room. Ms. Hai noted that she heard there will likely be an extension of the State's emergency order to the end of this year.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve the use of \$20,000 from ARPA funds for tablets and related expenses for Town Meetings;

Further, to approve the use of \$20,000 from ARPA funds to complete the technology build-out of the Select Board Meeting Room.

7. Authorize Town Manager to Accept Bids for Community Choice Program

Ms. Hai stated that the Town will be opening final bids for the Community Electric Aggregation Program (Lexington Community Choice) on February 28, 2023. The bid needs to be awarded that day and contracts signed, in order for it to be effective. The Board approved indicative pricing, which is confidential, in executive session previously this evening. The Town Manager will need to be authorized to execute contracts the day of the bid opening.

Mr. Malloy noted that the lowest supply rate is the Small Commercial & Industrial Rate which over the past two years averaged \$0.171535 per KWh.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to authorize the Town Manager to execute an aggregation supply agreement if the price is below \$0.15 per KWh.

DOCUMENTS: Eversource Published Rates (Source: mass.gov)

8. Select Board Liaison Assignment to Ad Hoc Transportation Committee and Select Board Member Appointment to Lexington Affordable Housing Trust Board of Trustees

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to assign Joe Pato as liaison to the Ad Hoc Transportation Committee;

Further, to appoint Mark Sandeen as member of the Lexington Affordable Housing Trust Board of Trustees for a 1-year term to expire June 30, 2024.

DOCUMENTS: Ad Hoc Transportation Committee Charge , Creation of Housing Trust Bylaw-STM2022-3 Article 12 Motion, 2022-2023 Select Board Liaison Assignments

9. Discussion of Naming of Fire Headquarters for Ken Donnelly

This item was previously addressed.

ADJOURN

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to adjourn the meeting at 10:30pm.

A true record; Attest:

Kristan Patenaude, Recording Secretary

DRAFT

SELECT BOARD MEETING
March 2, 2023

A meeting of the Lexington Select Board was called to order at 9:03a.m. on Thursday, March 2, 2023, in the Select Board Meeting Room of the Town Office Building. Hybrid participation was offered as well via the webinar meeting platform. Ms. Hai, Chair; Mr. Lucente; Vice Chair, Mr. Pato, Ms. Barry, and Mr. Sandeen were present, as well as Mr. Malloy, Town Manager; Ms. Axtell, Deputy Town Manager; and Ms. Katzenback, Executive Clerk.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider and Approve Amendments to the FY2024 Recommended Budget and Financing Plan

Ms. Kosnoff stated the Select Board initially voted to approve the FY2024 Recommended Budget on Monday, February 13, 2023, and the budget was subsequently transmitted to Town Meeting members on Friday, February 17, 2023.

She explained that on February 23, 2023, the Governor released the preliminary budget and the Cherry Sheets for all the municipalities in the Commonwealth. The Town of Lexington received an additional \$2.3M of State Aid for FY2024 than what Town staff originally expected. Additionally, on February 22, 2023, the Town received FY2024 gasoline and diesel fuel bids through its consortium agreement. The actual fuel bid prices were lower than staff's FY2024 estimates, resulting in lower projected fuel expenses for FY2024. As a result of these factors, Town staff, the Town Manager, and School Superintendent met to discuss and revise the FY2024 recommended budget, which is being presented to the Board for its review and approval.

Ms. Kosnoff stated the Select Board meeting packet includes a revised program summary from the FY2024 Recommended Budget and Financing Plan, along with supporting documentation and detailed changes to the budget. The net revenue amount of additional money that is being allocated into the budget is \$2.3M. Approximately an additional \$598M is going into the municipal budget and an additional \$1.7M is going into the School budget. The Town has accordingly adjusted expenses in several areas of the budget to reverse cuts originally recommended by the Town Manager, eliminate the use of free cash for operations, to fund additional program improvements, and to reflect the actual bid prices for fuel.

Ms. Kosnoff reviewed the details of the Cherry Sheet Estimates, the Town of Lexington's Revenue allocations, and a summary of the revenue expense adjustments with the Board.

Ms. Hai asked if the State could reverse this next year and reduce the amount. She asked if the Town would put itself at risk by using this towards salary and ongoing programs. Ms. Kosnoff noted that, while this is possible, she does not believe the amount of State Aid will be decreased from this. It is extremely possible that Lexington will go back to being a Minimum Aid Community next year, but the Town will still get at least the amount it will get for FY24.

Ms. Barry noted that the additional money received in Library State Aid does not go toward salaries or books. It does not go directly into that budget, but instead is a set aside to be used for specific purposes.

In response to a question from Ms. Barry regarding the prioritization that occurred to bring certain items back into the budget using these funds, Mr. Malloy explained that staff went back through the high-ranked PIRs first to see which items could be funded. He then reviewed the entire budget and came up with a certain dollar amount that could be included.

Ms. Barry asked if there was ever a consideration to move the composting program from ARPA to the budget. Mr. Malloy stated that there was not. All of the other expenses he considered were all ongoing operating expenses, but the composting program was previously discussed by the Board as a one-time pilot program.

Ms. Barry suggested that the Fire Lieutenant Inspector position could be considered on a part-time basis.

Mr. Lucente asked if the HR Benefits Assistant position could come out of shared expenses. Mr. Malloy stated that this could be addressed over the next year with the School Department. Given the timing of this budget process, it is unclear if this could be considered for this year.

Mr. Lucente asked about the Special Education Stabilization Fund and the Special Education Reserve Fund in terms of this extra funding. Mr. Malloy stated that there was a discussion about this with the School Superintendent. His recommendation was to eliminate the use of free cash for the Stabilization Fund and instead use the additional amount the School Departments is receiving. Dr. Hackett did not agree to this suggestion. Mr. Malloy explained that he requested information as to how the additional money to the School Department is proposed to be spent, but the resulting memo did not detail this clearly. He requested Dr. Hackett attend the Board's meeting, but she did not appear to be present.

Mr. Lucente asked how the budget would look different if this additional \$2.3M had been available during the budget planning process. Ms. Kosnoff stated that, on the municipal side, she believes the budget would have looked quite similar. Ms. Hai noted that some ARPA decisions were made based on unavailability of other options, and these decisions may have been different with this extra funding.

Ms. Hai stated that, while the compost program is a pilot, she hopes this will become a budget item in the future. She would like to consider funding this through the municipal budget, instead of ARPA. This could also be partially funded in order to seed it into the budget for a future year. Mr. Malloy noted that this was not considered at this time.

Ms. Barry requested that discussions regarding changes to the allocation formula with the School Department be started sooner rather than later. Mr. Malloy agreed.

Ms. Hai noted that the original PIR request for the HR Benefits Assistant was driven by the number of school employees, thus it would make sense to fund this as a shared service.

Mr. Malloy explained that, as the compost program ramps up and savings are seen from reduced tipping fees, these savings could be put into expanding the pilot program. This idea could be used to partially seed the program.

Dawn McKenna, Precinct 6 Town Meeting Member, stated that the Board's vote is its intent. Thus, if it wants the composting program to be funded through the budget, it should vote in favor of this. Also, the allocation model should not be a discussion between the Town Manager and Superintendent, but rather a discussion between the four boards. She agreed that the HR Benefits Assistant position should come from shared services.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve the revised FY2024 budget as presented.

DOCUMENTS: FY2024 Preliminary Budget & Financing Plan_Program Summary_Revised 3.2.2022, FY2024 Recommended Budget - Program Summary_redlined, Cherry Sheet Estimates & Revenue Allocation_3.1.2023, Revenue_Expense Summary Adjustments

ADJOURN

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to adjourn the meeting at 9:50am.

A true record; Attest:
Kristan Patenaude
Recording Secretary

SELECT BOARD MEETING
March 8, 2023

A meeting of the Lexington Select Board was called to order at 6:30p.m. on Wednesday, March 8, 2023, in the Select Board Meeting Room of the Town Office Building. Hybrid participation was offered as well via the webinar meeting platform. Ms. Hai, Chair; Mr. Lucente; Vice Chair, Mr. Pato, Ms. Barry, and Mr. Sandeen were present, as well as Mr. Malloy, Town Manager; Ms. Axtell, Deputy Town Manager; and Ms. Prizio, Select Board Assistant.

Ms. Hai called the meeting to order at 6:30pm.

EXECUTIVE SESSION

1. Exemption 3: Discuss Strategy with Respect to Collective Bargaining – Public Employee Committee

Ms. Barry recused herself from this item.

Upon a motion duly made and seconded, by roll call, the Select Board voted 4-0 at 6:31 p.m. that the Board go into Executive Session under Exemption 3: Discuss Strategy with Respect to Collective Bargaining – Public Employee Committee. Further, Ms. Hai declared that an open meeting discussion on this item may have a detrimental effect on the bargaining position of the Town.

Select Board reconvened to open session at 6:51 pm

PUBLIC COMMENTS

None at this time.

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

Town Manager Malloy stated that he held the first Java with Jim session last week and it went very well. The bids for both the Center Rec bathrooms and hardcourt surfaces projects opened last week and are in within the appropriations. These bids will be awarded and moved forward with. The Center Streetscape project is being nominated for Project of the Year by the American Public Works Association. Town Manager Malloy noted that earlier this week the Supreme Judicial Court ruled on Barron v. Southborough, essentially ruling that the free speech amendment in the State Constitution prohibits local governments or any public body from prohibiting free speech during their meetings.

Mr. Pato noted that, while this speaks to the content of the speech, the Board still has a two-minute limit which is enforceable. Ms. Hai also noted that there is a distinction between allowing someone to speak and broadcasting that speech. Mr. Malloy agreed that the Court ruled that provoking and threatening statements cannot be made. A memo from Town Counsel will be issued on this item.

Mr. Lucente stated that he would like this information shared with other Town boards/committees.

In response to a question from Mr. Sandeen, Mr. Malloy stated that he believes the Board will need to amend its policy on this item.

DOCUMENTS: 3-3-23 Update

CONSENT AGENDA

1. Approve and Sign Eagle Scout Commendation Letters to Timur Bendlin, Naoya Miyamoto Rohit Ramanathan, David Zhao

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.

DOCUMENTS: 2023 Eagle Scout Letter - T. Bendlin - Troop 160, 2023 Eagle Scout Letter - N. Miyamoto - Troop 160, 2023 Eagle Scout Letter - R. Ramanathan - Troop 160, 2023 Eagle Scout Letter - D. Zhao - Troop 160

2. Applications: Battle Green Permits – William Diamond Junior Fife and Drum Corps for the Annual Lexington Tattoo & Parade on Massachusetts Avenue and the Lexington Muster Line Up & Parade on Massachusetts Avenue

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.

DOCUMENTS: Map of Parade Route for Lexington Muster Parade, TMOApproval Letter for Use of Hastings Park

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

ITEMS FOR INDIVIDUAL CONSIDERATION

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

Ms. Hai stated that 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 Board is also being asked to approve an Entertainment License for the same location.

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

2. Approve Tax Bill Insert - Cary Lecture Series

Ms. Hai stated that 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.

In response to a question from Ms. Barry, Kevin Oye, Cary Lecture Committee Chair, stated that this will likely be a half page flyer, but he is willing to work with the printer on a proper size.

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

DOCUMENTS: Cary Lecture Series TaxBill Insert/Flyer

3. Review and Approve Tri-Ton Health Services Agreement

Joanne Belanger, Director of Public Health, explained that 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 to increase all three Town's public health capacities by sharing services and resources to improve public health responses and reporting. The Towns sought positions for a grant's coordinator, public health nursing epidemiologist, community health worker, and health inspector. The Town needs to enter into an MOU which runs for three years to move forward with this agreement.

Mr. Lucente asked what the citizens of Lexington can expect from this agreement. Ms. Belanger stated that this will further expand public health programming for all three towns. This will not supplant local public health programs but expand them through shared services.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve the intermunicipal agreement between Lexington, Burlington, and Wilmington and further to authorize the Chair to execute the agreement as attached.

DOCUMENTS: Intermunicipal Agreement

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

James Robinson, Management Fellow, explained that the Department conducted a rate survey for its ambulance fees and discovered that the Town is quite a bit lower than comparison communities. In looking at the number of transports, based on average rates, the Town would see quite a significant increase in revenue to amend the rates. The rates being recommended are:

- Mileage: \$36.00 (per mile)
- BLS Rate: \$1,700
- ALS Rate: \$2,200

- ALS2 Rate: \$3,000

Ms. Barry asked if any Town residents have not been able to pay their rates in the past and how this can be addressed. Mr. Robinson stated that he believes collection rates are high in Town and there is not a concern over lack of collection. Derek Sencabaugh, Fire Chief, stated that collection rates are in the 90% range. There have been some requests for reduced payments in the past, and there is paperwork to handle these requests.

Mr. Pato asked if the rates are low relative to what it costs to deliver the service. He stated that he does not want the Town to contribute to escalating medical expenses. Chief Sencabaugh stated that this proposal is to keep the Town in step with others around it. The Town's numbers skew the rate reviews for all surrounding communities.

Mr. Malloy stated that the number of fire calls versus EMS calls could be reviewed. That pro rata share could then be applied to the entire Fire Department budget, in order to calculate an approximation of what it costs to run EMS services versus Fire services. He stated that he believes the EMS costs are likely not being covered by the current rates.

In response to a question from Mr. Sandeen, Mr. Malloy stated that the money from the increased rates would go into the General Fund and be run through the revenue allocation model. The town would receive approximately \$52,000, and the School Department would receive the rest. This additional funding could help offset costs.

Mr. Lucente noted that changing the rate does not necessarily equate to an increase in the difference as projected. It is very rare that any one person would actually pay the whole amount, based on insurance. He stated that he believes this amendment keeps with the ongoing increasing costs of providing services at appropriate rates.

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

DOCUMENTS: EMS Rates Survey 2023, EMS Rates Memo

5. Request to Amend Housing Partnership Board Charge

Jeri Foutter, HPB Chair, stated that the Housing Partnership Board has requested that the following changes be made to the charge:

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

These changes are being proposed to expand the focus of responsibility beyond affordable housing, to include senior, workforce, moderate income, or the missing middle. Additionally, the HPB is emphasizing its role as an advocate for affordable housing and other housing initiatives. It looks to expand its membership, by changing two liaison positions to become voting members.

Harriet Cohen, HPB Clerk, explained that the proposal is to increase membership from nine to thirteen members, but there will only be one new face joining the table. Another request includes not to continue with Commission on Disability or Conservation Commission liaison roles, as these groups have not been replying to repeated requests. The charge has not had material changes since it was first written in 2013. A lot has changed in the housing scene in Lexington in the last ten years. The request would expand the charge to other types of housing in Lexington. It also identifies additional areas for advocacy. The proposed charge also aligns the HPB with the 2022 Lexington Comprehensive Plan.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to 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, all as shown, with the exception of the deletion of the Conservation Commission

DOCUMENTS: Amended Housing Partnership Board Charge – Redlined, Amended Housing Partnership Board Charge, Housing Partnership Board Charge Revision Cover Letter, Current Housing Partnership Board Charge

6. Discuss Electric Vehicle (EV) Parking Lot Parking Fees

Mr. Malloy stated that there are two issues that need to be addressed in the Parking Regulations and parking fees related to the EV Chargers. One is related to the hours that vehicles may be parked at the EV Chargers, and the rate/time of day & days of the week for parking at the EV Chargers. The second item provides the ability for vehicles to be parked at the EV Chargers only overnight.

The Board discussed including language that this applies to publicly owned EV Chargers, and that this does not apply during snowstorms.

The Board will review the motion language for this item at its next meeting.

DOCUMENTS: Parking Proposals

7. 2023 Annual Town Meeting

- Proposed Consent Agenda – *The Board took up this item at this time.*

The Board reviewed the Consent Agenda. The Board agreed to consider removing Article 10 subsections e and f from the Consent Agenda. Mr. Pato noted that he needs to further review these items and that his position on removing them may change.

Dawn McKenna, Precinct 6 Town Meeting Member, asked about unpaid bills in Article 20. If there is an item to be paid, this likely should not come under the Consent Agenda. Mr. Malloy stated that this will likely be IP'd. Ms. McKenna stated that she also does not believe Article 16 should be part of the Consent Agenda.

- 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

The Board unanimously agreed to support the motion for this Article.

- ATM 2023 Article 5: Appropriate FY2024 Enterprise Funds Budgets

The Board unanimously agreed to support the motion for this Article.

Ms. Hai changed her position on Article 10-b to a yes.

Ms. Hai and Mr. Lucente changed their positions on Article 10-g to a yes.

Mr. Lucente changed his position on Article 10-o to a yes.

- ATM 2023 Article 11: Appropriate for Recreation Capital Projects

There were some questions regarding this Article and so the Board agreed to not take positions on it at this time.

- ATM 2023 Article 12: Appropriate for Municipal Capital Projects and Equipment

The Board voted 4-0 to support the motion for this Article. Mr. Lucente noted that he is a wait on section l.

The Board was unanimously in support of Article 13.

The Board was unanimously in support of Article 14.

- ATM 2023 Article 15: Appropriate for School Capital Projects and Equipment

The Board unanimously agreed to support the motion for this Article.

The Board was unanimously in support of Article 16, subsection g.

The Board agreed to all wait regarding Article 16, subsection h.

The Board discussed the solar canopy project, Article 16, subsection i. Mr. Malloy explained that the HDC last week voted 4-1 in favor of the large canopy over the parking area. One member wanted to see a design of this, and this request was brought back to the architect.

Mr. Lucente stated that he has concerns regarding this item, such as that there are no presentation materials on the Town website for anyone to get information on this project, the neighbors have been displeased with the process, and it is unclear what exactly will be included as part of this project. Mr. Malloy noted that a public outreach meeting will be held on March 14th.

In response to a question from Ms. Barry, Mr. Malloy stated that neighbors never received abutter notifications for any meetings on this topic. It is unclear why notifications were not sent for the HDC meetings.

Mr. Pato noted that this project appears to be revenue positive from day 1. It is important to have all of the additional detail as mentioned by other Board members.

Ms. McKenna stated that she is concerned with the HDC process. This is the second time she knows of with a vote taken by the HDC without public involved. There should not be a vote on the record, as the public was not notified in order to give input. The neighbors of this project have stated that they have not been included in this process and there is not enough time before Town Meeting to explore other options to make the project less expensive. The Board may want to consider IP'ing this item to allow for these things to occur.

The Board was in support of Article 16, subsection j, with Mr. Pato recusing himself.

- ATM 2023 Article 17: Appropriate to Post Employment Insurance Liability Fund

The Board agreed to support the motion for this Article, with Ms. Barry recusing herself.

The Board noted that it was 3 yeses and 2 waits regarding Article 19.

The Board was unanimously in support of Article 20.

- ATM 2023 Article 22: Appropriate for Authorized Capital Improvements

The Board unanimously agreed to support the motion for this Article.

The Board unanimously agreed to support Article 23.

The Board discussed a possible amendment to Article 25.

Ms. Hai changed her position on Article 26 to a yes.

Mr. Sandeen stated that he is a yes on Articles 28 and 29. Mr. Lucente is a wait on Article 28 and a yes on Article 29.

The Board unanimously agreed to support Article 33.

The Board discussed Article 34.

Regarding Article 36, it was noted that Emory Park has been removed. Ms. Hai and Mr. Sandeen changed their positions to yes. Ms. Barry stated that she is still a wait, leaning no. Mr. Lucente echoed Ms. Barry's concerns.

The Board unanimously agreed to support Article 38.

Ms. Hai, Ms. Barry, and Mr. Lucente agreed to support referral to for Article 40. Mr. Pato and Mr. Sandeen stated that they are yeses on the original motion for Article 40.

Mr. Sandeen stated that, regarding Article 40, he has noticed that in the last three years of new construction, the average size of a home is 6,700 s.f. When he became a Board member, the average size of new construction was 4,700 s.f. Residents are interested in less expensive housing options. Square footage does not necessarily always correlate with new growth revenue. The Town has seen many smaller homes with very substantial new growth revenue.

Mr. Malloy noted that there is a difference between gross floor area (GFA) and gross living area. Gross floor area includes attics, basements, garages, etc. This will drive the numbers down quite a bit than what is proposed. All unfinished spaces in a house are included in gross floor area, but not part of the living area.

Mr. Pato stated that revenue is important to the Town, but so is the mass seen when establishing the GFA limits. The original proposals were for a smaller target and compromised higher, and as a result larger budlings have been constructed. He would like to see this consider multifamily units, not simply single-family units. There has to be some value that comes for that kind of density.

Mr. Malloy noted that the motion for Article 10, subsection I needs to be rewritten. He stated that there were 23 public meetings held for Article 34 through the Planning Board, many of which invited public participation. It appears there has been a lot of community engagement for this item.

- Select Board Article Discussion and Positions

This was previously addressed.

DOCUMENTS: Art 40 motion changes 2.28.23, Art 40 Revised motion 2.28.23, Art 29 revised motion 2.28.23, Art33PBreport, Art 34 final motion 3.3.23, Art34PBreport, Art 35 final motion 3.3.23, Art35PBreport, Art 36 final motion 3.3.23, Art36PBreport, Art 37 final motion 3.3.23, Art37PBreport, Art 38 final motion 3.3.23, Art38PBreport, Art 39 final motion 3.3.23, Art39PBreport, Art40PBreport, Art 4 motion posted 3.3.23, Art 5 motion posted 3.3.23, Art 11 motion posted 3.3.23, Art 12 motion posted 3.3.23, Art 15 school projects motion posted 3.3.23, Art 17 opeb motion posted 3.3.23, Art 22 cap improvements (IP) motion posted 3.3.23, Select Board Working Document - Positions 2023ATM, Proposed consent agenda draft

8. Select Board Work Session

- Updates from January 2023 Select Board Retreat/Facilitated Session
 - Proposed Select Board Issue Tracker

Mr. Pato displayed a prototype tracker for the Board's review. The Board agreed to move forward with this as a prototype at this time. Once it is decided how this list is populated, items to be included should be noted in the minutes for each meeting.

- Communications Matrix

Ms. Barry reviewed a communications process between the Select Board and the Town Manager. The Board discussed the frequency and method each Board member prefers for communications from the Town Manager. Ms. Barry asked that emails state 'CONFIDENTIAL' when confidential and that emails indicate in some way if a response is needed from Board members.

- Discuss Remote Participation Policy and Procedures

Ms. Hai noted that the House passed a bill last week that would extend remote participation until April 1st or March 31st of 2025. This did not expressly add in hybrid permission for representative Town Meeting. The Senate passed a different bill, which expressly called out hybrid representative Town Meeting. The two bills now have to go to conference. This will not make a difference for this year's spring Town Meeting but may effect fall Town Meeting. There will need to be training sessions to address the Remote Participation Policy and Procedures.

Mr. Pato noted that there are some sections of the policy which he would like to see revised. Mr. Malloy agreed to work with Mr. Pato on drafting the items proposed to be revised for review by the Board.

Mr. Lucente stated that he would like to see the Town move forward with a hybrid meeting policy. This could outline procedures for each board and committee to follow.

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

ADJOURN

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to adjourn the meeting at 9:54pm.

A true record; Attest:
Kristan Patenaude
Recording Secretary

SELECT BOARD MEETING

February 6, 2023

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

EXECUTIVE SESSION

1. **Exemption 3: Discuss Strategy with Respect to Litigation – National Prescription Opiate Litigation Settlement**

Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 at 6:31 p.m. that the Board go into Executive Session under Exemption 3: Discuss Strategy with Respect to Litigation – National Prescription Opiate Litigation Settlement. Further, Ms. Hai declared that an open meeting discussion on this item may have a detrimental effect on the bargaining position of the Town.

Select Board reconvened to open session at 6:47 pm

PUBLIC COMMENTS

Avon Lewis, President of the Lexington Education Association, expressed concern regarding the Lexington Public School budget. He stated that the Select Board priorities in the White Book are as follows: sustainable vehicles, solar canopies, capital improvement projects, public access television, sidewalk improvements, and fiscal stability. Nowhere on this list is a commitment to provide the citizens of the Town the strong services they deserve. The current budget strategy deliberately underestimates revenue and overestimates cost, minimizing the amount of money available to departments for programs. Instead, this generate millions of dollars in so called free cash, which is being stashed away. The Board is also diverting millions out of the tax levy and into various savings accounts. She stated that this strategy is not good for the citizens of Lexington, especially its most vulnerable community members. The Town has money to pay competitive wages to its firefighters, its custodians, and its school staff, plus save for future projects. She urged Select Board members to reconsider their priorities as elected leaders in this Town.

Andre Verner, Lexington High School math teacher, expressed concern regarding the Lexington Public School budget. He stated that he loves teaching at LHHS and cares deeply about this community. He stated that it is his obligation to inform the Board that the schools are facing massive problems. Teachers are burnt out and desperate. Every year teachers in his department are asked to do more and more. Teachers have also been strongly encouraged to place more students into the most advanced classes. For example, 36 sections of honors and AP classes were offered in 2017, whereas the corresponding number this year is 59, an increase of 64%. This success has required an enormous amount of work which has gone largely unacknowledged. Currently, teachers in his department are routinely working 40 % or 50% over their contracted hours. She stated she feels there is simply no way teachers can continue these impossible hours.

Laura Sheppard-Brick, Lexington High School math teacher, expressed concern regarding the Lexington Public School budget. She stated that the structure of teacher jobs in Lexington is no longer adequate for the exemplary education expected from Today, good teachers create and revise hands-on and exploratory lessons and incorporate a variety of technology tools. Teachers write novel assessments and offer retakes

to students who need longer to form concepts. Teachers provide more challenging problems to students who can do harder mathematics. Teachers post resources, lessons, and homework to Google Classroom and to a website. Teachers work proactively with parents, counselors, resource teachers, and students themselves via email and phone. All of these things are good for students and all of these things take home. Math teachers at the High School have a limit of 125 students at a time and 500 discretionary minutes. She stated that this means she has four minutes per student per week to create assessments and do all of the other things. This is not enough time to be able to meet the needs of students and deliver the education that Lexington parents have come to expect. Teachers need to teach no more than four classes and 100 students. The currently proposed Town budget places money into savings to one day, perhaps build a new high school. However, the students currently in the High School need more support, and they will not benefit from a new high school. She urged the Board to prioritize current students and their needs, and to provide enough money to the school to allow for every high school educator to see 100 students and four classes.

Dawn McKenna, Precinct 9 Town Meeting Member, stated that she would like all to remember that Lexington is one Town that has a municipal budget and a school budget.

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

- 1. Announcement: The Town Manager's FY2024 Preliminary Recommended Budget and Financing Plan, reflecting a balanced budget, was published last week.**
- 2. Select Board Member Concerns and Liaison Reports**

Ms. Hai noted that the groundbreaking for the new Police Station was on January 19, 2023.

Mr. Pato stated that a correspondence secretary report was filed with the packet. Since that time, an additional 119 messages were received, 67 of them related to the farm and 46 related to items, such as composting. He stated that he will address these items during the appropriate places in the agenda.

DOCUMENTS: Correspondence Secretary Report - February 6, 2023

TOWN MANAGER'S REPORT

- 1. Town Manager Weekly Update**

Mr. Malloy noted that James Robinson, Management Fellow, has undertaken a survey of Fire Department EMS fees and has found that Lexington EMS Fees are significantly under market rates. He noted that a group of graduate students from Northeastern University has interest in working with the Town's Ad Hoc Transportation Committee for a class capstone project.

He also noted that the Town received its Moody's rating, and it is Aaa again. This rating also considers the Town's ESG - Environmental, Social and Governance issues. The Town did very well on all of these ratings.

Ms. Barry noted that the Center Streetscape project is essentially complete, and the Town spent over \$10M on this project. She stated that she recently walked through the area and noticed an unusual amount of pavement on the sidewalk and also some bricks beginning to heave and twist. Mr. Malloy stated that he would look into this. He noted that some inferior striping in this area will also be redone.

DOCUMENTS: 1-27-23, 2-3-23

CONSENT AGENDA

- 1. Approve Select Board Meeting Minutes: December 12, 2022, December 19, 2022 and January 9, 2023**

To approve and release the following meeting minutes: December 12, 2022 Select Board, December 19, 2022 Select Board and January 9, 2023 Select Board.

DOCUMENTS: DRAFT 12122022 Select Board Minutes, DRAFT 12192022 Select Board Minutes, Draft 01092023 Select Board Minutes

- 2. Select Board Committee Appointment**
 - Historic Districts Commission - Lee Noel Chase**

To appoint Lee Noel Chase as a full member of the Historic Districts Commission to fill an unexpired term set to expire on December 31, 2026.

DOCUMENTS: 2023 Historic Districts Commission Application - L.N. Chase

- 3. Select Board Committee Resignation: Semiquincentennial Commission (Lex250) Community Member Representative - Steve Cole, Jr.**

To accept the resignation of Steve Cole, Jr. from the Semiquincentennial Commission (Lex250) as the Community Member Representative effective immediately.

DOCUMENTS: Resignation Letter - S. Cole, Jr.

- 4. Town Manager Committee Reappointment: Youth Commission - Thomas Romano**

To reappoint Thomas Romano as the Adult Adviser on the Youth Commission for a term to set to expire on April 30, 2025.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

- 1. Review and Approve Food Waste Pilot – *The Board tabled this discussion to later in the meeting.***
- 2. Presentation – Draft of Zero Waste Plan**

Ruth Abbe, Zero Waste Associates, explained that on April 6, 2020, Town Meeting adopted a resolution to move forward with zero waste, with some urgency to creating a Zero Waste Plan. The working group focused on rethink, reduce, and reuse, prior to recycle, compost, and recover materials. The group hosted listening sessions, and interviews with people in the community such members from the Lexington Public Schools, contractors that provide services to the Town, local businesses, and local officials. The working group created a number of measures for the project including asking the Town to lead by example through Town operations, facilities, and schools; to educate everyone to change the culture of wasting; to collaborate with institutions, community organizations, businesses in Town; to invest in clean air and healthy soil; and to look at long term costs and benefits when designing solutions. Finally, to consider

environmental justice impacts of decisions, particularly with regard to the fact that a lot of the Town's waste currently goes to a waste-to-energy incinerator, which has an impact on the local community. Lexington's diversion rate is quite good. 60% of what is discarded in Lexington is diverted through disposal through reuse, recycling, and composting. Only 40% is currently disposed as trash in landfills and incinerators. A Regional Characterization Study from 2019 shows though that most of what is thrown away is still recyclable or compostable. The working group considered opportunities to invest in new Zero Waste initiatives that could bring the Town to over 90% diversion. Some ways to do this include technical insistence and enforcement, local mandatory recycling and composting requirements, making changes to the collection system, outreach and education, the Town leading by example, deconstruction, construction and demolition requirements for new development, and policy programs. Direct actions for these items include expanding compost collection Town-wide, converting to an automated collection system using wheeled carts, evaluating every other week collection, providing reuse collection, expanding environmentally preferable purchasing, and investing in carbon farming. At Hartwell itself, she explained that the group is recommending evaluating food scrap composting at the site, expanding the reuse and recycling drop off facility, developing a glass processing element to the facility, and developing an education center. She noted that constituents in Town have already pursued important product policies and programs, such as reducing single use plastics and banning plastic straws. Expanded product policies could potentially require reusable foodware at businesses that currently provide disposable foodware.

Mr. Pato stated that he feels this plan is slightly too long-term and he would prefer actionable short-term steps along the way.

Mr. Malloy asked if there are any recommendations based on what the Town as a municipal government can do to affect commercial product change. Ms. Abbe stated that there was information included regarding expanding existing product policies the Town has already implemented around reductions and a pilot program for reusable foodware.

Mr. Sandeen noted that commercial property owners make up a large portion of the Town. A Zero Waste Plan needs to consider how to get a handle on the waste occurring from commercial property owners. He agreed with Mr. Pato that he would like to hear some immediate actionable priority items. Ms. Abbe stated that adding a town wide organics collection is a strong recommendation and suggested considering pay as you throw in a comprehensive collection system in Town, moving to a containerized system with new carts, and technical assistance, education and outreach.

In response to a question from Mr. Sandeen, Mr. Pinsonneault stated that moving to an automated pickup system, in conjunction with trash metering, will help overall by making it easier to have control over the amount allowed to be picked up, but that automated pickup alone won't move the needle that much.

Mr. Lucente stated that one challenge in implementing new techniques to divert trash, is that this will lead to diverting a lot of trash to commercial dumpsters. The Town needs to determine how to support businesses, and not throw these problems onto them. He noted that this plan should not blanketly, discriminate against groups of people that might create more trash, such as larger families.

Mr. Pinsonneault stated that the next step is feedback from the Board. Additional details will then be put into the plan, and a more robust draft will be brought back to the Board for review. The group is planning to host a public meeting in the next month to get feedback from the community. This feedback will also be worked into the draft plan.

Ms. Hai stated that she would like to see careful analysis of what would be required and permitted under the existing regulations regarding refuse removal. There will need to be a solid legal opinion and guidance as part of that conversation.

DOCUMENTS: Draft Zero waste plan, Zero waste PowerPoint, Zero Waste Presentation Additional Information

1. Review and Approve Food Waste Pilot – *The Board retook this item*

Dave Pinsonneault, Director of Public Works, stated that the Waste Reduction Task Group has been working on solutions to help reduce the impact of waste throughout Town. Currently there are approximately 1,300 residents who have contracted with a vendor to collect food waste at the curb. The resident pays for the service and the Town provides the collection bin free of charge (through a DEP Grant). There are also two food waste drop off stations, funded out of the operating budget, with 376 subscribers. The Task Group would like to run a pilot program to increase curbside collection of food waste. This can be done with a subsidy from the Town to offset the cost to residents. The goal is to increase participation to 2,000 residents. In addition, the recommendation is to expand an additional two drop off locations, at different locations in Town; this can be absorbed through the current operating budget. This pilot program aligns with the Select Board goal of sustainable initiatives. The recommendation is for a \$30 subsidy (\$60,000) and to request that the FY24 funding come from ARPA funds. Once these 2,000 homes are online, this would be the most cost-effective subsidy level, if the Town were to continue providing subsidies as new residents joined and once ARPA funds are no longer available.

In response to a question from Mr. Lucente, Mr. Pinsonneault stated that the additional 700 people included in the program would be first-come, first-served.

Mr. Lucente noted that he does not believe the drop off stations are doing enough to fully change the behavior. He stated that he is leaning toward a free pilot program instead, in hopes of enacting behavior changes.

Mr. Sandeen agreed with Mr. Lucente's suggestion of a no-charge program. He noted that one of the Town's highest priorities regarding Zero Waste is to divert all organics out of the trash cycle. The way organics are currently handled is at no charge to residents. The ultimate intention seems to be for the Town to provide this service, so it should be piloted the same way it is ultimately intended to be implemented. He suggested doing the maximum amount possible at no charge to residents. He agrees with first come first served process. He stated that if we don't divert, this organic matter will end up in an incinerator. This is an environmental justice issue, if our neighbors are breathing the incinerated ash from our trash.

Mr. Pato stated that he agrees with the broadest application of the program as possible. He noted that, if this program is available for no charge to some subset of the population, it should be that way for others as well. He noted that, while the disposal facilities are an important and helpful addition, they are not equivalent to the curbside program. A no charge program is more likely to reach households that would not otherwise feel the motivation to spend money for this service.

Mr. Pinsonneault agreed that the overall goal is full curbside pickup. With that, the drop off locations would be eliminated.

Ms. Barry agreed with the idea of making this no charge for as many people as possible. Her goal would be for this to someday be included in the automatic trash curb collection.

Ms. Hai agreed with broadening the no charge aspect of the proposal to all involved in the program.

Cindy Arens, Chair Sustainable Lexington, noted that certain groups in Town are applying for an EPA grants to supplement whatever funding allocated this evening. The chance of getting the EPA grant is greater if the Board shows a commitment to this program. The proposal is for the grant to match any funds allocated by Lexington, and that this increase over the length of the three-year grant.

Mr. Pinsonneault noted that he would like the program to move forward, regardless of the EPA grant.

The Board discussed possible funding sources for this item.

Ms. McKenna, Precinct 9 Town Meeting Member, stated that she has an issue with the proposal to fund this program with ARPA funds. This is a new program, and the Tourism Operations program already exists and is in need of funding. She noted that, if additional free cash is available, the Town should consider giving some of this to the School Department, as there are obvious needs to be addressed.

Mr. Malloy noted that this is proposed to be partially funded through free cash as it is a one-time expenditure, not an ongoing operational expense. If free cash was given to the School Department as additional funding, in FY25, the budget will be short that amount. The food waste program would eventually need to be built into the budget.

Mr. Pinsonneault stated that the intention would be to fund a one-year pilot program and then evaluate it for the future.

Mr. Pato stated that he believes this pilot program should be funded with ARPA funds and then reviewed for future funding.

Mr. Lucente stated that he is concerned with setting up a program and not sort of having a long-range view of how to fund it. Interested residents may be dissuaded if there are additional costs to them in the future.

Ms. Hai noted that there appears to be uniform support of the Board for this pilot program. She requested that staff take this support and come back with proposed options for funding this program into the future.

DOCUMENTS: Food waste collection pilot, Additional Presentation Information

3. LexFarm Request to Extend Current Lease for an Additional Five-Year Term

Pamela Tames, Executive Director of LexFarm, explained that the Town leased the land to LexFarm for a term of 10 years, with two 5-year renewal provisions. She stated that, in the past year, the Farm has provided edible plants to more than 500 households, distributed vegetables, herbs, and mushrooms to almost 300 households, engaged 7,000 transactions in the Farm store. The Farm offers farm classes for young children, yoga classes, volunteer opportunities for adults, teens, and children, and many events. The Farm is committed to welcoming people of every age, every stage, and economic level.

The Board thanked Ms. Tames and the Farm for everything it has achieved over the years.

Mr. Pato stated that the Board received 113 email messages. 67 of them were in support of renewing the Farm lease; none in opposition. Also, 46 were in support of composting; none in opposition. In both groups of email messages, he was struck by the fact these were individually written email messages,

carrying personal stories of why these were important things. These are true community values that were reflected in the communication received by the Board.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve a five-year extension to the lease between the Town of Lexington and Lexington Community Farm Coalition, Inc. under the same terms and conditions as the original 2014 lease and further to authorize the Town Manager to execute any documents necessary related to the extension.

DOCUMENTS: Presentation - LexFarm: Celebrating Lexington's Farm, LexFarmLeaseRenewalRequest, 2014 Ten-Year Lease, Lex Farm Operational Site Plan

The Board took a brief recess.

4. Presentation - Proposed Street Art Pilot Project

Mr. Lucente recused himself from this item.

Kristen Stelljes stated that the request is for approval to move forward to design a pilot project to address concerns the neighborhood has about traffic. The neighborhood in question consists of approximately 70 homes. A traffic study completed on December 2, 2021, found 539 cars coming southbound and 526 cars going northbound on that day. The residents perceive high speeds from those cars and much of this is pass through traffic. Although there are some traffic lights in the area, current traffic design prioritizes cars over people, and thus does not address the pass-through traffic. As discussed with the Traffic Safety Group, the proposed idea is to create a Neighborway. This includes painting curb extensions on the ground, hopefully in an artistic fashion. The purpose is to suggest that the road is skinnier than it actually is. Neighborways is a nonprofit organization that supports traffic calming and similar projects across the State. There have been multiple neighborhood meetings, some with the Town. To date, 44% of households in the area are in support, including all four direct abutters to the intersection. If approval is granted by the Board, fundraising will be completed to get technical support from Neighborways. Community Preservation Act and Local Cultural Council funding will be sought in the fall. A final design will be shared with the Board in hopes of approval, with the intention of installing the pilot in 2024.

Sheila Page, Transportation Safety Group, stated that the group's initial concerns included installation of the paint throughout the whole intersection, how long the paint will last, and safety of installation of the paint itself. Ms. Page stated that the group eventually agreed on curb extension painting only for this pilot program. The pilot will also be used to see how long the paint will last for. The painting could be done while the road is closed, and neighbors would be notified. The group supports the proposed pilot program.

There was consensus on the Board to allow the pilot program to continue forward at this time.

DOCUMENTS: Memo1-kendallstreet, CommunityArtPilotprogramsummary, Community Art Pilot Program-presentation

5. 2023 Annual Town Meeting

- **Procedures for Participation at 2023 Annual Town Meeting**

Ms. Hai explained that this item will be discussed in further detail at next week's meeting. Town Meeting Members will likely be asked to bring their individual tablet or laptop to Town Meeting this year.

- **Presentation - ATM 2023 Article 26: Amend General Bylaws – Municipal Opt-In Specialized Stretch Energy Code**

Maggie Peard, Sustainability Officer, stated that the purpose of Article 26 is to request to replace the existing stretch code with an opt-in specialized Energy Code, for the purpose of regulating the design and construction of buildings for more effective use of energy, and reduction of greenhouse gas emissions. 72% of emissions in Lexington come from buildings, with the majority coming from heating and cooling. Buildings that are using fossil fuels have no path to zero emissions. Currently, in Massachusetts, there are three available code pathways. The first is the base code, which comes from the International Energy Conservation Code. Secondly, is the existing stretch code, for which an update automatically went into effect in Lexington in January. Finally, there is the specialized code, which requires a Town Meeting vote to go into effect. The specialized stretch code, while originally conceived of as being a net zero code, does not actually fully restrict fossil fuel installations for new buildings. Instead, it requires that new fossil fuel or mixed fuel buildings be fully wired for electrification, and offset energy use with on-site renewables. The intention is to incentivize construction of healthier buildings with no on-site fossil fuel combustion. This only applies to new construction, not renovations. The adoption of this specialized code is a requirement for participating in the pilot program that DOER has issued for applications that Lexington is looking to pursue.

- **Presentation - ATM 2023 Article 28: Amend General Bylaws – Tree Bylaw - Increase Protected Tree Look-Back Period**

Gerry Paul, Chair of the Tree Committee, stated that the proposal is an amendment to the bylaws to change the Look Back period from 12 months to 36 months. This will hopefully reduce the incentive for developers to wait for that period of time and increase the probability that a developer will remove fewer trees on a property.

In response to a question from Ms. Barry, Mr. Paul stated that the intention is that the 36 months will make it less economical for developers to purchase a property, pay some taxes on it, incur other costs, and then complete the development. Currently, developers can do this for one year.

In response to a question from Mr. Lucente, Mr. Paul stated that it is unclear how many times this type of issue has occurred in the past, as a source for this proposal.

Mr. Lucente noted that he does not want this to lead to devaluation of trees on properties. Mr. Paul stated that this will do no harm. This should reduce the probability that homeowners will cut down trees to, “make them more attractive for development.” This will increase the probability that developers remove fewer trees.

It was noted that there could be more information as to how it is expected that this change will work, and possibly other towns who have exacted something similar.

- **Presentation - ATM 2023 Article 29: Amend General Bylaws – Tree Bylaw Changes to Tree Committee Composition**

Mr. Paul stated that the proposal is to add to associate or non-voting members to the roster of the Tree Committee. There has never been an open slot on the Committee for as long as it takes someone to have their application processed.

There was discussion regarding the change in charge of this proposal.

- **Presentation - ATM 2023 Article 6: Establish Qualifications for Tax Deferrals**

Vicki Blier, Tax Deferral and Exemption Study Committee, explained that the current tax deferral was achieved through a petition in 2006. At that time State law required an 8% interest on deferrals; there were 16 participants and utilization was very low. The deferral income threshold is set via a periodic review of peer communities. The intention is to see if Town Meeting will accept the concept of attaching this to the cost of living. The State has an income-based tax credit program, the Senior Property Tax Circuit Breaker, which the deferral could be tied to. It has three categories and increases every year, according to the cost-of-living analysis. This will ensure that all participants will be able to remain in the program, allowing the deferral to continue to serve the people that the program was intended for.

- **Select Board Article Presenters, Discussion and Positions**

Ms. Hai suggested that any Board members with potential recusals send these to Ms. Katzenback. The Board will further review this at its next meeting.

- **Discuss Potential Select Board Report**

Ms. Hai suggested that the language for this report continue much in the same way for this year. She suggested that the language contain more of a discussion regarding this year's budget and the expectation for future budget challenges. She also suggested an additional section regarding project completions. The Board will review a draft report at a future meeting.

The Board discussed and agreed that the Library Board of Trustees would submit their own report to Town Meeting separately from the Select Board Report.

DOCUMENTS: Art 3 Cary lecture motion, Art 6 tax deferral motion, Article 6 TaxDeferral Presentation, Art 24 easements motion, Art 26 Municipal stretch code motion, Art 26 Municipal stretch code summary, Art 26 Municipal stretch code presentation, Art 28 Tree bylaw-look back motion, Art 28 tree look back slides, Art 29 tree committee composition motion, Art 29 tree committee composition slides, Art 30 humane bylaw correction motion, Art 33 DRAFT motion for SPRD posted on ATM webpage, List of Topics included in 2022ATM Report to Town Meeting and FY2022 Annual Town Report, Select Board Working Document - Positions 2023ATM, Letter to DOER (M Sandeen)

6. Request to Approve License Agreement with Property Owner to Existing Fence Permit on Town Property - 3 Goffe Road

Mr. Malloy stated that the Select Board was previously approached by Frank Hsieh, property owner of 3 Goffe Road, with a proposal to sell him a portion of Town-owned land (abutting Bowman Elementary) in which his fence was installed. This would have required School Committee approval as well as Town Meeting. In meeting with Mr. Hsieh, the Town proposed a license that would allow his fence to remain on Town property, which was agreeable to Mr. Hsieh. Town Counsel drafted the attached, which has been reviewed by Mr. Hsieh's attorney and is in a form that the Select Board can approve and authorize the Town Manager to execute.

Ms. Barry and Mr. Lucente noted that they would prefer to see the fence moved from Town property.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 4-0-1 to approve the license agreement between the Town of Lexington and Frank Hsieh for an area of approximately 128 s.f. as shown on the attached license agreement and plan, and further to authorize the Town Manager to execute the license agreement, with the wording regarding the term corrected.

DOCUMENTS: License Agreement

7. Discuss FY2024 Town Manager's Preliminary Budget & Financial Planning

Ms. Kosnoff stated that she and the Town Manager discussed taking \$250,000 of surplus free cash and adding it to the unallocated amount, with the rest going to cash capital, as previously indicated.

Ms. Hai noted that the Board will be voting on the White Book at its next meeting.

Ms. Barry, as the liaison to the Transportation Advisory Committee (TAC), asked about where Lexpress stands in the budget. Mr. Malloy stated that the contract has not yet been sought for this, but it should go out for bid within the next couple of days. The budget is level funded to FY23. There are two options, one for the current three routes and one reduced to two routes.

Mr. Pato stated that the White Book is a level services budget with a few exceptions, where services were trimmed. Lexpress was never identified as a level funded, rather than level service facility. He stated that he expected that this would be planned for as level service. It concerns him to propose a budget knowing this item is unlikely to be level service.

Ms. Hai stated that she was unclear until this evening that one route would be proposed to be eliminated from Lexpress.

Ms. Kosnoff stated that one potential funding source would be the Transportation Mitigation Stabilization Fund, in case of a shortfall.

Mr. Malloy noted that this bid will be advertised for approximately six weeks, and he does not necessarily expect to see bids back sooner than two months from now.

Ms. Hai stated that it is known that transportation is a large issue. The Town has challenges, both in what is provided and how it is funded. She would like the Board to examine how various transportation elements are organized, funded, and coordinated. She stated that she was surprised to hear that funding may be cut to Lexpress right now.

Mr. Malloy explained that the Transportation Manager did not send out the RFP in a timely manner. Thus, he did not have a number to plug into the budget. He level funded this item, assuming that once bids are received, the Board would have a discussion regarding how to fund it. He has presented a balanced budget. The Board can either agree to move forward with this or unbalance it. There are a number of different vacancies throughout Town government that the Board could choose not to fund in FY24, with the hopes of pursuing other priorities.

The Board noted that it would like to hear additional information regarding budget items for Lexpress, the Fire Inspection Lieutenant, Assistant Superintendent for Public Grounds, composting, and trash at the next meeting.

DOCUMENTS: White Book

8. Discuss Schedule for American Rescue Plan Act (ARPA) Requests on Future Meeting Agendas

The Board agreed that it would take a number of potential items up for discussion out of the regularly scheduled quarterly meetings. It will likely begin to discuss some of these items on February 27, 2023.

DOCUMENTS: DRAFT 2023 ATM Warrant

ADJOURN

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to adjourn the meeting at 11:08pm.

A true record; Attest:
Kristan Patenaude
Recording Secretary

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Discovery Day Street Fair 2023 Request - Lexington Retailers Association

PRESENTER:

Eric Michelson, President of
Lexington Retailers Association

ITEM NUMBER:

I.1

SUMMARY:

Category: Decision-Making

The Lexington Retailers Association (LRA) has requested permission from the Select Board for a Discovery Day Street Fair to be held on Saturday, May 27, 2023 from 10:00am to 3:00pm, with street closures and detours running from 6:00am to 5:00pm, in the following areas:

- Massachusetts Avenue, from Waltham Street to Meriam Street (both sides); and
- Muzzey Street, from Massachusetts Avenue to the first private driveway; and
- Massachusetts Avenue, north-side sidewalk, from Edison Way to Waltham Street

They also request permission from the Select Board for the following:

- To erect a temporary sign on the Minuteman Commuter Bikeway behind 1775 Massachusetts Avenue during the event for publicity purposes; and
- Provide free parking at the Central Business District parking meters, and not charge for parking in the Depot Lot on Discovery Day.

Please see the attached letter from the Lexington Retailers Association dated March 6, 2023. A copy of the letter was given to the Town Manager's Office to review the request for the use of the Visitors Center lawn, use of Depot Square and Emery Park as well as the placement of temporary signs for event publicity in Emery Park and the Center Business District.

The Police Department, Fire Department, and Department of Public Works have reviewed the request with no concerns. The Health Department will work with the applicant to provide the appropriate permitting for the food vendors/booths. The applicant shall work with the Engineering Department regarding the status of sidewalk construction around the Battle Green and the construction as part of the expansion of the Center Streetscape Project on Meriam Street, both sides of the Depot and along Edison Way at the time of the event. Use of those areas may be limited.

The One-Day Liquor License for the requested Beer Garden will be applied for by the applicant at a future date.

Eric Michelson, President of the Lexington Retailers Association, will be in attendance at the meeting to answer any questions the Select Board may have regarding the request(s).

SUGGESTED MOTION:

Move to (*approve* or not approve*) restricting vehicular access in the following areas for the 2023 Discovery Day Street Fair to be held on Saturday, May 27, 2023 from 6:00am to 5:00pm:

- Massachusetts Avenue, from Waltham Street to Meriam Street (both sides); and
- Muzzey Street, from Massachusetts Avenue to the first private driveway; and
- Massachusetts Avenue, north-side sidewalk, from Edison Way to Waltham Street.

Move to (*approve* or not approve*) permission to erect a temporary sign on the Minuteman Commuter Bikeway behind 1775 Massachusetts Avenue during the event for publicity purposes.

Move to (*approve* or not approve*) free parking at the Central Business District parking meters, and not charge for parking in the Depot Lot on Discovery Day.

**and all approvals and locations are subject to modifications as may be required by Department of Public Works, Public Safety, Public Health, Engineering and/or Town Manager up to the time of the event.*

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/27/2023

6:35pm

ATTACHMENTS:

Description	Type
 2023 Discovery Day Request	Backup Material

LEXINGTON RETAILERS ASSOCIATION

1780 Massachusetts Avenue

781 862-1034

March 6, 2023

Select Board, Town of Lexington:

Jill Hai, Chair

Suzanne Barry

Douglas Lucente

Joseph Pato

Mark Sandeen

Dear Board Members,

The Lexington Retailers Association (LRA) requests permission to hold the annual Discovery Day street fair on parts of Massachusetts Avenue, Depot Square, Muzzey Street and adjacent sidewalks in Lexington Center. The event would be scheduled for Saturday May, 27 2023 from 10am – 3pm, with street closures and detours running from 6am – 5pm. In addition we request use of Emery Park and the Visitors Center lawn during the same time period.

The event will have a similar format to the October 2022 event. We understand that both the Select Board and the Town Manager have permission granting jurisdiction, and we will work closely with town staff to submit all the applicable paperwork. We will work with the Economic Development Office and Police, Fire, Public Works, Engineering, Health and Transportation departments to ensure a safe event.

We are asking to relocate the “Beer Garden” to the LexPress bus stop and rear quadrant of Emery Park. The serving hours would be 11:30am – 3:30pm. We will be returning to you for a temporary liquor license.

The event area would be:

Massachusetts Avenue, from Waltham Street to Meriam Street;

Depot Square & Emery Park;

Muzzey Street, from Massachusetts Avenue to the first private driveway;

Massachusetts Avenue north-side sidewalk, from Edison Way to Waltham Street;

Visitors Center lawn.

During the event, the LRA will be placing portable toilet facilities in the event area, and temporarily converting four parking spaces at either end of the event to handicapped parking for the duration of the event. We also want to work with the DPW to provide temporary bike racks for the event.

For the purpose of event publicity, we request permission to erect temporary signs at the following locations:

- 1) on Emery Park, starting May 12 and ending at the conclusion of the event;
- 2) in the center business district, but outside of the event area, during the event;
- 3) at the Bike-path, in the area by the crossover behind 1775 Mass Ave, during the event.

We also request permission to provide free parking at the Central Business District parking meters, and not charge for parking in the Depot Lot on Discovery Day.

The enclosed page is designed to address questions you may have about **Discovery Day**.

Sincerely,

Eric Michelson, President
Lexington Retailers Association

Q & A –Discovery Day 2023 - Saturday May 27

Q. What will occur during Discovery Day?

A. Discovery Day is a street fair, sidewalk sale, live entertainment and a way to “discover” the great things that Lexington has to offer.

Q. What is the schedule for the event?

A. The following is a tentative schedule:

6 a.m.	Close the main area along Mass Ave. to public vehicular traffic
	Participants begin set-up
10 a.m.	Participants open to public
11:30 a.m.	Beer Garden opens
3 p.m.	Participants close to public
	Participants breakdown and cleanup
3:30 p.m.	Beer Garden closes
5 p.m.	Event area reopened to public vehicular traffic

Q. Who will be allowed to participate?

A. Lexington retail and service businesses; Lexington community organizations; and Town of Lexington departments and committees

Q. What will occur at the street fair?

The Participants will be allowed to conduct the following activities:

Businesses - promote their businesses and sell merchandise

Community organizations - promote their organization (fundraise with LRA approval)

Town Departments/Committees – promote their groups (fundraise with LRA approval)

In addition, the LRA will provide family oriented entertainment. This may include, but may not be limited to live music performances and live dancing performances.

Q. What will the charges be to participate?

A. Charges will be assessed to cover the expenses involved in promoting and implementing Discovery Day. Those expenses will include mailings, advertising, entertainment, rental costs, and town services, as examples. Businesses will be charged a set fee to participate. Lexington community organizations will be charged a highly discounted nominal fee, and Town of Lexington departments and committees will be allowed to participate for free.

Q. What town services will be required?

A. As in the past, we will work with the Police Department for detail officers required for street closures, detours, and security. In addition, the DPW assists with site set-up, recycling and rubbish bins, trash disposal and site cleanup.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

2023 Annual Town Meeting

PRESENTER:

Mike Cronin, Director of Public
Facilities; Board Discussion

ITEM NUMBER:

I.2

SUMMARY:

Category: Informing/Decision-Making

Mike Cronin, Director of Public Facilities will be in attendance at the meeting to discuss and answer questions regarding 2023 ATM Article 16: Appropriate for Public Facilities Capital Projects - (h) 173 Bedford Street Renovation- Design.

The Select Board will discuss 2023 Annual Town Meeting articles as well as continue to take positions.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/27/2023

6:45pm

ATTACHMENTS:

Description	Type
☐ Art 10b amendment Lamb or CEC 3.23	Backup Material
☐ Select Board Working Document - Positions 2023 ATM	Backup Material
☐ mModerator's Proposed ATM Schedule (as of March 25, 2023)	Backup Material

If Article 10(a) does not pass (Stone Building), then CEC (or I) will offer an amendment to the motion for 10(b) to reduce the \$2,000,000 debt to \$1,600,000 and increase the \$1,000,000 Unbudgeted Reserve amount to \$1,400,000.

Explanation:

The Stone Building is proposed to be funded with cash. \$2,000,000 of debt is proposed for MCA. If 10(a) does not pass then this amendment would reduce the amount of borrowing by \$400,000. Obviously, I will only offer this amendment if 10(a) does not pass.

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			Y	Y	Y	Y	Y
5	Appropriate FY2024 Enterprise Funds Budgets		SB			Y	Y	Y	Y	Y
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			Y	Y	Y	Y	Y
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					Y	Y	Y	Y	Y
	c) Hancock-Clarke Barn Restoration- \$118,419					Y	Y	Y	Y	Y
	d) Archives and Record Management- \$35,000 - CONSENT			PC		Y	Y	Y	Y	Y
	e) First Parish Church Clock Restoration- \$12,000					Y	N	Y	Y	Y
	f) East Village Clock at Follen Church Restoration- \$9,600					Y	N	Y	Y	Y
	g)Willard Woods Site Improvements 1,211,675					Y	Y	Y	Y	Y
	h) Whipple Hill Trail Repair, Fire Access- \$300,000 CONSENT			PC		Y	Y	Y	Y	Y
	i)Lincoln Park Field Improvements including Lighting- \$3,391,500				MS		Y	W	Y	Y

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 - CONSENT	1/23/2023		PC		Y	Y	Y	Y	Y
	k) Park and Playground Improvements, Justin Park- \$155,000 - CONSENT			PC		Y	Y	Y	Y	Y
	l) Public Grounds Irrigation Improvements- \$200,000 - CONSENT			PC		Y	Y	Y	Y	Y
	m) Transforming Trees into Art, Birds of New England- \$22,000					N	Y	Y	N	Y
	n) Affordable Housing Trust Funding- \$1,500,000 - CONSENT			PC		Y	Y	Y	Y	Y
	o) LexHAB Property Acquisition Prefunding- \$400,000					Y	Y	Y	Y	Y
	p) LexHAB Rehabilitation/Preservation and Installation of Solar Panels- \$345,125 - CONSENT			PC		Y	Y	Y	Y	Y
	q) Projected Debt Service- \$1,788,900 - CONSENT			PC		Y	Y	Y	Y	Y
	r) Administrative Budget-\$150,000 - CONSENT			PC		Y	Y	Y	Y	Y
11	Appropriate For Recreation Capital Projects - CONSENT		SB	PC		Y	Y	Y	Y	Y
12	Appropriate For Municipal Capital Projects And Equipment		JH							
	a) All Terrain Vehicle (ATV)- Forestry					Y	Y	Y	Y	Y
	b) TMOD Implementation - Permitting and Progress Tracking					Y	Y	Y	Y	Y
	c) Transportation Mitigation - CONSENT			PC		Y	Y	Y	Y	Y
	d) Bedford St. and Hartwell Ave. Long-Range Transportation Improvements					Y	Y	Y	Y	Y
	e)Townwide Culvert Replacement - CONSENT			PC		Y	Y	Y	Y	Y
	f) Equipment Replacement - CONSENT			PC		Y	Y	Y	Y	Y
	g) Sidewalk Improvements - CONSENT			PC		Y	Y	Y	Y	Y
	h) Storm Drainage Improvements and NPDES compliance - CONSENT			PC		Y	Y	Y	Y	Y
	i) Comprehensive Watershed Stormwater Management - CONSENT			PC		Y	Y	Y	Y	Y
	j) Street Improvements - CONSENT			PC		Y	Y	Y	Y	Y

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 - CONSENT			PC		Y	Y	Y	Y	Y
	l) Municipal Parking Lot Improvements					Y	Y	Y	Y	Y
	m) New Sidewalk Installations					Y	Y	Y	Y	Y
	n) Network Core Equipment Replacement - CONSENT			PC		Y	Y	Y	Y	Y
	o) Network Redundancy & Improvement Plan - CONSENT			PC		Y	Y	Y	Y	Y
	p) (there is <i>no item associated with letter p</i>)									
	q) Scanning - Electronic Document Management - CONSENT			PC		Y	Y	Y	Y	Y
13	Appropriate For Water System Improvements.		MS			Y	Y	Y	Y	Y
14	Appropriate For Wastewater System Improvements - CONSENT		SB	PC		Y	Y	Y	Y	Y
15	Appropriate For School Capital Projects And Equipment - CONSENT		JP	PC		Y	Y	Y	Y	Y
16	Appropriate For Public Facilities Capital Projects		DL							
	a) Public Facilities Bid Documents - CONSENT			PC		Y	Y	Y	Y	Y
	b) Public Facilities Interior Finishes - CONSENT			PC		Y	Y	Y	Y	Y
	c) Public Facilities Mechanical/Electrical/Plumbing Replacements - CONSENT			PC		Y	Y	Y	Y	Y
	d) School Paving and Sidewalks - CONSENT			PC		Y	Y	Y	Y	Y
	e) Municipal Building Envelopes and Associated Systems - CONSENT			PC		Y	Y	Y	Y	Y
	f) School Building Envelopes and Associated Systems - CONSENT			PC		Y	Y	Y	Y	Y
	g) Pine Meadows Clubhouse Renovation- Design					Y	Y	Y	Y	Y
	h) 173 Bedford Street Renovation- Design;					W	W	W	W	W
	i) Solar Canopy & System - Police Station					W	W	W	W	Y
	j) East Lexington Fire Station- Feasibility Study					Y	Y	Y	Y	Y

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 - CONSENT		JP	PC		Y	Y	R	Y	Y
18	Rescind Prior Borrowing Authorizations - CONSENT		MS	PC		Y	Y	Y	Y	Y
19	Establish, Amend, Dissolve And Appropriate To And From Specified Stabilization Funds		DL			Y	Y	Y	Y	Y
20	Appropriate For Prior Years' Unpaid Bills - CONSENT		SB	PC		Y	Y	Y	Y	Y
21	Amend Fy2023 Operating, Enterprise And CPA Budgets.		DL			Y	Y	Y	Y	Y
22	Appropriate For Authorized Capital Improvements.		DL			Y	Y	Y	Y	Y
23	Establish Special Education Reserve Fund		JH			Y	Y	Y	Y	Y
General Articles										
24	Select Board To Accept Easements - CONSENT		MS	PC		Y	Y	Y	Y	Y
25	Amend The General Bylaws - Demolition Delay		SB			W	Y	W	W	Y
	-Proposed Amendment - Luker					W	Y	W	-	Y
26	Amend The General Bylaws - Municipal Opt-In Specialized Stretch Energy Code		JP			Y	Y	Y	Y	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	Y	W	Y
29	Amend General Bylaws - Tree Bylaw - Changes To Tree Committee Composition	2/6/2023	JP			Y	Y	Y	Y	Y
30	Humane Pet Store Bylaw Correction - CONSENT		SB	PC		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
	- Proposed Amendment - Morse Fortier submitted 3/16/2023					N	N	N	N	N

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
Zoning Articles										
33	Amend Zoning Bylaw - Special Permit Residential Development	2/13/2023	JH			Y	Y	Y	Y	Y
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 - CONSENT	2/27/2023	JH	PC		RB	RB	RB	RB	RB
36	Amend Zoning Bylaw And Map - Central Business District	2/27/2023	SB			Y	Y	Y	Y	Y
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	Y
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) - "Refer To" Planning Board	2/13/2023	DL			N	Y	N	N	Y
						RT	W	RT	RT	W

Proposed schedule as of March 25, 2023.

Monday March 27, 2023 (*amendment deadline has passed*)

- Article 2 - reports of Town Manager
- Article 2 - report of Appropriation Committee
- Article 2 - report of Lexington Schools Superintendent
- Article 2 - Report of the Lexington High School Building Committee
- Consent agenda
- Article 4 - Appropriate FY2024 Operating Budget
- Article 8 - Evaluation of Archaeological Resource Potential (Citizen Petition)
- Time permitting:
 - Article 5 - Appropriate FY2024 Enterprise Fund Budgets
 - Article 6 - Establish Qualifications for Tax Deferrals
 - Article 9 - Establish and Continue Departmental Revolving Funds
 - Continue any unfinished business from previous sessions

Wednesday March 29, 2023 (*Proposed amendments/divisions due 5pm, Monday, March 27*)

- Article 2 - reports of Capital Expenditures Committee
- Article 2 - report of Community Preservation Committee
- Article 10 - Appropriate for the FY2024 Community Preservation Committee Operating Budget and CPA Projects (items not on consent agenda):
 - **DATE CERTAIN:** 10i - Lincoln Park Field improvements including lighting
 - **DATE CERTAIN:** 10a - Stone Building design and repairs
 - 10b - Munroe Center for the Arts
 - 10c - Hancock-Clarke barn restoration
 - 10e - First Parish Church clock restoration
 - 10f - East Village clock at Follen Church restoration
 - 10g - Willard Woods site improvements
 - 10m - Transforming trees into art, Birds of New England
 - 10o - LexHab property acquisition prefunding
- Time permitting:
 - Article 7 - Appropriate to Affordable Housing Trust
 - Article 19 - Establish, Amend, Dissolve and Appropriate to and from Specified Stabilization Funds
 - Unfinished business from previous sessions

Monday April 3, 2023 (*Proposed amendments/divisions due 5pm Thursday, March 30*)

- Any unfinished items from Article 10
- Article 12 - Appropriate for Municipal Capital Projects and Equipment (items not on consent agenda):
 - 12a - All Terrain Vehicle - Forestry
 - 12b - TMOD Implementation - Permit and progress tracking
 - 12d - Bedford St and Hartwell Ave long-range transportation improvements
 - 12l - Municipal parking lot improvements
 - 12m - New sidewalk installations
- Article 13 - Appropriate for Water System Improvements
- Time permitting:
 - Article 21 - Amend FY2023 Operating, Enterprise and CPA Budgets
 - Article 23 - Establish Special Education Reserve Fund

Wednesday April 5, 2023 - no meeting (1st night of Passover)

Monday April 10, 2023 *(Proposed amendments/divisions due **5pm, Monday, April 3** for Articles 33, 34 and 40 - **Note earlier deadline!!**)*

- **DATE CERTAIN:** Article 33 - Amend Zoning Bylaw - Special Permit Residential Development
- **DATE CERTAIN:** Article 34 - Amend Zoning Bylaw and Map - Multi-Family Zoning Housing for MBTA Communities
- Time permitting: Unfinished business from previous sessions

Wednesday April 12, 2023 *(Proposed amendments/divisions due 5pm, Monday, April 10 **except for Article 40 - which has due date of 5pm Monday April 3**)*

- **DATE CERTAIN:** Article 16 - Appropriate for Public Facilities Capital Projects (items not on consent agenda):
 - 16g - Pine Meadows clubhouse renovation - design
 - 16h - 173 Bedford Street renovation - design
 - 16i - Solar canopy & system - Police Station
 - 16j - East Lexington Fire Station - feasibility study
- Article 40 - Amend Section 135-4.4 of the Zoning Bylaw - Reduce Residential Gross Floor (Citizen Petition)
- Article 27 - Amend Fossil Fuel Bylaw - Compliance with DOER Regulations and Guidance
- Unfinished business from previous sessions

No meetings Monday, April 17 and Wednesday April 19 (school vacation week)

*****Hold Monday April 24 and Wednesday April 26 for (inevitable) unfinished business*****

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Liquor License - Change of Manager - Bertucci's Restaurants, LLC d/b/a Bertucci's, 1777 Massachusetts Avenue

PRESENTER:

Jill Hai, Select Board Chair

ITEM NUMBER:

I.3

SUMMARY:

Category: Decision-Making

Bertucci's Restaurants, LLC d/b/a Bertucci's has submitted all the necessary paperwork requesting approval for a Change of Manager on their All-Alcohol Common Victualler Liquor License.

The proposed manager, William Wells, submitted a current Alcohol Awareness Training Certificate. The required CORI check has been completed.

SUGGESTED MOTION:

Motion to approve Bertucci's Restaurants, LLC d/b/a Bertucci's application for a Change of Manager naming William Wells as Manager and upon ABCC approval, issue an updated Liquor License to Bertucci's Restaurants, LLC d/b/a Bertucci's, located at 1777 Massachusetts Avenue reflecting the change of manager.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/27/2023

7:00pm

ATTACHMENTS:

Description

Type



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street, Boston, MA 02114
www.mass.gov/abcc

AMENDMENT-Change of Manager

☒ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Bertucci's Restaurants, LLC	Lexington	04641-RS-0612

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Chrissy Wills	Operations & Licensing Co	licensing@bertuccis.com	508-351-2562

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	William Wells	Date of Birth		SSN	
Residential Address	52 Birchland Ave, East Longmeadow, MA, 01028				
Email		Phone			
Please indicate how many hours per week you intend to be on the licensed premises		40+	Last-Approved License Manager		
			Randy Melnick		

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?*

☒ Yes ☐ No *Manager must be U.S. citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
Have you ever been convicted of a state, federal, or military crime?

☐ Yes ☒ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature

Date

2/2/23

APPLICANT'S STATEMENT

I, Brian Connell the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Bertucci's Restaurants, LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Brian Connell

Date:

3/6/23

Title:

Sr VP & CFO

CORPORATE VOTE

The Board of Directors or LLC Managers of

Bertucci's Restaurants, LLC

Entity Name

duly voted to apply to the Licensing Authority of

Lexington

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Jan 27, 2023

Date of Meeting

For the following transactions (Check all that apply):

☒ Change of Manager

☐ Other

"VOTED: To authorize

Brian Connell

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint

William Wells

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,

Corporate Officer /LLC Manager Signature

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street Boston, MA 02114
www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

AMENDMENT-Change of Manager

**APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.**

ECRT CODE: RETA

Please make \$200.00 payment here: <https://www.mass.gov/epay-for-online-payments-abcc>

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL

EPAY CONFIRMATION NUMBER

See attached

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

04641-RS-0612

ENTITY/ LICENSEE NAME

Bertucci's Restaurants, LLC

ADDRESS

1777 Massachusetts Ave

CITY/TOWN

Lexington

STATE

MA

ZIP CODE

02420

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |

**THE LOCAL LICENSING AUTHORITY MUST MAIL THIS
TRANSMITTAL FORM ALONG WITH
COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION
239 CAUSEWAY STREET
BOSTON, MA 02241-3396**