

SELECT BOARD MEETING

Wednesday, March 6, 2024

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

AGENDA

CONSENT AGENDA

1. Approve 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
2. Application: Battle Green Permit - Town Celebrations Committee, Battle Green, 0 Massachusetts Avenue
 - Patriots' Day 2024 Ceremonies & Road Closure for Morning Parade on Massachusetts Avenue
 - Road Closure for Afternoon Parade on Massachusetts Avenue
3. Applications: Battle Green Permits - Lexington Minute Men, Battle Green, 0 Massachusetts Avenue
 - Rehearsal for Civilian Evacuation
 - Dress Rehearsal for the Battle of Lexington Reenactment
 - Annual Reenactment of Lexington Minute Men Regrouping Before Parker's Revenge Skirmish & Road Closure for Marching on Massachusetts Avenue
 - Battle of Lexington Reenactment & Road Closure for Marching on Massachusetts Avenue
4. Approve Communications Advisory Committee's Request for Authorization to Negotiate Cable Television Renewal License With Verizon New England Inc.
5. Application: One-Day Liquor License - Lexington-Waltham Lodge of Elks #2204, 959 Waltham Street
 - Breast Cancer Fundraiser
6. Approve Parade and Massachusetts Avenue Road Closure Request - Lexington Little League
 - Annual Little League Parade
7. Approve and Sign Water and Sewer Finals and Adjustments
8. Approve Lowering the Battle Green Flag in Honor of David Williams
9. Application: Battle Green Permit - Lions Club of Lexington, Inc., Battle Green, 0 Massachusetts Avenue
 - 110th Annual Patriots' Day 5-Mile Road Race & Road Closure for Portion of Road Race on Massachusetts Avenue

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Select Board Work Session - Presentation: Community Charrette on Lexington Center Revitalization Report 6:35pm
2. Select Board Work Session - Discuss Lexington Human Rights Committee (LHRC) and Complaints 7:05pm
 - Complaint About Member's Actions
 - LHRC Incident Response Process
 - Discussion on How to Proceed
3. Select Board Work Session - 2024 Annual Town Meeting 8:05pm
 - Presentation - ATM 2024 Article 41: Massachusetts Bay Transportation Authority
 - Review Draft Select Board Report to Town Meeting
 - Select Board Article Discussion and Positions
4. Approve 2024 Compost Site Rates 8:15pm
5. Select Board Work Session - Approve Expenditure of Funds for Gift of Cash Received for 250th Anniversary of the Battle of Lexington Monument 8:25pm
6. Approve Increase to Outdoor Dining Permit Fee 8:35pm

ADJOURN

1. Anticipated Adjournment 8:40pm

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/99739813810?pwd=bEZZNE9HK3MyY1AvcWc5d0NsQ0JlQT09>

iPhone one-tap:

+13092053325,,99739813810#,,, *153496# US

+13126266799,,99739813810#,,, *153496# 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)

Meeting ID: 997 3981 3810

Passcode: 153496

An Act Relative to Extending Certain State of Emergency

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

The next regularly scheduled meeting of the Select Board will be held on Monday, March 11, 2024 at 6:30pm via hybrid participation.

*Hearing Assistance Devices Available on Request
All agenda time and the order of items are approximate and
subject to change.*



AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

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

PRESENTER:

Joe Pato, Select Board Chair

ITEM NUMBER:

C.1

SUMMARY:

Category: Decision-Making

The Lexington Minute Men and the Lexington Historical Society are requesting that Bedford Street from Massachusetts Avenue to Hancock Street and Hancock Street to Adams Street be closed to all but resident emergency traffic from 10:00pm on Sunday, April 14, 2024 to no later than 12:30am on Monday, April 15, 2024 for the reenactment of the arrival of Paul Revere and William Dawes at the Hancock-Clarke House. This is an annual event as part of Patriots' Day weekend. This event will not require the use of the Battle Green.

The Police Department, Department of Public Works, Town Manager's Office and Fire Department have no objections to this request.

SUGGESTED MOTION:

To approve the Lexington Minute Men and the Lexington Historical Society's request for Bedford Street from Massachusetts Avenue to Hancock Street and Hancock Street to Adams Street be closed to all but resident emergency traffic from 10:00pm on Sunday, April 14, 2024 to no later than 12:30am on Monday, April 15, 2024 for the reenactment of the arrival of Paul Revere and William Dawes at the Hancock-Clarke House.

Move to approve the consent.


FOLLOW-UP:

Select Board Office

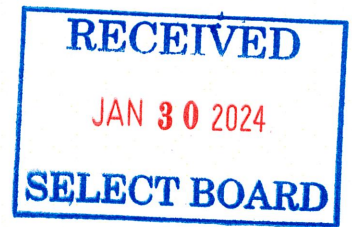
DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

ATTACHMENTS:

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

LEXINGTON
Historical Society
History • Education • Community



January 22, 2024

Select Board
Town of Lexington
Town Hall
Lexington, MA 02420

On behalf of the Lexington Historical Society and the Lexington Minute Men, request is respectfully made that appropriate steps be taken in order to close off portions of Bedford Street and Hancock Street for our special program on April 14-15, 2024.

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

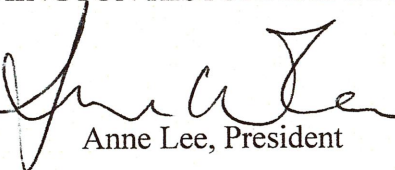
In order to accomplish all of this and to ensure public safety, we request that Bedford Street from Massachusetts Avenue to Hancock Street and Hancock Street to Adams Street be closed to all but resident emergency traffic from 10:00 p.m. on Sunday, April 14th to no later than 12:30 a.m. on Monday, April 15th.

For further information from either organization, you may contact Sue Rockwell [REDACTED] home phone [REDACTED].

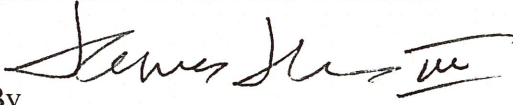
We are delighted to provide this annual gift to the town and are very proud of the fact that it has become a welcome permanent addition to our normal Patriots' Day weekend in Lexington. We appreciate your cooperation in that endeavor.

Very truly yours,

LEXINGTON HISTORICAL SOCIETY

By 
Anne Lee, President

THE LEXINGTON MINUTE MEN

By 
James J. Lee, Captain Commanding

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Application: Battle Green Permit - Town Celebrations Committee, Battle Green, 0
Massachusetts Avenue

PRESENTER:

Joe Pato, Select Board Chair

ITEM NUMBER:

C.2

SUMMARY:

Category: Decision-Making

Town Celebrations Committee:

The Town Celebrations Committee requests Select Board approval for the closure of Massachusetts Avenue from the driveway at Cary Memorial Building west to Bedford Street, Bedford Street to Harrington Road and midway down Harrington Road to the Battle Green to all but emergency traffic for the Patriots' Day morning parade on Monday, April 15, 2024 as outlined in the attached letter dated January 31, 2024. They are requesting the closure of Massachusetts Avenue from approximately #409 (Lexington Toyota) westerly to Bedford Street, Bedford Street to Harrington Road, Harrington Road to Worthen Road, and Worthen Road to the Town Pool parking lot for the afternoon parade. This is an annual request.

The Town Celebrations Committee has also requested permission to use the Battle Green on Monday, April 15, 2024 from 8:00am to 9:00am for the purpose of holding Patriots' Day-related ceremonies following the morning parade.

The Police Department, Department of Public Works, Town Manager's Office and the Fire Department have no objections to this request.

SUGGESTED MOTION:

To approve the Town Celebrations Committee request for road closures as described in the attached letter dated January 31, 2024 to all but emergency traffic for the Patriots' Day morning and afternoon parades as well as the use of the Battle Green for ceremonies following the morning parade on Monday, April 15, 2024 from 8:00am to 9:00am, and subject to working out all of the details with the Lexington Police Department, Lexington Fire Department, Department of Public Works and Town Manager's Office.

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

ATTACHMENTS:

Description	Type
<input data-bbox="154 667 186 703" type="checkbox"/> Town Celebrations Committee Battle Green Use & Road Closure Request - Patriots' Day 2024 Parades & Ceremonies	Backup Material



Town of Lexington
Town Celebrations Committee

January 31, 2024

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

Re: Request to hold the traditional Parades and outdoor Battle Green Ceremonies on Patriots' Day, April 15, 2024

Dear Select Board Members:

At its Jan 10, 2024 regular meeting, the Town Celebrations Committee voted unanimously to hold the traditional Parades and Outdoor Ceremonies this coming Patriots' Day, April 15th. We request your approval to plan to this outline. Specifically:

* Morning Parade:

- Use of Cary Memorial Building driveway to line up for the morning parade at 7:00am for parade kick-off at 7:30am.
- Use of Massachusetts Avenue from the driveway at Cary Memorial Building west to Bedford Street, Bedford Street to Harrington Road and midway down Harrington Road to the Battle Green.

* Ceremonies on the Battle Green:

- Use of a small podium, reviewing stand, microphone, and speaker system from 8:00 am to 9:00 am (approximately).

* Afternoon Parade:

- Permission to block off the Town Pool parking lot by 2:00pm on Worthen Road to provide parking and enable ease of loading for vehicles associated with the parade, in particular for trailers associated with the equine units.
- Use of Massachusetts Avenue at 2:00pm to 4:00pm from approximately #409 (Lexington Toyota) westerly to Bedford Street, Bedford Street to Harrington Road, Harrington Road to Worthen Road, and Worthen Road to the Town Pool parking lot. Also, the parking lot of the Lexington High School for the PM parade line-up and disassembling.

The Town Celebrations Committee is scheduling a meeting with the appropriate Town agencies and other organizations significant to the Patriots' Day activities to work out all the details.

Respectfully submitted,

Glen Bassett / Geetha Padaki, Co-Chairs

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Applications: Battle Green Permits - Lexington Minute Men, Battle Green, 0 Massachusetts Avenue

PRESENTER:

Joe Pato, Select Board Chair

ITEM NUMBER:

C.3

SUMMARY:

Category: Decision-Making

Lexington Minute Men:

The Lexington Minute Men are requesting the use of the Battle Green for their participation in Patriots' Day events on the following dates and times as outlined in the attached letter dated February 2, 2024:

- Saturday, March 30, 2024 for a dress rehearsal of the Civilian Evacuation Event from 1:30pm to 3:00pm
- Saturday, April 6, 2024 for a dress rehearsal of the Battle of Lexington Reenactment from 9:00am to 4:00pm (Rain Date: Sunday, April 7, 2024 from 9:00am to 4:00pm)
- Saturday, April 13, 2024 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 - a road closure is requested for the marching portion on this event)
- Monday, April 15, 2024 for the annual reenactment of the Battle of Lexington from 1:00am to 1:00pm (Rain Date: Saturday, April 20, 2024 from 1:00am to 1:00pm)

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

SUGGESTED MOTION:

To approve the Lexington Minute Men requests for the use of the Battle Green for Patriots' Day events as detailed in the attached request letter dated February 2, 2024 as follows:

- Saturday, March 30, 2024 for a dress rehearsal of the Civilian Evacuation Event from 1:30pm to 3:00pm
- Saturday, April 6, 2024 for a dress rehearsal of the Battle of Lexington Reenactment from 9:00am to

4:00pm (Rain Date: Sunday, April 7, 2024 from 9:00am to 4:00pm)

- Saturday, April 13, 2024 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 - a road closure is requested for the marching portion on this event)
- Monday, April 15, 2024 for the annual reenactment of the Battle of Lexington from 1:00am to 1:00pm (Rain Date: Saturday, April 20, 2024 from 1:00am to 1:00pm)

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Lexington Minute Men Battle Green Use & Road Closure Request - 2024 Patriots' Day Events	Backup Material



The Lexington Minute Men, Inc.

POST OFFICE BOX 1775 LEXINGTON, MASSACHUSETTS 02420
CAPTAIN COMMANDING James Lee.

Feb 2, 2024

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

Re: LMM Spring 2024 Use of Battle Green

To the Honorable Board:

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

- Saturday March 30, 1:30 - 3pm. Rehearsal of the Civilian Evacuation Event which is part of the Patriots' Day activities. Please see the Patriots' Day event timeline below for details.
- Saturday April 6, 9am - 4pm. Dress Rehearsal for the Battle of Lexington Reenactment. There will be no musket firing on the Green during this rehearsal, though please note that one musket will be fired from Buckman Tavern (as is customary) to initiate the action.
- Sunday, April 7, 9am - 4pm. Provisional "rain date" for the April 6 rehearsal.
- Saturday, April 13, 9am - 10:30am. Annual reenactment of the Lexington Minute Men regrouping and marching to Lincoln for the Parker's Revenge skirmish. Proceedings on the Green last approximately 30 minutes, followed by a march up Mass. Ave. to Fiske Hill at Old Mass. Ave. Please note that the Company requests a police escort at 9:45am from the Green up Mass. Ave. to Fiske Hill, as part of the Parker's Revenge March. The Company wishes to register its continuing thanks for this annual service by the Police Department.

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

-April 19, 1775 – Captain Parker

- Monday, April 15 (Patriots' Day), 1am - 1pm. Annual Reenactment of the Battle of Lexington. Held nearly every year since 1971, the Reenactment includes musket firing on the Green during the Battle, after a single shot from Buckman Tavern initiates the action. See below for timeline.

3-4:30am – 4 to 6 men patrol the Common and Buckman Tavern grounds

5:05-5:15am – Small company of minutemen drill on the Common

5:15-5:30am – Civilian Evacuation – Civilians to be staged at the Lexington Visitors Center and near the Common and will exit across Harrington Road.

5:30am – Capt. Parker sends Thaddeus Bowman down Mass Ave to scout for British Regulars.

5:55am – Thaddeus Bowman returns to warn of the British Regulars approach.

6:00am – British Regulars arrive and the battle ensues.

- Saturday, April 20, 1am - 1pm. Provisional "rain date" for the April 15 Reenactment.

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

We are grateful for the strong support always offered by the Selectmen and hope that this request will be granted. It is always an honor and a pleasure to be of service, continuing to keep alive the traditions of Lexington and the memory of the town's first casualties in the War for Independence.

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

Yours in Liberty,

2LT Dan Gipson, Adjutant
Lexington Minute Men

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

-April 19, 1775 – Captain Parker

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Communications Advisory Committee's Request for Authorization to Negotiate Cable Television Renewal License With Verizon New England Inc.

PRESENTER:

Joe Pato, Select Board Chair

ITEM NUMBER:

C.4

SUMMARY:

Category: Decision-Making

Verizon's cable television renewal license expires in October 2026 and Verizon notified the Town in October 2023 that they wished to renew their license. The Town is required to begin negotiations within six months of Verizon's notification (April 2024). Attached please find a letter from the Cable Advisory Committee asking for permission to begin negotiations.

SUGGESTED MOTION:

Move that the Communications Advisory Committee be authorized to conduct the process of negotiating a Renewal Cable Television License with Verizon New England, Inc.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

ATTACHMENTS:

Description

Type

Communications Advisory Committee
Request for a Select Board Motion *re*:
Renewal of the Cable Television License of
Verizon New England

February 2024

The Select Board is the issuing authority for Cable Television Licenses in the Town of Lexington. Verizon's current Cable Television Renewal License with the Town expires on October 29, 2026*. By federal and state law and regulation, negotiations for a renewal license may start between 36 and 30 months prior to the expiration date. Verizon notified the Town on October 30, 2023 that they wish to renew their license. The Town must begin preparation for negotiations within six months of Verizon's notification—*i.e.*, by April 30, 2024.

By its committee charge, the Communications Advisory Committee ("CAC") "advise[s] the [Select Board] on all aspects of wired and wireless communication and data services to and within the Town," and specifically, "when stipulated by the [Select Board], represent[s] the Town in negotiations and during contractual/license relationships with providers of those services." In keeping with this charge, the CAC is prepared to conduct the Verizon license renewal process on behalf of the Town, as it has done with past Cable Television License renewals—most recently, Comcast in 2024, Verizon in 2021–2022, and RCN in 2019.

Accordingly, the CAC requests that the Select Board pass a motion substantially similar to the following:

"Moved, that the Communications Advisory Committee be authorized to conduct the process of negotiating a Renewal Cable Television License with Verizon New England, Inc."

The following information is provided in support of this request.

* Verizon's current renewal license is for a five-year term. This is a departure from typical industry practice, with cable operators typically requesting ten-year renewal terms, the maximum allowed. We expect Verizon will again request a five-year renewal term.

Regulatory requirements and our plan

Federal and state laws and regulations (the “Rules”) specify a two-phase “Formal Process” for Cable Television License renewal. This Formal Process is designed to protect both parties’ rights and to help ensure a renewal license is executed before the current license expires. However, the Rules also encourage the parties to a license renewal to engage in informal discussion and negotiation, which can often be less cumbersome and take less time and effort to reach a successful conclusion.

To protect the Town’s rights according to the Rules, and because Verizon has formally notified the Town of its intent to renew its Cable Television License, the CAC will initiate the Town’s side of the Formal Process while concurrently engaging with Verizon in informal discussion and negotiation.

The process

The Board’s direction to the CAC will mark the initiation of the first phase of the Formal Process, *Ascertainment*. This phase encompasses:

- Reviewing the cable operator’s performance under the current license, and,
- Determining the cable-related needs and interests of the community.

The CAC has found in the past that a good way to do this is to:

1. Request input from the Town Manager and the Superintendent of Schools, to determine if there are any changes in the Town’s and Schools’ needs for cable television services, and
2. Solicit written comments and hold a public hearing or meeting, to enable residents to comment on the operator’s performance under the current license and to suggest changes and improvements.

The Rules require that Ascertainment be completed no later than six months prior to the expiration of the license—*i.e.*, April 2026. However, this would be a tight schedule leaving little time for Verizon and the Town to come to agreement on the terms of the Renewal License. To maximize the time available for actual license negotiations, the CAC intends to begin Ascertainment activities this coming fall, following completion of the Comcast license renewal effort that is currently underway.

If informal discussions result in agreement on the terms of a Renewal License, all that remains is for the Board to approve the proposed new terms, conduct a public hearing regarding the new license terms (as required by the Rules), and then, together with Verizon, execute the license.

However, if the parties are not able to agree on terms of a renewal license through informal discussion, completion of Ascertainment marks the beginning of Phase 2 of the formal process, *Negotiation*. During the Negotiation phase, the CAC would ask the Town Manager to issue a formal Request for Proposal (RFP) to Verizon. Verizon would then have 30 or 45 days to respond with a license proposal, and the Town would have a period of four months for negotiation, after which the CAC would bring its recommendations to the Board.

Regardless of whether a renewal license is agreed upon via informal discussions or via the formal process, a public hearing must be held on the new terms, as noted above. Following this hearing, the Board must decide whether or not to grant the renewal license. If the renewal license is granted, the Board and the operator will execute the final document. If the Board decides not to renew, however, the operator may initiate legal proceedings against the Town. It is therefore important that the Town meet the milestones of the formal process spelled out in the Rules, to protect its rights under the law and to avoid any appearance of fault.

Time frame

As noted above, the CAC plans to begin activities of the Ascertainment process this fall. Although the Rules require that Ascertainment be completed six months prior to expiration of the current license (April 2026), we prefer to allow substantially more time for informal discussion, while still leaving adequate time for any formal RFP/proposal/ negotiation process, which can take five months or more.

On the other hand, we do not want to execute a Renewal License too early. With two-and-a-half-years until expiration of the current license, much can happen in the technical and regulatory environments. By delaying formal completion of Ascertainment to the summer or fall of 2025 (12 to 15 months prior to expiration), we can ensure any RFP incorporates our latest understanding of the direction of the cable industry, while allowing sufficient time to negotiate final language and execute the renewal license before the current license expires.

Respectfully submitted,

/signed/

Kenneth T. Pogran
Chair, Communications Advisory Committee

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Application: One-Day Liquor License - Lexington-Waltham Lodge of Elks #2204, 959 Waltham Street

PRESENTER:

Joe Pato, Select Board Chair

ITEM NUMBER:

C.5

SUMMARY:

Category: Decision-Making

Lexington-Waltham Lodge of Elks #2204:

The Lexington-Waltham Lodge of Elks #2204 is requesting a One-Day Liquor License to serve beer in the rear parking lot of the Lodge of Elks, 959 Waltham Street, for the purpose of a Breast Cancer Fundraiser on Sunday, April 21, 2024 from 1:00pm to 6:00pm. All drinks will be served and consumed in the rear parking lot of the Lodge of Elks.

SUGGESTED MOTION:

To approve a One-Day Liquor License for the Lexington-Waltham Lodge of Elks #2204 to serve beer in the rear parking lot of the Lodge of Elks, 959 Waltham Street, for the purpose of a Breast Cancer Fundraiser on Sunday, April 21, 2024 from 1:00pm to 6:00pm.

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Parade and Massachusetts Avenue Road Closure Request - Lexington Little League

PRESENTER:

Joe Pato, Select Board Chair

ITEM NUMBER:

C.6

SUMMARY:

Category: Decision-Making

The Lexington Little League is requesting approval for the Annual Little League Parade and road closures for the parade route. They are requesting that Massachusetts Avenue from Muzzey Field to Muzzey Street and then Muzzey Street to Lexington High School be closed to all but resident emergency traffic from 8:30am on Saturday, April 27, 2024 to no later than 11:00am for the the Annual Little League Parade Opening Day. Parade participants will gather at 8:30am at Muzzey Field and step off at 9:00am. The parade will end at the LHS Football Field for their ceremony as outlined in their attached letter dated February 8, 2024.

The Police Department, Recreation Department, Department of Public Works, Fire Department, Town Manager's Office and Engineering Department have reviewed this request and have no objections. Police will provide an escort during the parade. Fire will provide a fire engine to lead the parade, if needed. Engineering stated that construction will be cleaned up for the weekends.

SUGGESTED MOTION:

To approve the Lexington Little League request for the Annual Little League Parade and the road closures request for Massachusetts Avenue from Muzzey Field to Muzzey Street and then Muzzey Street to Lexington High School be closed to all but resident emergency traffic from 8:30am on Saturday, April 27, 2024 to no later than 11:00am for the Annual Little League Parade as outlined in their letter dated February 8, 2024, subject to working out the details with Town Departments.

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

ATTACHMENTS:

Description	Type
 Lexington Little League Parade & Road Closures Request - Annual Little League Parade 2024	Backup Material

Lexington Little League

February 8, 2024

Jill Hai

Chairperson, Select Board

Town of Lexington

Town Office Building

Lexington, MA 02420

Dear Ms. Hai,

The Lexington Recreation Department and Lexington Little League are in the early stages of planning for the Annual Little League Parade to kick off the 2024 Little League season. The anticipated date is Saturday, April 27, 2024 gathering at 8:30am at Muzzey Field and starting walking the parade route at 9:00 am.

As in years past, the route will follow Massachusetts Ave. through the town center, turn left on Muzzey Street. As we did last year, we would like for the parade to end at the LHS football field rather than the Fitzgerald Field/Little League Center #4 ball field off Park Drive. The football field lends us much more space and the stands provide seating for players and families during the open ceremony. This also helps us maintain the field conditions at C4, where we plan to have opening day games following the parade.

We have included the request for use of the LHS football field on this date as part of our field request submission to the Recreation Department. We are also going to be working again with the Recreation and Community Programs Department to use the concession stand at the field. We used it last year to sell snacks to the parade attendees and keep it open for the games that immediately followed. It was a big hit and a great way to keep families around to stay and watch the games.

We are still in the early stages of planning the events at the field. In previous years we had Wally from the Boston Red Sox and an opportunity to take team pictures with the actual World Series Championship trophy. We will also again invite the LHS Baseball and Softball teams, most of whom are former Little Leaguers, to come and cheer on their young counterparts.

The rally concludes at 11:00am and we plan on having baseball and softball games immediately follow at C2 and C4.

We will of course abide by all requirements as set forth by Federal, State, and Local bodies including the Lexington Board of Health. Given the time it takes to organize this event we are submitting our request for approval early to allow time for proper planning and execution.

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

Thank you for your time and consideration. If you have any questions or concerns feel free to contact me at anytime.

Respectfully,

Mike Finkenzeller

President, Lexington Little League



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

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve and Sign Water and Sewer Finals and Adjustments

PRESENTER:

Joe Pato, Select Board Chair

ITEM NUMBER:

C.7

SUMMARY:

Category: Decision-Making

The Water and Sewer Division is requesting that the Select Board approve and sign the following Water and Sewer Finals:

Water and Sewer January 2024 Finals \$3,066.40

The Water and Sewer Division is also asking that the Select Board approve and sign the Water and Sewer Adjustments as recommended by the Water and Sewer Abatement Board (WSAB) on February 8, 2024 in the amount of \$46,865.32.

SUGGESTED MOTION:

To approve and sign the attached Water and Sewer Finals for January 2024.

To approve and sign the attached Water and Sewer Adjustments as recommended by the Water and Sewer Abatement Board on February 8, 2024 in the amount of \$46,865.32.

Move to approve the consent.

FOLLOW-UP:

Treasurer/Collector

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

ATTACHMENTS:

Description	Type
 SB 3-6-24	Cover Memo



Department of Public Works
Town of Lexington
Water and Sewer Enterprise Funds
FISCAL YEAR 2024

FINALS		GRAND TOTALS
JANUARY 2024		
WATER \$	2,346.38	\$2,346.38
SEWER \$	720.02	\$720.02
TOTAL:	\$3,066.40	\$3,066.40

To the Collector of Revenue for the Town of Lexington:

You are hereby authorized and required to levy and collect of the persons named in the list of water/sewer charges herewith committed to you and each one of his/her respective portion herein set down of the sum total of such list. Said sum being:

Three thousand sixty six 40/100

And pay the same into the treasury of the Town of Lexington
and to exercise the powers conferred by law in regard thereto.

 2-29-24
DIRECTOR OF PUBLIC WORKS

SELECT BOARD

MARCH 6, 2024

Treasurer/Collector, Director of Public Works, Water/Sewer Billing



FY 2024
ADJUSTMENTS TO WATER/ SEWER
AS RECOMMENDED BY THE WATER AND SEWER ABATEMENT BOARD

WSAB FEBRUARY 8, 2024 SELECT BOARD MTG, 3/6/24

ACCOUNT	NBR	STREET	WATER	SEWER	TOTAL	BILL	YEAR	NOTES
0200312800	1840	MASSACHUSETTS AVE	\$ (662.37)	\$ (2,198.97)	\$ (2,861.34)	1086978		MULTI LEAK
0200526300	22	BRENT ROAD	\$ (68.64)	\$ (211.64)	\$ (280.28)	1090041		TOILET LEAK
0100108500	12	LOCKE LANE	\$ (52.75)	\$ (191.34)	\$ (244.09)	1083562		TOILET LEAK
0300797300	41	DRUMMER BOY WAY	\$ (958.76)	\$ (3,215.74)	\$ (4,174.50)	1094388		TOILET LEAK
0200599000	79	ADAMS STREET	\$ (683.71)	\$ (2,280.73)	\$ (2,964.44)	1091218		TOILET LEAK
0300689102	33	CONSTITUTION ROAD	\$ (127.80)	\$ -	\$ (127.80)	1092994		BROKEN SPIGOT
0300908800	31	MIDDLEBY ROAD	\$ 29.51	\$ (192.80)	\$ (163.29)	1095932		IRR ON DOM - DISPUTED FROM LAST MEETING
0200573902	24	OAKLAND STREET	NA	NA	NA	1090798		INTEREST ONLY
0100160700	44	MORELAND AVE	\$ -	\$ (5,979.62)	\$ (5,979.62)	MULTI		SEWER ABT. WAS ON SEPTIC
0200366902	45	BEDFORD STREET	\$ (96.88)	\$ -	\$ (96.88)	MULTI		FIRE DEPT USAGE FOR TRUCKS
0100082600	288	LOWELL STREET	\$ (6,223.68)	\$ (15,620.56)	\$ (21,844.24)	1062135		ERRONEOUS BILL
0200413500	49	DEXTER ROAD	\$ (2,278.70)	\$ (5,850.14)	\$ (8,128.84)	1088432		DPW CLERICAL ERROR
			\$ (11,123.78)	\$ (35,741.54)	\$ (46,865.32)			

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

THE SUM SET AGAINST THE ABOVE ACCOUNTS IS HEREBY ADJUSTED.

WATER	SEWER	TOTAL
\$ (11,123.78)	\$ (35,741.54)	\$ (46,865.32)

2-29-24

DIRECTOR OF PUBLIC WORKS

SELECT BOARD

MARCH 6, 2024

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Lowering the Battle Green Flag in Honor of David Williams

PRESENTER:

Joe Pato, Select Board Chair

ITEM NUMBER:

C.8

SUMMARY:

Category: Decision-Making

The Select Board is being asked to approve the lowering of the Battle Green flag on Friday, March 8, 2024, or a date set by the Select Board Chair, to honor the memory of David Williams, who passed away recently. Mr. Williams was a longtime member of the Lexington community and was heavily involved in Town boards and committees, in Town Meeting as a former Town Meeting Member and was a dedicated Trustee for the Trustees of Public Trusts. He worked diligently to raise money for various trust and scholarships funds and did so with a strong passion for conservation, education and the arts.

SUGGESTED MOTION:

To approve the lowering of the Battle Green flag on Friday, March 8, 2024, or a date set by the Select Board Chair, to honor the memory of David Williams.

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Application: Battle Green Permit - Lions Club of Lexington, Inc., Battle Green, 0
Massachusetts Avenue

PRESENTER:

Joe Pato, Select Board Chair

ITEM NUMBER:

C.9

SUMMARY:

Category: Decision-Making

Lions Club of Lexington, Inc.:

The Lions Club of Lexington, Inc. requests permission to hold the 110th Annual Patriots' Day 5-Mile Road Race on Monday, April 15, 2024 with an awards ceremony on the Battle Green at the conclusion of the road race from approximately 10:15am to 10:30am. They are requesting use of the Battle Green from 10:15am to 11:15am, where the road race will start and end. They are requesting that Massachusetts Avenue from the Battle Green to Marrett Road to Lincoln Street and back to the Battle Green be closed to all but resident emergency traffic from 9:00am to approximately 10:15am for the road race.

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

SUGGESTED MOTION:

To approve the request of the Lions Club of Lexington, Inc. to hold the 110th Annual Patriots' Day 5-Mile Road Race on Monday, April 15, 2024 from 10:15am to 11:15am with an awards ceremony on the Battle Green at approximately 10:15am to 10:30am and to approve the road closure request for Massachusetts Avenue from the Battle Green to Marrett Road to Lincoln Street and back to the Battle Green be closed to all but resident emergency traffic from 9:00am to approximately 10:15am for the road race, subject to working out all of the details with the Lexington Police Department, Lexington Fire Department, Department of Public Works and Town Manager's Office.

Move to approve the consent.


FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

ATTACHMENTS:

Description	Type
 Lions Club of Lexington Inc. Battle Green Use & Road Closure Request - 110th Annual 5-Mile Road Race for Patriots' Day 2024	Backup Material



THE LIONS CLUB OF LEXINGTON, INC.

P.O. Box 71, Lexington, Massachusetts, 02420

"Birthplace of American Liberty"

www.lexingtonlions.org

February 8, 2024

Town of Lexington
Select Board
1625 Massachusetts Ave.
Lexington, MA 02420

Dear Board Members;

The Lexington Lions Club will be sponsoring the **110th** Annual Patriots Day 5-Mile Road Race on Monday, April 15, 2024. We are requesting the use of the Battle Green for the awards ceremony at the conclusion of the Road Race. The awards ceremony begins at approximately 10:15AM and will last approximately 15 minutes.

Thanks for your consideration of this request. If you have any questions, please contact me at 17 Vine Brook Rd, Lexington, MA 02421; Cell Phone: [REDACTED]

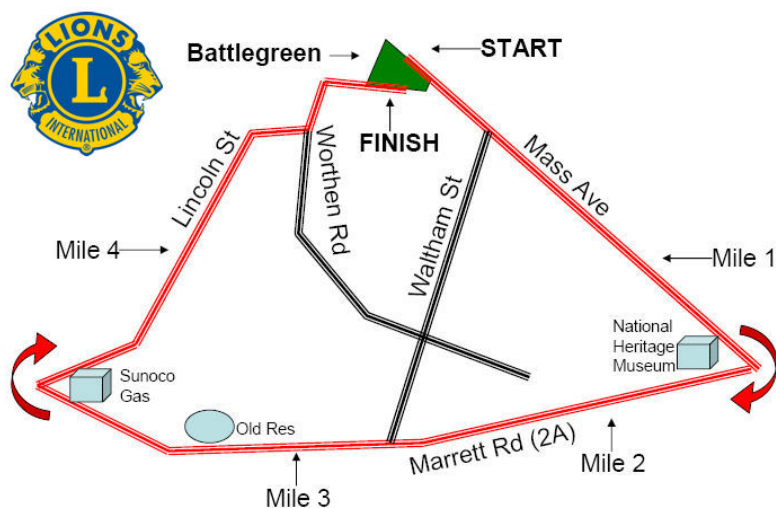
Very truly yours,

Douglas M. Lucente
Treasurer and Road Race Co-Chair

***See attached:
Road Race Route & Details***

cc: Town Manager

Lexington Lions Club – 110th Annual Patriots Day 5-Mile Road Race



Road Race Details:

Date, Time & Location:

- Monday, April 15, 2024
- Race Starts at **9:00am** (By Lexington Minutemen firing muskets) **NEW TIME**
- Adjacent to the Battlegreen, Lexington, MA
- (1900 Mass Ave, Lexington, MA—for mapping purposes)

Registration:

Please Visit the "[HOW TO ENTER](http://www.lexingtonlions.org)" Registration Page at www.lexingtonlions.org

Race Packets:

Runners who have pre-registered may pick-up their race packets on race day at registration beginning at 8:00am

Team Registration:

Teams must have a minimum of 4 Runners.

Timing Chip:

Your timing chip is included in your race packet and must be placed on the top of your shoe and securely weaved/tied through your shoelaces. In order to receive an official time for the race you must be wearing the chip as you cross both the Start and Finish lines.

Age Group Awards & Other Trophies:

- Currier Cup* - 1st Place Overall Finisher
- Team Competition - 1st Place Team
- Sgt Norman Carlson Award - 1st Lexingtonian
- Age 12 & Under - 1st & 2nd Place Male, 1st & 2nd Place Female
- Age 13 – 19 - 1st & 2nd Place Male, 1st & 2nd Place Female
- Age 20 – 29 - 1st & 2nd Place Male, 1st & 2nd Place Female
- Age 30 – 39 - 1st & 2nd Place Male, 1st & 2nd Place Female
- Age 40 – 49 - 1st & 2nd Place Male, 1st & 2nd Place Female
- Age 50 – 59 - 1st & 2nd Place Male, 1st & 2nd Place Female
- Age 60 & Up - 1st & 2nd Place Male, 1st & 2nd Place Female

*Currier Cup Trophy:

The Currier Cup is a Special Silver Cup that is presented to the first place finisher of the race by the family of the first Place finisher of the First Patriots Day Road Race in 1914 Ralph “Curlie” Currier.

Fees:

Mail-in and On-Line Pre-registration is \$25.

Day of Race registration is \$35.

Water Stops:

There are 4 water stops along the race route. Close to each mile marker.

Refreshments:

Refreshments and fruit are served at the end of the race.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Select Board Work Session - Presentation: Community Charrette on Lexington Center Revitalization Report

PRESENTER:

Dr. John Mullin; Dr. Zenia Kotval

ITEM NUMBER:

I.1

SUMMARY:

Category: Informing

**Public comments will not be taken for this item as it is a work session topic.*

In November, the Town held a community planning charrette to obtain input on what the community envisioned for an active, successful town center. Dr. John Mullin and Dr. Zenia Kotval coordinated the charrette and will be presenting the attached final report. The Select Board has made this a major goal to work on over the next two years, to be led by Select Board Member Doug Lucente.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

6:35pm

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Lex Charrette presentation	Presentation

Lexington Center: The Journey Forward

March 2024



The Workshops

Day One – November 17, 2023

The first day charrette focused on strategies, challenges and actions.

Top Strategies

- ***Retain and attract new uses*** that residents want in Lexington Center.
- ***Support existing businesses***
- ***Revise Zoning Bylaw*** to allow restaurants and nightlife.
- Address factors potentially ***inhibiting new small businesses*** from thriving in the Center.
- Address ***vacant storefronts***; prevent long-term vacancies.



Day Two: November 18, 2023

Day two of the workshop focused on the built environment in Lexington's Center and how it impacts downtown vibrancy.



Day One Discussion



- **Attract a variety of uses** and activities that cater to multiple publics and **extends the hours of operation**
- Get more **information from the businesses regarding the challenges** they face and how these could be minimized in the future.
- **Connecting with building owners** on future plans
- **Engage more youth** in the process and pay attention to their needs
- Building on **cultural and historic assets**
- **Connect the Minuteman Bikeway** to the Center
- Create better **wayfinding, parking and signage**
- Have **better marketing and promotion** for special events and activities
- **Change Zoning Regulations** to allow for night-time uses, raising height restrictions, signage and improved parking, use of upper stories, and limiting street level uses to retail and/or activities for youth and families.
- Ask MBTA to provide **better Mass transit**

Day Two Discussion

- The Town Center is a **Drive-to-Walkable destination**
- Lexington needs to physically achieve “**sense of place**” in the Center
 - Align the buildings
 - Minimize urban gaps
 - Width to height ratio
- Attention to **rear access** to Massachusetts Avenue businesses and **pedestrian connections** to Massachusetts Avenue from rear parking area.
- Lexington needs a **central gathering space** within the Town Center.



Our Recommendations



Develop an Action Agenda

- Understand **current and emerging trends**
- **Examine data on economic expenditures**, impacts of downtown movie theaters, and impacts of increased residential uses in downtowns
- **Analyze data** on events and how they influence expenditures
- Understand what **types of businesses** are inquiring about a location in downtown
- A “**road trip**” to towns that have successfully increased vibrancy should be considered
- Develop a **design competition** for alleyways, signature projects, wayfinding signage, etc.
- Create “**Developer Kits**” which are intended to be distributed to businesses interested in a Lexington location.

Focus On....

- **Build on Assets**
 - Historic Assets
 - The Minuteman Bikeway
 - Depot Square and Emery Park
- Public Parking and Strong **Pedestrian Connections**
- **Building Heights** on Massachusetts Avenue
- **Consistency in activities** and marketing
- **Way-finding, Signage and Road Diets**
- Places for **Multiple Publics**
- **Public Private Partnerships**
- Encourage **Mixed Uses and Zoning Reform**
- Focus on **Town owned lands**



Thank You!



- Questions?
- Comments?

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Select Board Work Session - Discuss Lexington Human Rights Committee (LHRC) and Complaints

PRESENTER:

Board Discussion

ITEM NUMBER:

I.2

SUMMARY:

Category: Brainstorming

**Public comments will not be taken for this item as it is a work session topic.*

Over the past several weeks, the Board received a number of messages regarding the social media posts shared by a member of the Human Rights Committee (HRC). At the 2/26 meeting of the Board, these concerns were reiterated during the public comment section of the Board's meeting.

In parallel in mid-January, the Human Rights Committee received a formal complaint about these actions and the chair of that committee engaged their process of creating an incident response team and evaluating the complaint.

The Select Board is committed to making Lexington a welcoming, inclusive, and safe community for everyone, treating all people fairly and fully embracing the unique contributions of all Lexington residents. We reject all forms of intolerance and bigotry including acts of antisemitism, racism, Islamophobia, homophobia, or other forms of hostility, intimidation, or harassment.

At tonight's meeting, the Board will:

1. Hear the status of the incident response activity from the chairs of the Human Rights Committee.
2. Discuss how to proceed in response to the incident response status report and assign follow-up actions.
3. Discuss the role of the Human Rights Committee and how it is perceived.
4. Discuss the recommendations for professional facilitation.

Some correspondents have shared concerns about bringing human rights complaints to the HRC. While the HRC has a function to report civil rights violations to appropriate government agencies, they are not a commission, and they are not tasked in their charge with investigating these violations. Individuals who do not want to report violations through the HRC may direct their concerns to the Massachusetts Commission Against Discrimination <<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>>, the Town's Chief Equity Officer (hshah@lexingtonma.gov) or to the Lexington Police Department.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024 7:05pm

ATTACHMENTS:

Description	Type
 LHRC Incident Response Status Report	Backup Material

Status Report on LHRC Complaint Received Regarding a Member's Social Media Posts

To: Lexington Select Board

From: LHRC Chairs

Date: 3/03/2024

Opening Statement

We, the current Chairs of the Lexington Human Rights Committee (LHRC), want to acknowledge several things ahead of this report. First, we wish to state unambiguously our commitment to the core values of freedom from bigotry, hatred, intolerance, disrespect, and destructive conflict in our community. We also respect and recognize both our diversity and our commonalities within this community. And, we believe in the practice of engagement through respectful, civil, public discourse and debate.

Additionally, as reviewers of this complaint, we recognize our limitations in fully appreciating the depth of anguish experienced within our Jewish, Israeli, Arab, and Muslim identifying communities as we are outsiders to these lived experiences. As such, we recognize the increased responsibility we have for our own continued education and relationship-building to resist the forces that dehumanize these and all other marginalized identities.

Report - Background information

On January 16, 2024, a formal complaint was submitted to the Lexington Human Rights Committee (LHRC), alleging antisemitic posts by a member of the LHRC. In the complaint, the individual (reporter) claimed their religious/ethnic rights were violated and asked for the removal of the LHRC member. Also, when we met with this individual, they raised an additional concern about the ability of the LHRC to effectively serve all members of the community when there was a member who did not appear to model the committee's stated values of:

- *freedom from bigotry, hatred, intolerance, disrespect, and destructive conflict among its citizens.*
- *Respects and recognizes both our diversity and our commonalities.*
- *Engages in respectful, civil, public discourse and debate.*

The reporter provided screenshots of the social media posts.

The Lexington Human Rights Committee Chair and Vice Chair have received additional emails from community members stating similar concerns regarding identical Facebook posts. These were not formally sent through the LHRC complaint portal and, therefore, did not trigger a separate review process. While earlier concerns were made starting in October, efforts were already underway to address this through researching approaches for calling in and dialogue for

healing. Additionally, the Select Board informed us that they were also receiving emails about this issue. We understand that there continues to be growing concern and a sense of urgency by some members of the public looking for a resolution. The process we have been following is described below.

Process of review by LHRC Chair and Vice Chair

The LHRC is charged¹ with helping other organizations and Town departments address conflict through consultation and mediation with the parties involved and reporting civil rights violations to appropriate government agencies. To that end, the committee (LHRC) has created a process for reviewing complaints lodged formally through the complaint portal on its website. When a formal complaint is lodged, the standard process for addressing these incidents is described in a document on the LHRC website, "[How We Handle Complaints](#)."

- The Chair of the LHRC determines if the complaint is a civil rights issue. At this point, no other committee members are notified.
- If there is a civil rights issue, the Chair creates an incident response team (IRT) by assigning two LHRC members to review the complaint, gather the facts of the incident, and determine the next steps.
- At no point are other LHRC members informed about these complaints unless the complainant and all parties involved wish to publicly share this information at the completion of the review process. This is not a process where the committee deliberates or discusses the complaint together.

Because the complaint from Jan 16, 2024, directly involved a committee member, it was determined (in consultation with the Select Board Liaison and Chair) that the LHRC Chair and Vice-Chair should form the IRT. Prior to initiating a review process, we consulted the Town Counsel about holding an executive session of the committee, to enable LHRC members to discuss this issue in private and were advised this was not possible. We also discussed a desired outcome of a resolution that brought a sense of repair and healing to the community², with emphasis on having a professionally facilitated dialogue including all parties.

The following steps were taken to respond to the complaint. The complainant will be referred to as the 'reporter', and the LHRC committee member who is the focus of the complaint shall be referred to as the subject of the complaint (SoC).

- An initial meeting was held by the IRT and Select Board Liaison with the SoC. At our invitation, they were accompanied by supporting friends. We relayed that a formal complaint had been submitted about this committee member's social media content and that a review process had begun. Our goal was to gain a better understanding of their (SoC) perspective and intentions. All parties in the meeting agreed on a desire for community healing through dialogue and believed that it was important for the Lexington community to not be polarized by differing views of the Israel-Gaza War. It was agreed that the IRT and SoC would reconvene a week later to discuss next steps.
- The second meeting was held with the IRT, Select Board liaison, SoC, and a supporting friend. The SoC said they wished to stay on the committee. They agreed to prepare a statement for the LHRC meeting on Wednesday, February 14, 2024. This also provided an

¹ <http://records.lexingtonma.gov/weblink/docview.aspx?dbid=0&id=87994>

² [A Message of Unity From Rabbi Abramson and Imam Shakeel](#)

opportunity for the remaining LHRC members to be formally made aware of the complaint and review of their colleague.

- The IRT and Select Board liaison also met with the reporter to listen to their concerns and the remedies that they were seeking. The reporter expressed serious concern for the conduct of the SoC, and they also shared that they had strong reservations about the legitimacy of the LHRC given the apparent lack of action and acknowledgment of the perceived misconduct of the SoC. The reporter believed the posts were divisive and harmful in nature and therefore, not consistent with LHRC's stated goals and values.

Other Actions from the Incident Response Team (IRT)

- Met and are continuing to meet with leaders of the Jewish and interfaith community.
- Reached out to the Jewish Community Relations Council (JCRC), the Bard Center for the Study of Hate, and The Council of American-Islamic Relations Massachusetts (CAIRMA)
- Exploring options for creating a dialogue.^{3,4,5}

What We Learned

1. Members of the Jewish and Israeli communities have shared their belief that these posts are harmful and offensive to their community. They questioned whether the SoC and the LHRC would be capable of defending community members' human rights in a fair and objective manner, given the bias they perceived in the content.
2. The SoC noted that their posts were not intended to be disparaging of the Jewish community or faith but rather a commentary on state and government actions.
3. The SoC and others shared that the Muslim community feels pressured to be silent instead of expressing their perspective of support for innocent people in Gaza and Palestine.
4. Some members of the Muslim community feel that a show of support for the Palestinian people is often misinterpreted as hatred towards Israeli or Jewish people when that is not the intention.
5. Some in the Jewish community observed a sense that the Israel-Gaza War gave an excuse to be antisemitic, whether directly or in coded language.
6. Some in the Muslim community shared that the conflict has also led to a rise in Islamophobia.
7. Some in the Jewish community feel that their pain is frequently disregarded for political expediency, and often they are framed as oppressors in DEI frameworks instead of finding support and solidarity with other marginalized groups.

Findings

1. The social media posts were made on a personal account. The posts did not mention the LHRC or claim to represent the views of the LHRC.
2. The SoC did not dispute that these were their posts.
3. The IRT found the posts have made it difficult for individuals on the LHRC and in our community to feel comfortable working with the SoC and, by extension the LHRC as a whole.

³ [METROWEST INTERFAITH COMMUNITY](#)

⁴ [Hope Interrupted in Israel/Palestine: The View from a Vacant Lot. Mira Sucharov & Omar Dajani](#)

⁵ [Laying the Groundwork for Complex Conversations | Gonzaga University](#)

4. The IRT found that some of these posts did conflict with the values of the LHRC and they communicated this concern on multiple occasions to the SoC.
5. The SoC continues to post content on their social media platforms that appear to suggest they are refusing to pause and consider a differing perspective which is an important aspect of the work of LHRC members.
6. Removal of a member of the LHRC is outside the scope of the committee, per the LHRC charge. This action can only be undertaken by the Select Board.
7. Freedom of Speech and Expression is protected by the First Amendment. This includes perceived hate speech.

Recommendations

- A. The IRT recommends creating a process to address situations that arise if a Town committee member's conduct/character is called into question. This process should protect the dignity and privacy of the people involved.
- B. The IRT suggests that a standardized norm or policy on social media postings and public comments by members of all Town committees be considered. We also recommend a task force be created to explore this work.
- C. There is a need for community healing. The IRT recommends a professionally facilitated dialogue to address the Israel-Gaza War and how we can come together to support one another as a community with respect and dignity.
- D. The IRT recommends that a separate professionally facilitated dialogue between members of the public who are impacted be held before taking into consideration the ability of the SoC to remain on the LHRC.⁶
- E. The IRT recommends the Town support additional and continuing programming to combat antisemitism, Islamophobia, and all forms of hate.
- F. The IRT recommends that the LHRC build a diverse and multicultural collective to address 'hate' across all identities in response to a common theme of 'hate incidents' leading to a sense of the targeted community bearing the pain in isolation.⁷
- G. There is no formal training for LHRC members on conducting a complaint review. We recommend supporting the LHRC by providing access to training that builds their skills and knowledge of civil and human rights and conflict resolution.
- H. The IRT reaffirms its commitment to its core values: freedom from bigotry, hatred, intolerance, disrespect, and destructive conflict, respecting and recognizing both our diversity and our commonalities, and the importance of engaging in respectful, civil, public discourse and debate. The IRT also reaffirms that antisemitism, Islamophobia, and doxxing are never acceptable. And the IRT recommends the LHRC also reaffirm these same statements.^{8,9}

⁶ [Laying the Groundwork for Complex Conversations | Gonzaga University](#)

⁷ [A COMMUNITY GUIDE FOR OPPOSING HATE](#)

⁸ <https://utorontopress.com/9781487507367/the-conflict-over-the-conflict/>

⁹ <https://campusfreespeechguide.pen.org/the-law/the-basics/>

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Select Board Work Session - 2024 Annual Town Meeting

PRESENTER:

Kunal Botla, Transportation Advisory
Committee; Board Discussion

ITEM NUMBER:

I.3

SUMMARY:

Category: Informing

**Public comments will not be taken for this item as it is a work session topic.*

2024 Annual Town Meeting

Kunal Botla, Transportation Advisory Committee Member, will update the the Select Board on Article 41:
Massachusetts Bay Transportation Authority.

The Select Board will review and discuss the draft Select Board Report to Town Meeting.

The Select Board will discuss articles and take positions for 2024 Annual Town Meeting.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

8:05pm

ATTACHMENTS:

Description	Type
<div data-bbox="154 149 186 191">📄</div> <div data-bbox="224 149 370 191">Article 41 motion</div>	Backup Material
<div data-bbox="154 191 186 233">📄</div> <div data-bbox="224 191 386 233">Art 41 presentation</div>	Presentation
<div data-bbox="154 233 186 275">📄</div> <div data-bbox="224 233 402 275">Art 18 motion. not IP</div>	Backup Material
<div data-bbox="154 275 186 317">📄</div> <div data-bbox="224 275 492 317">2024 Proposed Consent agenda</div>	Backup Material
<div data-bbox="154 317 186 359">📄</div> <div data-bbox="224 317 690 359">Select Board Working Document - Positions 2024 ATM</div>	Backup Material
<div data-bbox="154 359 186 394">📄</div> <div data-bbox="224 359 646 394">Working Draft - Select Board Report to 2024 ATM</div>	Backup Material

Town of Lexington
Motion
2024 Annual Town Meeting

ARTICLE 41 MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

That Town Meeting does and hereby resolves as follows:

WHEREAS, Lexington is a community within the Massachusetts Bay Transportation Authority (MBTA) service area; and

WHEREAS, the residents and community of Lexington, Massachusetts depend on consistent and reliable public transportation from the MBTA for the well-being and economic prosperity of our community; and

WHEREAS, on January 10, 1977, the last train ran on the Lexington Branch from Lexington to North Station; and

WHEREAS, in June 1967, route 67 was extended from Arlington Center to Alewife station and all service in Lexington was discontinued; and

WHEREAS, in June 1998, route 62 and 76 Saturday service were merged into one route; and

WHEREAS, on March 17, 2020, in response to the global COVID-19 pandemic, bus services on routes 62, 76, and 62/76 were reduced, along with various other MBTA services; and

WHEREAS, the bus service on routes 62, 76, and 62/76 has not been restored to pre-pandemic levels; and

WHEREAS, despite challenges faced by Lexington commuters and student pass holders due to poor service, service remains reduced on 62, 76, and 62/76 buses; and

WHEREAS, routes 62, 76, and 62/76 have Saturday frequency of over 60 minutes and no Sunday service; and

WHEREAS, the Town of Lexington was the first in the Commonwealth, pursuant to the Multi-Family Zoning Requirement for MBTA Communities (Section 3A of M.G.L. c. 40A), to

Town of Lexington
Motion
2024 Annual Town Meeting

successful amended, zoning regulations to increase the number of transit-friendly residential units; and

WHEREAS, the Town of Lexington has been recognized for its recent zoning amendments; and

WHEREAS, the Town of Lexington relies on MBTA service as a crucial public transportation resource; and

WHEREAS, the Town of Lexington is not unique in being adversely impacted by MBTA service cuts and disruptions; and

WHEREAS, the MBTA plays a pivotal role in achieving town and state sustainability goals;

NOW, THEREFORE, BE IT RESOLVED, that the Town Meeting of Lexington, Massachusetts, calls upon the Governor and General Court to take immediate and decisive action to address the issues plaguing MBTA services in our community and across the Commonwealth; and

BE IT FURTHER RESOLVED, that the Town Meeting urges the Commonwealth to allocate sufficient funding and resources to enhance the infrastructure, maintenance, and overall reliability of MBTA services in Lexington and across the Commonwealth; and

BE IT FURTHER RESOLVED, that the Town Meeting encourages the General Court to collaborate with local stakeholders, including residents, businesses, and the MBTA, to develop and implement effective solutions to improve public transportation services; and

BE IT FURTHER RESOLVED, that the Town of Lexington requests services to provide frequent, reliable service along Massachusetts Avenue with convenient connections to the Red Line through enhanced service by expanding hours, frequency, and coverage of existing routes; and

BE IT FURTHER RESOLVED, that the Town of Lexington requests MBTA service be improved within the timeframe by which resident occupancy of new construction permitted by the zoning overlay districts adopted in accordance with the Multi-Family Zoning Requirement for MBTA Communities is anticipated so that the residents can depend on MBTA service.

A copy of this resolution shall be sent to the Governor, the Lieutenant Governor, members of the General Court representing the Town of Lexington, the MBTA Board of Directors, the MBTA General Manager, and the Secretary of Transportation.

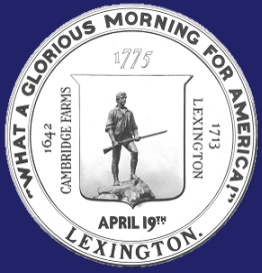
(03/04/2024)



Annual Town Meeting

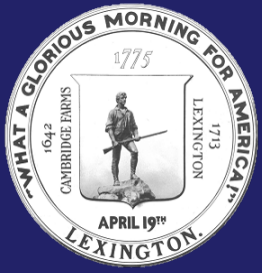
Article 41

Massachusetts Bay Transportation Authority Resolution



Importance of the MBTA and Public Transit

- Reduced traffic congestion
- Environmentally sustainable
 - Critical in reaching town and state sustainability goals
- Economic connection/access
- Accessibility
- Cost savings compared to single occupancy vehicles



The State of the MBTA

- Over the past few years, MBTA service has been reduced in both Lexington and other areas
 - Service through runs every 60 to 90 minutes and ends at 9pm from Alewife. Without Sunday service.
 - MBTA is improving services and making overdue repairs to infrastructure and vehicles
 - MBTA is approaching a fiscal cliff—Governor Healey and General Manager Eng have recognized the issue
-



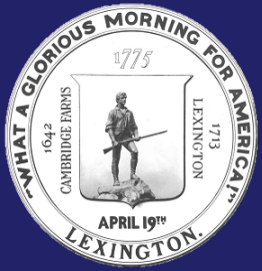
Lexington

- Lexington has taken steps to comply with the MBTA Communities Law to allow housing near transit
- Housing near transit can only be successful with reliable, dependable transit
- Lexington's community members and businesses are dependent on the service provided by the MBTA



Resolution

The Transportation Advisory Committee has drafted a resolution, similar to Arlington's, to request the Governor and General Court take steps for the MBTA to be able to improve service.



Impact

Transportation Advisory Committee recommends Town Meeting approve this resolution addressed to the Governor, Lexington's delegation members, and related officials to voice Lexington's support for improved service in the Town and across the Commonwealth.

Town of Lexington
Motion
2024 Annual Town Meeting

ARTICLE 18

RESCIND PRIOR BORROWING AUTHORIZATIONS

MOTION: That the unused borrowing authorities as set forth below be and are hereby rescinded:

Town Meeting	Article	Project Description	Amount to be Rescinded
1999 ATM	34	Land Acquisition Bond (Conservation)	\$3,000,000

(03/04/2024)

Town of Lexington
PROPOSED CONSENT AGENDA
2024 Annual Town Meeting

ARTICLE 6	Appropriate for Senior Services Program
ARTICLE 10	APPROPRIATE THE FY2024 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET AND CPA PROJECTS
b)	Archives and Record Management-\$20,000
j)	Projected Debt Service-\$1,788,900
k)	Administrative Budget-\$150,000
ARTICLE 11	APPROPRIATE FOR RECREATION CAPITAL
ARTICLE 12	APPROPRIATE FOR MUNICIPAL CAPITAL
a)	Transportation Mitigation
c)	Ambulance Replacement;
d)	Equipment Replacement;
e)	Sidewalk Improvements;
f)	Hydrant Replacement;
g)	Townwide signalization
h)	Stormwater Management Program;
k)	Network Core Equipment Replacement;
l)	Municipal Technology Improvement Program
m)	Network Redundancy & Improvement Plan;
n)	Network Technology Improvements
o)	Scanning - Electronic Document Management;
q)	Street Improvements
ARTICLE 13	APPROPRIATE FOR WATER SYSTEM IMPROVEMENTS
ARTICLE 14	APPROPRIATE FOR WASTEWATER SYSTEM IMPROVEMENTS
ARTICLE 15	APPROPRIATE FOR SCHOOL CAPITAL PROJECTS AND EQUIPMENT
ARTICLE 16	APPROPRIATE FOR PUBLIC FACILITIES CAPITAL PROJECTS
a)	Public Facilities Bid Documents;
b)	Public Facilities Interior Finishes;
c)	School Paving and Sidewalks;
d)	Public Facilities Mechanical/Electrical/Plumbing Replacements;
ARTICLE 17	APPROPRIATE TO POST EMPLOYMENT INSURANCE LIABILITY FUND
ARTICLE 20	APPROPRIATE FOR PRIOR YEARS' UNPAID BILLS (IP)
ARTICLE 21	AMEND FY2024 OPERATING, ENTERPRISE AND CPA BUDGETS
ARTICLE 22	APPROPRIATE FOR AUTHORIZED CAPITAL IMPROVEMENTS (IP)
ARTICLE 28	SELECT BOARD TO ACCEPT EASEMENTS
ARTICLE 30	PROHIBITION OF SINGLE USE FOOD CONTAINERS (Citizen Petition) (IP)
ARTICLE 44	AMEND GENERAL BYLAWS – CHAPTER 100 PUBLIC WAYS AND PLACES (Citizen Petition) (IP)
ARTICLE 53	AMEND ZONING MAP - 507 BEDFORD STREET (Owner Petition) (Refer to PB)
ARTICLE 54	AMEND ZONING MAP - 509 BEDFORD STREET (Owner Petition) (Refer to PB)

Select Board Positions
Working Document

#	Article Name	ARTICLE UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	IP	JP	SB	DL	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 Fy2025 Operating Budget		JP		Y	Y	Y	Y	Y
5	Appropriate Fy2025 Enterprise Funds Budgets		DL		Y	Y	Y	Y	Y
6	Appropriate For Senior Services Program		SB		Y	Y	Y	Y	Y
7	Sustainable Capital Projects		MS		Y	Y	Y	Y	Y
8	Accept Tucker Ave (Westernmost Portion)		DL		Y	Y	Y	Y	Y
9	Establish And Continue Departmental Revolving Funds		DL		Y	Y	Y	Y	Y
10	Appropriate The Fy2025 Community Preservation Committee Operating Budget And CPA Projects	1/22/2024	MS						
	a. Cary Memorial Library Renovation – \$4,000,000				Y	Y	Y	Y	Y
	b. Archives and Records Management – \$20,000				Y	Y	Y	Y	Y
	c. Park Improvements – Athletic Fields – Bowman School – \$545,000				Y	Y	Y	Y	Y
	d. Lincoln Park Fitness Stations Equipment – \$160,000				Y	Y	Y	Y	Y
	e. Park Improvements – Hard Court Surfaces – Valley Rd – \$492,000				Y	Y	Y	Y	Y
	f. Lincoln Park Field Improvements – \$1,145,000				Y	Y	Y	Y	N
	g. LexHAB Support, Restoration, Preservation, and Decarbonization – \$482,365				Y	Y	Y	Y	Y
	h. Lexington Housing Authority Exterior Preservation – \$100,000				Y	Y	Y	Y	Y
	i. Affordable Housing Trust Funding – \$3,200,000				Y	Y	Y	Y	Y
	j. Projected Debt Service – \$681,200				Y	Y	Y	Y	Y
	k. Administrative Budget – \$150,000				Y	Y	Y	Y	Y

Select Board Positions
Working Document

#	Article Name	ARTICLE UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	IP	JP	SB	DL	JH	MS
11	Appropriate For Recreation Capital Projects		SB		Y	Y	Y	Y	Y
12	Appropriate For Municipal Capital Projects And Equipment		MS						
	a) Transportation Mitigation				Y	Y	Y	Y	Y
	b) Heavy Vehicle Extrication Equipment				Y	Y	Y	Y	Y
	c) Ambulance ReplacemenT				Y	Y	Y	Y	Y
	d) Equipment Replacement				Y	Y	Y	Y	Y
	e) Sidewalk Improvements				Y	Y	Y	Y	Y
	f) Hydrant Replacement				Y	Y	Y	Y	Y
	g) Townwide Signalization Improvements				Y	Y	Y	Y	Y
	h) Stormwater Management Program				Y	Y	Y	Y	Y
	i) Cemetery Columbarium - Design				Y	Y	Y	Y	Y
	j) Public Parking Lot Improvement Program				Y	W	W	W	W
	k) Network Core Equipment Replacement				Y	Y	Y	Y	Y
	l) Municipal Technology Improvement Program				Y	Y	Y	Y	Y
	m) Network Redundancy & Improvement Plan				Y	Y	Y	Y	Y
	n) Network Technology Improvements				Y	Y	Y	Y	Y
	o) Scanning - Electronic Document Management				Y	Y	Y	Y	Y
	p) Election Equipment Upgrade				Y	Y	Y	Y	Y
	q) Street Improvements				Y	Y	Y	Y	Y
13	Appropriate For Water System Improvements		MS		Y	Y	Y	Y	Y
14	Appropriate For Wastewater System Improvements		MS		Y	Y	Y	Y	Y
15	Appropriate For School Capital Projects And Equipment		DL		Y	Y	Y	Y	Y

Select Board Positions
Working Document

#	Article Name	ARTICLE UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	IP	JP	SB	DL	JH	MS
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16	Appropriate For Public Facilities Capital Projects		MS						
	a) Public Facilities Bid Documents				Y	Y	Y	Y	Y
	b) Public Facilities Interior Finishes				Y	Y	Y	Y	Y
	c) School Paving and Sidewalks				Y	Y	Y	Y	Y
	d) Public Facilities Mechanical/Electrical/Plumbing Repl				Y	Y	Y	Y	Y
17	Appropriate To Post Employment Insurance Liability Fund		DL		Y	R	Y	Y	Y
18	Rescind Prior Borrowing Authorizations		JH		Y	Y	Y	Y	W
19	Establish, Amend, Dissolve And Appropriate To And From Specified Stabilization Funds		SB		W	W	W	W	W
20	Appropriate For Prior Years' Unpaid Bills		SB		W	W	W	W	W
21	Amend Fy2024 Operating, Enterprise And CPA Budgets.		JH		W	W	W	W	W
22	Appropriate For Authorized Capital Improvements.		DL		W	W	W	W	W
23	Appropriate Opiod Settlement		MS		Y	Y	Y	Y	Y
24	Appropriate Funding For Semiquincentennial Commission	2/5/2024	SB		Y	Y	Y	Y	Y
25	Pine Meadows Clubhouse Renovation		SB		W	Y	W	W	W
26	Appropriate for Design Funds for Lexington High School Construction Project		JP		Y	Y	Y	y	Y
27	Appropriate for Renovation of 173 Bedford Street		JP		Y	Y	Y	Y	Y
General Articles									
28	Select Board To Accept Easements		DL		Y	Y	Y	Y	Y
	Amend the General Bylaw- Noise Control								

Select Board Positions
Working Document

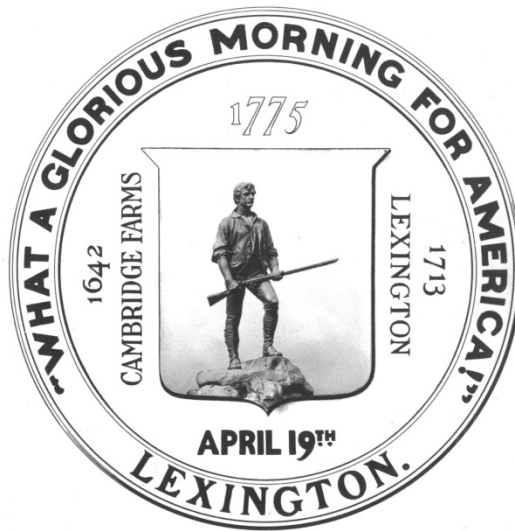
#	Article Name	ARTICLE UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	IP	JP	SB	DL	JH	MS
29	a) Construction Noise		JP		Y	W	W	W	W
	b) Commercial Gas Leaf Blower Prohibition Delay				W	Y	Y	W	N
30	Prohibit Single-Use Food Containers (Citizen's Petition)- IP		JH	IP	IP	IP	IP	IP	IP
31	Prohibit Single-Serve Plastic Water Bottles (Citizen's Petition)	2/12/2024	JH		W	W	W	W	W
32	Old Spring Street Name Change		SB		Y	Y	Y	Y	Y
33	Authorize Affordable Housing Trust To Seek Affordable Housing	2/5/2024	MS		Y	Y	Y	Y	Y
34	Amend General Bylaws - Tree Bylaw - Tree Protection Plan	1/22/2024	JP		Y	Y	Y	Y	Y
35	Amend General Bylaws - Tree Bylaw - Require Mitigation Planting In Certain Instances	1/22/2024	JP		Y	Y	W	Y	Y
36	Amend General Bylaws - Tree Bylaw - Exemptions	1/22/2024	JP		Y	Y	Y	Y	Y
37	Importance Of Trees Resolution (Citizen Petition)	1/22/2024	JP		Y	Y	W	W	Y
38	Amend Regulation Of Fossil Fuel Infrastructure Bylaw - Meet Department Of Energy Resources (Doer) Requested Changes		JH		Y	Y	Y	Y	Y
39	Home Rule Petition To Adjust The Number Of On-Premise Wine And Malt Alcohol Licenses		DL		Y	Y	Y	Y	Y
40	Integrated Pest Management Resolution (Citizen Petition)	2/12/2024	MS		Y	Y	Y	Y	Y
41	Massachusetts Bay Transportation Authority	3/4/2024	JH		W	W	W	Y	W
42	Digital Publication Of Legal Notices (Citizen Petition)	2/12/2024	JP		Y	Y	Y	Y	Y
43	Voting Rights 16 And Older (Citizen Petition)	2/12/2024	DL		Y	W	Y	W	Y
44	Amend General Bylaws – Chapter 100 Public Ways And Places (Citizen Petition) IP		SB	IP	IP	IP	IP	IP	IP
45	Indigenous Peoples Day (Citizen Petition)	2/12/2024	JH		Y	Y	W	Y	Y
46	Royal Family Invitation To 250th Celebration		SB		W	Y	Y	W	Y

Select Board Positions
Working Document

#	Article Name	ARTICLE UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	IP	JP	SB	DL	JH	MS
Zoning Articles									
47	Amend Zoning Bylaw - Signs	2/26/2024	JP		W	W	W	W	W
48	Amend Zoning Bylaw - Short Term Rentals	2/26/2024	DL		W	Y	Y	Y	W
49	Amend Zoning Bylaw - Permitted Uses and Development Standards	2/26/2024	MS		W	Y	Y	Y	W
50	Amend Zoning Bylaw - Inclusionary Housing For Village And Multi-Family Overlay Districts	2/26/2024	JH		W	Y	W	Y	W
51	Amend Zoning Bylaw – Maximum Height For Village Overlay District	2/26/2024	JH		W	W	Y	Y	W
52	Amend Zoning Bylaw And Map - Technical Corrections	2/26/2024	SB		Y	Y	Y	Y	Y
53	Amend Zoning Map - 507 Bedford Street (Owner Petition) Refer Back to PB		JH		RB	RB	RB	RB	RB
54	Amend Zoning Map- 509 Bedford Street (Owner Petition) - Refer Back to PB		JH		RB	RB	RB	RB	RB

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SELECT BOARD TOWN OF LEXINGTON



SELECT BOARD REPORT TO THE 2024 ANNUAL TOWN MEETING

MARCH 18, 2024

Select Board:

Joseph N Pato, Chair; Suzanne E. Barry, Vice-Chair; Douglas M. Lucente;
Jill I. Hai; Mark D. Sandeen;
Kim Katzenback, Executive Clerk

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March 2024

Message from the Select Board

The Select Board has prepared this written report to Annual Town Meeting 2024 under Article 2. This report contains an update to Town Meeting on issues and topics the Board felt would be of interest to Town Meeting Members. This year we have --- *insert outline of content*.

Include a context setting overview of how some key issues relate to each other (e.g., LHS Project and current articles in the ATM as well as items to come to Town Meeting in the near future (Article 97 land swaps)).

Should you have any questions or comments regarding this report, the Board encourages you to get in touch with any member of the Board. Select Board meetings are generally held Monday evenings at 6:30pm in the Select Board meeting room of the Town Office building, and via zoom. Board members' office hours as well as the Select Board meeting packets are posted at <https://www.lexingtonma.gov/755/Select-Board>. We can be reached via email (below) or by calling the Select Board Office (781-698-4580) to schedule a phone conversation or meeting.

- Joe Pato, Chair: jpato@lexingtonma.gov
- Suzie Barry, Vice-Chair: sbarry@lexingtonma.gov
- Jill Hai: jhai@lexingtonma.gov
- Doug Lucente: dlucente@lexingtonma.gov
- Mark Sandeen: msandeen@lexingtonma.gov

Respectfully submitted,
Lexington Select Board

Joseph N. Pato, Chair
Suzanne E. Barry, Vice Chair
Douglas M. Lucente
Jill I. Hai, Chair
Mark D. Sandeen

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Select Board Goals

During the fall of 2023, the Select Board engaged Jon Wortmann to interview staff and Town Committees to gather input for the upcoming two-year goal set. The Select Board met on October 11, 2023 to review these aspirations and identified the Board's top priorities. Each goal was assigned to one member of the Board with a second member volunteering on some to assist as needed. During November and December Board members worked with Mr. Wortmann to identify measurable actions against those goals.

All goals will be continually reevaluated under core shared principles including:

- Our commitment to fostering a diverse, inclusive, and equitable community that thrives on the principles of respect, dignity, and fairness. We recognize that diversity enriches our community, brings together unique perspectives, and strengthens our ability to effectively serve our residents.

This includes our ambition to:

- Increase and broaden diverse participation in our professional ranks and civic activities
- Welcome all people in Lexington
- Consider health in all decisions
- Provide recreation facilities for all
- Honoring our rich historic traditions and taking pride in Lex250th celebration events
- Diversifying the commercial tax base to reduce financial burdens on residents allowing more to remain and lower the barriers for new residents to call Lexington home.
- Our commitment to being a sustainable and resilient community for all where we strive to:
 - Reduce greenhouse gas emissions,
 - Create cleaner indoor and outdoor environments, and
 - Ensure all members of our community have access to the tools they need to
 - Be resilient in a changing climate.

Goal #1: Enhance community vibrancy by increasing diversity of housing stock in size, accessibility, and price (primary: Jill Hai assistant: Mark Sandeen)

JILL's UPDATE to be inserted here

Goal #2: Recognize and minimize issues around construction preserving quality of life (primary: Joe Pato, assistant: Mark Sandeen)

Update:

- Proposed revisions to the noise by-law to remove ambiguities about construction techniques and the need for mitigation plans for consideration as Article 29 at the Annual Town Meeting 2024.

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- Revised Noise Advisory Committee charge and began process to reconstitute the committee. When formed, the committee will be tasked to create a process for revising the noise by-law to establish noise limits appropriate to location or activity and clarify enforcement to be completed no later than Annual Town Meeting 2025.
- The Tree Committee has brought 3 articles to Annual Town Meeting 2024 (34, 35, and 36) providing additional protections for trees related to construction activities.

Goal #3: Create a more vibrant downtown (primary: Doug Lucente, assistant: Jill Hai)

Update:

- **Prioritizing Initiatives:** The Select Board anticipates the final report and recommendations from consultants on March 6th, stemming from the community workshops held in Fall 2023 titled "Lexington Center: The Journey Forward." These insights will be instrumental in refining and prioritizing our downtown revitalization efforts.
- **Diversifying Alcohol Uses:** Progress is underway to allow more varied alcohol-related experiences. Proposed bylaw amendments to allow Craft Beverage Establishments are encapsulated in ATM Article 49, pending a favorable decision from the Town Meeting. Subsequent actions will involve the Select Board re-evaluating our alcohol policies to support this diversification.
- **Streamlining Business Signage:** Enhancements to the sign bylaw, aimed at simplifying signage processes for businesses, are detailed in ATM Article 47. These changes await final adjustments by the Planning Board and a positive vote at the Town Meeting, marking a significant step towards a business-friendly downtown.
- **Tourist-Focused Social Media Initiatives:** In alignment with our goal to enhance downtown vibrancy, the Semiquincentennial Commission has partnered with a communications firm. This collaboration focuses on leveraging social media campaigns designed to attract tourists, especially during the 250th-anniversary celebrations, further enriching our downtown's appeal.

These initiatives collectively represent our commitment to transforming Lexington's downtown into a more engaging, accessible, and vibrant community hub.

Goal #4: Improve communication efficiency in Board meetings and with staff
(primary: Joe Pato, assistant: Suzie Barry)

Update:

- Working with staff to revise procedures for requesting an item on the Select Board agenda. Guidelines for submission materials include logistical information, requested action, as well common areas of concern that Board Members will want to see addressed. Completion expected by end of Spring 2024.
- Exploring how to integrate the above procedures with new agenda management software that will replace the now obsolete Novus Agenda package.

Goal #5: Transition to 100% renewable energy
(primary: Mark Sandeen)

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Update:

- There are approximately 18 MW of solar energy systems currently installed in Lexington.
- There were 3.6 MW of new solar energy systems added in Lexington during 2023.
- Approximately 55 million kWh of Lexington's commercial electricity usage is currently provided from 100% renewable energy sources.
- The Town of Lexington has established the HeatSmart Advisor program to provide Lexington residents who express an interest in converting their HVAC systems to heat pumps with the educational resources, advice and consultation to empower them to make the transition with confidence. The program is now in its second year.
- There are currently 1,505 electric vehicles (6.2%) and 2,692 hybrid vehicles (11.3%) registered in Lexington versus 19,889 internal combustion vehicles (82.5%) according to the Massachusetts DOT vehicle census as of January 1, 2024. There were 431 additional electric vehicles registered in Lexington in the last year. There were 358 additional hybrid vehicles registered in Lexington in the last year.
- The Massachusetts Department of Energy Resources approved Lexington's application to participate in the 10 Communities Demonstration Project with a start date of March 21, 2024.
- The first year of Building Energy Use Disclosure Data has been published on the Town website. - <https://www.lexingtonma.gov/1645/Building-Energy-Use-Disclosure>
- Complete Net Zero Police Station – Construction is underway for the solar canopy structure, which is expected to be completed by the Fall of 2024.
- Establish Net Zero design standards for the new high school design – The School Building Committee has established design standards with the high school design team for a highly efficient, net-zero, all-electric high school.
- Establish High Performance Building standards for existing municipal buildings – The Select Board approved the High-Performance Buildings Policy on December 18, 2023.
- Complete Network Geothermal Feasibility Study – The Town of Lexington was awarded a grant to complete this study and expects to issue a report by the end of 2024.
- Develop the Getting to Zero Emissions Transportation Plan
- Develop Town's Fleet Charging Infrastructure Plan – Initial discussions are underway.
- Curbside Composting for one third of Lexington residents – The Select Board has approved the use of ARPA composting from 2,000 households to 4,000 households or approximately one third of Lexington residents.
- Become a Climate Leader funds to expand curbside Community

Goal #6: Advance age-in community initiatives for Lexington seniors
(primary: Doug Lucente)

Update:

While there has been no notable advancement on these initiatives by the Select Board at the local level, at the state level, Governor Healey has filed the Municipal Empowerment Act, which introduces several measures that could indirectly support Lexington's age-in-community initiatives. Key components include:

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- A new local-option means-tested property tax exemption for seniors, allowing cities and towns to offer additional property tax exemptions to qualifying seniors based on specific income and asset levels, residency duration, and homeownership.
- Extension of the local option for personal exemptions to seniors, blind persons, and others, allowing those whose domiciles are held in trusts or other arrangements to qualify for exemptions.
- Authorization for municipalities to increase existing senior property tax exemptions beyond the current \$500 limit.

These measures, if passed by the legislature, could provide a framework for Lexington to advance its age-in-community initiatives, offering financial stability and support for seniors to maintain independent living in their homes.

Goal #7: Raise community awareness and engagement with the high school project
(primary: Suzie Barry, assistant: Joe Pato)

Update:

- Working with the School Building Committee to publish and inform the community of community meeting information and updates on the Town website and in Link to Lexington e-newsletter with clear reference to LHS Project website.

Budget and Finance Planning

The Select Board is committed to ensuring fiscal responsibility and sustainable growth through careful budget and financial planning for FY2025, focusing on preserving the Aaa bond rating, avoiding operating overrides, and planning for significant projects like the new Lexington High School. The FY2025 budget, developed without a Proposition 2½ Operating Override, supports the Board's vision for Lexington, emphasizing staffing, environmental initiatives, capital improvements, and infrastructure maintenance to achieve a balanced financial plan that aligns with community priorities.

Staffing - The budget incorporates staffing expansions to address the operational needs arising from new town bylaws and to continue investments in environmental initiatives, such as electric vehicles and enhancing our food waste and composting program. Specifically, it funds new roles such as an Assistant Superintendent of Public Grounds and a part-time Code Enforcement Officer, in response to the requirements of new tree and noise bylaws, as well as fire and mechanical inspectors due to the uptick in development from zoning bylaw modifications. These additions reflect the town's commitment to managing increased service demands while adhering to stricter regulations.

Capital Improvement and Infrastructure - The Capital Improvement Program is designed to make timely investments in town assets, enhancing public services. The FY2025 Capital Budget includes funds for the new Lexington High School and allocates \$6.0 million for renovations at 173 Bedford Street. This renovation is crucial for reorganizing town assets in light of the high school project and will make the building suitable for the School Administration staff during the construction period. The work involves installing an elevator, replacing the HVAC system, adding a sprinkler system, and reconfiguring interior spaces. Additional updates will be required after the Lexington Police Department relocates, especially to improve accessibility, fire protection, and new electric HVAC systems.

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Aaa Bond Rating - The Town of Lexington has maintained an Aaa credit rating, which is the highest credit rating a municipality can receive. This rating, affirmed by Moody's Investors Service, reflects the town's strong fiscal management, characterized by conservative budgeting, a sizeable and wealthy tax base, healthy reserves and liquidity, and voter support for debt exclusions. Holding an Aaa rating allows the town to borrow funds at the most favorable interest rates, providing significant financial advantages for managing the town's debt and financing its projects.

Capital Stabilization Fund - The Capital Stabilization Fund (CSF) underwent a policy revision in Fall 2021 to allocate new levy growth from specified commercial and industrial development to the CSF, rather than it becoming part of general revenue. This strategy aims to preserve levy capacity for managing sudden increases in debt service for major capital projects, such as high school construction. For FY2025, the budget maintains this approach, with \$4,036,373 transferred to the CSF from the tax levy, consistent with FY2024. This amount is expected to increase as new levy growth is calculated for FY2025, with an additional transfer planned for the Fall 2024 Special Town Meeting. After this budget cycle, the CSF balance will exceed \$36.0 million. The CSF plays a crucial role in our fiscal strategy, setting aside new tax levy growth for future capital projects. This foresighted approach allows us to build reserves for forthcoming capital endeavors, particularly the renovation or reconstruction of Lexington High School. Our commitment to this fund has not only provided tax relief to citizens by alleviating debt service excluded from Proposition 2½ but also prepares us for significant capital projects ahead.

American Rescue Plan Act (ARPA) Funding

As we approach the conclusion of the American Rescue Plan Act (ARPA) funding period, we are pleased to present an update on the allocation and utilization of ARPA funds in our community. The Town of Lexington was allocated a total of \$9,903,381 in ARPA funds, aimed at addressing the impacts of the COVID-19 pandemic and fostering recovery across critical sectors.

As of February 5, 2024, the Select Board has approved spending totaling \$9,110,345. The funds have been allocated to the following initiative areas:

- **Economic Stimulus & Resiliency:** The largest portion, approximately 37% of the funds, was earmarked to support our local economy, including bolstering the cultural sector, aiding small businesses, enhancing community events, updating digital platforms, improving public spaces, and fostering bikeway mobility and engagement.
- **Public Health & Safety:** With 26% of the funding, this area focused on bolstering the town's health department and public safety measures in response to the pandemic.
- **Housing:** 16% of the funds were allocated to address housing needs, ensuring support for those affected by the pandemic in securing stable housing.
- **Pandemic Response:** 13% of the funds were directly used for pandemic-related expenditures, including testing, vaccination programs, and other immediate health needs.
- **PIRs (Program Improvement Requests):** 6% of the funds have been utilized for enhancing the Food Waste Program, acquiring a new electric vehicle for the Health Department, and formulating an ADA Town Building Self Evaluation and Transition Plan.
- **Food Insecurity:** A smaller, yet crucial 2% of the funds addressed food insecurity, ensuring that residents affected by the pandemic have access to necessary resources.

The Participatory Budgeting (PB) process implemented in the previous year, which actively engaged our citizens in the decision-making process, leading to impactful community projects. However, given the

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stipulation that all ARPA funds must be committed by December 31, 2024, the continuation of the PB process will not be feasible this calendar year. Further, it is important to note that, despite concerted efforts, the initiative to establish a Dog Park will not proceed due to the inability to identify a suitable location within the time frames for ARPA spending. We extend our gratitude to all residents who participated in the PB process, contributing valuable insights and demonstrating the strength of our community's collective vision.

With an available balance of \$899,974, the Select Board is dedicated to navigate the final phase of ARPA fund allocation and utilization, the Select Board remains committed to ensuring that these resources are deployed in a manner that maximizes benefits for our community, adhering to the guiding principles of transparency, equity, and strategic impact.

Lexington High School Project

During 2023 the Lexington High School Building Committee (SBC) was involved in the steps outlined by the MSBA in Module 2 Forming the team. This phase of the project is where the Owner's Project Manager (OPM) and the Design team are selected. The OPM selection process concluded in May with the selection of Dore + Whittier. The SBC then worked with the MSBA's Designer Selection Panel and ultimately selected SMMA as the preferred Designer for the project in October 2023.

The feasibility phase, MSBA Module 3, began in earnest in November 2023 and will continue through End of May 2024. In this phase a minimum of three options must be identified. At least one option for repair only, renovation, and new construction must be identified. The project team has begun to seek feedback from the multiple town groups, committees, boards, and departments through focus group discussions which are intended to be implemented in a 3-step approach, meeting 1 – Listen to feedback from stakeholders. Meeting 2, the design team will report back what they heard and clarify with the stakeholders. Meeting 3 will be to have these focus groups make a recommendation on elements and attributes of the project that the SBC should consider.

Detailed information about the project is publicly available at: <https://lhsproject.lexingtonma.org> The current expected timeline for the LHS Project are illustrated below – with the next major funding action by Town Meeting expected to occur at a Special Town Meeting near the end of 2025 followed by a town-wide debt exclusion vote. Occupancy in the new or renovated facility is expected at the end of this decade or early in the next.

LHS Anticipated Project Timeline

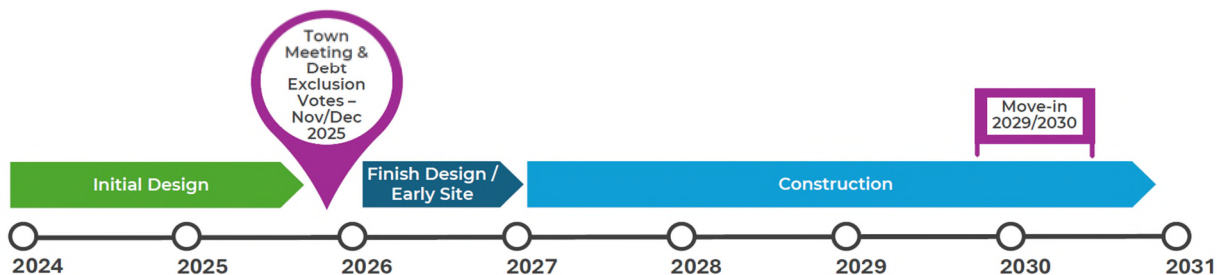


Figure 1: Anticipated Timeline - all dates are subject to change.

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Social Racial Equity Initiatives

The Select Board recognizes that social and racial injustice has deep roots. The Board has made a proactive and ongoing commitment to engage in comprehensive and ongoing community conversations to better understand community needs and to consider diversity, equity, and inclusion in policies and plans, all with the goal of making Lexington a truly equitable community for all.

The Select Board has adopted Diversity, Equity & Inclusion as one of its goals, including a commitment to develop and implement a comprehensive racial equity plan, consider racial and other equity impacts in all decisions and planning processes, and incorporate the goals of Town Meeting's systemic racism resolution in each department's goals and objectives. The Select Board recognizes that accomplishing these goals will require a budgetary commitment to training and continuous improvement and has recommended establishing a budget for accomplishing these goals.

The Chief Equity Officer (CEO) leads the Town in achieving these goals. The CEO is in the process of updating job descriptions and expanding posting locations with the goal of encouraging a broader applicant pool for Town staff positions. The CEO is also working with senior leadership to incorporate more effective interviewing techniques with these goals in mind.

The CEO has initiated an internal equity audit in collaboration with an independent diversity, equity and inclusion consulting organization. During this process 120 staff members participated in training sessions, 65 staff members participated in focus groups on racial identity, disability, management, women, and LGBTQIA+ topics that were open to all staff. In addition, 40% of town staff answered a survey on equity issues.

The CEO has started a compensation study, in collaboration with an independent human resources consultant, considering internal pay equity and to ensure that salary ranges and benefits remain competitive for all staff.

The CEO, in collaboration with the Police Chief, held six Coffee and Conversation with the Chief events, with a total of over 40 residents having an opportunity to discuss community concerns with the Police Chief.

The CEO collaborated with the Sustainability & Resilience Officer to develop a framework used by senior leadership to consider Sustainability and DEI in staff's day-to-day operational decisions and long-term planning processes. This framework has been presented to the Select Board who encouraged a broad and inclusive community-wide focus for these initiatives.

Update on Municipal and School Building Projects

The Board continues to address the issues of maintaining and improving our municipal and school building infrastructure. The following section includes the current status of Lexington's building projects. The Lexington High School building project is covered in the Lexington High School section of this report.

Westview Cemetery Administration Building

Start Date: April 2022

Project Completion Date: August 2023

Project Budget: \$4,330,000

Funding: ATM 2017-Article 12o / ATM 2020-Article 16k / STM 2021-1 Article 7

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Design funding of \$270,000 was approved at ATM 2017. Initial construction funding of \$3,290,000 was approved at ATM 2020 under Article 16k. Initial construction bids came in higher than the appropriated amount. As a result, Town Meeting approved additional construction funding of \$770,000 at STM 2021-1 under Article 7. Construction was completed and the building occupied in August 2023. During a significant winter storm, a 100-foot pine tree fell on the building. Fortunately, no one was injured, however the building did sustain minor damage. The roof has been temporarily patched and remains water tight. The roof, insulation, decking, and drip edge will be replaced when temperatures are warmer. A solar energy system will be installed in compliance with the Town's net zero renewable energy policy goals. Construction of the solar energy system is expected to be completed during the summer of 2024.

Lexington Police Station

Appropriation: \$34,517,622

Status: Construction underway

Estimated Project Completion Date: Fall 2024

Funding: ATM 2018-Article 14 / STM 2021-1 Article 5a / STM 2022-1 Article 2 / ATM 2023 Article 16(i)

The new Police Station facility is being constructed in compliance with the Town's Integrated Building Design and Construction Policy and will be solar ready in furtherance of the Town's net zero renewable energy policy goals. The building design and construction includes all of the infrastructure necessary to support onsite solar energy generation and energy storage systems designed to reduce the building's energy consumption and peak demand charges, while improving the building's resilience in the event of power outages, and enabling high speed electric vehicle charging for the Police Department's electric vehicle fleet.

The solar energy canopy design went through an extensive public process to secure approval of a design that is appropriate for the neighborhood and meets the requirements of the Historic Districts Commission. The Historic Districts Commission issued a Certificate of Appropriateness in November 2023. Construction of the footings for the canopy have begun. Solar canopy and energy storage system construction is expected to be completed by the Fall of 2024 with a goal of having the solar canopy project completed at the same time as the Police Station to maximize efficiencies with the site contractor.

Old Reservoir Bath House Renovation

Appropriation: \$620,000

Funding: ATM 2019-Article 14g

Initial bids received by the Town exceeded the appropriation approved by Town Meeting. The Department of Public Facilities and Recreation Department staff proposed design changes and procurement alternatives to lower overall project costs. DPF went out to bid a second time and the bids received were still well above the appropriation approved by Town Meeting. The Recreation Committee is reviewing the current status and deliberating on next steps for this project.

Center Bathroom & Maintenance Building Renovation

Appropriation: \$780,000

Project Completion Date: October 2024

Funding: ATM 2020-Article 16b / ATM 2021-Article 16g / ATM 2022-Article 10e

2020 Annual Town Meeting approved \$100,000 in design and engineering funds for the Center Bathroom building renovation project. At the 2021 Annual Town Meeting, the Select Board recommended indefinite

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postponement of warrant article 16g requesting \$915,000 in construction funding to a future Town Meeting. 2022 ATM approved warrant article 10e requesting \$680,000 in funding for this project. The renovation of the Center Bathroom facility was completed October 2024.

Update on Recent Home Rule Petitions

There are six home rule petition requests approved at recent Town Meetings that remain under consideration by the legislature. No final action has been taken by the legislature on any of these petitions.

- **STM 2020-2: Article 6** – Authorize Special Legislation Development Surcharge for Community Housing (Citizen Petition)

[Bill H.4314 \(malegislature.gov\)](#) An Act authorizing a development surcharge for community housing in the town of Lexington

Status: Reported favorably by the Joint Committee on Municipalities and Regional Government. Referred to the committee on House Steering, Policy and Scheduling, reported out for second reading. Second reading on 7/31/2022 and ordered to a third reading. No further action by the end of the legislative session.

Refiled in the 193rd (Current) session of the legislature as Bill HD.3088.

<https://malegislature.gov/Bills/193/HD3088>

Status: House referred to committee on revenue 2/16/23, Senate concurred; Hearing 7/17/23 accepting written testimony only; House reporting date extended to 4/30/24 pending Senate concurrence.

This may be mooted if Governor Healey's Affordable Homes Act is adopted, which includes a provision for local adoption of real estate transfer fees. The Select Board and Housing Partnership have each voted unanimous support for the Real Estate Transfer Fee local option. More information and financial analysis can be found here:

<https://www.mass.gov/info-details/the-affordable-homes-act-transfer-fee-analysis#:~:text=The%20Affordable%20Homes%20Act%20includes,home%20price%2C%20which%20is%20greater>

- **ATM 2021: Article 26** – Petition General Court to Amend Legislation Regarding Permanent Transportation Funding

[Bill H.3892 \(malegislature.gov\)](#) An Act authorizing the town of Lexington to establish transit improvement districts

Status: Referred to Joint Committee on Transportation, reported favorably after study. No further action by the end of the legislative session.

Refiled in the 193rd (Current) session of the legislature as Bill H3704.

<https://malegislature.gov/Bills/193/HD2481>

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Status: House referred to the committee on Transportation 3/30/23, Senate concurred; Joint hearing scheduled 1/10/24

- **ATM 2021: Article 29** – Clean Heat-Authorize Special Legislation to Regulate Fossil Fuel Infrastructure and Adopt Bylaw Amendment Enabling Legislation

[Bill H.3893 \(malegislature.gov\)](#) An Act authorizing the town of Lexington to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction

Status: Referred to Joint Committee on Telecommunications, Utilities and Energy
No further action by the end of the legislative session.

The need for this home rule petition has been largely made moot by Chapter 179 of the Acts of 2022 authorizing a demonstration program for municipal regulation of fossil fuels in new construction. Lexington received approval to become one of the Participating Communities in the Department of Energy Resources (DOER) Demonstration Project. The acceptance did suggest certain updates to Lexington's bylaw to comply with DOER's regulations and those revision are included in the warrant for this Town Meeting as Article 38.

- **ATM 2021: Article 36** – Authorize Special Legislation-Development Surcharge for Affordable Housing (Citizen Petition)

[Bill H.3891 \(malegislature.gov\)](#) An Act to establish a surcharge on specific commercial development activities for the purpose of funding the creation of community housing

Status: Passed by the House but did not reach a third reading in the Senate. No further action by the end of the legislative session.

Refiled in the 193rd (Current) session of the legislature as Bill HD.3085.
<https://malegislature.gov/Bills/193/HD3085>

Status: House referred to committee on revenue 2/16/23, Senate concurred; Joint hearing scheduled for 7/25/23 written testimony only. Reporting deadline extended to 4/30/24.

- **STM 2022-2: Article 3** – Amend General Bylaw to Allow Remote Participation at Hybrid Town Meetings

[Bill H.4876 \(malegislature.gov\)](#) An Act authorizing the town of Lexington to allow remote participation at town meetings

Status: Reported favorably by the committee on Election Laws and the committee on House Steering, Policy and Scheduling. Concluded a second reading and ordered for a third reading. No further action by the end of the legislative session.

Refiled in the 193rd (Current) session of the legislature as Bill HD.118.
<https://malegislature.gov/Bills/193/HD118>

DRAFT

Status: House referred to committee on Election Laws 2/16/23, senate concurred; Joint hearing scheduled 6/21/23; reporting deadline extended to 3/19/24.

- **STM 2022-3: Article 14 – LEXHAB Reorganization**

Filed in the 193rd (Current) session of the legislature as Bill HD.119. An Act reorganizing the Lexington Housing Assistance Board, Inc <https://malegislature.gov/Bills/193/HD119>

Status: Filed as H3775 in the 193rd (Current) session of the Legislature. Transmitted to the Secretary of State on 3/22/23 and returned to the House from the Secretary of State on 4/12/23. Referred to the committee on housing on 4/13/23; joint hearing 6/26/23; reported favorably out of committee and referred to House Steering, Policy and Scheduling on 10/18/23; House second reading and ordered to third reading on 11/20/23; House third reading and passed to be engrossed on 12/7/23. Senate read on 12/11/23; Senate second reading and ordered to third reading 1/18/24. Technical suggestions by Senate counsel scheduled for discussion 3/12/24.

- **STM 2023-1 Article 9 Rank Choice Voting for town wide offices**

Filed as H.4223 in the 193rd (Current) session of the legislature. An Act Establishing Ranked Choice Voting for Certain Offices in the Town of Lexington. Referred to House committee on Election Laws 12/21/23, Senate concurred. House reporting date extended to 3/19/24.

2025: The 250th Anniversary of the Battle of Lexington

The Semiquincentennial Commission (Lex250) continued their work on helping the Town of Lexington plan events for the 250th Anniversary of the Battle of Lexington. The Semiquincentennial Commission-Lex250 continues to meet at least twice a month and accomplishments in the past year include: forming a collaborative partnership with the towns of Arlington, Lincoln, Concord and Minuteman National Historic Park so as to coordinate schedules and resources. This also included signing an Inter Municipal Agreement (IMA) among the four town to share in services in relation to the planning of events. The collaborative 250th towns met quarterly in 2023 and now meet every other month in 2024. Working with the collaborative towns, identified Saturday, April 19, 2025 as the day the majority of large events will take place in Lexington. Selected and hired a public relations firm to handle publicity, crisis communication and dedicated website build and management. Added five additional members to the Semiquincentennial Commission-Lex250 with experience in fundraising, transportation planning, publicity and security as we all as added a second Select Board Member. Attended the America250 Press Conference in Boston for the 250th Anniversary of the Boston Tea Party and also attended the quarterly meeting of REV250 the state level group coordinating events related to the 250th anniversary. Held a successful community meeting update and information gathering session in late January 2024 at the Community Center.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve 2024 Compost Site Rates

PRESENTER:

Dave Pinsonneault, Director of Public
Works

ITEM NUMBER:

I.4

SUMMARY:

Category: Decision-Making

Staff will present proposed compost site rates for the upcoming season.

SUGGESTED MOTION:

Move to approve the proposed compost site rates as presented.

FOLLOW-UP:

Staff will follow-up with all the groups that use the Compost Facility.

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

8:15pm

ATTACHMENTS:

Description	Type
 Compost pricing	Backup Material

Hartwell Avenue Compost Product & Yard Waste Disposal Pricing Recommendations

Staff Presentation to Lexington Select Board

March 6, 2024

1

Hartwell Avenue Update

1. Rate increase last proposed February 28, 2022.
2. Several economic factors such as increases to CPI/inflation rates, administrative service fees, labor, parts and equipment.
3. FY23 revenues: \$880K,
4. Total Revenues Since 2001 \$10.8M.
5. Compost Revolving Account balance of \$774,174 as of June, 30, 2022.

Compost Product Rates

Product	Current Price per cubic yard	Price per/cu/yd Recommendation March 15, 2024
1/2 inch screened compost	\$20 + sales tax	\$22 + sales tax
1/2 inch screened loam/top-soil	\$20 + sales tax	\$24 + sales tax
50/50 loam & compost blend	\$22.50 + sales tax	\$25 + sales tax

Yard Waste & Brush Price Recommendations

Per cubic yard (cu.) disposal rates	Current cost of disposal per/cu.	Price Proposal for March 1, 2022
Yard Waste & Grass	\$11 per cubic yard	\$13.50 per cu.yd. (22% increase)
Brush 4"minus	\$15 per cubic yard	\$16.50 per cubic yard (\$10% increase)

Contractor YW Disposal Permit Price Recommendations

Permit for Landscape Contractor Trucks	Current cost of annual YW Permit March - December	YW Permit Price recommendation March 1, 2022
Annual permit 2 - 14 cubic yard capacity mid-March to mid Dec.	Range from \$768 - \$2304 for disposal per truck	10% increase plus \$50 per vehicle registration fee
Seasonal Permit 2 - 14 cubic yard capacity October 15 - Dec. 15	Range from \$300 - \$900 for disposal per truck	10% increase plus \$50 per vehicle fee

Comparable YW disposal Rates

Disposal per cu/yd	Lexington Current	Lexington Proposed	A	B	C	D	AVERAGE
YW & Grass	\$11	\$13.50 (20%)	\$17	\$20	\$20	\$18	\$18.75
Brush (4" minus)	\$15	\$17.50 (16%)	\$22	\$20	\$20	\$23	\$21
YW permit 2 – 15< cu/yd capacity	Ranges from \$768- \$2,400 per year	Ranges \$845 - \$2640 (10%)	N/A	N/A	N/A	N/A	N/A

COMPARABLE COMPOST PRODUCT RATES

Compost Product, per CY, Picked up	Lexington Current	Lexington Proposed	A	B	C	D	Average
Compost	\$20	\$22 (10%)	\$31 - \$32	\$37	\$32	\$34	\$33
Loam	\$20	\$24 (20%)	\$31	\$28	\$25	\$34	\$29
Super Loam	\$22.50	\$25 (11%)	N/A	\$37	\$32	\$42	\$37
Bark Mulch	\$33	\$33	N/A	\$36	\$40	\$46	\$40
Leaf Mulch	\$33	\$35	N/A	N/A	N/A	N/A	N/A

Benefits Hartwell Avenue Site

1. Avoid yard waste tip fees estimated at \$50K p/year & reduce transportation costs.
2. Mitigate CO2 emission thru in-town site.
3. Provide \$25K of landscape materials to DPW & 1000 cu.yds of compost to residents.
4. Incorporate sustainable material management consistent with Lex's Zero Waste Plan.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Select Board Work Session - Approve Expenditure of Funds for Gift of Cash Received for 250th Anniversary of the Battle of Lexington Monument

PRESENTER:

Jim Malloy, Town Manager

ITEM NUMBER:

I.5

SUMMARY:

Category: Decision-Making

**Public comments will not be taken for this item as it is a work session topic.*

Howard Wolk, who was raised in Lexington, has donated \$250,000 to the Town for the purpose of developing a monument to celebrate the 250th anniversary of the first battle of the American Revolution. The Select Board has approved the site (the front portion of the Belfry property) and the Town Manager and Town Counsel developed the attached Intent to Gift Agreement with Mr. Wolk. At this point in time, Mr. Wolk has made the first payment and substantial progress is being made on selecting the artist and moving this project forward. Prior to being able to use the funds, the Select Board approval is required to utilize the funds for the purpose of the donation under MGL Ch. 44, §53A.

SUGGESTED MOTION:

Move to approve the use of the \$250,000 donation from Howard Wolk for the purpose of establishing a monument for the 250th anniversary of the first battle of the American Revolution.

FOLLOW-UP:

Town Manager's Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

8:25pm

ATTACHMENTS:

Description		Type
	Monetary Donation agreement	Backup Material
	General law info	Backup Material

INTENT TO GIFT AGREEMENT

This Donation Agreement (this “Agreement”) is made as of the ¹⁹ day of December, 2023 by and between Howard Wolk, a natural person having an address of 22 Pelham Road, Weston, Massachusetts, 02493 (the “Donor”), and the Town of Lexington, having an address of 1625 Massachusetts Avenue, Lexington, Massachusetts 02420 (the “Town”), acting by and through its Town Manager.

WHEREAS, the Town, through its Semiquincentennial Commission, is currently planning its celebration of the 250th anniversary of the Battle of Lexington and wishes to build a monument (the “Monument”) as part of that celebration;

WHEREAS, Donor has offered to donate \$250,000 for the creation of such a monument;

WHEREAS, pursuant to M.G.L. c. 44, § 53A, a department of any town may accept grants or gifts of funds from an individual, and may expend such funds for their agreed-upon purpose with the approval of the Select Board;

WHEREAS, Donor and the Town wish to enter into an agreement to memorialize the aforementioned commitment of Donor;

NOW, THEREFORE, the parties hereto agree as follows:

1. Donation. Pursuant to Donor’s offer to the Town to donate \$250,000, Donor hereby undertakes and commits to donate such funds, to be used by the Town for the commissioning, design, and installation of a monument memorializing the 250th anniversary of the Battle of Lexington. The Select Board (the “Board”) shall promptly determine, in its reasonable discretion, if it wishes to accept said donation upon receipt of Donor’s offer to donate the funds. If the Board elects to accept the donation of the funds, Donor shall consummate the donation by depositing such funds with the Town Treasurer. As set forth in M.G.L. c. 44, § 53A, the funds shall then be held as a separate account, and may be expended as aforesaid without further appropriation. Any interest on the grant funds may remain with and become a part of the grant account and may be expended as part of the grant without further appropriation. Donor waives any claim to ownership in or of the monument. The parties acknowledge that the funds will be coming from a donor advised fund under the direction of the Donor and thus must comply with any provisions related thereto, not inconsistent with the terms of this Agreement.
2. Term. The term of this Agreement is one (1) year from the date hereof, which term may be extended by mutual consent of the parties (the “Term”). If the donation is not made or the Town does not accept the donation prior to expiration of the Term, this Agreement shall be void and without effect.
3. Monument Selection. Donor agrees and acknowledges that the Town may select the artist, design, and location of the monument built with the donated funds. The Town agrees and acknowledges that Donor will serve on the Monument Selection Committee, and that Donor retains the ability to veto the Town’s selection of an

artist or design, provided that such a veto is made in good faith and based upon a reasonable objection. If Donor wishes to veto such selection, he will do so within seven days of the Town's official selection of the design. If Donor invokes this veto power, the Town shall have seven days to select an alternate design and artist. Donor waives any claim to direct the design, construction or location of the monument once the final design is selected and he has not vetoed it.

4. Monument Construction.

- (a) The Monument must be completed and installed by April 1, 2025, but Donor may extend this deadline at his discretion. Should the project not be completed by said date, Donor reserves the right to stop payment at that date.
- (b) The Town shall reserve a portion of the total funds received pursuant to this agreement to contract for a bronze plaque to be placed at the site of the Monument containing (1) the artist's name, (2) the title of the work, and (3) "Gift of Howard Wolk". Before installing this plaque, the Town shall obtain the approval of the Donor, provided that if the plaque is not approved Donor's remedy shall be to waive the requirement for a plaque and no other remedy.

5. Payment Structure. Donor shall deposit \$250,000 with the Town treasurer in the following installments:

- 1. \$25,000 within ten (10) days of the selection of semi-finalists.
- 2. \$100,000 within ten (10) days of the execution of a contract or agreement with selected artist
- 3. \$100,000 within ten (10) days of completion and installation of the work within the agreed time frame
- 4. \$25,000 within ten (10) days of the completion of any agreed-upon follow-up work related to the project or site

6. Miscellaneous.

- (a) Donor represents and warrants to the Town that Donor is authorized to enter into this Agreement and to donate the funds to the Town.
- (b) The covenants and agreements herein contained shall bind and inure to the benefit of the Town and Donor and their respective successors and assigns, except as otherwise provided herein.
- (c) This Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals as of the date first set forth above.

DONOR:

Howard Wolk.

By: 
Name: Howard Wolk
Title:

TOWN:

Town of Lexington, acting by and through its
Town Manager


James Malloy
Town Manager

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 44 MUNICIPAL FINANCE

Section 53A GRANTS AND GIFTS; ACCEPTANCE AND EXPENDITURE

Section 53A. An officer or department of any city or town, or of any regional school or other district, may accept grants or gifts of funds from the federal government and from a charitable foundation, a private corporation, or an individual, or from the commonwealth, a county or municipality or an agency thereof, and in the case of any grant or gift given for educational purposes may expend said funds for the purposes of such grant or gift with the approval of the school committee, and in the case of any other grant or gift may expend such funds for the purposes of such grant or gift in cities having a Plan D or Plan E form of government with the approval of the city manager and city council, in all other cities with the approval of the mayor and city council, in towns with the approval of the board of selectmen, and in districts with the approval of the prudential committee, if any, otherwise the commissioners. In the case of grants from the federal government or from the commonwealth, a county or municipality or agency or instrumentality thereof, upon receipt of an agreement from the grantor to provide advance payment or reimbursement to the city, town or district, the officer or department may

spend the amount of the advance payment, or the amount to be reimbursed, for the purposes of the grant, subject to the approvals required by this section. Any advance payment or reimbursement shall be applied to finance the grant expenditures; provided, however, that any expenditures outstanding at the close of the fiscal year after the fiscal year in which the grantor approved the agreement shall be reported by the auditor or accountant of the city, town or district, or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the determination of the next annual tax rate, unless the city, town or district has otherwise made provision therefor. Notwithstanding the provisions of section fifty-three, any amounts so received by an officer or department of a city, town or district shall be deposited with the treasurer of such city, town or district and held as a separate account and may be expended as aforesaid by such officer or department receiving the grant or gift without further appropriation. If the express written terms or conditions of the grant agreement so stipulate, interest on the grant funds may remain with and become a part of the grant account and may be expended as part of the grant by such officer or department receiving the grant or gift without further appropriation. Any grant, subvention or subsidy for educational purposes received by an officer or department of a city, town or school district from the federal government may be expended by the school committee of such city, town or district without including the purpose of such expenditure in, or applying such amount to, the annual or any supplemental budget or appropriation request of such committee; provided, however, that this sentence shall not apply to amounts so received to which section twenty-six C of chapter seventy-one of the General Laws, and chapter six hundred and twenty-one of the acts of

nineteen hundred and fifty-three, as amended, and chapter six hundred and sixty-four of the acts of nineteen hundred and fifty-eight, as amended, apply; and, provided further, that notwithstanding the foregoing provision, this sentence shall apply to amounts so received as grants under the Elementary and Secondary Education Act of 1965, (Public Law 89–10). After receipt of a written commitment from the federal government approving a grant for educational purposes and in anticipation of receipt of such funds from the federal government, the treasurer, upon the request of the school committee, shall pay from the General Fund of such municipality compensation for services rendered and goods supplied to such federal grant programs, such payments to be made no later than ten days after the rendition of such services or the supplying of such goods; provided, however, that the provisions of such federal grant would allow the treasurer to reimburse the General Fund for the amounts so advanced.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Increase to Outdoor Dining Permit Fee

PRESENTER:

Jim Malloy, Town Manager

ITEM NUMBER:

I.6

SUMMARY:

Category: Decision-Making

In December 2022, the Select Board discussed outdoor dining permit fees and where the Town stood relative to other communities. The Town Manager undertook a review of fees charged by Cambridge, Somerville, Needham, Arlington, Waltham, Burlington, Bedford and Danvers. At the December 19, 2022 Select Board meeting, the following fees were established for 2023:

- Up to 10 outdoor seats on public sidewalks \$100 per year
- Over 10 seats on public sidewalks \$250 per year
- \$3,750 for the parklet once we have acquired a new parklet

Prior to the pandemic, the Town had a practice of increasing these fees by 2.0% per year. The Town Manager is recommending a 2.0% increase consistent with the Town's pre-pandemic practice.

SUGGESTED MOTION:

Move to approve a 2.0% fee increase for outdoor dining permits effective for permits in 2024, so the permit fees are:

- Up to 10 outdoor seats on public sidewalks \$102 per year
- Over 10 seats on public sidewalks \$255 per year
- \$3,825 for the parklet once we have acquired a new parklet

FOLLOW-UP:

Town Manager's Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/6/2024

8:35pm