

JOE PATO

LEXINGTON SELECT BOARD

ACTION SUMMARY

SELECTMEN'S MEETING NOTES - Feb 10, 2020

Notes by Joe Pato, not official minutes.

Full meeting packet materials are available here:

<https://lexington.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=566&MinutesMeetingID=104&doctype=Agenda>

Meeting video available from Lexmedia here:

<https://videoplayer.telvue.com/player/c0gKv9ZUF0uiidDafFfESDZA5EkkJp7L/playlists/7975/media/543171?autostart=false>

Next meeting scheduled for Feb 24, 2020.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Capital Budget Presentation

The full Capital Budget presentation is included in the [Town Manager's proposed budget \(aka White Book <https://www.lexingtonma.gov/budget/files/fy2021-budget-white-book?fbclid=IwAR10xrkNFuYyf0svUQR5SfqrUSVAQoPR0rUCx5LINHA5h8i57Z1KRY3_5-o>](https://www.lexingtonma.gov/budget/files/fy2021-budget-white-book?fbclid=IwAR10xrkNFuYyf0svUQR5SfqrUSVAQoPR0rUCx5LINHA5h8i57Z1KRY3_5-o)) for review. Board members had forwarded a list of questions on specific items and responses to those items are in the meeting packet. Items discussed are summarized here.

- **Battle Green Master Plan #3** – especially timing and how it will integrate with Center Streetscape and the Battle Green Streetscape project. Staff indicated that all of these projects are planned for completion by the end of 2024 and prior to the 250th anniversary of the Battle.
- **List of Sidewalk Projects** - both new construction and repairs. The list of potential sidewalks to be repaired was reviewed. This set is the target set of repair areas but the set of sidewalks actually repaired is contingent on a number of factors. It is possible some areas won't be repaired if funds are inadequate.

- **List of Street Improvements** - a list of areas for potential street repairs was discussed but like for sidewalks the actual set of streets will depend on how much can be done for the requested funding amount and any other limitations (such as planned utility work in the near future that would tear up newly repaired roadways).
- **Transportation Mitigation funds** - this has been an annual \$100K appropriation to be used for quick response and/or planned projects that are identified and requested by the Transportation Safety Group. About a year and half's-worth of funding remains unspent and the Board reduced the FY21 recommended funding to \$16,504 - the amount coming from TNC revenues (Transportation Network Company, i.e. the Uber/Lyft surcharge).
- **Police Outdoor/Indoor Firing Range - Hartwell Avenue** – General discussion on the scope of the project. The Board was largely sympathetic to value of the range on Hartwell Avenue in particular if funding can be secured from state or federal sources. Members recommended that the presentation to Town Meeting include clarity on the “business case” for a regional range and include information on how capital and operational costs could be defrayed through regional collaboration.
- **Recreation & Community Programs - Athletic Facility Lighting.** The Board was supportive of the project but discussed how the previous appropriation in 2018 was unable to fund the entire project. Unlike the sidewalk and street improvements projects which are annual appropriations and are explicit that the scope of the project will be adjusted based on how much work can be accomplished at the funding level, this project identifies a specific set of work to be completed. In 2018 the scope of the project was reduced due to higher than expected costs.

The Town Manager proposed a directive to the Senior Management team to establish a better future practice for capital projects other than the annual appropriations like those for sidewalks and streets. The Board concurred with a practice in line with the following:

“On all capital projects, if there are no bids received that is within the original appropriation, the department responsible will provide the bid results to the Board of Selectmen and provide a recommendation and report on (a) moving forward with a reduced scale project; or (b) requesting a special town meeting to fund the difference from the original appropriation to the lowest responsible bid received.”

- **Westview Cemetery Building** - discussion on this item was postponed to the next meeting. The funding model for the project had not been included in our packet and due to a Town computer system outage due to equipment failure after a water leak over the weekend the information was not available to the Board prior to the meeting. Staff provided a brief synopsis but deliberation was postponed.

Action: as noted above; approval of the capital budget request was deferred to our next meeting.

2. Joint Meeting - Select Board and Planning Board

Discuss 2020 Annual Town Meeting Zoning Articles, Including, But Not Limited To:

- ATM Warrant Article 8 - Short Term Rental Impact Fee
- ATM Warrant Article 35 - Amend Zoning Bylaw-Distance From Basement, Slab or Crawl Space and Groundwater
- ATM Warrant Article 36 - Amend Zoning Bylaw-Short Term Rentals
- ATM Warrant Article 37 - Amend Zoning Bylaw-Site Plan Review
- ATM Warrant Article 38 - Amend Zoning Bylaw-Financial Services
- ATM Warrant Article 39 - Amend Zoning Bylaw-Solar Energy Systems

A presentation prepared by the Planning Department that describes the issues identified and the recommended solution that the zoning change is proposing is included in the meeting packet. The Board asked a number of questions to better understand the proposals and awaits the report of the Planning Board.

Action: none at this time.

3. Update - ATM 2020 Warrant Article 30 - Land Exchange

Attorney Pat Nelson presented this Citizen Article - the exchange of a portion of the lot located at 344 Lowell Street with a portion of the Town's Adjoining Land. The lot line cuts through a structure and the article seeks to swap similar sized portions of land so that the existing structure is within appropriate setbacks on the private land. The Town Manager has reviewed an initial and revised proposal with the Recreation Department and Public Works Department. These departments were satisfied with the revised proposal. The School Superintendent indicated that the revised proposal could provide an opportunity in the future to improve access, one school committee member indicated concern over any benefit to the Town. The Superintendent has been asked to submit a position from the School Department which will be provided once received.

Town Counsel advised that an RFP may need to be issued if the value of Town land being used in the swap was above a certain amount.

Action: none at this time.

4. Approve Submission of Statement of Interest for Bridge Elementary School Roof Replacement

The Bridge School roof is scheduled to be replaced in FY21 on the Capital Plan and the School Committee has agreed to submit a Statement of Interest (SOI) to the MSBA for funding a portion of the project. The packet includes a draft of the SOI (please note this is a draft that must be completed by 2/14 for submission). As part of the submission the Select Board is required to submit a letter to the MSBA using specific template language.

*Action: Vote to approve the following letter to the MSBA in support of the SOI submission (5-0)
Having convened in an open meeting on February 10, 2020, prior to the closing date, that the Select Board of the Town of Lexington, in accordance with its charter, by-laws, and ordinances,*

has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 14, 2020 for the Bridge Elementary School located at 55 Middleby Rd. which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. The Bridge Elementary School located at 55 Middleby Rd. is in need of replacing its 68,000 sq. ft. roof as it has exceeded its useful life cycle. The manufacturer of this modified bituminous roof is Firestone and the roof warranty expired in September of 2019; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

5. Discuss Proposed New Police Station

The Board reviewed updated conceptual designs for the Police Station with the comparison between 2018 and 2019 with updated cost estimates for a new building and 173 Bedford Street.

The new proposal for the existing Police Station site eliminates preservation of any existing facade walls and is a completely new construction. Freed from constraints imposed by the existing facades, this design provides a more efficient and smaller building; co-locates functions within the building more rationally; utilizes universal design to eliminate the need for ramps at the entrance; and reduces the overall cost (~\$25.5M) to be similar to the cost of construction at 173 Bedford St (~\$24.8M).

Also in the packet is a letter from the chair of the HDC indicating that a subset of members reviewed the preliminary plan and are open to demolition of the existing building. “We are open to a new design that continues the principle of balancing Town Offices and quietly framing Cary Hall and have procedures that allow demolition as part of an approved new plan.”

Several members of the Board observed that the willingness of the Historic District Commission to allow a complete replacement of the existing building is critical to the feasibility of this new proposal. The Board was appreciative of the sentiment in the letter and asked that the Historic District Commission meet to formally endorse the letter.

Action: none at this time, this item is expected to return for consideration at our February 24 meeting.

6. Approve the Sale of Bonds and Notes

On Wednesday, February 5, 2020, the Town sold \$9,570,000 of general obligation bonds and \$5,268,223 of general obligation bond anticipation notes (BANs). Moody’s conducted a review

of the sale and rated the Bonds Aaa and the BANs MIG 1, both of which are the highest ratings that can be obtained by a municipality. A copy of the press release is in the packet.

The bond issue was for a variety of municipal purposes shown on the attached master use of proceeds, including construction of the Visitor's Center and Lexington Children's Place, purchase of department equipment, sidewalks and water and sewer improvements. Nine competitive bids were submitted for the bonds. The bids, based on a calculation of the true interest cost (TIC), which takes into consideration the amount of the issue, coupon rate, underwriting discount and offering premium, ranged from a high of 1.0349% to a low of 0.9362%. The low bidder was Fidelity Capital Markets, whose TIC of 0.9362% included a premium of \$1,516,074.65. This premium was applied to reduce the par value of the issuance on the day of the sale, which resulted in a net resized issuance of \$8,315,000 and net proceeds to the Town of \$9,656,031.12.

The notes were primarily to continue the short-term funding of the purchase of land for 171/173 Bedford St. and 20 Pelham Road, plus one facilities mechanical system. Seven bids were submitted for the notes which will come due on February 12, 2021. The bids, based on a calculation of the net interest cost (NIC), which takes into consideration the amount of the issue, coupon rates and offering premium, ranged from a high of 1.72% to a low of 1.03%. The low bidder was Oppenheimer & Co., Inc., whose NIC of 1.03% included a premium of \$37,720.48.

Action: Vote 5-0 to approve the sale of bonds.
(detailed motion is in the packet)

7. Approve the FY2021 Recommended Budget

Based on the Select Board's review and changes to the Town Manager's FY2021 Preliminary Budget and Financing Plan, staff has revised the FY2021 budget for approval. Changes from the Preliminary Budget and Financing Plan are summarized in the packet and an updated Program Summary is provided. Staff have also provided a blacklined DRAFT version of the Brown Book sections that have change since publishing the White Book for the Board's review.

The Board reviewed the changes and included changes identified earlier in the meeting in item 1 on the agenda.

Action: Vote 5-0 to approve the FY2021 Recommended Budget and Financing Plan, as shown in Column D of the Program Summary (beginning on pg. I-2) and authorize staff to make non-substantive changes, including the sub-classification of debt service line items 2410-2430 (not changing the total of line 2400) and to include amendments made at this meeting.

8. 2020 Annual Town Meeting - Article Positions/Discussion

This item was deferred to the next meeting.

CONSENT AGENDA

1. Approve One-Day Liquor Licenses

The Lexington Symphony has requested a one-day liquor license to serve beer and wine for the purpose of their Post-Concert Reception to be held in Estabrook Hall, Cary Memorial Building, 1605 Massachusetts Avenue, on Saturday, February 15, 2020. The beer and wine will be served from 9:30pm to 10:30pm.

Maddie's Mission has requested a one-day liquor license to serve beer and wine for the purpose of their Foster Care Fundraiser/Charity Event to be held at the Scottish Rite Masonic Museum & Library, 33 Marrett Road, on Saturday, February 29, 2020. The beer and wine will be served from 6:00pm to 10:30pm.

St. Brigid Church has requested a one-day liquor license to serve beer and wine for the purpose of their St. Patrick's Day Party to be held at their own location at Keilty Hall, St. Brigid Church, 1981 Massachusetts Avenue, on Saturday, March 21, 2020. The beer and wine will be served from 6:00pm to 11:00pm.

Spectacle Management has requested eight one-day liquor licenses to serve beer and wine in the lobby of Cary Memorial Building, 1605 Massachusetts Avenue, for the purpose of eight events on the following dates:

- Cherish the Ladies, Friday, March 6, 2020 7:30pm to 10:00pm
- The Moody Blues' John Lodge, Sunday, March 8, 2020 7:00pm to 9:30pm
- The Russian National Ballet, Friday, March 20, 2020 7:30pm to 10:00pm
- Al Di Meola, Friday, April 3, 2020 8:00pm to 10:30pm
- Comedian Bobby Collins, Friday, April 17, 2020 8:00pm to 10:30pm Illusionist Rick Thomas, Saturday, April 18, 2020 7:30pm to 10:00pm
- The Capitol Steps, Friday, April 24, 2020 7:30pm to 10:00pm Ronan Tynan, Sunday, April 26, 2020 3:00pm to 6:00pm

2. Approve Use of Battle Green - 2020 Lexington Fife and Drum Tattoo

The William Diamond Junior Fife and Drum Corps is requesting permission to hold the annual Lexington Fife and Drum Tattoo on the Battle Green on Friday, May 1, 2020, from 7:00 p.m. to 8:00 p.m., including a small parade from St. Brigid Parish to the Battle Green beginning at approximately 6:50 p.m. Per the applicant, this event has taken place over the past few years. Police, DPW, and Fire Department have no objections to this request.

Action: Vote 5-0 to approve the consent agenda.

ADJOURN

The next regularly scheduled meeting of the Select Board will be held on Monday, February 24, 2020 at 7:00pm in the Select Board Meeting Room, Town Office Building, 1625 Massachusetts Avenue.