

SELECT BOARD MEETING
Monday, January 5, 2026

A meeting of the Lexington Select Board was called to order at 6:30p.m. on Monday, January 5, 2026, via a hybrid meeting platform. Ms. Hair, Chair; Mr. Lucente, Mr. Pato, Ms. Kumar, and Mr. Sandeen(remote) were present, as well as Mr. Bartha, Town Manager; Deputy Town Manager, Ms. Axtell; and Executive Clerk, Ms. Katzenback.

PUBLIC COMMENT

Christina Lin, 2 Eustis Street and Chair of the Lexington Human Rights Committee, invited the Board on Monday, January 19, 2026 at Grace Chapel for an annual community conversation on race.

Sara Sheik, MLK Day of Service Chair, invited everyone to the extended Day of Service through the week of January 12-19, 2026 with various activities throughout.

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

1. Select Board Member Announcements and Liaison Reports

Mr. Sandeen stated that on Thursday, January 8, 2026 the Permanent Building Committee will be focusing their agenda on the total value design for the Lexington High School project.

Ms. Hai stated that Illumination Night will be held on Saturday evening.

2. Lexington High School Project Update to Select Board

Nothing additional at this time.

TOWN MANAGER REPORT

1. Town Manager Weekly Update

Mr. Bartha thanked Dave Pinsonneault and Dave Pavlic for their work during the recent winter storms. He noted that Connect 351, the MMA's annual meeting, is coming up January 22-24, 2026.

CONSENT AGENDA

1. Approve: Battle Green Use Request(s) - Lexington Minute Men
 - 18th Century Military Drills - Saturday, January 10, 2026; Saturday, February 14, 2026 & Saturday March 21, 2026

To approve the Lexington Minute Men request to use the Battle Green for the following *18th Century Military Drills*:

- Saturday, January 10, 2026, from 9:00am - 1:00pm
 - Saturday, February 14, 2026, from 9:00am - 12:00pm
 - Saturday, March 21, 2026, from 9:00am - 12:00pm
2. Approve: Entertainment License - Friends of Lexington High School Wrestling Team
 - Annual Lexgiving 5k - Thursday, November 26, 2026

To approve an Entertainment License for The Friends of Lexington High School Wrestling Team to host their annual LexGiving 5k race for charity on Thursday, November 26, 2026 from 7:00am- 12:00pm with a live DJ in Lincoln Field, 52 Lincoln Street.

DOCUMENTS: LexGiving 5k Diagram

3. Approve: 2026 Common Carrier License Renewal

To approve the 2026 Annual Common Carrier License Renewal for the following business to operate the Lexpress buses:

- M+L Transit Systems Inc. #160 - 60 Olympia Avenue, Woburn
- M+L Transit Systems Inc. #161 - 60 Olympia Avenue, Woburn
- M+L Transit Systems Inc. #162 - 60 Olympia Avenue, Woburn
- M+L Transit Systems Inc. #163 - 60 Olympia Avenue, Woburn

4. Approve: Town Manager Evaluation

To approve and sign the Town Manager's Evaluation for Steve Bartha for the period of November 2024-October 2025.

DOCUMENTS: Integrated Performance Review - S. Bartha

5. Approve: Liquor License Change of Manager Amendment - Element Lexington

To approve the application from Lixi Hospitality Lexington FB MGT, Inc., d/b/a Element Lexington for a Change of Manager and, once approved by the ABCC, issue an updated All Alcohol Innholder Liquor License to Lixi Hospitality Lexington FB MGT, Inc., d/b/a Element Lexington with Yarissa Martinez named as Manager.

DOCUMENTS: Change of Manager Application - Element

6. Approve: Response to Liquor License Compliance Check - Upper Crust

To approve and authorize the Select Board Chair to sign the letter to be sent to Upper Crust, informing them of the actions to be taken regarding the liquor license violations found during December 16, 2025 compliance checks conducted by the Lexington Police Department.

DOCUMENTS: 1st offense letter - Upper Crust, Alcohol Enforcement Regulations

7. Approve: Town Celebrations Committee Request to Send the 2026 Patriots' Day Parade Sponsorship Letters

To approve the Town Celebrations Committee request to send out Patriots' Day sponsorship letters, as proposed, allowing for any formatting and necessary edits.

DOCUMENTS: 2026 Sponsorship Request Letter, 2026 Sponsorship Form, 2026 Pats Day Sponsorship Mailing List for Approval

8. Approve: Eagle Scout Commendation Letter - Tony Liu

To approve and sign a letter of commendation congratulating Tony Liu of Boy Scout Troop 160 for attaining the highest rank of Eagle in scouting.

DOCUMENTS: Eagle Letter - Tony Liu- 160

9. Approve: Select Board Meeting Minutes

To approve and release the following minutes:

- October 17, 2025
- November 3, 2025

DOCUMENTS: DRAFT 101725 Select Board Minutes, DRAFT 11032025 Select Board Minutes

VOTE: Upon motion duly made and seconded, the Select Board voted by roll call 5-0 to approve the Consent Agenda, as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Discussion: Town Election Logistics Feedback

Mary de Alderete, Town Clerk, reviewed the logistics for the December 8th Election. This election was to be used as a benchmark to show how the consolidated precinct layout and use of Cary Hall translated in a busy election. There were no significant issues and voter satisfaction seem to be high. Some voters did mention a request to move voting to Tuesdays.

The Board expressed some concern with parking at the location, and a suggestion was made to consider signage in these areas. A parking guide for voting at Cary Hall could be put out ahead of time.

There was discussion regarding when to consider implementation of moving voting to Tuesdays. There was agreement that a presentation should be made to the Board on this consideration at a future meeting.

Bob Pressman, 22 Locust Avenue, stated that the debt exclusion vote was of monumental importance. It is absurd that anyone, such as the Lexington Observer or Town employees, tried to put a positive spin on the fact that only 37% of residents voted.

Dawn McKenna, 9 Hancock Street, agreed with putting a discussion regarding Tuesday voting on the Board's next agenda. She noted that heard from some of her constituents that they were suppressed by the vote being fully Cary Hall. She supports the Town Clerk's idea of having all voting in one location, but Cary Hall is not that location.

2. Street Acceptance Schedule & Vote: Intent to Layout Willard Circle, Cart Path Lane and Stage Coach Road as Public Ways

John Livsey, Town Engineer, explained that three streets, Willard Circle, Cart Path Lane and Stage Coach Road, have been completed and built to Town standards, and are proposed for street acceptance. These streets do not require betterments, and funding will not be requested at Annual Town Meeting for this acceptance.

VOTE: Upon motion duly made and seconded, the Select Board voted by roll call 5-0 to vote the intent to layout Cart Path Lane, Willard Circle, and Stagecoach Road as public ways, and further that we accept the schedule of action as proposed by the engineering department.

DOCUMENTS: Brief description on Street acceptance, FY 27 Street Acceptance Timeline, Notice of Intention

3. Discussion: LexMedia Contract Renewal

Ken Pogran and Rita Vashani, Communications Advisory Committee (CAC), presented an overview of the work underway in advance of the June 2026 expiration of the current agreement with LexMedia. There was discussion regarding key policy and financial considerations for a new agreement, including the overall length of the contract and the structure of any renewal terms; anticipated changes in funding, with a gradual shift toward increased Town appropriations due to declining PEG revenues from cable television providers and the expected exhaustion of the PEG accumulated surplus; and the appropriate level of services to be provided by LexMedia in light of growing service demands and constrained revenues. The CAC is collaborating with LexMedia to develop a proposed budget framework for the coming years to inform the Board's future deliberations. The CAC is seeking the Board's feedback on the level of LexMedia Services/Expense cost as well as the duration of a new LexMedia Grant Agreement.

Mr. Pato stated that he would like the Board to consider how to optimize and retain the value that LexMedia provides for the Town, without incurring the ramp up of costs.

Ms. Kumar stated that the Board should consider what the current services are, and how the current expenses of LexMedia are spread over those services. Also, to consider what LexMedia can focus on and if there are items that could be considered discretionary.

Mr. Lucente stated that he would like to know what other towns are doing in terms of similar dilemmas.

Mr. Sandeen noted that the Board may want to consider if the Town still requires the level of service post-COVID that LexMedia has stepped up to provide. A cost/benefit analysis would be helpful.

Jim Shaw, LexMedia Board Chair, explained that there is a higher level of personnel needed in order to cover each meeting. LexMedia is working with the same level of staff that it had pre-COVID. Florence DelSanto, Executive Director of LexMedia, stated that there is a bill that has been in front that has been in committee since around 2000, called the Act to Modernize Funding for Community Media. This bill would take a percentage of the internet cost to support local media. She noted that other towns are also discussing the importance of the service and how to deal with the cost. Any amount of fundraising is not nearly enough to support any of the media companies at this point.

Ms. Vashani stated that the CAC will work with LexMedia to come back to the Board with some potential options.

Dawn McKenna, 9 Hancock Street, spoke to how valuable LexMedia is to the Town. There are many other services that LexMedia provides that should be taken into account. She noted that Avalon was sold to another company and is now charging people for parking. They have also installed license plate readers and other things that are violative of people's privacy with apparently no notice to the Town.

Jay Luker stated that his son has participated in an enriching camp through LexMedia. As a Town Meeting Member, it is invaluable to be able to watch back recordings from committee meetings.

Mona Roy, Bertwell Road, stated that LexMedia is not a luxury; it is essential for civic infrastructure in Lexington. LexMedia ensures that local democracy is accessible. LexMedia has made deliberate investments in inclusive community coverage, documenting multicultural cultural and community events

that are not captured anywhere else. Democracy depends on participation. Participation depends on access. Access depends on institutions like LexMedia.

DOCUMENTS: Presentation - LexMedia Grant Agreement Renewal Options

4. Vote: Non-Residential Development Surcharge for Affordable Housing

Ms. Hai stated that the State legislature enacted the Town's petition to impose a surcharge on commercial development activities for the purpose of funding community housing, pursuant to the 2021 Annual Town Meeting Article 36. A nexus study was required within 12 months of passage in order to set a surcharge fee. The report was presented at the Board's December 8th meeting, with further discussion at the December 15th meeting. The resulting fee needs to be enacted this week in order to stay within the 12 month window. The Board postponed its decision until this evening in order to receive input from the Housing Partnership Board, the Economic Development Advisory Committee (EDAC), the Affordable Housing Trust, Land Use Housing and Development staff, and Economic Development staff. Staff recommends that the surcharge be implemented July 1, 2027, to allow adequate time to develop and adopt a formal policy, and to communicate this policy to the development community, staff, and board/committees. Staff also recommends that the Board establish an initial rate of \$4.50 per SF. The Housing Partnership Board's recommendation is \$9.21 per SF, with an implementation date no later than July 1, 2026. The Affordable Housing Trust's recommendation is \$9.21 per SF, with an immediate implementation. The EDAC's recommendation was for a \$0 fee at this time and implementation five years from now.

Ms. Hai noted that the Board should discuss the rate, the implementation date, and the index for the annual rate adjustment. The Board's draft motion also includes language that ties the allocation for the cost of the recurring five year study updates to flow with the allocation of funds.

Ms. Kumar stated that she does not believe 0% is an option at this point. There will not be any revenue or funding for the Housing Trust unless there is a fee. Based on the current market, there is a runway that can be utilized to get started. She stated that she is leaning towards a \$9-\$10 range. This keeps within the recommended range and is a reasonable number to allow for funding into the Housing Trust during development, while also not creating a huge deterrent for the market to respond. A July 1, 2026, implementation date seems reasonable.

Mr. Lucente stated that he would not recommend a fee at this time. The Town's current economic conditions would benefit from any additional commercial growth at this time. He was swayed by the EDAC's comments regarding the reaction in the development community to this particular fee at this particular time. The Town should not send messages that are counter to its goals.

Mr. Pato suggested an implementation date of July 1st. He stated that he does not view setting a rate as being onerous or creating undue friction and he believes it would be best to set a rate today. He stated that he would likely prefer something in the \$9 range.

Mr. Sandeen explained that the administration has stated that commercial development is completely linked to being able to lower the cost of housing. The Town needs to send a signal that it has enough people to live and work in these buildings which will then provide commercial revenue growth. He agreed that a fee should be implemented, likely around \$9.21 per SF. This will not be a huge burden on commercial development. He would support immediate implementation or July 1, 2026.

Ms. Hai stated that one of the recommendations within the Nexus study states that the Town is unlikely to see new residential development or revenue for some time. Consequently, the Town should consider

differing implementation of the contribution, either by approving the fee and deferring its application, or taking no action and reconsidering establishing the fee when the market conditions improve. She is not comfortable with immediate implementation and would suggest July 1, 2027, to allow for those currently proposing projects to become familiar with the plans. She is concerned with anything that may make the Town seem unfriendly to development. The \$9.21 per SF falls within the recommendation range but she is concerned with the implementation date. She is interested in finding ways to mitigate the impact.

Mr. Bartha stated that consultants will be needed to complete the 5-7 year updates to the study. There is a reasonable expectation that the Trust will cover this cost and the Board's vote tonight could be conditioned upon that. Mr. Sandeen noted that this proposal has not yet been brought before the Trust. He suggested that the Board focus on the items required to be decided this evening.

Elaine Tung, Chair of the Affordable Housing Trust, stated that the Affordable Housing Trust is deeply appreciative of any funds coming into the Trust. The Trust was not given any notice that this was going to be a topic discussed tonight. She was surprised that the Board may take a vote on this tonight. The Nexus study will not happen for another five years, and it is unclear what the urgency is at this time. She asked for the courtesy for the Trust to be able to take up this item at a future meeting.

Ms. Hai suggested a compromise with an implementation date of January 1, 2027, with the first annual adjustment to take place on July 1, 2028. This allows for additional planning time.

Matt Daggett, Precinct 2 Town Meeting Member, stated that, as it was presented to Town Meeting, implementation begins once the rate is set. He believes that the \$9 range is a robust rate. This seems to be consistent with the study in terms of potential impact on developability. In terms of the Nexus study, the original appropriation from Town Meeting was for \$75,000 and there should be some left for the five year study.

VOTE: Upon motion duly made and seconded, the Select Board voted by roll call 4-1 with Mr. Lucente against, that the Board set a Community Housing surcharge on commercial development at a rate of \$9 per square foot of excess gross floor area, defined as floor area of new construction or modification to existing structures in excess of 30,000 square feet of commercial development pursuant to chapter 378 of the acts of 2024 to be implemented on January 1, 2027.

VOTE: Upon motion duly made and seconded, the Select Board voted by roll call 5-0 that Community Housing surcharge on commercial development rate will be adjusted annually on each July 1 for inflation as part of the annual tax classification process, using the consumer price index for housing for the prior September to September period and further that the Building Commissioner shall calculate the fee, pursuant to the legislation, with the first installment to be paid prior to issuance of the certificate of occupancy.

DOCUMENTS: Memorandum to Select Board RE: Setting Rate for Community Housing Surcharge; HPB feedback to Select Board re: residential Development Housing Rate Fee; AHT Memo to Select Board re. Non-residential Development Housing Rate Fee; EDAC Recommendation re: residential Development Housing Rate Fee

5. Review: 2026 Annual Town Meeting Draft Article List

Kelly Axtell, Deputy Town Manager, reviewed the draft Article list. The Board discussed which items it would like to hear further presentations on for future meetings.

DOCUMENTS: 2026 ATM Article list DRAFT

ADJOURN

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted by roll call 5-0 to adjourn at 9:12 p.m.

A true record; Attest:
Kristan Patenaude
Recording Secretary