

SELECT BOARD TOWN OF LEXINGTON



REPORT TO THE 2022 ANNUAL TOWN MEETING

Select Board:

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

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March 2022

Message from the Select Board

The Select Board has prepared this written report to Annual Town Meeting 2022 under Article 2. This report contains an update to Town Meeting on the status of several topics the Board felt would be of interest to Town Meeting Members. These topics include: the Town's American Rescue Plan Act (ARPA) initiatives and other municipal finance initiatives, continuing efforts to move forward with our Social Racial Equity Initiatives, an update on Municipal Building Projects, an update on the status of recent actions at Town Meeting regarding Home Rule Petitions and the progress on the Semiquincentennial (250th) Celebration of the Battle of Lexington coming in 2025.

Should you have any questions or comments regarding this report, the Board encourages you to get in touch with any member of the Board via email (below) or by calling the Select Board Office (781-698-4580) to schedule a phone conversation or meeting.

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

Respectfully submitted,
Lexington Select Board

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

Another Unpredictable Year

2021 began with the distribution of vaccines and hope for a return to a more pre-pandemic status. By the beginning of Fiscal Year '22 in July, municipal staff returned to a staggered in-person work schedule. Lexington had a very high vaccination participation rate and, by September, over 90% of eligible residents had received at least one shot. However, as first Delta and then Omicron surged and the case count in town hit unprecedented levels, the Select Board joined the Board of Health in issuing a mask mandate, municipal committees continued to meet remotely, and the Select Board and Town Moderator agreed to once again hold Special Town Meeting remotely. We were able to grant permits for some outdoor events throughout the fall, including a Veteran's Day Car Parade and Re-Discovery Day.

Municipal buildings re-opened to the public July 15, 2021 and as we pass the second anniversary of the pandemic, we look forward to the return of many of our treasured community events, including Patriots' Day celebrations, for the first time since 2019. Legislation to extend remote public meetings authorization, following the expiration of the COVID-19 State of Emergency, remains in effect through July 15, 2022, allowing a thoughtful transition to hybrid meetings, as we work to retain the best of what we have learned about remote access providing increased access and inclusion.

This was another year which posed great challenges, and we are grateful to the entire municipal staff for their adaptability, perseverance and commitment, often on the front lines of COVID-19. We also remember those Lexington residents lost, and all residents who suffered losses, may their memory be a blessing to those they left behind.

American Rescue Plan Act (ARPA)

American Rescue Plan Act (ARPA) Funding

The American Rescue Plan Act of 2021 (ARPA) was passed by the federal government to support communities across the country in responding to and recovering from the COVID-19 pandemic. Federal funds from ARPA are intended to address the negative health and economic impacts caused by the pandemic. Lexington is receiving \$9,903,381 in ARPA funding. The allocation for Lexington, which is distributed through the Massachusetts Department of Revenue, is based on the Town population.

ARPA Objectives and Eligible Uses:

ARPA funding is available for use until the end of 2024. The federal government has outlined the primary objectives for the use of these funds:

- **Support urgent COVID-19 response efforts** to continue to decrease spread of the virus and bring the pandemic under control
- **Replace lost revenue** for eligible state, local, territorial, and Tribal governments to strengthen support for vital public services and help retain jobs
- **Support immediate economic stabilization** for households and businesses
- **Address systemic public health and economic challenges** that have contributed to the unequal impact of the pandemic.
- **Provide premium pay** for essential workers - offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors
- **Invest in water, sewer, and broadband infrastructure** - making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet:

The federal government specifically noted uses of funds that are **NOT** eligible such as: contributions to Pension Fund; contributions or replenishment of reserves or 'rainy day' funds; direct or indirect application of funds to reduce tax revenues/ tax rate; Payments for legal settlements; payments for debt service; general infrastructure spending (above amount identified as lost revenue).

Select Board Priorities for ARPA Spending

For the current year, the Select Board has set the priorities for ARPA spending in areas that address the immediate needs of our residents and businesses. Specifically, the Select Board identified needs of housing, food insecurity, public health and safety and economic stimulus and resiliency for our community. Additionally, the Select Board is seeking to set aside a portion of the ARPA funds for an inclusive and public participatory budgeting process.

Approved ARPA Spending:

To date, the Select Board approved using \$1,190,000 in ARPA funds in the following areas:

- **Public Health** including: \$100,000 for ongoing support for the Public Health Office; \$175,000 for community Covid Testing Events; \$25,000 for purchasing of N95 masks and rapid at home tests.
- **Affordable Housing** including: \$115,000 for design work on the LexHAB Vine Street project; \$315,000 for a down payment on affordable housing units; \$20,000 to assist in the development of an Affordable Housing Trust.
- **Economic Development** including: \$250,000 in local business grants for businesses that have been impacted by COVID; \$50,000 for Arts and Cultural organizations that have been impacted by COVID.
- **Human Services** including: \$90,000 for: Mental health clinician services; \$50,000 for local food insecurity programs.

Next Phase for ARPA Spending

The Select Board will continue to prioritize addressing the urgent needs of the community and will be working with the Town Manager to determine how the remainder of the Town's ARPA funds should be allocated. Additionally, we will be further exploring a proposed participatory budgeting component that would provide an opportunity for residents to weigh in on how a portion of the funds may be used.

New Capital Stabilization Funding Framework

In November 2022 the Select Board approved a new Capital Stabilization Funding Framework as proposed by the Town Manager and in collaboration with both the Appropriation Committee and the Capital Expenditures Committee. In anticipation of the need for a Lexington High School construction project, the largest capital project the Town of Lexington has ever seen, we sought a long-term, financially sustainable funding mechanism to provide dedicated funding for the Capital Stabilization Fund (CSF). This is meant to ensure that larger capital projects and future debt service do not place an unmanageable burden on taxpayers.

The framework recognizes the effort by the Town of Lexington to simultaneously identify and attract opportunities for commercial development, and accommodate the substantial need for capital project funding. Rather than having "New Growth," from significant commercial developments be allocated between the Town and School departments via the Revenue Allocation Model, any additional incremental property tax revenue generated from new commercial developments shall be dedicated and annually appropriated to the CSF. Included commercial developments are those which go through the Preliminary Site Development and Use Plan (PSDUP) process and have an approved project Memorandum of Understanding to create a Planned Development District; as well as those developed through the zoning changes approved at the 2020 Special Annual Town Meeting for the Hartwell Avenue area.

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.

While the Select Board was already focused on diversity, equity, and inclusion, in 2020 a national debate on policing emerged as a result of George Floyd's murder in Minnesota.

In response, the Town held several public meetings where residents could voice their recommendations and concerns. The Town also hired All ACES to engage with Town staff, the Select Board, and the community at large over the course of several months with the goal of raising awareness and developing capabilities to advance racial equity in Lexington.

In addition, two members of the Lexington Select Board held meetings with a wide cross-section of cultural, civic, and community organizations from March through June 2021, to better understand local perspectives on policing and replacing the police station.

Community members participating in these conversations were generally supportive of the Lexington Police Department. Nonetheless, some community members expressed direct concerns and discussed negative experiences. While none of the participants felt there were broad underlying problems, some clear specific issues were identified for consideration and are explored in more detail in the [Select Board report on community feedback on policing in Lexington](#).

The Town also commissioned Lexington's Town Counsel (Anderson & Kreiger LLP) to review Lexington's Police Department policies for any unintended bias or discriminatory policies. That review was led by Carmen Ortiz, a former United States Attorney for the District of Massachusetts. The Police Department has completed implementation of 23 of the 32 policy change recommendations outlined in the report and is in the process of implementing the remaining 9 policy change recommendations. The Police Chief has also expressed the department's commitment to implementing the recommendations of the report and to continuous and ongoing improvement in this area.

Town Meeting unanimously adopted Warrant Article 8 Systemic Racism Resolution during STM 2020-2. The Select Board has adopted Diversity, Equity & Inclusion as one of its top priority 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 an ongoing staffing and budgetary commitment to continuous improvement.

The Town of Lexington hired a Chief Equity Officer in July 2021 to lead the Town in achieving these goals while prioritizing community engagement. The Chief Equity Officer is currently actively focused on expanding the applicant pool for Town staff positions, with the goal of hiring and retaining staff of diverse backgrounds and identities. The Chief Equity Officer has also begun a series of community engagement and communication initiatives including:

- Forming the Strategic Equity Advisory Team (SEAT) with representatives from as many communities as possible,
- Participating on the COVID-19 effects on persons with disabilities working group in consultation with the Human Rights Committee and the Commission on Disability, and
- Launching the Coffee with the [Police] Chief program to foster better understanding and communications between the community and the Police Department.

Municipal & School Buildings

The Board continues to address the issues of maintaining and improving our municipal and school building infrastructure. The following is the current status of Lexington's building projects.

Westview Cemetery Administration Building

Start Date: Construction contract is anticipated to be awarded in April 2022

Estimated Project Completion Date: Early CY 2023

Project Budget: \$4,330,000

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

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. The second round of construction bids have come in within the updated project budget. The Department of Public Facilities expects construction to begin in Spring 2022 with project completion in early 2023.

Lexington Police Station

Status: Construction Documents under development.

Estimated Project Completion Date: TBD Pending Town Meeting approval

Project Budget: Currently \$2,117,622 has been appropriated thru Construction Documents

Funding: ATM 2018-Article 14 / STM 2021-1 Article 5a / [Pending STM 2022-1 Article 2 approval]

All members of the Select Board believe that the police station building needs to be replaced. The Select Board determined that the new Lexington Police Station will be located at 1575 Massachusetts Avenue in March of 2020. In October 2020 and March 2021, the Select Board paused funding and additional design work on the police station project until the community conversations about the future of policing were completed. Those community conversations on the future of Policing concluded June 2021. The Select Board reviewed those findings and approved moving forward with the Police Station design based on a revised Police Station design which incorporates additional space to provide the flexibility needed to accommodate anticipated changes in policing.

Lexington Police Station Swing Space Construction

Project Start Date: April 2022

Estimated Project Completion Date: September 2022

Project Budget: \$615,000

Funding: STM 2021-1 Article 5b

Special Town Meeting 2021-1 authorized funds to modify the 173 Bedford Street facility so that facility can act as swing space for the Police Department during the construction of the new Police Station. The contractor was selected and kickoff meetings took place in March 2022.

Hosmer House

Appropriation: \$50,000

Funding: STM1 2018-Article 5 / ATM 2020-Article 10m(2) Not approved

Article 5 of the 2018 Special Town Meeting appropriated \$50,000 for a study regarding relocation or renovation of the Hammond A. Hosmer house, located at 1557 Massachusetts Ave. A committee was formed with representatives of the Select Board, Permanent Building Committee, Historical Commission, Historic Districts Commission (HDC), Public Facilities Department and the Architectural firm LDa. After reviewing the recommendations of that committee, the Board felt strongly that the Hosmer House should

be returned to its intended use as a home and were in support of moving the Hosmer House to enable construction of the Police Station project.

Article 10m(2) of the 2020 Annual Town Meeting asked for an appropriation of \$25,000 for LexHAB to complete a feasibility study to reuse the house as affordable housing at Vine Street. That motion was not approved by Town Meeting.

The Town Manager issued a request for proposals (RFP) in July 2020 for the house to be moved and/or acquired, and received one qualifying bid. After extensive review and evaluation, the Select Board determined at their February 8, 2021 meeting that the bid did not meet the objectives of the RFP. The Select Board authorized the Town Manager in March 2021 to issue another RFP, this time including a list of specific properties where the facility could be moved and encouraging potential public/private partnerships. There were no responses to this RFP. The Select Board voted on January 24, 2022 to authorize the Town Manager to begin a Section 5C demolition permit request to the HDC. The HDC voted on March 3, 2022 to deny the demolition permit request.

The Town Manager is continuing to look for other locations to move the Hosmer House prior to commencement of the Police Station construction project.

Lexington Fire Department Headquarters

Construction Start Date: November 2018

Project Completion Date: October 2020

Project Budget: \$19,943,700

Funding: STM 1 2017-Article 2/STM 4 2017-Article 4/ATM 2018-Article 13

The Town issued an RFP to install a solar energy system on the roof of the Fire Station and has entered into a contract with a solar energy company to complete that installation.

Old Reservoir Bath House Renovation

Appropriation: \$620,000

Funding: ATM 2019-Article 14g

All bids received by the Town exceeded the appropriation approved by Town Meeting. The Department of Public Facilities and Recreation Department staff have proposed installing a prefab facility to lower overall project costs. DPF staff are evaluating procurement alternatives required to complete the project.

Center Bathroom & Maintenance Building Renovation

Appropriation: \$100,000

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 postponement of warrant article 16g requesting \$915,000 in construction funding to a future Town Meeting. 2022 ATM will consider whether to approve warrant article 10e requesting \$915,000 in funding for this project.

Lexington High School Feasibility Study

Funding: ATM 2021-Article 24 IP'd / [Pending STM 2022-2 Article 2 (\$1,825,000) approval]

The Superintendent, with support of the School Committee and Board of Selectmen, submitted a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) on March 17, 2019, requesting

state support for a high school building project. The MSBA did not invite Lexington to participate in December 2019 and again did not invite Lexington to participate in March 2021.

The MSBA did invite Lexington's SOI for the Lexington High School to participate into the MSBA's eligibility period in March 2022. The Town's Eligibility Period will commence on June 1, 2022 and conclude on February 27, 2023. During this time, the Town must complete the preliminary requirements defined by the MSBA. Invitation into the Eligibility Period is *not* an invitation to Feasibility Study. Moving forward in the MSBA's process requires collaboration with the MSBA, and an invitation to Feasibility Study will require a further vote of the MSBA Board of Directors.

The 270-day eligibility period begins the MSBA approval process with a definitive schedule for the completion of preliminary requirements, assisting with the determination of financial and community readiness, and identifying needs for planning and budgeting. Successful completion of all activities in the Eligibility Period will allow the Town to be eligible for an MSBA invitation to Feasibility Study.

Update on recent Home Rule Petitions

There are four 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: Referred to Joint Committee on Municipalities and Regional Government. Reporting date extended to Wednesday March 16, 2022.

- *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
Reporting date extended to Friday March 25, 2022, pending concurrence

- *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
Reporting date extended to Monday May 2, 2022

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

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

Status: Referred to the committee on Housing, reported favorably on February 2022. Pending further action.

2025: The 250th Anniversary of the Battle of Lexington

In the Spring of 2021, the Select Board appointed the following members to the Semiquincentennial Commission (Lex 250) the official Town entity dedicated to helping the Town of Lexington plan events for the 250th Anniversary of the Battle of Lexington in 2025: Suzanne Barry (Select Board Member), Stephen Cole, Jr. (Community Representative), Steven Connors (Reenactment Community), Barry Cunha (Local Business Representative), Bebe Fallick (Tourism Committee Representative), Cerise Jalelian (Town Celebrations Committee Representative), Julie O'Leary (Civic Representative), Paul O'Shaughnessy (Historical Organization Representative), Monami Roy (Community Representative), Sara Sadeghi (Lexington Public Schools Representative), Jillian Tung (Music & Arts Representative).

The Commission held their first meeting in June of 2021 to review their charge, committee structure, important upcoming dates in the years ahead, local, state and federal efforts to date and begin the planning process. The Commission is currently meeting twice per month and working on a video, a logo, getting working groups set up and a schedule of events.

Select Board Member Suzie Barry continues to work with representatives from the Towns of Concord, Lincoln, Bedford, Arlington and representatives from Minuteman National Historical Park and Hanscom Field to share information regarding events that may be planned in the Battle Road Communities in 2025. Ms. Barry was also appointed by the Select Board as Lexington's representative to the Commonwealth's Special Commission on the 250th Anniversary of the American Revolution.

There will be ample opportunities for interested residents and groups to volunteer as part of Lex250 events, be sure to watch the Town Website, Town E-Newsletter "Link to Lexington" and local papers for updates.