

**SELECT BOARD MEETING**  
Monday, March 9, 2026

A meeting of the Lexington Select Board was called to order at 6:00p.m. on Monday, March 9, 2026, via a remote meeting platform. Ms. Hai, Chair; Mr. Pato, Vice Chair; Mr. Lucente, Ms. Kumar, and Mr. Sandeen were present, as well as Town Manager, Mr. Bartha; Deputy Town Manager, Ms. Axtell; and Executive Clerk, Ms. Katzenback.

**EXECUTIVE SESSION**

Exemption 2: To Conduct Strategy Session in Preparation for Contract Negotiations with Nonunion Personnel - Town Manager

**VOTE:** Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 at 6:02pm that the Select Board go into Executive Session under Exemption 2: To Conduct Strategy Session in Preparation for Contract Negotiations with Nonunion Personnel - Town Manager, and to reconvene in Open Session. Further, it was declared that an open meeting discussion may have a detrimental effect on the negotiating position of the Town.

The Board exited Executive Session and returned to Open Session at 6:40pm.

**PUBLIC COMMENTS**

Olga Guttag, Emerson Road, noted that the Town has recently completed installation of a pumping station at Adams and North Streets. This includes two large ugly metal boxes which contain the equipment necessary and is currently screened by feeble looking arborvitaes. Adams Street is the primary access route to Lexington from the north. The Town has done an exceptional job decorating the main access routes from the three other directions. She requested that the Board instruct the Town Manager to allocate the funds necessary to paint the ugly boxes and add a horse next to the fencing, directing people to the Green. She believes the Town could find an artist to paint the boxes pro bono. The only funds needed are for supplies. The cost of a painted horse is approximately \$6,000. She stated that she is happy to help coordinate the project.

**SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS**

1. Select Board Member Announcements and Liaison Reports

Ms. Hai asked about a potential draft of the Select Board report to Town Meeting. Mr. Lucente stated that he does not believe there is a need for this to be completed for the first night of Town Meeting. There was agreement that information on the Home Rule petitions, budgetary outlooks, and financial constraints would be drafted.

Mr. Pato stated that the Crematory Study Committee will hold a listening session on Thursday, March 19, 2026 at 6pm.

2. Lexington High School Project Update to Board

None at this time.

## **TOWN MANAGER REPORT**

### 1. Town Manager Weekly Update

Regarding the 2026 Patriots' Day Celebration, Mr. Bartha stated that the Town recently opened two RFPs. Coventures was the only respondent for the event management component. A bid was also opened for the screen and technology, jumbotron, and there was one bid from the same company that the Town worked with last year.

Also, in regard to the 2025 Patriots' Day, Mr. Bartha reported that there were no complaints related to noise in terms of the multi-year Noise Bylaw waiver the Board allowed for early street preparations, per the DPW.

## **CONSENT AGENDA**

### 1. Approve: Memoranda of Understanding (MOU) Police Superior Union

To approve the FY26-28 MOU between the Town of Lexington and the Lexington Police Superiors Association as negotiated and further to authorize the Town Manager to execute the contracts.

**DOCUMENTS:** Police\_Superior\_MOU\_(FY26-28).pdf

### 2. Approve & Sign: Local Initiative Program (LIP) Application for Local Action Units - 7 Hartwell Avenue

To approve and authorize the Chair to sign the Local Initiative Program -Local Action Unit application for 7 Hartwell Avenue for submission to the MA Executive Office of Housing and Livable Communities (EOHLC).

**DOCUMENTS:** Cover Letter; 7 Hartwell LIP LAU Application

### 3. Approve & Sign: Letter of Support for LexHAB Application to Executive Office of Housing and Livable Communities (EOHLC)

To approve the Letter of Support for LexHab's application to the Executive Office of Housing and Livable Communities (EOHLC).

**DOCUMENTS:** Letter of Support

### 4. Approve: Eagle Scout Commendation Letter - Yu Yang Ng & Rohan Saldanha

To approve and sign letters of commendation congratulating Yu Yang Ng & Rohan Saldanha of Boy Scout Troop 160 for attaining the highest rank of Eagle in scouting.

**DOCUMENTS:** Eagle Letter - Yu Yang Ng -160.pdf; Eagle Letter - Rohan Saldanha -160.pdf

### 5. Approve: Select Board Committee Appointment & Reappointment

- Registrars of Voters - Gordon Jones III
- Town Celebration Committee - Pamela Winters

To reappoint Gordon Jones III to the Registrar of Voters for a term to expire on March 31, 2029.

To appoint Pamela Winters as a full member of the Town Celebrations Committee, effective immediately.

**DOCUMENTS:** Board of Registrars Recommendation - Gordon Jones III\_Redacted.pdf

6. Approve: Water and Sewer Commitments and Adjustments

To approve the consent.

**DOCUMENTS:** W&S Finals - January 2026.pdf

**VOTE:** Upon a motion duly made and seconded, the Select Board voted 5-0 to approve the Consent Agenda.

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

1. Approve: Increase to Outdoor Dining Permit Fee

Mr. Bartha explained that, as in years' past, the Town has increased outdoor dining fees by 2.0%. The current fee schedule is:

- Up to 10 outdoor seats on public sidewalks \$104 per year
- Over 10 seats on public sidewalks \$260 per year

There were no Board questions or comments at this time.

**VOTE:** Upon a motion duly made and seconded, the Select Board voted 5-0 to approve a 2.0% fee increase for outdoor dining permits effective for permits in 2026. New outdoor dining permit fees would be:

- Up to 10 outdoor seats on public sidewalks \$106 per year
- Over 10 seats on public sidewalks \$265 per year

2. Update: Community Choice Program

Maggie Peard, Sustainability and Resilience Officer, and Paul Gromer, Peregrine Energy Group, updated the Board on potential modifications to the Community Choice program based on recent programmatic changes by ISO New England that has increased supplier costs.

Mr. Gromer explained that two issues are covered in the memo, and there is a third new one. One item is a request for an increase in the price by the program supplier, due to an increase in the costs they are incurring to supply the program. Secondly, a suggestion for modifying the content of the voluntary renewable energy in the program due to a change in the value of that renewable energy. This would lead to a price decrease. Combining these two items would lead to a net decrease.

Mr. Gromer explained that the first issue is a request for an increase in the price of the program, due to an increase in cost incurred by the program supplier. This falls into the category of a change in law, where the rules change during the course of a contract, and that change causes an increase in cost for the supplier. The supplier thus has a right to pass on those increased costs through a price increase. Almost all electricity contracts have a term like this. This request is an unusual one, because it is the second request received related to the same program. The Town dealt with this back in the summer and agreed to an increase in the price based on a projection of the cost of the program through the end of the contract. It turns out that the actual costs were more than projected, and so a second price increase has been requested to make up for the difference. This is unprecedented in his experience. The contract did not anticipate this situation. 40 other cities and towns have agreed to similar price increases, although they are in slightly

different situations because their original price increase explicitly contemplated this consideration, whereas Lexington did not agree to an explicit clause which would allow for an adjustment if the projection turned out to be wrong. This question will be dealt with specifically in the amendment.

Mr. Gromer explained that the second issue deals with the extra renewable energy provided through the program. A key feature of the Lexington program has been to provide greener electricity than customers would get otherwise, and Lexington has chosen to have two different types of renewable energy: Class 1, which is expensive, and National Wind, which is less expensive. Class 1 included an extra benefit which helped to cause new renewable energy projects to be built. Unfortunately, due to actions of the federal administration in blocking the development of new renewable energy projects, there is not enough renewable energy to even meet the state minimum, and it is projected that there will not be for the next several years. Thus, buying extra, over and above the minimum, no longer has the impact of causing more projects to be built. Sustainable Lexington discussed this supports this change. If the Town were to address both issues, the net is an overall savings and reduction in price.

Based on a question from Ms. Kumar, Mr. Gromer explained that the net reduction would be approximately \$0.01, or a 7%-8% decrease. Mr. Sandeen noted that this would equate to approximately \$7.20 per month for the average Lexington resident.

Mr. Gromer explained that the third issue is what the effect of the Iran war will be on the program and prices. Although electricity prices are going up as a result of the war, this will not affect prices in the current contract. Those are insulated from the increases, but it will affect the next contract. The Town does not need to enter into a new signed contract until about October.

The Board requested seeing underlying pricing at the next meeting during an Executive Session.

**DOCUMENTS:** Community Choice Memo.pdf

3. Discussion: Proposed Lexington High School Project Dashboard Demonstration

Mike Cronin, Director of Public Facilities, updated the Board on the proposed Lexington High School Project Dashboard. Mike Burton, Dore & Whittier, explained that monthly reporting is typically done through the OPM monthly report. This has, since day one, been posted on the website and will continue to be posted on a monthly basis. Once the project moves into the construction administration phase, or CA, the reporting becomes much more robust than during the design phase. The dashboard will include links to live cams and recent photos taken of the process.

Mr. Sandeen asked for a way to tie the expenditures to the expected work in a given period of time. He also suggested a color-coded system of red, green, and yellow, with yellow being used to determine what is being actively worked on to make sure things do not move into the red color.

Ms. Hai stated that she would also like to see the finances broken out as they are anticipated by phase and progress. She would like to make it easier for people to find the monthly reports. She noted that Mike Burton is currently the manager of the dashboard and asked if it is being hosted through a Lexington page or through the Dore & Whittier page. Mr. Cronin explained that it is currently on a page hosted by the Town, started by the School Department.

There was agreement that any concerns or suggestions could be sent to Town Staff.

Avram Baskin, 43 Carville Ave, noted that there are other stakeholder groups, such as Town committees, and Town Meeting members, but perhaps the biggest stakeholder group for this project are the residents,

including, residents who are not Town Meeting members or Select are planning on doing some kind of user research will be carried out with just ordinary residents. Mr. Cronin stated that there could be a public meeting on this topic. There have been open discussions throughout the process.

Deepika Sawhney stated that the current dashboard takes a static document, the current monthly report, and puts graphics around it. The structure has not moved beyond that static report. She asked that the proponents be able to meet with the team to give feedback before anything is finalized. Mr. Cronin stated that he would reach out to Ms. Sawhney.

Dawn McKenna, 9 Hancock Street, stated that she would like to see simply information regarding the budget total, what has been spent to date, and where the project process is.

Steve Kaufman, Precinct 5 Town Meeting Member, member of the Communications Committee and the Economic Development Committee, and the proponent of Article 27, stated that it is very nice to have all of the information in a central location and being updated each month. He agreed with the suggestion for red, green, and yellow colors. He suggested that the budgeting should be more detailed by phase, including the different types of expenditure in that phase.

Olga Gutttag, former School Committee member and Emerson Road, thanked everyone involved for the website. This is a huge improvement and very much appreciated. She suggested that the website have buttons for a “general overview” for the general public, and then a button “for the nerds,” who want to sift through all the data.

Jay Luker, 26 Rindge Avenue suggested presenting the information in a neutral way, as clearly as possible. As soon as color indicators are added, this communicates something additional. It interprets the data in a way and presents that instead of only the information.

*The Board took a five-minute recess.*

#### 4. Discussion: Future of Liberty Ride

Mr. Bartha explained that the Board received three documents in their packets related to the discussion about the future of the Liberty Ride. One of them a Tourism Committee recommendation, one a staff memo, and one a letter from Tourism Committee member, Marsha Baker. Together, they reflect genuine disagreement about the future of the Liberty Ride. An RFP issued in June 2025 failed for various reasons. The Town is about to begin its final season of service with the current vendor. The solicitation last summer was the eighth time that the Town issued an RFP in the past five years. Each time this went out to bid, the Town received exactly one response to the RFP from the current vendor. This is a niche market. It is not a competitive market. Staff are not convinced that a ninth RFP will yield different results. The RFP last summer made it clear that a new long-term contract would increase the cost of the program with rates ranging from \$230-\$290 per hour during the life of the contract, with a five hour minimum and a requirement that the Town pay three contract years, regardless of any changes made to the service being provided. Under any scenario within that hourly rate range, Liberty Ride would generate an average annual operating loss of approximately \$125,000. That figure only covers the direct contract costs, transportation, and wages for the guides and the trolley coordinator. Those projections exclude indirect overhead. With the conservative trajectory holding revenue and ridership constant, this would likely lead to the Visitors Center fund balance reaching \$0 in roughly four years. This is not a sustainability of the program issue. This is a structural dead end from an operating expense perspective. This would undo years of staff and Tourism Committee efforts to shore up finances for the Visitors Center. This is not a conversation on whether the Liberty Ride has value, or whether staff are committed to working with the Tourism Committee to tell a Lexington story. Staff have already identified and begun executing forward-

looking strategies that will serve visitors better and cost residents less. Some of those include the virtual reality tours, expanding charter and private tour operations, animated educational content on the Black Patriots of Lexington, East Lexington tourism development, etc. The recommendation from staff at this time is to not seek a new contract.

Sandhya Iyer explained that out of the 534 trolley tours for the season, approximately April-October, 8,772 tickets were sold. This is in comparison to the charter tours and independent tours, for which the number adds up to almost 27,000 visitors.

Mr. Lucente stated that the Town has spent a lot of money marketing the Liberty Ride. He asked if those funds would also be dissolved and not redirected marketing to other activities. The users of VR headsets are not the same user base, necessarily, as someone who might take the trolley. Last year there were approximately 8,700 people that rode the Liberty Ride. He asked if there is a local economic lift from having the Liberty Ride. He is struggling to reconcile what the Town is doing as a tourism operation to keep alive different opportunities for people and the economic benefit of those opportunities. Ms. Iyer explained that the marketing budget is in the General Fund account under Economic Development, and not under the revolving budget. Staff never market specific programs. It markets Lexington.

Mr. Pato clarified that the expenses currently in the memo associated with Liberty Ride do not include marketing. The operating deficit is based purely on the direct costs associated with running the program. While the Liberty Ride provides character value for bringing tourists and exposing them to the history of Lexington, the question is what economic value it creates for the residents and Town as a whole. It appears that there could be more cost-efficient mechanisms to create economic value in the Center, while still providing educational experiences for tourists. It is unclear if the Town can afford to keep carrying this loss-making activity. He asked what the value would have to be to overcome a \$126,000 operating loss.

Ms. Kumar stated that the Liberty Ride obviously has historical value and is unique. However, having a noncompetitive market with just a single supplier gives the Town no price leverage. There needs to be a vision for tourism in Lexington that is not so dependent on Liberty Ride.

Mr. Sandeen noted that the trolley is fairly old, does not have any air conditioning, and has a noisy motor. The Town has no leverage over the quality of service it provides and that quality has been deteriorating over time. Ms. Iyer noted that the last RFP was for a 7–10-year contract for a new trolley, and the projection was between \$230-\$290 per year. This would have the same characteristics as the old trolley.

Ms. Hai stated that the discussion is around what to do at the end of the contract. Experience shows that there will be one bidder. However, there are new things happening in EV vehicles and this could be a potential for the Liberty Ride in the future. This may give a chance to pause and reflect on what could be done to enhance the experience, both in content and a physical experience.

Mr. Lucente noted that the Liberty Ride has 4.5 stars on Trip Advisor of 386 reviews. He stated that he believes once the trolley is gone, it will be difficult to bring it back in the future. He noted that the 2025 budget column showed 8,772 rides seats filled, or 55% of the available seats. The revenue from that was \$254,000. The direct expense, the trolley contract and staff salaries, was \$180,000 and the indirect expense, listed as economic development, office staffing, marketing, and conferences, was \$122,000. Ms. Iyer explained that this is why all of the indirect expenses were removed from the numbers in order to run the calculations.

Mr. Bartha explained that staff believe that the indirect costs should be considered as part of the cost to provide the service. Based on feedback and pushbacks, these costs were removed and this still leads to

operating at a deficit north of \$100,000 per year. The \$308,000 in the memo includes the trolley's direct expenses and the staff who participate in Liberty Ride, but not the general economic development staff time.

Marie Tristan Rago, 43 Forest Street and member of the Tourism Committee, stated that last summer the Ride was in the top 10 things to do outside Boston. She spoke to people on the trolley who noted interest in public transportation and that they heard about the ride from Trip Advisor.

Marsha Baker, 46 Burlington Street and member of the Tourism Committee, stated that while financial viability is not always the deciding factor, it is pertinent to this particular decision. The Liberty Ride is losing money.

Dawn McKenna, 9 Hancock Street, stated that she was the one who started and ran this operation for the Town at no charge for over 15-18 years before staff was hired. She stated that Mr. Bartha, in all the time that he has been here, has never sat and talked to the person who developed this program. She is the tourism expert for Lexington. She asked that staff sit down and hammer out these issues, so that the Board can understand how the Tourism Committee went from being a majority against keeping the Liberty Ride to understanding why it is worth going forward and finding a new solution. The Tourism Committee concluded that the trolley service plays a significant role in supporting tourism operations and sustaining the Town's position as a Massachusetts destination. As a result, the Committee believes the service should be preserved, despite the budgetary concerns raised by staff.

Dawn McKenna read a letter from Madison Robbins, owner of Crafty Yankee. It states that preserving the Liberty Ride is incredibly important to tourism in the downtown. Tourism is a vital source of revenue for downtown businesses. Visitors come to Lexington from all over the world by plane, bus, and car, to experience the history the Town has to offer. While tour buses certainly bring visitors to the area and support the Visitors Center, the Liberty Ride plays a unique role in supporting small shops and local businesses. Tour buses typically operate on tight schedules, giving visitors only a limited window of time to walk through Town before returning to their bus and heading to their next destination. The Liberty Ride, however, allows tourists to truly experience Lexington. It gives them the opportunity to spend more time downtown before and after their ride, time to walk the streets, visit the shops, dine in the restaurants, and explore the community at their own pace. That additional time translates directly into meaningful support for all small, locally owned businesses that help make Lexington such a special place. For many visitors, the Liberty Ride is not just transportation. It is a part of the historical experience that draws people here in the first place. Preserving it helps ensure that visitors continue to engage with the Town in a deeper way, benefiting both the local economy and the character of the downtown.

Ms. Kumar asked about countering the most recent proposal.

Mr. Lucente stated that he believes this is an important operation to the Town's tourism and he believes there could be a path forward. He stated that the ridership has gone up each year. Ms. Hai noted that the data showed a large increase in the number of rides, but it actually translated to a decrease in the percentage of utilization overall.

Ms. Hai stated that she does not see the Liberty Ride as fiscally viable at this time. She again suggested a pause to consider how this could be redeveloped in the future. Mr. Pato agreed and noted that the Town would be committing to a significant loss in moving forward with an extended contract. Mr. Sandeen agreed. Ms. Kumar stated that the charm of the Liberty Ride exists and it is unique to Lexington, but the financial viability is not present at this time. Tourism in Lexington should be reimagined.

Ms. Hai stated that the Board is supportive of keeping and enriching the Town's tourism offerings. She asked if staff would consider coming back in a few months with some proposals regarding enhancing, augmenting, or replacing any of these considerations moving forward.

**DOCUMENTS:** Tourism\_Committee\_Liberty\_Ride\_Memo\_to\_Select\_Board.pdf;  
Liberty\_Ride\_Memo.pdf; M.\_Baker\_Opinion\_Letter\_to\_Select\_Board\_Liberty\_Ride.pdf

#### 5. Resolution on Civil Immigration Enforcement

Ms. Hai explained that this resolution is a statement of the Board's commitment to community values, including the rule of law, as it pertains to use of municipal facilities and obligations of municipal staff and is intended to complement and reinforce prior positions issued by the Town Manager and Police Chief, as well as guidance from the Massachusetts Attorney General. She noted that the Board does not have authority to direct employees under the Town Manager's control, nor does it have the authority to supersede legitimate legal action. This resolution reinforces existing practices and policies which have been previously communicated, including that, according to state and federal law, local and state officials cannot be mandated to enforce federal regulatory programs, including immigration enforcement. The Lexington Police Department does not enforce federal immigration law, nor do they inquire into immigration status of any individual. Municipal facilities and properties exist for the benefits of and to serve the public. This resolution reaffirms that Lexington remains committed to lawful public safety practices, to respectful constitutional governance, and to maintaining the trust between municipal government and the community that it serves.

Christina Lin, 2 Eustis Street and member of the Lexington Human Rights Committee, extended appreciation for this Resolution. This is a message about protecting the community, without compromising enforcement of criminal law. She asked if the Superintendent and School Committee have already been made aware of this. She asked who is informed regarding requests for use of municipal spaces, and if the Select Board will be informed if there are efforts to use municipal facilities for unrelated enforcement or operational purposes. She asked how the Town will ensure that all staff understand the procedures. She also asked about specifics of providing guidance to residents.

Ms. Hai explained that there is a link every week in the packet to the Town's page, which links to the Attorney General's guidance on immigration rights and enforcement. This resolution will be forwarded to the School Committee once signed by the Board. Mr. Bartha explained that what is being committed to in writing is not a departure from what is currently being done. Ms. Axtell explained that the new Assistant Human Resources/Equity Officer, Police Chief, and Human Resources Director have all met regarding how best to protect staff and what their rights are.

**VOTE:** Upon a motion duly made and seconded, the Select Board voted 5-0 to approve the Resolution on Civil Immigration Enforcement, subject to any scrivener's errors.

**DOCUMENTS:** Resolution

#### 6. 2026 Annual Town Meeting Select Board Article Discussion and Positions

The Board reviewed the draft Article presenter list and position chart.

**DOCUMENTS:** 2026 Annual Town Meeting Select Board Article Discussion and Positions

**ADJOURN**

**VOTE:** Upon a motion duly made and seconded, the Select Board voted 5-0 to adjourn at 10:35p.m.

A true record; Attest:  
Kristan Patenaude  
Recording Secretary