

SELECTMEN'S MEETING
Wednesday, April 16, 2014
Selectmen Meeting Room
6:00 p.m.

AMENDED AGENDA

- 6:00 p.m. PUBLIC COMMENTS (10 min.)**
- 6:10 p.m. SELECTMEN CONCERNS AND LIAISON REPORTS (5 min.)**
- 6:15 p.m. TOWN MANAGER REPORT (5 min.)**
- 6:20 p.m. ITEMS FOR INDIVIDUAL CONSIDERATION**
1. Franklin School Refinancing Update (5 min.)
 2. Discuss Brick for Walkway in Front of Cary Memorial Building (10 min.)
 3. Article Positions (15 min.)
 4. Appointments – 2020 Vision Committee and Center Committee (5 min.)
 5. Approve and Sign Eagle Letter Congratulating Andrew Lepore (5 min.)
 6. Future Meetings (5 min.)
- 7:05 p.m. CONSENT AGENDA (5 min.)**
1. Approve Use of the Battle Green – Army Retirement Ceremony
 2. Sign Proclamation – Restored Buckman Tavern
 3. Sign Youth Award Proclamation
- 7:10 p.m. EXECUTIVE SESSION (10 min.)**
1. Exemption 3 – Pending Litigation Update: Sellars v Lexington et al
 2. Exemption 5 – Patriots Day Security Arrangements
- 7:20 p.m. ADJOURN**

The next meeting of the Board of Selectmen is tentatively scheduled for Monday, May 5, 2014 at 7:00 p.m. in the Selectmen's Meeting Room, 1625 Massachusetts Avenue.

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 4/16/2014 **STAFF:** Aaron Henry, Planning Dept **ITEM NUMBER:** I.1

SUBJECT: Franklin School Refinancing

EXECUTIVE SUMMARY:

For the better part of the last 12 months, The Community Builders (TCB), have been negotiating a complex refinancing of the property in order to a) secure lower mortgage interest rates, and b) add approximately \$750,000 in the property's replacement reserves. Because TCB still has a mortgage from the Town for the site, the Board's approval is necessary in order to complete the refinancing.

While the refinancing deal was approved by the BOS in July of 2013, specific details have changed somewhat. To be abundantly cautious, the staff would like the Selectmen to consider and approve the final refinancing agreement.

There are three elements we wish to highlight:

1. MassHousing is requiring that the affordable units be placed under a perpetual deed restriction. This is a standard requirement by MassHousing. Further, Town has required this of all CPA funding affordable housing projects since 2008, and the State has been requiring it for LIP units for sometime longer than that. Since this property is not currently subject to such a restriction, the restriction could affect it's value and the Town's options for the site down the road.
2. The Town currently has two options to repurchase the property from TCB. Under either option, it may be bought back for \$39,000. The first option may be exercised at the time of a mortgage default. Should the Town pass on this option, the second option occurs upon the maturation of the subsequent mortgage. Specifically, HUD is requiring that the Town's second option be extended out from 35 years to 50 years.
3. The lenders wish to amend the Land Disposition Agreement (or LDA), to remove all completed or satisfied conditions it contained.

Of these three changes, the first is a change from what was presented to you in last July. It is however, one that staff and Town Counsel are comfortable with. The second change is not likely to come into play. Should the property go into default the Town could exercise its option for a de minimus amount (\$39,000). It is also helpful to have the second option, but it's difficult to foresee the Town ever needing it.

FINANCIAL IMPACT:

Understanding that the Town has demonstrated a record of supporting housing on the site, placing the affordable units within the Franklin School under a perpetual deed restriction does adversely affect the value of the property should the Town ever wish to maximize the income that could be generated through, say strictly market-rate housing. It also effectively prohibits the Town from ever using the site for other purposes (converting it back into a school, for example).

RECOMMENDATION / SUGGESTED MOTION:

That the Board approve the terms of the refinancing as outlined by Staff and authorize the Town Manager to endorse any documents that may be necessary to effectuate the deal.

STAFF FOLLOW-UP:

TMO

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE:

April 16, 2014

PRESENTER:

Carl F. Valente
Pat Goddard

ITEM NUMBER:

I.2

SUBJECT:

Sidewalk Material – Cary Memorial Building Renovation Project

EXECUTIVE SUMMARY:

Pat Goddard would like guidance from the Selectmen on the material for the brick sidewalk in front of Cary Hall. The Commission on Disabilities would like wire-cut brick. The HDC would like the existing brick to be reset.

The attached email provides the estimated costs or the various options.

FINANCIAL IMPACT:

NA

RECOMMENDATION / SUGGESTED MOTION:

STAFF FOLLOW-UP:

Facilities

Carl Valente

Subject: FW: Brick paver installation\$22 per square foot

From: Don Mills [REDACTED]
Sent: Thursday, March 13, 2014 4:29 PM
To: Patrick Goddard
Subject: Re: Brick paver installation\$22 per square foot

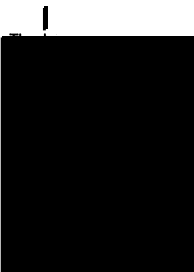
Pat,

The per SF costs of the work included in the project are \$16/SF for resetting existing brick walks and \$19/SF for modification and expansion of brick walks. We concur with the \$22/SF cost for wire bricks on HMA base.

The approximate net trade budgets (excluding markups, contingencies and escalation) for each option are as follows:

- 1) \$33,200: FULL SCOPE / Current budget for re-setting existing brick walks on stone dust and matching existing in reconfigured areas. $((1,212 \text{ SF} \times \$16) + (724 \text{ SF} \times \$19))$
- 2) \$42,600: FULL WIRE CUT / Provide wire cut bricks on HMA base at complete walkway at circular driveway (1,936 SF x \$22); excludes any changes to the adjacent walks to TOB and Police.
- 3) \$13,800: REDUCED SCOPE / Limit the work of brick pavers on stone dust to the reconfigured portions at each side of the entrance area (for the bike rack area and the van parking access aisles) (724 SF x \$19).
- 4) \$16,000: REDUCED SCOPE WIRE CUT / Provide wire cut bricks on HMA base in the reconfigured portions of the walkway at each side of the entrance, but not including the area directly in front of the entry stairs (724 SF x \$22).

If you need to add related project costs to these amounts, let me know.



On Mar 13, 2014, at 12:13 PM, Patrick Goddard <pgoddard@lexingtonma.gov> wrote:

Don,
Our engineering staff estimates the brick sidewalk that the Commission on Disability prefers cost \$22/sq ft.

4/11/2014

I need to clarify what we should budget for the sidewalk.

What is the sq foot of sidewalk currently in the budget and what are we carrying in the budget?

If we wanted to reduce the scope to just what is required for the new handicapped layout, what would be the square footage?

My goal is to ask the Town manager which cost we should carry, reset the old brick in the large or small scope or the wire cut brick in the large or small scope.

Thanks,
Pat
Patrick W. Goddard
Director of Public Facilities

Town of Lexington

201 Bedford Street, Lexington, MA 02420
(781) 274-8958, pgoddard@lexingtonma.gov

From: David Cannon
Sent: Thursday, March 13, 2014 11:34 AM
To: Patrick Goddard
Subject: Brick paver installation\$22 per square foot

\$22 dollars per square foot including:

Excavation
Gravel
HMA
Mastic adhesive
Brick
Sand swept in

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 4/16/14

STAFF: Lynne Pease

ITEM NUMBER: I.3

SUBJECT:

Article Positions

EXECUTIVE SUMMARY:

You have taken positions on all the articles. This is on the agenda only if something comes up that needs to be discussed.

Discuss reconsideration of Article 10(I) – Appropriate for Municipal Capital Projects and Equipment – Traffic Island Renovation.

FINANCIAL IMPACT:

RECOMMENDATION / SUGGESTED MOTION:

STAFF FOLLOW-UP:

Selectmen's Office

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 4/16/14

STAFF: Lynne Pease

ITEM NUMBER: I.4

SUBJECT:

Appointments – 2020 Vision Committee and Center Committee

EXECUTIVE SUMMARY:

The 2020 Vision Committee has requested that Matthew Pronchick be appointed.

The Center Committee requested that Ellen Basch be appointed to the committee.

See attached information.

FINANCIAL IMPACT:

RECOMMENDATION / SUGGESTED MOTION:

Motion to appoint Matthew Pronchick to the 2020 Vision Committee for a term to expire September 30, 2016.

Motion to appoint Ellen Basch to the Center Committee for a term to expire September 30, 2014.

STAFF FOLLOW-UP:

Selectmen's Office

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 4/16/14

STAFF: Lynne Pease

ITEM NUMBER: I.5

SUBJECT:

Approve and Sign Eagle Letter Congratulating Andrew P. Lepore

EXECUTIVE SUMMARY:

You are being asked to sign a letter of commendation for Boy Scout Eagle Andrew P. Lepore. See attached letter requesting the commendation and the proposed eagle letter.

FINANCIAL IMPACT:

RECOMMENDATION / SUGGESTED MOTION:

Motion to send a letter of commendation to Andrew P. Lepore congratulating him on attaining the highest rank of Eagle in Boy Scouting.

STAFF FOLLOW-UP:

Selectmen's Office

April 5, 2014

Ms. Deb Mauger, Chairman
Board of Selectmen
Town of Lexington
1625 Massachusetts Avenue
Lexington, MA 02420

Dear Ms. Mauger,

I am proud to inform you that Andrew P. Lepore, a resident of Lexington, Massachusetts and a member of Boy Scout Troop 160, has achieved the rank of Eagle Scout. This letter is to ask for your assistance in recognizing and honoring his recent achievement and service.

Drew started scouting as a Cub Scout in Pack 137 in 2004. He enjoyed his overnight stay at the U.S.S. Massachusetts and at Willard's Woods along with the Pinewood Derby. Inspired by scouting's emphasis on the outdoors and citizenship, Drew earned his Arrow of Light and crossed over to Troop 160 in the spring of 2007.

Drew loved every aspect about scouting, but the camping trips were always the highlights of his experience. Some of his favorite memories were of building quinzny huts during the Deep Freeze and cruising down the Dead River during the White Water Rafting Trip. Drew also loved the programs at summer camp at both Bell and Hidden Valley. As he advanced through the ranks, Drew earned thirty merit badges and countless service hours.

For his own Eagle Scout Project, Drew worked with the Greenways Corridor Committee to blaze a new trail connecting Diamond Middle School to Chiesa Farm. The trail is part of the ACROSS Lexington network. His project took 202 man hours and stretched over 300 feet.

An important part to the Eagle Scout Project is leadership, which Drew developed through scouting. He served as a Patrol Leader, Librarian, and Assistant Senior Patrol Leader before becoming a Junior Assistant Scoutmaster.

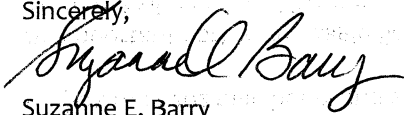
In the future, Drew plans to pursue a career in Chemical Engineering as he heads to college next fall. He plans to stay active in scouting and live by the scouting ideals.

Drew's Eagle Court of Honor Ceremony is being planned for Saturday, June 7, 2014. We would appreciate a letter of commendation to read at his Court of Honor. Please send the letter directly to our new Eagle Scout at the following address:

Andrew P. Lepore
10 Hawthorne Road
Lexington, MA 02420

Thank you for taking time from your busy schedule to help our Troop and community recognize the achievements and service of Eagle Scout Andrew P. Lepore.

Sincerely,



Suzanne E. Barry
Boy Scout Troop 160 Eagle Scout Ceremony Coordinator





Town of Lexington, Massachusetts

OFFICE OF SELECTMEN

DEBORAH N. MAUGER, CHAIRMAN
PETER C.J. KELLEY
NORMAN P. COHEN
JOSEPH N. PATO
MICHELLE L. CICCULO

April 16, 2014

TEL: (781) 698-4580
FAX: (781) 863-9468

Andrew P. Lepore
Troop 160
St. Brigid Parish
2001 Massachusetts Avenue
Lexington, MA 02421

Dear Andrew,

Congratulations on attaining the highest rank in Scouting. We know the trail to Eagle has not always been an easy one and we recognize that you have had to work hard to get this far. Your time in positions of leadership within Troop 160, and the successful completion of your Eagle project, speaks to your dedication.

Being an Eagle is so much more than just another rank. It is a recognition of what you have achieved so far, but of more importance is the implied promise you have made to maintain the ideals of Scouting into your adult life.

We know that your family and fellow Scouts are proud of you and will look to you to be a leader as you continue your journey beyond Eagle.

Again, congratulations and good luck in all your future endeavors.

Sincerely,

Deborah N. Mauger, Chairman

Peter C. J. Kelley

Norman P. Cohen

Joseph N. Pato

Michelle L. Ciccolo

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 4/16/14

STAFF: Lynne Pease

ITEM NUMBER: I.6

SUBJECT:

Future Meetings

EXECUTIVE SUMMARY:

Attached are calendars for May through September 2014 showing holidays, vacations I am aware of and current meetings scheduled.

Please bring your calendars. Suggested meeting dates are:

May 5 (including Reorganization of the Board)

May 19

June 2, 16 and 30

July 14 and 28

August 25

September 8

The proposed date for Goal Setting is Thursday, June 19, starting at 8:30-9:00 a.m.

FINANCIAL IMPACT:

RECOMMENDATION / SUGGESTED MOTION:

STAFF FOLLOW-UP:

Selectmen's Office

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 4/16/14

STAFF: Lynne Pease

ITEM NUMBER: C.1-3

SUBJECT:

Consent

EXECUTIVE SUMMARY:

1. Approve the Use of the Battle Green for a retirement ceremony for Army Colonel Slade on Friday, August 8, 2014 at 2:00 p.m. Public Works, Police and Town Manager have reviewed this request and have no issues.
2. The Historical Society requested a proclamation from the Selectmen for the Buckman Tavern Renewal Day on Sunday, May 4, 2014.
3. Sign a Youth Award Proclamation.

See attached information.

FINANCIAL IMPACT:

RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the Consent Agenda.

STAFF FOLLOW-UP:

Selectmen's Office



Town of Lexington, Massachusetts

OFFICE OF SELECTMEN

DEBORAH N. MAUGER, CHAIRMAN
PETER C.J. KELLEY
NORMAN P. COHEN
JOSEPH N. PATO
MICHELLE L. CICCULO

TEL: (781) 698-4580
FAX: (781) 863-9468

PROCLAMATION

WHEREAS: the Lexington Historical Society was founded in 1886 for the purpose of “the study of the history of Lexington and of individuals and families identified with it; the preservation of such relics as illustrate its history; and the commemoration by fitting public services of the event which has rendered the town forever memorable in the annals of our country”; and

WHEREAS: in the course of its history the Lexington Historical Society has acquired, preserved and maintained the Old Belfry, the Hancock-Clarke House, the Munroe Tavern and the Lexington Depot; and

WHEREAS: the Lexington Historical Society in 1912 spearheaded the drive to save the Buckman Tavern, recommending that the same be purchased by the town and providing one-third of the purchase funds; and

WHEREAS: the Lexington Historical Society has been the steward and caretaker of the Buckman Tavern for the benefit of the Town of Lexington since its purchase; and

WHEREAS: the Lexington Historical Society, in partnership with the Town of Lexington through the Community Preservation Committee, has undertaken a major renovation and restoration of the Buckman Tavern, ensuring its continuing role as the “jewel of Lexington” for future generations;

NOW THEREFORE, the Board of Selectmen congratulates the Lexington Historical Society on the completion of the renovation and restoration of the Buckman Tavern and proclaims Sunday, May 4, 2014 as:

Buckman Tavern Renewal Day

IN WITNESS WHEREOF, we have set our hands on this 16th day of April in the year of our Lord Two Thousand and Fourteen.



Town of Lexington, Massachusetts

OFFICE OF SELECTMEN

DEBORAH N. MAUGER, CHAIRMAN
PETER C.J. KELLEY
NORMAN P. COHEN
HANK MANZ
JOSEPH N. PATO

TEL: (781) 698-4580
FAX: (781) 863-9468

2014 Outstanding Youth of Lexington Award

The Outstanding Youth of Lexington Award this year is being presented to a Lexington High School senior. This year's recipient is:

Jonah Watt

Jonah has been president of his class for the past three years and has been responsible for all class activities. He is a member of the National Honor Society. Jonah is also a Peer Leader and a Peer Mentor, using his considerable leadership skills and strong empathy to help others who struggle with school work or social life.

In addition to helping peers at LHS, Jonah is involved with Lexington Youth and Family Services, which is a local not-for-profit adolescent resource. He is a devoted member of its youth advisory group and does important work for the benefit of needy students at Lexington High School. Partially due to a considerably disabled older brother, Jonah has compassion, discretion and is completely devoted to helping others less fortunate.

Jonah is also involved with volunteer work at Temple Isaiah. Over the years, he has become an active and valued leader in the Temple community. In 2013, he was chairman of an annual event called MAZON, a benefit dinner which raises money to fight hunger. This event is coordinated and catered by the Temple's teen community and Jonah was chosen to be chair due to his passion for Judaism and social justice, and because of his leadership skills. Over 320 people attended and they raised well over \$25,000.

Another major part of Jonah's life involves music and theatre. He plays the violin and the viola and is accomplished at both. He participated for two summers in the New York Summer Music Festival and has been involved in the Chamber, the Symphony and the Repertoire Orchestras at Lexington High School. In addition to music, Jonah gets involved in theatre, having performed in four musicals and two plays. Jonah has also been a tap, jazz and ballet student at The Dance Inn for ten years.

Jonah is a hard-working, well-liked, compassionate and caring leader and has earned the title of Lexington's Outstanding Youth of 2014. He is a Lexingtonian we can all be proud of. Congratulations to Jonah Watt.

Board of Selectmen

April 16, 2014

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE:

April 16, 2014

PRESENTER:

ITEM NUMBER:

Executive Session

SUBJECT: Exemptions 3 – Ongoing Litigation

Suggested motion for Executive Session: *Move to go into Executive Session to discuss litigation regarding Sellars v. the Town of Lexington; and to reconvene in Open Session only to adjourn. Further, as Chairman I declare that an open meeting discussion may have a detrimental effect on the litigating position of the Town.*

EXECUTIVE SUMMARY:

Update the Board on settlement discussions regarding the John Sellars litigation and discuss strategy going forward.

FINANCIAL IMPACT:

NA

RECOMMENDATION / SUGGESTED MOTION:

NA

STAFF FOLLOW-UP:

TMO