

JOE PATO

LEXINGTON SELECT BOARD

ACTION SUMMARY

SELECTMEN'S MEETING NOTES – Jun 15, 2020

Notes by Joe Pato, not official minutes.

I had taken a hiatus from writing these notes while working on the Annual Town Meeting which ended last week. I've now resumed writing notes after each Board meeting. The video time signatures are based on my recording of the Zoom meeting and may be slightly off what LexMedia posts.

Full meeting packet materials are available here:

<https://lexington.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=611>

Meeting video available from LexMedia here: link to be updated when video is available

Next meeting scheduled for June 23, 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 fifth 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

[Video at time signature 00:12:14]

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:

- Town departments are beginning to return to work 25% of their time in their offices and 75% remotely. Even though buildings remain closed to the public Town functions remain in full operation.
- The Board of Health is reviewing outdoor dining guidelines at their meeting as restaurants prepare to open outdoor service this week.
- The number cases being monitored peaked in the middle of May and has been dropping off significantly. The same is true for the rate of new cases occurring.

2. Award Sale of Bond and Bond Anticipation Notes

[Video at time signature 00:19:15]

On Wednesday, June 10, 2020, the Town sold \$20,315,000 of general obligation bonds and \$5,856,000 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 attached to the meeting packet.

The 15-year bond was issued to finance the ongoing construction of several large projects including Hastings school, Fire Headquarters, the Visitor's Center and Lexington Children's Place, all of which are near completion.

Ten 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 1.487% to a low of 1.315%. The low bidder was Janney Montgomery Scott LLC, whose TIC of 1.315% included a premium of \$2,485,290. 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 \$18,010,000 and net proceeds to the Town of \$20,495,290.

The notes were issued for a variety of municipal projects including the short-term funding of the center track and field reconstruction, water and sewer improvements, sidewalk construction and the purchase of technology and equipment.

Five 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 .907% to a low of .497%. The low bidder was Piper Sandler & Co., whose NIC of .497% included a premium of \$46,262.

Typically, the Board issues bonds in February but the current historically low rates and based on advice from the Town's financial advisors led the Town to issue bonds when possible even though normally we would have issued BANs.

Action: Vote 5-0 to approve the sale of bonds and BANs. The full detailed motion can be found in the meeting packet.

3. Discuss Fiscal Year 2020 and Fiscal Year 2021 Financial Status

[Video at time signature 00:34:00]

Staff presented Finance Review Memo #2 for ongoing discussions on the impact of COVID-19 on the Town's finances. This is part of a regular set of updates on the pandemic's effects on our budget and is the same memo that was distributed to Town Meeting at the beginning of the month. At this time there have been few incremental expenses to the Town due to Covid-19, however any reductions to state aid are still unknown. In direct revenues there have been reductions in hotel and meals taxes and some fees. Enterprise revenues for the recreation department and tourism are down sharply. Residents have delayed payment of property taxes, but collections are running strong in June and staff expect we will see receipts to have the normal very small delinquency rate. Staff expect to have a third memo available for the Board's June 29 meeting.

Staff continue to recommend that we wait until late August or early September to hold a budget summit on this impact so that we have the best information possible going forward into Town Meeting. It is critical to learn what state aid will truly be. Previously the state has indicated that school aid would be protected as much as possible but with declining state revenues it is hard to predict.

Mr. Pato suggested that we may want a policy summit sometime in the summer to examine effects of the slowdown on residents and commercial entities in Town – a more focused activity to prepare for the larger discussion at the budget summit.

Action: No action at this time.

4. Discuss Creating a 20mph Safety Zone in the Area of Lexington Center

[Video at time signature 00:49:35]

In 2017 the Board requested Town staff to prepare a plan for a 20MPH safety zone in Lexington Center. This request came after the state adopted the Municipal Modernization Act which amended provisions of MGL Ch. 90, Sec. 18B to allow a municipality to create a safety zone without approval from the Massachusetts Department of Transportation. Such a zone must meet criteria established in the law and a report must be filed with Mass DOT outlining the rationale for the zone. This law was accepted by Town Meeting at the Annual Town Meeting in 2017 and later adopted by the Board of Selectmen on May 8, 2017.

A number of factors contributed to delays in preparing this plan, but earlier this year a preliminary outline was provided to the Board for which some members submitted comments and staff revised the proposal. The Board reviewed the proposal and requested a few small final adjustments to be brought back for a vote at a future meeting.

The Board requested the following changes:

- 1) Extend the eastern end of the safety zone on Mass Ave to include the crosswalk at Hunt St and/or at Slocum Rd.
- 2) Include Harrington Rd in the safety zone

- 3) Refine placement of speed zone signs so that vehicles entering the zone are clearly informed of the safety zone.

20 MPH Safety Zone in Lexington Center Street Location Regulation as proposed in the packet:

STREET LOCATION:

Massachusetts Avenue From Harrington Road to Woburn Street
Hancock Street From Bikeway Crossing to Bedford Street
Meriam Street From Bikeway Crossing to Massachusetts Avenue
Waltham Street From Massachusetts Avenue to Vine Brook Road
Woburn Street From Hayes Lane to Massachusetts Avenue

Action: Consensus to move forward but to let Center Committee meet and provide any comments back for fine tuning.

5. Approve Amendment to the Regional Housing Services Office Agreement

[Video at time signature 01:12:08]

The Regional Housing Services Office agreement between Lexington and the several towns listed in the agreement expires at the end of June. Our staff continues to be supportive of this relationship and recommend extension for three months until the renewal this Fall which will be for a 3-year period.

Action: Vote to approve (5-0) the agreement between the Town of Lexington and the Regional Housing Services Office for 90 days as attached and authorize the Town Manager to sign the agreement.

6. Review Determination of Tree Hearing - 497 Concord Avenue

[Video at time signature 01:14:25]

This topic came before the Board a few weeks ago and the Board requested that the applicant and neighbors meet again to try to reach a consensus on direction.

A single recommendation has not yet been reached. The Tree Warden and the Tree Committee provided different recommendations on the value of the tree at the Cotting School at 497 Concord Avenue. The Tree Warden recommends replacement value of \$8,400 for the Town to replant trees as per the bylaw (attached). Dave Pinsonneault, DPW Director has indicated we don't have the capacity to undertake plantings at this time, and that DPW's recommendation is that the value be twice this amount or \$16,800. The Tree Committee is applying a different standard and is recommending replacement value of \$39,850. Given the difference, the Town Manager requested that Town Counsel opine whether it is possible to use a different standard than what is provided for in the Town's bylaws, which is also attached.

The Board reflected that much material was submitted with differing perspectives and that a number of those items were submitted to the Board on the day of our meeting leaving little opportunity to assess

the comments. In particular it was unclear what the governing regulations were – the guidance for sight lines that suggest the tree cannot be saved apply to a road intersection yet the exit has been determined to be a driveway not a street (which reduced other requirements for the placement of the exit).

Action: continued to a future meeting.

7. Hosmer House Request for Proposal

[Video at time signature 1:57:30]

The Board reviewed an RFP for the sale and moving of the Hosmer House. This has been vetted by a working group which included members from the Select Board, Dept of Public Facilities, Historic District Commission, Housing Partnership Board, CPC, Historic Commission and LexHab. Two items of note: first, the due dates have not been filled in yet; Liz Mancini, Purchasing Director will insert those once we have the Preservation Restriction language from Town Counsel (there are statutory minimums for advertising in the Central Register). The second is that the deed restriction was changed to a preservation restriction since we're selling the house as personal property and not real estate (this will also require state approval, but Town Counsel has advised that we can put the RFP out to bid and seek state approval of the preservation restriction concurrently with the bidding process). Please note that we have reserved the right for the Town to reject any and all bids, this will come back before the Select Board to consider a final recommendation (assuming there are bidders).

Action: Vote 5-0 to approve the RFP for the sale and moving of the Hosmer House and further to authorize the Town Manager to advertise the sale, subject to Town Counsel providing a preservation restriction for historic preservation.

8. Discuss Next Steps for Social and Racial Equity Initiatives

[Video at time signature 2:03:36]

Note: Ms Barry recused herself from the discussion whether or not there is a financial interest for any portion of the deliberation that directly related to the police department as her husband is an employee of the department

The Town is working to engage an outside facilitator to hold community discussions on policing and racial equity. At our 6/10 meeting we discussed creation of a Task Force under the Town Manager and creating facilitated community conversations. Mr. Malloy has contacted the National League of Cities Racial Equity And Leadership (REAL) Director and they have exchanged emails – but they haven't reached the stage of a concrete proposal; and a review of our policies, bylaws, etc. During the Board discussion we endorsed a continuing process for community engagement as well as a focused discussion on policing in Lexington.

Mr. Malloy reported that he discussed community concerns with members of the department. He believes that the issues we are seeing in other parts of the country are not present locally – in part because of the Quinn Act – which provides incentives for advanced degrees, and because of the department being an accredited agency which requires the application of best-practices policies.

The police department wants to be a partner in the community conversations. There is systemic racism in our society, and we need to deal with it – some issues we can only advocate for nationally, but there are clearly things we can do locally. We can make sure that our police agency is not only following best practices but that our policies and practices are non-discriminatory; we can make sure that the police department has the support of the community.

The Police Patrolman’s Association has submitted a letter to the Town Manager and the Board condemning the despicable actions in Minneapolis. “The death of George Floyd should never have happened. Any use of force beyond what is necessary to protect the public and/or officers is unacceptable and should never be tolerated.”

Under Chief Corr’s leadership, the men and women of the Lexington Police Department have embraced the concepts of procedural justice, de-escalation, mental health awareness and critical crisis intervention, implicit bias training, the Six Pillars of the President’s Task Force on 21st Century Policing as well as full accreditation via the Massachusetts Police Accreditation Commission, Inc. In 2019, we left Massachusetts Civil Service and developed an improved hiring process which allows us to test for and interview the best available candidates to serve Lexington. These are just a few of the steps taken by the Lexington Police Department to serve every member of our community regardless of race, religion or sexual orientation.

<https://lexington.novusagenda.com/agendapublic/AttachmentViewer.ashx?AttachmentID=7741&ItemID=5181>

The union representing the Police Superior Officers union also submitted a similar letter that arrived too late for inclusion in the packet.

The board discussed these issues – we feel that there are a number of conversations that need to be held ranging from racial equity issues, policing policies, the effects of a history of redlining on the shape of our community, etc. We need to understand where we are unintentionally perpetuating racial or ethnic inequities.

Members of the Board reflected on the need for a Diversity, Equity, and Inclusion officer – one of the primary goals the Board has set is that we are a welcoming community for all and it might need the focus of an individual staff member rather than diffuse attention.

This was a lengthy discussion and merits viewing.

Action: Mr. Malloy to further develop the action plan and bring it to the Board’s meeting on June 29.

9. Review Request for Car Parade - Lexington Goes Purple

[Video at time signature 2:50:00]

Lexington Goes Purple has submitted a request to hold a Lexington Goes Purple Car Parade on Thursday, June 18, 2020 (with an alternative date of Thursday, June 25, 2020) to start at approximately 1:00 p.m.

with an assembly and starting point at the Lexington Lodge of Elks parking lot. The car parade will disperse at the Bedford Street intersection of Massachusetts Avenue at approximately 2:00 p.m.

The DPW and Police have reviewed this request and have no objections.

Action: Vote 5-0 to approve the request from Lexington Goes Purple to hold a Lexington Goes Purple Car Parade on Thursday, June 18, 2020 as outlined in their request letter dated June 5, 2020. Further that future car parades be handled by the Police Chief during the Covid-19 emergency.

10. Select Board Committee Appointments/Reappointments

[Video at time signature 2:56:34]

Hanscom Field Advisory Commission

Reappointments:

The three-year terms of the following Hanscom Field Advisory Commission members expire on June 30, 2020. The Board is being asked to reappoint both members for a three-year term set to expire on June 30, 2023.

- Mike Barrett
- Hank Manz

Minuteman Regional Vocational Technical School Committee Appointment:

Mr. David Horton's term as Lexington's representative on the Minuteman Regional Vocational Technical School Committee expires on June 30, 2020. Mr. Horton has indicated he does not wish to be reappointed. A letter thanking Mr. Horton for his service will be sent.

The Board is being asked to appoint Judith Crocker as the Lexington representative to the Minuteman Regional Vocational Technical School Committee for three-year term to be effective July 1, 2020.

Town Celebrations Committee

Reappointments:

The three-year terms of the following Town Celebrations Committee members expire on June 30, 2020. The Committee has requested that both members be reappointed for a three-year term expiring on June 30, 2023.

- Sondra Lucente
- Lorain Marquis

Appointment:

The Town Celebrations Committee has requested to move Geetha Padaki up from the TCC Subcommittee to be appointed as a full member of the Town Celebrations Committee for a term to expire on June 30, 2023.

Town Celebrations Subcommittee

Reappointments:

The majority of the members of the Town Celebrations Subcommittee members wish to be reappointed for another term set to expire on June 30, 2021. Paul Jenkins and David Taylor do not wish to be reappointed at this time. The following members, who wish to be reappointed, have a term expiration of June 30, 2020:

- William "Glen" Bassett
- Suzanne Caton
- Stephen Cole, Jr.
- Wei Ding
- Mary Hutton
- Gresh Lattimore
- Wayne Miller
- Rita Pandey
- Ashley Rooney
- Susan Stering
- Samuel Zales

Executive Clerk

Reappointment:

The Board is being asked to reappoint Kim Katzenback as Executive Clerk to the Select Board, whose term is due to expire on June 30, 2020.

Keeper of the Lockup

Reappointment:

The Board is being asked to reappoint Police Chief Mark Corr as Keeper of the Lockup, whose term is due to expire on June 30, 2020.

Action: This motion was split into three parts, Mr. Lucente recused himself from the vote to appoint to the Town Celebration Committee due to family ties to one of the candidates. Mr. Pato requested that the appointment to the Minuteman Regional School Committee be deferred due to the board having received only one application by the deadline. The board did not vote on his request.

Vote 4-0 to appoint to the Town Celebration Committee;

Vote 4-1 to appoint to the Minuteman Regional Vocational Technical School Committee;

Vote 5-0 to appoint to the remaining positions.

11. Discuss Select Board Liaison Assignments

[Video at time signature 3:15:40]

The Board will discuss committee liaison assignments at a future meeting this summer.

12. Approve Fiscal Year 2021 Cost-Of-Living Adjustment for Non-Represented Employees

[Video at time signature 3:22:00]

Note: Ms Barry recused herself as her husband is an employee of the police department.

The Town Manager and HR Director recommended a 2 percent cost-of-living adjustment for non-represented employees for fiscal year 2021.

This amount is consistent with settled collective bargaining agreements and the Board's overall guidance for settlements for FY2020.

Action: Vote (4-0) to approve a 2 percent cost-of-living adjustment for non-represented employees for fiscal year 2021, effective July 1, 2020.

13. Town Manager Committee Reappointments

[Video at time signature 3:23:50]

The Town Manager requested that the Board approve re-appointments for the following committees:

Council on Aging:

Elizabeth Borghesani has been a member since 2004. Ms. Borghesani's new term is effective immediately and will expire May 2023. Ethics are up-to-date.

Ellen Nadine Cameron has been a member since 2014. Ms. Cameron's new term is effective immediately and will expire May 2023. Ethics are up-to-date.

Camille Goodwin has been a member since 2012. Ms. Goodwin's new term is effective immediately and will expire May 2023. Ethics are up-to-date.

Bonnie Teitleman-Levin has been a member since 2017. Ms. Teitleman-Levin's new term is effective immediately and will expire May 2023. Ethics is up-to-date.

Recreation Comm.:

Lisah Rhodes has been a member since 2011. Ms. Rhodes new term is effective immediately and will expire May 2023. Ethics are up-to-date.

ACTION: Vote (5-0) to approve the Town Manager's re-appointment of Elizabeth Borghesani, Ellen Cameron, Camille Goodwin and Bonnie Teitleman-Levin to the Council on Aging and Lisah Rhodes to the Recreation Committee.

CONSENT AGENDA

[Video at time signature 3:25:50]

1. Water & Sewer Commitments & Adjustments

Water & Sewer Commitment Section 1 \$ 1,975,324.33

Water & Sewer Commitment Section 2 \$ 1,943,500.95

Water & Sewer Commitment Section 3 \$ 3,839,184.96

Water & Sewer Finals Nov 2019 \$ 26,538.22

Water & Sewer Finals Dec 2019 \$ 10,168.12

Water & Sewer Finals Jan 2020 \$ 50,707.46

Water & Sewer Finals Feb 2020 \$ 28,930.39

Water & Sewer Finals Mar 2020 \$ 7,494.06

Water & Sewer Finals Apr 2020 \$ 9,992.76

Water & Sewer Finals May 2020 \$ 5,108.53

Water & Sewer Adjustments per WSAB 5/21/20 \$ (5,022.84)

ACTION: Vote (5-0) to approve the attached water & sewer commitments & adjustments

ADJOURN

The next regularly scheduled meeting of the Select Board will be held on Monday, June 29, 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.

In addition, the Board will be meeting on Tuesday, June 23, 2020 at 3:00pm via a virtual meeting to interview candidates for Town Counsel.

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>