

# JOE PATO

## LEXINGTON SELECT BOARD

### ACTION SUMMARY

## SELECTMEN'S MEETING NOTES – Aug 24, 2020

Notes by Joe Pato, not official minutes.

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=623>

Meeting video available from LexMedia here:

<https://videoplayer.telvue.com/player/c0gKv9ZUF0uiidDaffFESDZA5EkkJp7L/playlists/7975/media/583805>

Next meeting scheduled for September 2, 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>

## Attendance

- Select Board Member Mark Sandeen was unable to attend this meeting.

## CONSENT AGENDA

[Video at time signature 00:09:25]

### 1. Approve Lowering the Battle Green Flag on September 11, 2020

The Battle Green Flag has annually been lowered on September 11th for the anniversary of 9/11.

## 2. Water and Sewer Adjustments

Water & Sewer adjustments recommended by WSAB 7/23/20 (\$21,291.04).

**Action: Vote 4-0 to approve the Consent Agenda.**

## ITEMS FOR INDIVIDUAL CONSIDERATION

### 1. Covid-19 & Reopening Update

[Video at time signature 00:10:20]

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

*Updated public Health Information (as of 8/20/20):*

- 340 Confirmed (cumulative) Cases in Town of which fewer than 5 are active cases.

*Town/School/Community:*

- Concerns have been raised with the Board about the jersey barriers installed in the center – that the areas aren't handicap accessible and that some may pose trip hazards. Staff is working with restaurants to reconfigure placement of tables to keep sidewalk walking areas and to adjust placement of some of the barriers to allow access from sidewalk curb cut ramps and avoid interference with crosswalks.
- Flu shots will be available this fall through more limited drive-through service – see: <https://www.lexingtonma.gov/drivethroughclinics> Residents should know that this will be more limited than in previous years and that they should think about how to obtain a flu shot this year. Schedule and registration information will be available shortly at: <https://lexingtonma.gov/fluclinic>

More detailed information about may be found in the packet:

<https://lexington.novusagenda.com/agendapublic/AttachmentViewer.ashx?AttachmentID=7994&ItemID=5298>

### 2. Update on Next Steps for Social Racial Equity Initiatives

[Video at time signature 00:29:35]

The Board reviewed a Scope of Services proposal from National League of Cities, Race, Equity And Leadership (NLC REAL) program which has been previously provided. This is more focused on long-term systemic changes in the Town's business operations than on community conversations the Board has discussed. The Human Rights Committee brought an alternative to our attention, who recently facilitated a similar community conversation in Natick, and we have received very positive recommendations from Natick. The NLC program could be funded through a combination of the funds appropriated for Diversity, Equity and Inclusion and discretionary funds the Select Board has available.

We have also submitted the REMAP (Racial Equity Municipal Action Plan) Grant application which is in the Board's packet and explains the scope, purpose, and goal of the grant application. We anticipate a decision from REMAP on September 10.

The Board expressed general interest in delaying a decision on the longer-term training programs but to proceed with a consulting engagement for community conversations in the short term.

***Action: Vote 4-0 to authorize the Town Manager to engage the consulting services of Melissa Patrick.***

### **3. Planning Options for Community Conversations on Policing**

[Video at time signature 00:56:30]

Mr. Malloy discussed the police station and policing in general with each of the Select Board members to understand concerns about engaging the community on policing issues. There was a consensus from all Select Board members around the lack of information that we make available and transparency of the Police Department. In response he is proposing a series of public informational sessions as well as developing an opportunity through the Public Information Officer to have some additional community conversations focused on policing and the future of policing in Lexington. As part of the discussion on the future of policing, we are going to provide transparent information on the level of services provided, what type of services are provided, staffing, training and provide an opportunity for residents to ask questions and for the Town to provide factual responses based on the Town's records. We will use video opportunities related to programs that can be viewed as residents wish and will do specific outreach to different segments of the community.

Mr. Lucente presented a draft plan and timeline for community engagement that was added to the Board's packet just before the meeting. Board members expressed difficulty in evaluating the proposed engagement – but felt that there it had the right feel. The timeline, however, was questioned – that it would take longer to execute and that the fall is crowded with other activities.

Ms Barry expressed concern that the conversation needs to go beyond the needs of the building and the function of the police force – that it must address the issues raised in June about social equity and the role of policing. Mr. Malloy responded that to do so would require us to pause work on the police station since a full discussion on the evolution of policing in modern society is not a simple “one and done” meeting but rather an extended set of discussions on social values. To do so, we should pause the project and release the architect to work on other projects.

Mr. Lucente observed that this project has been underway for many years and that Town Meeting has appropriated funds to proceed to construction documents. The building is in poor repair and is functionally inadequate – so needs to be replaced. Even if the Town were to dramatically change policing and replace officers with social workers, they would need a place to work and the current building needs to be replaced.

Ms Hai re-iterated that this project has undergone much planning and is needed. She advocated proceeding with the kinds of discussions proposed including refreshing the 1999 survey on policing in Lexington conducted by Northeastern University (<https://www.theiacp.org/lexington-police-department-ma>) and continuing the design work through to construction documents so that a more

complete cost estimate can be produced. At that point, we can bring the project to the Annual Town Meeting which is empowered to make the decision to proceed or not.

Mr. Pato observed that in June we saw a reaction he did not expect – a reaction that questions how modern policing is performed in Lexington. That questioning puts the requirements we used for the police station in doubt. Buildings have a purpose and technical facilities like a public safety facility have specific designs – which is why we hire a special-purpose architect rather than a general architect. If you decide that the function that needs to be served is different, it's not the same design. The exterior may look the same, but the interior may not look at all alike. He believes that we do have to pause the design work and that we work through what the community is looking for before going to Town Meeting – but not to design in parallel. We are at a point where we must gather the community response first.

***Action: The Town Manager to review the draft timeline and adjust to be more realistic and with input from the facilitator on how community engagements relate.***

#### **4. Select Board Goals Update**

[Video at time signature 01:50:15]

The Board reviewed its overall goals for the 2020-21 calendar years. The Board's goals are included in the packet as well as a memorandum from the Town Manager regarding the status of various goals.

#### **5. Fiscal Year 2020 & Fiscal Year 2021 Financial Update**

[Video at time signature 02:30:20]

Staff presented a financial update including:

- FY2020 Financial Results
- FY2021 Revenue Projections & Budget Updates
- CARES Act Funding Summary
- Upcoming Budget and Policy Considerations
- FY22 Budget Calendar (Proposed budget Summit dates)

The books should close on the FY20 fiscal year next week, but the numbers presented are almost final. In general, the Town is in a better financial position than expected:

- Revenue was ~\$1.5M higher than projected, tax revenues were higher, state aid was at the expected level rather than reduced, building permit revenue was higher, and interest on funds was higher.
- Expenses were curtailed – ~\$10.5M lower than budgeted

Some area concerns remain but are being managed:

- Recreation enterprise funds – many programs were cancelled reducing income
- Tourism, hotel/motel tax revenues were down

For FY21 revenues remain strong and an increase of ~\$1.7M is now expected rather than a reduction. A more detailed review will occur at the September 10 Financial Summit.

## 6. Update on Center Streetscape Project

[Video at time signature 03:07:15]

Mr. Pinsonneault outlined status – the project should reach 100% design complete in the next few weeks so that it can go out to bid this winter when we expect better pricing. The plan is to complete the project over two construction seasons – beginning in 2021 after Patriots’ Day and concluding in mid-November of 2022.

Part of the project plan is to hire outside onsite construction managers to have a high degree of monitoring and communication with affected businesses and residents. There is no set plan for preserving access during the construction phases – this is high priority but requires hiring the construction firm so that the plan can be developed in collaboration with the group doing the work. The aim is to minimize disruptions during construction. Communication will be key.

## 7. Preservation Restriction - 53 Hancock Street

[Video at time signature 03:22:35]

The Board’s packet includes a Preservation Restriction (PR) that the Historic Commission, Town Counsel and the developer have been working on and is close to being completed. The proposal initially included demolishing the existing historic house and building several new homes. The current PR calls for preserving the historic house and adding two new houses to the property. The PR is substantively complete, and the Board is asked to approve subject to non-substantive edits.

***Action: Vote (4-0) Move to authorize the Town Manager to execute the Preservation Restriction on 53 Hancock Street on behalf of the Select Board, subject to the Historic Commission and Town Counsel approve the final form of the Preservation Restriction.***

## 8. 2020 Fall Special Town Meeting

[Video at time signature 03:29:50]

Ms Axtell reviewed the 2020-2 Special Town Meeting Warrant.

The differences to note from the draft potential article list that was presented to the Select Board and this warrant.

1. The articles that pertain to the Police station swing space or re-build were removed.
2. There is a CPC request for land acquisition, more information will be forthcoming.
3. We added a placeholder article for the Post Employment Liability Fund.

Final warrant will need to be signed at the 9/14/2020 meeting.

A letter from the Moderator has been attached with the request for remote special town meeting to begin October 14, 2020.

The Board reflected on the Ms Kosnoff's comment that the budget needs to be final before the FY21 tax rate is set and requested that the financial articles be separated to another special town meeting warrant to be held concurrently with STM 2020-2. This will allow all the financial articles to be resolved and the STM closed in time for tax-rate setting.

Mr. Pato provided a set of edits to the language of the warrant.

The Board debated the possibility of including an article to allow debate on directions for the police station but came to the consensus that the discussion would be better held in a forum outside the special town meeting.

***Action: Vote 4-0 to approve the Moderator's request to hold a special town meeting on October 14 through remote participation. In addition, staff to edit the warrant as discussed and split the financial articles out to another special town meeting.***

## **9. Theatre License Renewal - Lexington Venue**

[Video at time signature 04:00:10]

The Lexington Theatre Project, Inc. d/b/a Lexington Venue has applied to renew their two Theatre Licenses for weekdays and Sundays. Their current licenses expire on August 31, 2020.

Fire inspection was completed and passed on August 13, 2020.

***Action: Vote 4-0 to approve license renewal.***

## **10. Select Board Committee Reappointment and Resignation**

[Video at time signature 04:01:45]

***Action: Vote (4-0) reappoint Jill Hai as Lexington's Select Board representative to The Minuteman Advisory Group on Interlocal Coordination (MAGIC) for the one year term expiring June 30, 2021; and to accept the resignation of Lou Savarino from the Lexington Bicycle Advisory Committee effective immediately.***

## **11. Review Select Board Proposed Meeting Dates**

[Video at time signature 04:03:50]

The Board reviewed and adjusted some of the proposed meeting dates.

## **12. Approve Amendments to Ad Hoc Stone Building Feasibility/Re-Use Committee Charge**

[Video at time signature 04:15:40]

*Action: Vote (4-0) to approve the amended charge as presented and amended.*

## **13. Approve Minutes - Postponed**

### **ADJOURN**

The next regularly scheduled meeting of the Select Board will be held on Wednesday, September 2, 2020 at 6:00pm. 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.

## 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>