

# JOE PATO

## LEXINGTON SELECT BOARD

### ACTION SUMMARY

## SELECTMEN'S MEETING NOTES – Apr 6, 2020

Notes by Joe Pato, not official minutes.

Full meeting packet materials are available here:

<https://lexington.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=591>

Meeting video available from LexMedia here:

<https://videoplayer.telvue.com/player/c0gKv9ZUF0uiidDaffFESDZA5EkkJp7L/media/553771>

Next meeting scheduled for Apr 13, 2020.

Updated information on COVID-19 in Lexington is available from the Office of Public Health at:

<https://lexingtonma.gov/COVID19>

**Required public meetings and hearing will be held virtually, using LexMedia and phone and/or online technology to allow public participation as necessary\*. This was the Board's second regular meeting using the Zoom platform for virtual meetings. We will be using this platform until further notice.**

**\*as per Executive Order regarding remote participation:**

<https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>

## ITEMS FOR INDIVIDUAL CONSIDERATION

### 1. Covid-19 Update

Mr. Malloy presented information on the Town's strategies, implementation and community response actions related to Covid-19 guidelines and directives.

Notable items discussed include:

- Residents have reported continued group activities at some fields and playing areas. The Town will be posting clearer signs indicating that no group activities are allowed. Residents may use parks for individual activities, but there should be no group sports – including pick-up games. Subsequent to

the meeting, the Town Manager informed the Board that the police department will be conducting more frequent visits to these areas and will inform groups to disperse.

- Zoom meetings have been working well for the limited set of committees required to meet. In the next few weeks town staff will train a broader set of committees to allow them to meet.

## **2. Discussion of Eversource Microgrid Proposed for Bedford Street**

Eversource has approached the Town with a proposal to create a micro-grid that would service the area around the Fire Station with a renewable energy source. A micro-grid is normally connected to the grid and feeds power into the grid from the solar panels, but in the event of a power failure, the micro-grid can switch off the grid and electricity to a small area of town around the Fire Station. This would provide power during extended outages to maintain a grocery store, pharmacy, a couple of restaurants, gas station and health care providers. The proposal is at an early stage but is planned to be funded by Eversource at no cost to the Town with the prospect of future property tax revenues on the solar panels and structures. The proposal is also subject to legislative changes that are currently under consideration by the legislature but could also be accomplished as a pilot program under separate legislation.

***Action: The Board reached consensus to have the Town Manager continue to work with Eversource, the local businesses and property owners that would be affected, and our legislators as appropriate.***

## **3. 2020 Annual Town Meeting**

Continuing for our previous meeting, the Board continued to prepare for a virtual Town Meeting later in the Spring. The Town Moderator has distributed a status memo on planning for the virtual Town Meeting and is working toward having the meeting in the second half of May or early June. (*memo included at end of this note*)

Staff are putting together presentations for those items that require presentations so that these can be posted online and on LexMedia prior to the virtual Town Meeting so that they don't need to be repeated during the virtual Town Meeting to facilitate the meeting and voting.

At our last meeting the Board asked the Town Manager to review some elements of the proposed budget to see if we could delay appropriations to certain stabilization and trust funds until the special Town Meeting later in the year by which time we should have a better sense of any financial impact to the Town from the current emergency. Mr. Malloy provided the board with a recommendation for where to reduce appropriations and hold funds in reserve until the fall and the Board agreed with the recommendations:

(<https://lexington.novusagenda.com/agendapublic/AttachmentViewer.ashx?AttachmentID=7392&ItemID=5023>)

***Action: The Board agreed with the proposed set of items to keep on expanded consent agenda and which should be kept as items for individual consideration due to time criticality as outlined in the meeting packet. The Board further voted 5-0 by roll call to issue the Select Board report to Town Meeting as edited.***

#### **4. Discussion on Appointment of User Representative to the Permanent Building Committee (PBC) for Police Station Project**

This came up several weeks ago and the Board discussed again at the last meeting relative to the Police Station. As you can tell from the attached request for a legal opinion as well as Town Counsel's opinion, it's a complicated issue when you read the Bylaws in conjunction with the Selectmen-Town Manager Act.

In summary when the Act and the Bylaws are read together that for the most part, with the exception of the School Committee and Recreation Committee that most buildings or structures are not built for a Committee (the Library is addressed in Town Counsel's opinion) but for the department, which in most cases falls under the Town Manager.

Mr. Malloy's suggested resolution is that we move forward and the Board nominate 3-4 (or 1-2, which would be easier for the Town Manager) candidates to serve the purpose of the bylaw as being specific to a project (in this case, the Police Station and potentially the Cemetery Building) and then he could make the appointment.

***Action: The Board was agreeable with Mr. Malloy's suggestion. No formal action needed.***

#### **5. Update Interim Reappointment of Town Counsel**

The Town's General Bylaws requires the appointment of Town Counsel within 30 days of the Town election. As previously reported, as the Town has an RFP out for Town Counsel services, our current Town Counsel has agreed to move forward on a month-to-month basis until a determination is made. We are in the process of reviewing the RFP submissions and will be conducting initial interviews shortly to provide the top three firms for the full Board to interview.

***Action: Vote 5-0 by roll call to appoint the firm of Anderson-Krieger for Town Counsel Services with Mina Makarious serving as Town Counsel to serve on a month to month basis.***

## **ADJOURN**

The next regularly scheduled meeting of the Select Board will be held on Monday, April 13, 2020 at 7:00pm. This meeting will be a virtual meeting that will be broadcast by LexMedia. Information for how the public may access the meeting will be included in the agenda posting on the Town web site.

# Town Moderator's Memo on Town Meeting Planning

**From:** Deborah Brown

**Sent:** Tuesday, April 7, 2020 2:01 PM

**To:** Lex TMMA <lexmma@googlegroups.com>

**Subject:** Update on Annual Town Meeting plans

Dear Town Meeting members:

I appreciate everyone's eagerness to understand what's ahead for Town Meeting. Frankly, we are in uncharted territory - in more ways than one. There have been a number of issues we've needed to consider and actions we've needed to take before rolling out a preliminary plan to all of you. Here's a summary of those first steps and the planning activities we're currently engaged in, plus a preliminary timeline:

**Preliminary investigation and evaluation** (These are the preliminary activities we've been engaged in since early March.)

- Monitoring public health data, guidelines, and latest modeling/surge predictions and timelines for continued sheltering in place/social distancing
- Monitoring new and pending legislation and executive orders related to town government
- Consulting with Town Counsel and Bond Counsel on legal issues/impediments to remote town meeting participation
- Triaging warrant articles with Select Board, Town Manager, Schools Superintendent, Appropriation and Capital Expenditures Committees, Planning Board, Community Preservation Committee and citizen petitioners: to determine what's time sensitive and what can be put off to a later special town meeting
- Obtaining buy-in from Select Board for moving ahead with development of a remote town meeting plan
- **Surveying Town Meeting members regarding technology access, comfort level, and assistance needs - \*\*This survey will be rolled out this week.\*\***

**Development of remote town meeting plan** (These activities are underway.)

- Scoping remote meeting requirements related to:
  - Members' access to and comfort with technology
  - Member attendance and establishment of quorum
  - Public access and participation
  - Article presentations and board/committee reports
  - Questions and debate
  - Amendments
  - Voting logistics
  - Security/loss of service/bandwidth issues - recovery plans
  - Coordination with LexMedia
- Testing technology initially with small working group, then with:
  - Senior management, other staff
  - Boards & committees
  - TMMA Executive Committee
- Broader testing and troubleshooting with Town Meeting members
  - Individual precinct remote/call-in meetings to provide instruction and opportunity for Q&A and feedback
  - Larger all-member "test-drives" - for further troubleshooting and refinement

- Video-recording and publishing all article presentations and relevant board/committee reports
- Creating opportunities for advance Q&A
- Broadcasting plan to residents and providing opportunity to submit testimony for/against articles

**Preliminary timeline** (Subject to change as we test and refine the plan.)

- Week of April 6:
  - Roll out survey of Town Meeting members
  - Continue scoping activities and technology review with small working group
  - Continue consultation with Town Counsel and Select Board
- Weeks of April 13 & April 20:
  - Survey follow-up
  - Scoping and initial testing/feedback with sr. mgmt/staff & boards/committees & TMMA Exec. Committee
  - Video-recording and publication of presentations/reports
- Weeks of April 27 and May 4:
  - Individual precinct testing/instruction/feedback sessions
  - Continue video-recording and publication of presentation/reports
  - Finalize plan for LexMedia coordination and public participation
- Week of May 11:
  - All-member "test-drives"
  - Broad communication of plan/procedures
- **Week of May 18:**
  - **Earliest possible date for remote Annual Town Meeting - but we may push this out a week or more**
  - Likely 2-3 nights

As with all aspects of responding to this crisis, we are trying to balance preparedness and thoughtful planning with the reality that we have to be flexible to react to changing public health conditions and any new laws/executive orders/regulations.

I will continue to update you. In the interim, please continue to follow public health guidelines to stay safe and healthy!

Deborah Brown

## Note

Join me for casual drop-in office hours on Wednesdays via “Zoom”. Information on how to connect is at <https://joepato.org>

**Joe’s Virtual Office Hours**  
**Wednesdays 2-3PM via Zoom**



<https://zoom.us/j/623099257>