

SELECTMEN'S MEETING  
Monday, July 27, 2015  
Selectmen Meeting Room  
7:00 PM

**AGENDA**

**PUBLIC COMMENTS**

Public comments are allowed for up to 10 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Members of the Board will neither comment nor respond, other than to ask questions of clarification. Speakers are encouraged to notify the Selectmen's Office at 781-698-4580 if they wish to speak during public comment to assist the Chairman in managing meeting times.

**SELECTMAN CONCERNS AND LIAISON REPORTS**

**TOWN MANAGER REPORT**

**ITEMS FOR INDIVIDUAL CONSIDERATION**

- |     |  |          |
|-----|--|----------|
| 1.  | FY15 Salary Adjustment Account Transfer (5 min.)                                       | 7:00 PM  |
| 2.  | Discussion of School District Building Projects Plan (90 min.)                         | 7:05 PM  |
| 3.  | Review Community Center Historic Preservation Restriction (15 min.)                    | 8:35 PM  |
| 4.  | Review Goal Setting Items (5 or 15 min.)   | 8:50 PM  |
| 5.  | Request Joint Meeting with the Planning Board on Work Programs (5 or 30 min.)          | 9:05 PM  |
| 6.  | Discussion of BSC Contract for Massachusetts Avenue Intersection Project (10 min.)     | 9:35 PM  |
| 7.  | Consider HOME Funded Tenant-Based Rental Assistance Program (15 min.)                  | 9:45 PM  |
| 8.  | Review Draft Charge for Community Center Advisory Committee (5 min.)                   | 10:00 PM |
| 9.  | Review Waxy O'Connor's Request to Remain Open Later on August 1 (10 min.)              | 10:05 PM |
| 10. | Selectmen Resignation/Appointment - Arts Council and Noise Advisory Committee (5 min.) | 10:15 PM |
| 11. | Town Manager Appointments - Council on Aging and Permanent Building Committee (5 min.) | 10:20 PM |
| 12. | Future Meetings (5 min.)   | 10:25 PM |

**CONSENT AGENDA**

- |    |  |          |
|----|--|----------|
| 1. | Approve Water and Sewer Commitments and Adjustments                          | 10:30 PM |
| 2. | Accept Donation from the Cicclo Family Foundation for Community Center Piano | 10:30 PM |

- |    |  |          |
|----|--|----------|
| 3. | Martingale Road and Richmond Circle Street Acceptance Completion   | 10:30 PM |
| 4. | Approve and Sign Proclamation for Childhood Cancer Awareness Month | 10:30 PM |
| 5. | Approve Minutes and Executive Session Minutes                      | 10:30 PM |
| 6. | Approve Releasing Executive Session Minutes for 2012               | 10:30 PM |

## **ADJOURN**

The next regular meeting of the Board of Selectmen is scheduled for Monday, August 3, 2015 at 7:00 p.m. in the Selectmen Meeting Room, 1625 Massachusetts Avenue.

*Hearing Assistance Devices Available on Request  
All agenda time and the order of items are approximate and  
subject to change.*



# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

FY15 Salary Adjustment Account Transfer (5 min.)

### **PRESENTER:**

Rob Addelson, Finance

### **ITEM NUMBER:**

I.1

### **SUMMARY:**

At the June 29, 2015 meeting of the Board of Selectmen, transfers from the Salary Adjustment Account to various departmental budgets were recommended by the Finance Department and approved by the Board totaling \$549,110. Included in these transfers was one to the Fire Department in the amount of \$241,900. Subsequent to approval by the Board, it was determined the the recommended transfer to the Fire Department was understated by approximately \$6,300.

The purpose of this agenda item is to ask the Board to approve a supplemental transfer from the Salary Adjustment Account to the FY2015 Fire Department budget in the amount of \$6,300.

### **RECOMMENDATION / SUGGESTED MOTION:**

Motion to approve a supplemental transfer from the Salary Adjustment Account to the FY2015 Fire Department Budget in the amount of \$6,300.

### **FOLLOW-UP:**

### **DATE AND APPROXIMATE TIME ON AGENDA:**

7/27/2015

7:00 PM

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Discussion of School District Building Projects Plan (90 min.)

### **PRESENTER:**

Joe Pato

### **ITEM NUMBER:**

I.2

### **SUMMARY:**

The Board needs to consider the various tasks that have been outlined in the DiNisco Design Partners presentation to the Summit on July 14. For each task you should consider what you would recommend and identify any issues or questions that need to be resolved for you to be able to reach a decision. Included in your packet is the School Committee's motion requesting the release of funds to progress these tasks.

For each task, come prepared with questions and issues for discussion and your recommended action. Possible actions are: funds remain frozen, funds released with explicit limitations or directions or funds released.

The five tasks are:

- Task 1 - Prefab units at Bridge and Bowman
- Task 2 - Brick & Mortar at Fiske, Clarke and Diamond
- Task 3 - New Lexington Children's Place (LCP)
- Task 4 - Harrington School
- Task 5 - New Hastings School

<http://www.lexingtonmultipleprojects.com/>

### **RECOMMENDATION / SUGGESTED MOTION:**

**FOLLOW-UP:**

**DATE AND APPROXIMATE TIME ON AGENDA:**

7/27/2015

7:05 PM

**ATTACHMENTS:**

Description	Type
📎 School Committee Request for project funding release	Cover Memo
📎 Spreadsheet of Proposed School Requests	Backup Material
📎 July 16 Summit Presentation Pages	Backup Material

Memo to: Joe Pato, Chair of the Board of Selectmen  
Date: July 23, 2015  
RE: School Committee's July 22, 2015 Vote To Further Capital Projects

Dear Joe,

At our meeting on July 22, the School Committee took the following vote to request release of funds from the March 23, 2015 Special Town Meeting appropriation for the following school projects.

We look forward to attending your July 27<sup>th</sup> meeting and welcome your questions.

Sincerely,

Jessie Steigerwald  
School Committee Chair

MOTION to request the Board of Selectmen to:

- Release \$42,705 for further design of a new 30 section Hastings Elementary School, completion to be as soon as possible;
- Release \$756,329 for further design of a brick and mortar addition to Clarke;
- Release \$835,742 for further design of a brick and mortar addition to Diamond with further study of the café relocation proposal
- Release \$432,206 for further design of a brick and mortar addition to Fiske, with further study of making the addition hold as many additional classroom spaces as possible (25, 26 or 27);
- Release \$183,200 to further prefabricated modular units at Bridge;
- Release \$151,664 to further prefabricated modular units at Bowman;
- To pause until fall 2015, then continue on the design work to repurpose space at Harrington that will be vacant when Lexington Children's Place relocates;
- To pause until fall 2015, then continue further design work to understand potential to add brick and mortar addition at Harrington.

(Alessandrini, Hurley) 4-1, Crocker opposed.

## Softcost Actual, Encumbered, and Appropriated

	Construction Type	Middle Schools			PreK + Elementary Schools						Total	
		Diamond	Diamond	Clarke	Bridge	Bowman	Hastings	PreK standalone or addition	Harrington Reno PreK to Gen Ed	Fiske, CO /PreK, & other		Fiske
		Addition	PreFab	Addition	PreFab	PreFab	New Construction	Assessment	Renovation	Assessment		Addition
1	Concept Confirmation											
2	PreSchematics, Programming											
3	Schematics											
4	Design Development											
5	Construction Documents											
6	Bidding											
7	Construction Administration											
		\$ 316,000	\$ 130,000	\$ 111,000	\$ 93,000	\$ 86,000	\$ 390,000	\$ 115,000	\$ 35,000	\$ 45,000	\$ 93,000	\$ 1,414,000
	Munis - 40031630	58301	58309	58302	58303	58304	58305	58306	58307		58308	
	Actual	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Encumbered	\$ 215,030	\$ 59,840	\$ 108,873	\$ 62,420	\$ 59,020	\$ 277,600	\$ 85,285	\$ 75,870		\$ 46,346	\$ 990,284
	Remaining	\$ 480,970	\$ 458,160	\$ 309,127	\$ 280,580	\$ 247,980	\$ 642,400	\$ 326,715	\$ 2,130		\$ 341,654	\$ 3,089,716
	Designer Contract	\$ 734,742		\$ 655,329	\$ 157,200	\$ 125,664	\$ 16,705				\$ 331,206	\$ 2,020,845
	Project Mngr & Preconstruction	\$ 101,000		\$ 101,000	\$ 26,000	\$ 26,000	\$ 26,000				\$ 101,000	\$ 381,000
	<b>Total</b>	<b>\$ 835,742</b>		<b>\$ 756,329</b>	<b>\$ 183,200</b>	<b>\$ 151,664</b>	<b>\$ 42,705</b>				<b>\$ 432,206</b>	<b>\$ 2,401,845</b>
		\$ 380,000	\$ 388,000	\$ 307,000	\$ 250,000	\$ 221,000	\$ 530,000	\$ 297,000	\$ 43,000	\$ -	\$ 250,000	\$ 2,666,000
	Appropriation	\$ 696,000	\$ 518,000	\$ 418,000	\$ 343,000	\$ 307,000	\$ 920,000	\$ 412,000	\$ 78,000	\$ 45,000	\$ 343,000	\$ 4,080,000

**Notes:**

- 1) Diamond, Clarke, and Fiske designer fees each include a \$30,000 intergative design cost for Life Cyle Costs Analysis with more energy efficient design options
- 2) Estimated Construction Document costs for each addition: Diamond \$790,405, Clarke \$506,940, and Fiske \$253,785
- 3) If all project funds are released, the remaining funds will be \$687,871

# Project Cost | Middle Schools

	Consensus All Future Growth to DIAMOND			Growth by E.S. Migration		All Growth to DIAMOND Right Size CLARKE	
	CLARKE = 824 Students (92/team) DIAMOND = 1,006 Students (84/team)			CLARKE = 862 Students (82/team) DIAMOND = 968 Students (88/team)		CLARKE = 750 Students (83/team) DIAMOND = 1,080 Students (90/team)	
	Consensus	Confirmation	Consider 1	Consider 2	Consider 3	Consider 4	Consider 5
<b>Clarke MS</b>	\$4,610,000	\$6,912,000	\$10,287,000	\$18,105,000	\$18,105,000	\$6,045,000	\$6,045,000
	• 5 Pre-Fabs	• 5 Pre-Fabs	• Space Mining • 3 Pre-Fab	• Space Mining • 10 CR Addition	• Space Mining • 10 CR Addition	• Site Redesign • Reno Music & Art	• Site Redesign • Reno Music & Art
<b>Diamond MS</b>	\$23,990,000	\$29,428,000	\$32,537,000	\$28,229,000	\$28,229,000	\$33,692,000	\$33,692,000
	• 8 Pre-Fab • +~15 CR Addition	• 8 Pre-Fab • +~15 CR Addition	• Space mining • 20 CR Addition • Cafe Relocation	• Space mining • 16 CR Addition • Cafe Addition	• Space mining • 16 CR Addition • Cafe Addition	• Space mining • 22 CR Addition • Cafe Relocation	• Space mining • 22 CR Addition • Cafe Relocation
<b>Total</b>	<b>\$28,600,000</b>	<b>\$36,340,000</b>	<b>\$42,824,000</b>	<b>\$46,334,000</b>	<b>\$46,334,000</b>	<b>\$39,737,000</b>	<b>\$39,737,000</b>
	CLARKE & DIAMOND • Site Redesign included  CLARKE • Team size at maximum capacity • Option cannot support a large sized grade exceeding 275 students • No future growth available			No change to: • Auditorium • Library • Gym		No change to: • Auditorium • Library • Gym	
					\$2,582,000		\$1,208,000
					DIAMOND • Cafe Relocation		CLARKE • Space Mining at Locker Rooms
					<b>\$48,916,000</b>		<b>\$40,945,000</b>



# Project Cost | School Committee Recommendation

LCP / Elementary School	Consensus	Consensus Confirmation	Final Consideration 1	Final Consideration 2	Final Consideration 3
	153 general classrooms	153 general classrooms	153 general classrooms	148 general classrooms	
LCP	\$10,190,000	\$9,941,000	<b>\$9,941,000</b>	\$9,941,000	
Bowman ES	\$3,100,000	\$3,273,000	<b>\$3,273,000</b>	\$0	
Bridge ES	\$3,680,000	\$5,161,000	<b>\$4,094,000</b>	\$0	
Fiske ES Pre-Fab	\$3,680,000	\$2,042,000	\$0	\$0	
Fiske Alternative/ <b>Expansion</b>	NA	NA	<b>\$9,064,000</b>	\$9,064,000	
Hastings ES <b>only</b>	\$61,910,000	\$61,568,000	<b>\$59,926,000</b>	\$59,926,000	
Hastings ES <b>w/ LCP</b>	NA	NA	\$0	\$0	
Harrington <b>Reno</b>	\$330,000	\$164,000	<b>\$164,000</b>	\$164,000	
Harrington <b>Expansion/LCP</b>	NA	NA	\$0	\$0	
Harrington <b>Expansion</b>	NA	NA	NA	NA	
<b>LCP / ES Sub Total</b>	<b>\$82,890,000</b>	<b>\$82,149,000</b>	<b>\$86,462,000</b>	<b>\$79,095,000</b>	

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Review Community Center Historic Preservation Restriction (15 min.)

### **PRESENTER:**

Carl F. Valente, Town Manager

### **ITEM NUMBER:**

I.3

### **SUMMARY:**

Attached, for the Board's review and comment, is a draft of the Community Center Historic Preservation Restriction (HPR). This restriction, meant to protect the historic attributes and integrity of this Town property, is required by State statute because the Town purchased the site with Community Preservation Act Funds.

The Historic Society has agreed to be the holder of this restriction. By State statute a qualified organization, separate from the Town, must hold the restriction. The Historical Society Board is reviewing this draft on July 28, so may have further comments after that meeting.

Representatives from the Historic Society and Selectmen Pato and Ciccolo, worked with the Town Manager and Town Counsel in drafting this HPR. Any additional Board comments or concerns will be helpful so that a final draft can be prepared.

The key sections of this document are:

- Section 3.1: Town's rights to alter the premises without approval of the Historical Society (Grantor);
- Section 3.2: Town's right to alter the premises only after consultation with the Historical Society; and
- Section 3.3: All other alterations to the premises prohibited unless otherwise approved by the Historical Society.

### **RECOMMENDATION / SUGGESTED MOTION:**

None at this time.

### **FOLLOW-UP:**

Town Manager and Town Counsel will revise draft HPR, based on comments from the Selectmen and Historical Society Board.

**DATE AND APPROXIMATE TIME ON AGENDA:**

7/27/2015

8:35 PM

**ATTACHMENTS:**

Description

Type

 Draft Historical Preservation Restriction

Backup Material

**PRESERVATION RESTRICTION AGREEMENT**  
**between**  
**THE TOWN OF LEXINGTON**  
**and**  
**THE LEXINGTON HISTORICAL SOCIETY**

THIS PRESERVATION RESTRICTION AGREEMENT (this "Restriction") is made as of this \_\_\_ day of \_\_\_\_\_, 2015, by and between the TOWN OF LEXINGTON, a municipality of the Commonwealth of Massachusetts, acting by and through its Board of Selectmen, having an address of 1625 Massachusetts Ave., Lexington, MA 02420 (the "Town" or "Grantor"), and the Lexington Historical Society, a Massachusetts nonprofit corporation, having an address of P.O. Box 514, Lexington, MA 02420 ("Grantee").

WITNESSETH:

WHEREAS, Grantor is owner in fee simple of certain real property and the improvements thereon located at 39 Marrett Road in the Town of Lexington, Middlesex County, (hereinafter the "Premises"), shown as "Lot 2" on the plan entitled "Plan of Land in Lexington, MA (Middlesex County)" prepared by Rober Survey, dated January 15, 2013 and recorded with the Middlesex South District Registry of Deeds (the "Registry") as Plan 426 of 2013, a copy of which is attached hereto as Exhibit A and incorporated herein, being the same premises conveyed to Grantor in a deed dated December 4, 2013 from the Trustees of the Supreme Council of Scottish Rite and Freemasonry for the Northern Masonic Jurisdiction of the United States of America, to Grantor recorded with the Registry in Book 63021, Page 356 (the "Deed").

WHEREAS, the Premises includes (i) a building originally constructed in 1901 that was formerly used as a residence comprising approximately 4,600 square feet (the "Historic Residence"), (ii) which was expanded by approximately 26,000 square feet in 2000 (the "Administration Building"), and (iii) a carriage house (the "Carriage House"). The Carriage House, the Historic Residence and the Administration Building shall collectively be referred to herein as the "Buildings." The Premises also includes approximately 10.3 acres of land.

WHEREAS, the Premises are architecturally, historically and culturally significant properties meriting the protections of a perpetual preservation restriction under M.G.L. c. 184, §§ 31, 32 and 33.

WHEREAS, the Premises' preservation values are documented in a series of reports, drawings and photographs (hereinafter, the "Baseline Documentation") incorporated herein by reference, which Baseline Documentation the parties agree provides an accurate representation of the Premises as of the date of this Preservation Restriction.

WHEREAS, the Baseline Documentation consists of the following:

- A) The legal description of the Premises attached hereto and incorporated herein as Exhibit B;
- B) Lexington Assessor's map showing the Premises attached hereto and incorporated herein as Exhibit C;
- C) Photographs of the Premises showing the condition of the Buildings and land as of the date hereof.

All of the foregoing Baseline Documentation is on file with the Facilities Department of the Town.

WHEREAS, the Grantee is interested in the preservation and conservation of sites, buildings, and objects of local, state and national significance in the Town of Lexington and is authorized to accept and hold preservation restrictions as defined under M.G.L. c. 184, § 31.

WHEREAS, as a condition to the grant of Community Preservation Funds for the acquisition of the Premises, Grantor is required to place a preservation restriction on the Premises, and Grantor wishes to grant the same to Grantee.

NOW, THEREFORE, in consideration of the foregoing, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby irrevocably grant and convey unto Grantee this Restriction, which shall apply in perpetuity to the Premises subject to the terms hereof.

1. Purpose. It is the purpose of this Restriction to protect the public investment in the restoration and rehabilitation of the historically significant Premises by ensuring that the architectural, historic, and cultural features of the Premises will be retained and maintained forever substantially in their current condition for preservation purposes, subject to the construction of improvements, as provided in Section 3 herein, and to prevent any use or change to the Premises that will materially impair or interfere with the Premises' preservation values, subject to the construction of improvements, as provided in Section 3 herein.

2. Grantor's Covenant to Maintain. Grantor agrees at all times to maintain the exterior of the Buildings in at least the same structural condition and state of repair as that existing on the date of this Restriction, subject to improvements, as provided in Section 3 herein,

and in accordance with applicable local, state and federal laws, rules, bylaws and regulations (collectively, "Legal Requirements"), and in accordance with *The Secretary of the Interior's Standards for Rehabilitation* (36 C.F.R. 68.3), as they may be amended from time to time (the "Secretary's Standards"). Grantee does not assume any obligation for maintaining, repairing or administering the Premises and/or the Buildings.

3. Maintenance, Improvements and Alterations.

3.1 Grantor shall be entitled to the following rights, uses and activities on, over, or under the Premises without approval from Grantee, provided, however that they are performed in a manner that results in the least amount of adverse impact on the architectural, archeological or historic characteristics of the Buildings or Premises:

(a) the right to engage in all those activities and uses that are permitted by all applicable laws, codes and regulations and are not otherwise inconsistent with the terms and provisions of this Restriction;

(b) the right to make (i) changes of any kind to the interior or exterior of the Administration Building that do not affect the structural integrity of the Administration Building or (ii) changes to the Carriage House or the Historic Residence that do not affect the characteristics that contribute to the architectural, archeological or historical integrity of the Carriage House or the Historic Residence;

(c) the right to maintain and repair the Buildings and Premises in accordance with the Secretary's Standards; and

(d) the right to conduct landscaping of the Premises.

3.2 Grantor shall be entitled to the following rights, uses and activities on, over or under the Premises, provided, however, that Grantee is consulted for input as to design and location, as applicable, which input must be consistent with the Secretary's Standards:

(a) the right to demolish or relocate the brick wall constructed at the rear of the Administration Building along the southerly side of the Premises;

(b) the right to remove the interior doors within the Administration Building, provided that Grantor preserves the doors;

(c) the right to install or upgrade heating, air-conditioning, electrical and plumbing systems serving the Administration Building and Carriage House, which may result in exterior appearance changes;

(d) the right to construct additions and related appurtenances on the western and/or southern portions of the Administration Building that will be used as a function room, gymnasium, multi-purpose room and/or greenhouse, which additions and appurtenances will be compatible with the existing size and appearance of the Administration Building;

(e) the right to construct and install all necessary improvements and structures (as such term is defined in the Massachusetts Building Code) to bring the Administration Building and the Carriage House into compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq., and any state and local accessibility and zoning laws, codes, ordinances and rules;

(f) the right to construct additional access roads and sidewalks with related appurtenances to access the Administration Building and Carriage House running from Pelham Street or Marrett Road through a portion of the brick wall along Marrett Road and along the Premises; **[Discuss with Town re: attaching a plan]**

(g) the right to install solar panels on the roofs of the Buildings, provided that they do not negatively impact the public view of the Buildings;

(h) the right to install exterior signage identifying parking and building names on the Premises;

(i) the right to move the Carriage House to another location on the Premises near the Administration Building, provided that the Grantor uses its best efforts to retain the horse stalls in the basement of the Carriage House; and

(j) the right to construct a playground, provided it does not negatively impact the architectural, archeological or historic characteristics of the Historic Residence or Carriage House.

3.3 Grantor shall be prohibited from making any other alteration or improvement of the Premises not otherwise expressly provided for in this Section 3, including demolition or moving of the Buildings and construction of new buildings, roadways or sidewalks on the Premises, unless (a) Grantee determines in its reasonable discretion that such alteration or improvement will not impair the characteristics that contribute to the architectural, archeological or historical integrity of the exterior of the Buildings or Premises or interior of the Historic Residence and Carriage House after reviewing plans and specifications submitted by Grantor or (b) required by casualty or other emergency promptly reported to Grantee in accordance with Section 6.

4. Standards for Review. The Grantee shall apply the Secretary's Standards whenever exercising any authority, right or privilege created by this Restriction. If the Secretary's Standards are revoked, then the most recent version of the Secretary's Standards shall apply to this Restriction as if such version had not been revoked unless the revoked Secretary's Standards are replaced by successor guidelines or standards, in which event such successor guidelines or standards shall apply.

5. Notice and Approval. Wherever approval by the Grantee is required under this Restriction, Grantor shall request specific approval by the Grantee not less than thirty (30) days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Restriction. Within thirty (30) days of receipt of Grantor's

reasonably sufficient request for said approval, the Grantee shall, in writing, grant or withhold its approval or request additional information relevant to the request and necessary to provide a basis for its decision. The Grantee's approval shall not be unreasonably withheld and shall take into account the financial impact on the Town and shall not result in the Town violating any legal requirements, and shall be granted upon a reasonable showing that the proposed activity shall not materially impair the purposes of this Restriction. Failure of the Grantee to make a decision within thirty (30) days from receipt of Grantor's notice shall constitute approval of the request as submitted.

6. Notice for Consultation. Wherever consultation with the Grantee is required under this Restriction, Grantor shall request consultation with the Grantee and provide conceptual plans in connection with said request. Within thirty (30) days of receipt of Grantor's request for consultation, Grantee must acknowledge receipt of notice and confirm with Grantor that it desires to be consulted. Within sixty (60) days of receipt of Grantor's request for said consultation, the Grantee shall complete the process of consultation, unless said period is extended upon mutual agreement by Grantor and the Grantee.

7. Casualty Damage or Destruction. In the event that the Buildings or any part thereof shall be damaged or destroyed by fire or other casualty, Grantor shall promptly notify the Grantee in writing (but in no event later than seven (7) days after such casualty), such notification including what, if any, emergency work has been completed. Within ninety (90) days of the date of damage or destruction, Grantor, at Grantor's expense, shall obtain a written report prepared by a qualified restoration architect or an engineer or other qualified construction professional with experience in the restoration of historic buildings, which report shall include the following and which shall be delivered to Grantee:

- (a) an assessment of the nature and extent of the damage to the exterior and interior of the Buildings;
- (b) a determination of the feasibility of the repair and restoration of the exterior of the Buildings (or the damaged or destroyed exterior portions thereof); and
- (c) a detailed description of the repair and restoration work necessary to return the exterior of the Buildings to the condition existing at the date of this Restriction.

If, after reviewing the report, Grantor determines that it is economically feasible for Grantor to repair or restore the Buildings to the condition that it is in on the date of this Restriction, Grantor shall do so in accordance with the terms of this Restriction. Grantor shall submit to the Grantee plans and specifications for the repair or restoration of the Buildings along with a construction schedule for such repair and restoration work. The Grantee shall have sixty (60) days to review such plans, specifications and schedule, and the parties shall proceed under this Restriction. If the Grantor determines, in its sole and absolute discretion, by written notice to Grantee, that it is not economically feasible to repair or reconstruct the Buildings or that the purpose of this Restriction would not be served by such repair or restoration, Grantor may alter, demolish, remove or raze the Building or construct new improvements on the Premises all in accordance with all applicable laws and regulations. In such event, Grantor and Grantee may agree to extinguish this Restriction in accordance with applicable laws.



8. Condemnation of the Premises. If the Buildings, or any substantial portion thereof, shall be made the subject of a procedure threatening a taking through eminent domain, or if Grantor shall receive notice from a governmental authority of the intent to institute such proceeding, Grantee shall immediately be given notice thereof by Grantor. Grantee shall have the right to enter its name as an additional party in eminent domain proceedings, pursuant to Massachusetts General Laws, Chapter 79, Section 5A, but shall not have the right to any monetary award which would diminish the award to be made to Grantor resulting from such taking. In the event of such taking, after Grantor has removed any items from the Building that it wishes to retain, Grantee shall have the right to enter the Buildings (or the portion thereof subject to such taking) for the purchase of choosing and removing for posterity any protected features, or portions thereof, together with the materials in which such features are set, that Grantee desires to salvage, prior to the effective date of such taking.

9. Insurance. Grantor shall keep the Buildings insured by an insurance company rated "A" or better by A.M. Best for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death and property damage. Property damage insurance shall include change in condition and building ordinance coverage, in form and amount sufficient to fully replace the damaged Buildings without cost or expense to Grantor or contribution or coinsurance from Grantor except for a standard deductible. Grantor shall deliver to Grantee upon the execution and recording hereof certificates of such insurance coverage.

10. Archeological Activities. The conduct of archeological activities on the Premises, including without limitation, survey, excavation and artifact retrieval, may occur only following the submission of an archeological field investigation plan prepared by Grantor and approved in writing by the State Archaeologist of the Massachusetts Historical Commission (M.G.L. Ch. 9, Section 27C, 950 CMR 70.00).

11. Written Notice. Any notice which either Grantor or the Grantee may desire to give or be required to give to the other party shall be in writing and shall be delivered by overnight courier postage prepaid, registered or certified mail with return receipt requested, or hand delivery as follows:

If to Grantor:

Town of Lexington  
1625 Massachusetts Ave.  
Lexington, MA  
Attention: Town Manager

If to Grantee:

Lexington Historical Society  
P.O. Box 514  
Lexington, MA 02420  
Attention: Executive Director

Each party may change its address set forth herein by written notice to the other party given

pursuant to this section.

12. Inspection. Grantor agrees that the Grantee may inspect the Premises from time to time upon reasonable notice to determine whether Grantor is in compliance with the terms of this Restriction. Annually and at the expense of the Grantor, Grantee shall prepare a report with photos demonstrating whether the Grantor has complied with this Agreement. The report shall be prepared by a qualified preservation professional. Grantee shall promptly provide an invoice to Grantor of all reasonable costs and expenses associated with Grantee's annual inspection and report, and Grantor shall be responsible for reimbursement to Grantee of said costs. In connection with said reimbursement, Grantor has established an account to fund such costs pursuant to a separate agreement between Grantor and Grantee.

13. Remedies. Grantee may, following sixty (60) days prior written notice to Grantor, institute suits to enjoin any violation of the terms of this Restriction by *ex parte*, temporary, preliminary or permanent injunction. Grantee shall also have available all legal and other equitable remedies to enforce Grantor's obligations hereunder.

14. Runs with the Land. This Restriction and all of the covenants, agreements and restrictions contained herein shall be deemed to be a preservation restriction as that term is defined in M.G.L. c. 184, § 31 and as that term is used in M.G.L. c. 184, §§ 26, 31, 32 and 33. Grantee shall fully cooperate with the Grantor in its efforts to obtain any government approvals necessary for the perpetual enforcement of this Restriction, including but not limited to the approval of the Commissioner of the MHC as provided under M.G.L. c. 184, § 32. In the event that this Restriction in its current form is not acceptable to MHC for purposes of said approval, Grantee shall cooperate with the Grantor in making any and all modifications that are necessary to obtain said approval. The term of this Restriction shall be perpetual, subject to the provisions of Sections 7, 8 and 16. To the extent required by applicable law, the Grantor is authorized to record or file any notices or instruments appropriate to assure the perpetual enforceability of this Restriction.

15. Assignment. The Grantee may, with prior written consent from Grantor, which consent may not be unreasonably withheld, convey, assign or transfer this Restriction to a unit of federal, state or local government, or to a charitable corporation or trust qualified under M.G. L. Chapter 184, § 32, whose purposes include preservation of buildings or sites of historical significance, provided that any such conveyance, assignment or transfer requires that the purpose for which the Restriction was granted will continue to be carried out.

16. Extinguishment. Grantor and Grantee hereby acknowledge that there are certain circumstances that may warrant extinguishment of the Restriction. Such circumstances may include, but are not limited to, partial or total destruction of the Buildings resulting from casualty. Such an extinguishment must meet all of the requirements of M.G.L. c. 184, sections 31, 32 and 33 for extinguishment.

17. Authority. Each signatory to this Restriction represents that he or she is duly authorized to execute this Restriction on behalf of the party or parties he or she represents and that he or she has obtained all approvals and consents, if any, necessary to take said actions.

18. Recording. Grantor shall do and perform at its own cost all acts necessary for the prompt recording of this Restriction in the Registry.

19. Amendment. This Restriction may only be amended by mutual agreement of the parties in a written instrument recorded in the Registry; provided, however, that no such amendment shall affect the duration of this Agreement or the priority hereof for title purposes or adversely impact the overall architectural, cultural and historic values protected by this Agreement

20. Entire Agreement. This Restriction reflects the entire agreement between the parties. Any prior or simultaneous correspondence, understandings, agreements, and representations are null and void upon execution hereof, unless set out in this Restriction.

21. Governing Law. This Restriction shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

22. Invalidity of Particular Provisions. If any term or provision of this Restriction, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Restriction, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Restriction shall be valid and be enforceable to the fullest extent permitted by law.

23. Counterparts. This Restriction may be executed in several counterparts and by each party on a separate counterpart, each of which when so executed and delivered shall be an original, but all of which together shall constitute one instrument.

*[Remainder of page intentionally left blank]*

EXECUTED under seal as of the date first written above.

GRANTOR: TOWN OF LEXINGTON  
BOARD OF SELECTMEN

\_\_\_\_\_  
Joseph Pato, Chairman

\_\_\_\_\_  
Peter C. J. Kelley

\_\_\_\_\_  
Norman P. Cohen

\_\_\_\_\_  
Michelle Ciccolo

\_\_\_\_\_  
Suzanne Barry

GRANTEE: LEXINGTON HISTORICAL SOCIETY

By: \_\_\_\_\_  
Name:  
Its:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared \_\_\_\_\_, Members of the Board of Selectmen for the Town of Lexington, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared \_\_\_\_\_, of the Lexington Historical Society, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:

APPROVAL BY THE MASSACHUSETTS HISTORICAL COMMISSION

The undersigned hereby certifies that the foregoing preservation restrictions have been approved pursuant to M.G.L. Chapter 184, Section 32.

MASSACHUSETTS HISTORICAL COMMISSION

By: \_\_\_\_\_

Name: Brona Simon

Title: Executive Director and Clerk

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared Brona Simon, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document and acknowledged to me that she signed it voluntarily for its stated purpose, as Executive Director and Clerk of the Massachusetts Historical Commission.

\_\_\_\_\_  
Notary Public:

Exhibit A  
Plan  
(to be attached)

Exhibit B  
Legal Description

The land with any improvements therein shown as “Lot 2” (comprising ‘Lot B1’ and ‘Lot A2’) on a plan entitled “Plan of Land in Lexington, MA”, dated January 15, 2013, prepared by Rober Survey, and recorded with the Middlesex South Registry of Deeds on June 19, 2013 as Plan Number 426 of 2013.



Exhibit C  
Lexington Assessor's Map

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Review Goal Setting Items (5 or 15 min.)

### **PRESENTER:**

Carl F. Valente & Board Discussion

### **ITEM NUMBER:**

I.4

### **SUMMARY:**

Based on the Board's goal-setting discussion on July 1, staff has revised the list of goals and organized them into three categories:

1. Preliminary Priority Goals (e.g., higher priority goals that the Board will further rank)
2. Preliminary Planning and Zoning Goals (e.g., goals related to the Planning Board/Department that will be the basis of a joint meeting with the Planning Board)
3. Other Goals Discussed (e.g., goals discussed, but that are not likely to be addressed in the near term due time/workload constraints of the Board and staff)

For the Board Discussion:

- Does this presentation accurately reflect the Board's prior discussion and current thinking?
- If this presentation is accurate and/or amended, what are the top three goals for each Selectmen (The Chairman had previously suggested that each Selectman prioritize their interests).

**NOTE: discussion of this item may be abbreviated and continued to the next meeting should the agenda be running long.**

### **RECOMMENDATION / SUGGESTED MOTION:**

### **FOLLOW-UP:**

Based on the Board's discussion/comments, staff will revise this list.

### **DATE AND APPROXIMATE TIME ON AGENDA:**

7/27/2015

8:50 PM

**ATTACHMENTS:**

Description

Type

📄 Goal Setting List-Version 2

Exhibit

## Board of Selectmen Preliminary Goals Framework for FY2016-17

	Topic Areas	Proposed Selectmen Goals	Proposed Selectmen Policies	Selectmen Lead & Follow-up	Original Source	Doc #
<b>SECTION 1: PRELIMINARY PRIORITY GOALS</b>						
1	<b>Sustainability; standards and process for building projects</b>	Integrate sustainability design into building projects (have PBC and SLC, with any needed input from the energy committee, develop a model for integrating sustainability design requirements at the beginning of project specification; specify requirements in the context of a recognized design framework (e.g., LEED)) Expand upon LEED requirements to incorporate concepts around Healthy Buildings, energy efficiency, and other stretch goals not yet captured in LEED. Improve process for working with multiple committees to reduce consultant costs, increase understanding of outcomes, reduce design delays, incorporate community objectives.	Adopt a "Better Building" policy - continuous improvement of our standards for building "health" and sustainability - when embarking on construction or renovation projects. Develop clearly defined policy objectives for new or renovated municipal buildings. Clarify committee role, PBC, and DPF. Clarify Boards Goals regarding Sustainable Building Design	Peter, Joe, Michelle	Joe, Michelle	4,3,17
2	<b>Affordability for the Residents</b>	Develop a process for evaluating what is an appropriate amount of a tax increase, given the need for a debt exclusion for schools. Define ways to mitigate impact on vulnerable citizens. Will enrollment growth impact budgets if so School Committee should inform BOS immediately. Involve BOS early in the process of identifying affordable options.	Define policy, seek agreement from policy makers, define "correct" amount for capital debt exclusion for all projects before the Town. Define circumstances for which we would consider an operating override. Send clear policy signals and set expectations regarding when BOS would or would not support an operating override	Michelle & Joe to assist with outreach component / public communications plan	ECC, CEC Michelle	
3	<b>Public Safety facilities</b>	Determine location(s) for Fire and Police facilities		Peter & Suzie	Joe, Peter	
4	<b>Tax burden on small retailers</b>	Explore RE Tax exemption program for small retailers. Board wants to understand the small Business Exemption.		Joe - request assistance from AC	Michelle	
5	<b>Road and Sidewalk maintenance</b>	Improve Pavement Condition Index (PCI rating)	Develop policy on what road and sidewalk rating we want for the community	Michelle	Michelle CEC	3
6	<b>Complete Streets</b>	Provide safer passage for all modes of transportation - with a focus on expanding accommodations to non-automobile modes of transportation. Complete workable plans for Center Streetscape and East Lexington projects. Educate Public on Complete Street concept, and respond to TM warrant article.	Safe-passage for all modes of transportation is our highest priority - higher than aesthetics. Pass a policy so Town can participate in 90-1	Michelle will serve as point person, but wait final DOT regulations - then evaluate	Joe, Michelle PB, TAC, LBAC	10, 13, 7,18
7	<b>Sidewalks &amp; Article 42 - Sidewalk Surface</b>	Continue to improve upon how we set priorities and public process for requesting a sidewalk. Decide how to move forward with Article 42 resolution on public way surface treatments.		Michelle & Suzie along with TSG	Michelle, Norman CEC, GCC	3, 5
8	<b>Town Meeting Safety Resolution - Article 45</b>	Plann for and report on safety initiatives to 2016 Annual Town Meeting.		Peter & Suzie - ask for input form TSG	Joe LBAC, GCC, SC	7, 5, 12
9	<b>PILOP</b>	Develop / finalize PILOP- policy for payment in lieu of parking		Staff, Planning Board, Center Committee will have a draft PILOP by September	Norman, Peter	
10	<b>Public Information &amp; Communication</b>	Work with CIO to make information more accessible to citizens. Centralize emergency notifications, consider survey tools to get a representative sample of community opinion.	Develop policy, standard communication, outreach and polling plan to be applied in different types of situations. General goal to identify community engagement models.	Joe & Suzie - underway staff working group	Michelle, Norman CAC, PB, SMT	1, 10, 23
11	<b>Public service impacts of changing demographics, diversity</b>	Adopt 20/20 Vision demographics subcommittee recommendations on engaging minority residents in town activities (esp. with regard to committee/board appointments).		Norman & Suzie - will review newly released report from the 20/20 Committee	Joe, Norman 20/20, SMT	16, 21

## Board of Selectmen Preliminary Goals Framework for FY2016-17

	Topic Areas	Proposed Selectmen Goals	Proposed Selectmen Policies	Selectmen Lead & Follow-up	Original Source	Doc #
12	Youth Issues	Weight request from the School Committee to develop Youth Coalition and determine on-going role of the existing Youth Service Council. Meeting with staff to review existing programs and options.		Norman & Suzie - meet with staff	Norman SC, SMT, HSC	12, 24, 6
13	Committee support and process	Institute a rolling reporting to BOS model for committees - at least once a year per committee. Evaluate which committees need to be Town-appointed and which might be better served as citizens' groups; Develop requirement for annual committee officer selection; Explore guidelines for membership or role term limits.		Suzie & Joe will draft a recommended process for reporting out to the BOS	Joe SMT	22
14	Annual Town Meeting - Warrant	Consider by-law change for delivery of warrant.		Norman & Joe	Suzie	
<b>SECTION 2: PRELIMINARY PLANNING AND ZONING GOALS</b>						
15	Center Diversity & Article 53 Bank Moratorium	Complete review of "Bank Moratorium" with Planning Board & Center Committee to craft a policy / zoning changes for the Center w.r.t. businesses that more directly operate like offices rather than consumer engaging retail. Develop plan that is property owner friendly for limiting the number of banks and other non merchandising uses of ground floor CB spaces.		Joe & Michelle	Michelle, Norman	10
16	Affordable housing/Housing Production Plan	Affirm commitment to tracking growth of market-rate housing with 10% growth in affordable housing; develop plan for creating a "pipeline" for new housing units. Explore mechanisms to entice development of senior housing. Do this in cooperation with Planning Board's re-consideration of the Comprehensive Plan. CPC funding for community housing - Leary, new site.		Planning Board has a working group	Joe CEC, LHP	3, 9, 19, 20
18	Street Level Zoning	Explore limitations on types of storefront / street level options.	Develop policies on how to make Lexington Center more business-friendly	Joe & Michelle	Joe, Peter, PB	10
19	Revisit institutional use zoning bylaw proposal	Provide direction, feedback and support to the Planning Board.			Michelle	
20	Parking requirements in zoning bylaw	Provide direction, feedback and support to the PB regarding parking requirements. Continue Center parking management initiative.			Michelle, Norman, PB	10
<b>SECTION 3: OTHER GOALS DISCUSSED</b>						
21	Business Growth	Actively seek out and support growth opportunities in all business zones.			Peter PC	11
22	Tourism	Begin transition to staff-run programs.		No further action needed, provide status report to BOS	Joe TC	14
23	Business incubators	Research what other communities may offer to the private sector and consider creating a space that would foster innovation in one of our vacant buildings.	Develop policies that could translate into an RFP for vacant building reuse by private sector at minimal cost.	EDAC	Michelle	

## Board of Selectmen Preliminary Goals Framework for FY2016-17

	<b>Topic Areas</b>	<b>Proposed Selectmen Goals</b>	<b>Proposed Selectmen Policies</b>	<b>Selectmen Lead &amp; Follow-up</b>	<b>Original Source</b>	<b>Doc #</b>
24	<b>Public Transportation Use</b>	Encourage ride sharing of shuttle buses, public transit and private services to connect to our business district. Continue efforts to expand school bus ridership.		Monitor Only	Peter TAC	13
25	<b>Property Taxes</b>		Avoid operating overrides		Peter	
26	<b>Enrollment Growth and School Budgets</b>	Hold expense growth in anticipation of greater pressure on operating budget as school enrollment grows.		Peter & Norman to take the lead on Minuteman HS initiative	Joe SC	
27	<b>Long-term capital spending plan</b>	Understand the capital needs of the building program and correlate with existing debt-service schedule; understand competing needs for funds.		Underway CEC & Finance Department	Joe, Michelle, Norman CEC	3
28	<b>School Building Project</b>	Develop a responsible project to address needs without overbuilding. Review all existing space.		On-going process - Consensus plan underway	Peter SC	12
29	<b>Battle Green Master Plan and Visitor Center</b>	Complete Battle Green plan and integrate with Center Streetscape. Complete the design, build and funding for the Visitors Center project.		Underway, contract in place	TC	14
30	<b>Vacant Buildings</b>	Develop plan for reuse of vacant buildings: Ellen Stone, Hosmer, and Muzzey Condo in the near term, Carriage House in the long term.		Peter, Norman, (Michelle help with drafting RFP)	Michelle, Norman LCA	8
31	<b>Tear-down housing phenomenon</b>	Consider review of mansionization in Lexington.		No further action	Peter	
32	<b>Conservation Land management</b>	Support implementation of plans for Leary, Cotton, Wright properties.		Possible budget item for FY17	CC	2
33	<b>Stormwater bylaw</b>	Adopt regulations for enforcement of stormwater bylaw.		Staff - underway, final regulations in process	PB	10
34	<b>Board Effectiveness</b>	Evaluate how to be strategic about work plan, and work collaboratively to advance complex projects and how we can better support staff efforts.		Michelle & Joe will develop a project plan for goal setting & on-going work of the Board	Michelle	
35	<b>Annual Town Meeting - Public Presentation</b>	Consider standard presentation format, timelines for review by BOS, TM and BOS role as champion. Build on progress we began this year.		Staff assigned to work on this initiative	Suzie	
36	<b>Wireless communication</b>	Explore greater use of Town property for wireless communications.	Consider policies and regulations affecting service providers' ability to construct or augment facilities	CAC will continue to work on this initiative	CAC	1
37	<b>Community Preservation Committee Strategy</b>	Work with CPC to update its long term vision for use of funds with an eye towards how the Town can be supporting CPA initiatives.	Set policies & procedures for providing adequate staff support to advance complex CPA projects.	Norman & Michelle	Michelle CEC	3
38	<b>Shared Vision</b>	Board's articulation of its vision for Lexington (modeled on 20/20 Vision and Comprehensive Plan)		no further action	Joe	
39	<b>Annual Town Meeting - Position Report</b>	Consider providing a BOS position report on Town Meeting Articles.		Maintain past practices - no further action	Suzie	
40	<b>ATM - Article 44 Resolution Fossil Fuel</b>			Underway - Finance, AC with the pension board	ATM	

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Request Joint Meeting with the Planning Board on Work Programs (5 or 30 min.)

### **PRESENTER:**

Joe Pato

### **ITEM NUMBER:**

I.5

### **SUMMARY:**

During Goal Setting, the Selectmen identified several areas of priority concern that relate to the Planning Board. These include:

- Institutional Use Zoning Bylaw
- Center Diversity
  - Article 53 Bank Moratorium
  - Street level storefront use
- Affordable Housing and Housing Diversity
- Parking requirements in Zoning Bylaw

Members of the Planning Board as well as Selectmen have suggested that the two boards meet in joint session to address these issues.

**NOTE: discussion of this item may be abbreviated and continued to the next meeting should the agenda be running long.**

### **RECOMMENDATION / SUGGESTED MOTION:**

Motion to authorize the chair to formally request joint meeting(s) of the Board of Selectmen and Planning Board to address policy issues.

### **FOLLOW-UP:**

**DATE AND APPROXIMATE TIME ON AGENDA:**

7/27/2015

9:05 PM



# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Discussion of BSC Contract for Massachusetts Avenue Intersection Project (10 min.)

### **PRESENTER:**

Norman Cohen

### **ITEM NUMBER:**

I.6

### **SUMMARY:**

The attached contract is scheduled to be signed shortly by the Town Manager. Does the Board have any comments on the proposed contract.

Note: Acting on the advice of the State Ethics Commission, Selectman Pato - whose property directly abuts this project - will recuse himself from this item.

### **RECOMMENDATION / SUGGESTED MOTION:**

### **FOLLOW-UP:**

### **DATE AND APPROXIMATE TIME ON AGENDA:**

7/27/2015

9:35 PM

### **ATTACHMENTS:**

Description	Type
<input type="checkbox"/> MassDOT Scope of Work for Massachusetts Avenue Project	Backup Material
<input type="checkbox"/> Termination Clause	Backup Material

**SCOPE OF WORK**  
**FOR**  
**Massachusetts Avenue Reconstruction**  
**Lexington, MA**

**MassDOT Project File Number: 607409**

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
HIGHWAY DIVISION  
(Scope of Work Format)**

**SECTION 150 ENVIRONMENTAL**

**179 WPA Notice of Intent (NOI)**

BSC Group will prepare and submit an NOI to the local conservation commission in accordance with the WPA. Tasks include preparation of all associated forms and backup documentation; permit plans, coordination during review, site walks, and attending conservation commission hearings.

*The following meetings are assumed:*

- 1 – Site Walk meeting*
- 2 – Evening Meetings with the Conservation Commission.*

**SECTION 400 75% HIGHWAY DESIGN SUBMISSION**

**401 Response to 25% Comments**

BSC Group will prepare a formal written response to all comments received regarding the 25% review and address revisions stemming from the Design Public Hearing that MassDOT and the Town of Lexington deem necessary.

**402 Field Reconnaissance**

BSC Group will conduct a field review of the proposed project interface with adjacent properties, streets, drives, drainage, utilities, wetlands, etc, based on comments received at the Public Hearing and through the design process.

**403 Meetings Liaison and Coordination**

BSC Group will prepare for, attend and prepare meeting notes for meetings and provide the liaison necessary to advance the design of the project. BSC Group will coordinate and attend meetings with MassDOT's Boston and District Offices, the Town of Lexington officials and public meetings as scheduled.

*The following meetings are assumed:*

- 3 - Meetings with MassDOT (Includes Boston and District Personnel)*
- 3 – Meetings with the Town of Lexington Engineering Department*

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
HIGHWAY DIVISION  
(Scope of Work Format)**

*3 – Meetings with Lexington Residents. These meetings could include: Meetings with abutters and property owners, public meetings to inform about the project status, and a meeting with the Board of Selectmen or other Board/Department.*

*All meetings are assumed to be 4-6 hours with preparation, meeting time and preparing meeting minutes.*

**404 Utility Coordination**

BSC Group will contact utility companies affected by the proposed work. Discuss project impacts and note the locations of relocated utilities (poles, pipes, etc.) on the plans. Include estimate and special provisions for publicly owned utility work that is to be performed by the construction contractor.

**405 Final Horizontal Design Geometrics**

BSC Group will adjust the horizontal geometry based on the 25% review comments and comments stemming from the Design Public Hearing. The plans will clearly show all aspects of the horizontal geometry, including curve components such as Point of Curvature (PC), Radius (R), DELTA, Length of Curve (L), Tangent (T) and Point of Tangency (PT) along with a description of roadway widths, station equations and horizontal offsets between survey baseline and design centerline.

**406 Final Vertical Design Geometrics**

BSC Group will adjust the vertical geometry based on 25% review comments and comments stemming from the Design Public Hearing. Plans will clearly show all pertinent aspects of the vertical geometry including Stopping Sight Distance (SSD), Passing Sight Distance (PSD), Grade 1 (G1), Grade 2 (G2), Length of Vertical Curve (L), K (factor), station and elevation of Point of Vertical Curvature (PVC), Point of Vertical Tangency (PVT) and Point of Vertical Intersection (PVI). Profiles will be prepared in accordance with the Guidebook.

**407 Pavement Design**

BSC Group will respond to the Pavement Design Engineer's review comments and prepare a detailed pavement design with updated data sheets, per the Guidebook.

**408 Typical Cross Sections**

BSC Group will finalize the typical cross sections ensuring that materials and dimensions are clearly labeled in accordance with the proposed pavement structure approved by the Pavement Management Section.

**409 Plot Cross Sections**

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
HIGHWAY DIVISION  
(Scope of Work Format)**

BSC Group will adjust cross sections to ensure that the slope limits and treatments of each cross section are crafted to suit the specific site locations. Individual cross sections will be evaluated regarding, gravel box detail, pay limits, sidewalk accommodation, driveways and the need for subdrains and retaining walls.

**410 Plot Proposed Layout and Easements**

BSC Group will adjust the plans based on the limits establish by the final cross sections to ensure that adequate right of way is available to perform the work. Existing layout lines, proposed alterations and any temporary or permanent easements will be clearly labeled.

**411 Construction Plans**

BSC Group will prepare the Construction Plans in accordance with the Guidebook. Each item of work within the project limits will be clearly labeled. Drawings will be formatted as described in the Guidebook.

**412 Grading and Tie Plans**

BSC Group will prepare grading and tie plans as applicable showing detailed information regarding proposed curve geometry and grades.

**413 Drainage and Water Supply Details**

BSC Group will clearly show all existing and proposed drainage installations. The drainage design will address all work required to accommodate the proposed roadway improvements. The work is assumed to include the adjustment of structures and the relocation of existing structures to accommodate the relocation of the new curbline. It is also assumed there will be some new structures to accommodate some of the relocations and simplify the existing drainage system.

**414 Traffic Signs**

BSC Group will identify locations for all warning, regulatory and route marker signs and indicate on the construction plans the status of existing sign structures.

**415 Guide Sign Design and Overhead Directional (OD) Elevations**

*No hours included for this task.*

**416 Traffic Signals and Plan Preparation**

BSC Group will include designs for traffic signal installations, supports, and foundations; develop traffic signal specifications; finalize the phasing details and prepare the traffic signal plans.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
HIGHWAY DIVISION  
(Scope of Work Format)**

**417 Pavement Markings and Plan Preparation**

BSC Group will design and layout the roadway pavement markings for the stop lines, cross walks, parking stalls and bike lanes and prepare pavement marking plans.

**418 Traffic Management**

BSC Group will finalize the construction staging and prepare the temporary traffic control construction plans in accordance with the MUTCD such that sufficient information is provided to demonstrate a feasible means of constructing the project. The level of detail shall recognize that the actual traffic management plan implemented by the contractor may vary from that shown on the plans. A more definitive estimate for the use of police/flaggers will be made based on the finalization of the traffic control plans/traffic management plans.

**419 Highway Lighting Plans and Details**

*No hours included for this task.*

**420 Landscaping and Plan Preparation**

BSC Group will finalize planting locations and species based on review comments. Develop planting schedules and tabulate relevant data. The Landscape Plans will be limited to new tree plantings and grass areas along Mass Avenue.

*Hours are not included for extensive plans for the reuse of the proposed "Green Spaces" at the intersections of Mass Ave and Pleasant St or Mass Ave and Maple St.*

**421 Erosion Control**

BSC Group will detail the sequencing, material placement and measures to control the potential damage to adjacent properties, wetlands, bodies of water, etc. Include erosion control measures in the plans.

**422 Miscellaneous Contract Plans**

BSC Group will prepare miscellaneous full size drawings for presentation of the proposed project. These shall include the following miscellaneous contract plans, as required: Title Sheet, Index, Key Plan, Boring Plans, Boring Logs, Typical Sections, and Special Details.

**423 Quantity & Cost Estimate (Weighted Average Bid Application)**

BSC Group will prepare a detailed estimate using MassDOT's Weighted Average Bid Application (WABA). Also prepare a calculation book based on the latest edition of the Standard Nomenclature. Check that every item of work shown on the plans has a pay item.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
HIGHWAY DIVISION  
(Scope of Work Format)**

**424 Special Provisions**

BSC Group will prepare draft special provisions based on the latest edition of the Standard Specifications for Highways and Bridges and Supplemental Specifications, and verify that every item in the estimate that is listed in the Standard Nomenclature with an asterisk (\*) has a special provision. BSC Group will ensure that special provisions are drafted only when absolutely necessary to describe a specific or unique activity to be performed by the contractor.

**425 Constructability and Quality Control (QC) Reviews**

BSC Group will perform an independent review of the project using an experienced engineer, who is not directly involved in the preparation of the contract documents. The review shall focus on the practicality of constructing the project based on access to site, equipment needs, material properties, etc. Also provided is an overall review of the plans, specifications and estimate for conformity to the Guidebook, the Standard Specifications for Highways and Bridges, the latest Supplemental Specifications, the Construction and Traffic Standard Details, and the latest Engineering and Policy Directives.

**426 Submission Check List**

BSC Group will prepare and submit the 75% Design Check List.

**427 Bottom Up Estimate and Reconciliation (if required)**

*No hours included for this task.*

**428 Construction Contract Time Determination**

*No hours included for this task.*

**429 Incentives/Disincentives with Road User Calculation**

*No hours included for this task.*

**SECTION 450 100% HIGHWAY DESIGN SUBMISSION**

**451 Respond to 75% Comments**

BSC Group will prepare a formal written response to all comments received regarding the 75% review.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
HIGHWAY DIVISION  
(Scope of Work Format)**

**452 Finalize Plans**

BSC Group will prepare a set of plans addressing all comments received from the 75% review. And ensure that the plans are clear and prepared in accordance with Chapter 2 of the Guidebook.

**453 Finalize Special Provisions**

BSC Group will review the special provisions to ensure that they do not duplicate those with respect to Division I of the Standard Specifications. Review the Method of Measurement and Basis of Payment for every item in order to ensure that the special provisions are clearly defined and not ambiguous.

**454 Finalize Quantity and Cost Estimate (W.A.B.A. & Calculation Book)**

BSC Group will prepare Detail Sheets, Quantity Sheets, and a Cost Summary Sheet. Finalize the calculation book in accordance with Chapter 18 of the Guidebook. Prepare calculations for all items of work that have a pay item. Identify any non-participating work. The estimate submitted shall be prepared using MassDOT's Weighted Average Bid Application (WABA).

**455 Quality Control (QC) Review**

BSC Group will perform an independent review of the project using an experienced engineer, who is not directly involved in the preparation of the contract documents to perform an independent review of the project. Refer to the MassDOT web site for the latest edition of all reference documents, Engineering Directives and Policy Directives. Verify that the plans, specifications and estimate are prepared in accordance with these documents.

**456 Submission Check List**

BSC Group will prepare and submit the 100% Highway Design Check List.

**457 Bottom Up Estimate and Reconciliation (if required)**

*No hours included for this task.*

**458 Construction Contract Time Determination**

*No hours included for this task.*

**459 Incentives/Disincentives**

*No hours included for this task.*

**460 Meetings Liaison and Coordination**



**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
HIGHWAY DIVISION  
(Scope of Work Format)**

BSC Group will prepare for, attend and prepare meeting notes for meetings and provide the liaison necessary to advance the design of the project. BSC Group will coordinate and attend meetings with MassDOT's Boston and District Offices, the Town of Lexington officials and public meetings as scheduled.

*The following meetings are assumed:*

*2 - Meetings with MassDOT and/or the Town of Lexington Engineering Department*

*All meetings are assumed to be 4-6 hours with preparation, meeting time and preparing meeting minutes.*

**SECTION 500 RIGHT OF WAY**

**501 Preliminary Right of Way Plans**

BSC Group will review the relationship between the limits of work necessary to satisfactorily construct the proposed improvements and the existing layout. Determine appropriate limits of temporary easements, etc. Prepare Preliminary Right of Way Plans in accordance with Chapter 18 of the Guidebook. The Right of Way Plans include Title Sheet, Typical Sections, Parcel Summary Sheet, Location Maps and Property Plan Sheets.

**502 Temporary Easement Plans and Rights-of-Entry**

BSC Group shall prepare Temporary Easement Plans and Rights-of-Entry plans/descriptions based on the approved Preliminary Right of Way Plans. The plans shall show lengths and bearings of all lines and calculate areas. The Plans shall be prepared in accordance with the Town of Lexington's requirements and shall include the proposed layout lines, property lines, corner markers, names of property owners, parcels to be taken, access and non-access points and the locations of all bounds.

**503 Written Instrument**

BSC Group will prepare the Written Instrument for the properties along Maple Street where Permanent Easements are assumed to be required to accommodate the design of a bicycle/pedestrian path to connect to the Minuteman Bike Trail. It is assumed that four (4) properties will require Permanent Easements. The Written Instrument shall be carefully checked against the Easement Plans

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
HIGHWAY DIVISION  
(Scope of Work Format)**

**504 Permanent Easement Plans**

BSC Group will prepare Permanent Easement Plans for the properties along Maple Street where Permanent Easements are assumed to be required to accommodate the design of a bicycle/pedestrian path to connect to the Minuteman Bike Trail. It is assumed that four (4) properties will require Permanent Easements. The final approved plans will be recorded at the Registry of Deeds.

**SECTION 600 GEOTECHNICAL DESIGN**

**601 Research Available Subsurface Data**

*No hours included for this task.*

**602 Field Reconnaissance**

BSC Group will conduct a field inspection at the project site to view site conditions, consider existing and proposed substructures, foundation elements, and assess requirements for the subsurface investigation plan.

**603 Subsurface Investigation Plan**

BSC Group will prepare a subsurface investigation plan (boring, location, depth, etc.) in accordance with MassDOT standards. BSC Group will also prepare the specifications and estimates for the boring sub-contractor who will be paid with direct expenses.

**604 Subsurface Investigation Inspection**

BSC Group will conduct on-site inspections during subsurface operations. Follow inspection procedures, coordinate activities between the sub-contractor and the Town, and verify and record quantities for records and payment.

**605 Office Studies, Analysis and Testing**

*No hours included for this task.*

**606 Geotechnical Report**

*No hours included for this task.*

**607 Meetings, Reviews and Liaisons**

*No hours included for this task.*

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
HIGHWAY DIVISION  
(Scope of Work Format)**

**608 Plans, Specifications and Estimates**

*No hours included for this task.*

**SECTION 800 PS&E SUBMISSION**

**801 Respond to 100% Comments**

BSC Group will prepare a formal written response to all comments received regarding the 100% review.

**802 Finalize Plans, Specifications and Estimate**

BSC Group will ensure that all comments from 100% review are addressed and reflected in the contract documents.

**803 Prepare Detail Sheets**

BSC Group will prepare Detail Sheets in accordance with Chapter 13 of the Guidebook. All items of work not adequately reflected on the plans are to be described in the Detail Sheets.

**804 Combine Highway and Bridge**

*No hours included for this task.*

**805 Quality Control (QC) Review**

BSC Group will have an experienced engineer who is not directly involved in the preparation of the contract documents perform an independent review of the project. Log on to the MassDOT website for the latest reference documents such as Engineering Directives and Policy Directives, and verify that the Plans, Specifications and Estimate are prepared in accordance with these documents. BSC Group will also review all environmental permits and ensure that the contract documents provide a means of compensating the construction contractor for performing work described in the permits.

**806 Finalize Bottom Up Estimate and Estimate Reconciliation (if required)**

*No hours included for this task.*

**807 Finalize Construction Contract Time Determination**

*No hours included for this task.*

**808 Finalize Incentives/Disincentives**

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
HIGHWAY DIVISION  
(Scope of Work Format)**

*No hours included for this task.*

**809 Meetings Liaison and Coordination**

BSC Group will prepare for, attend and prepare meeting notes for meetings and provide the liaison necessary to advance the design of the project. BSC Group will coordinate and attend meetings with MassDOT's Boston and District Offices, the Town of Lexington officials and public meetings as scheduled.

*The following meetings are assumed:*

*2 - Meetings with MassDOT and/or the Town of Lexington Engineering Department*

*All meetings are assumed to be 4-6 hours with preparation, meeting time and preparing meeting minutes.*

**SECTION 900 CONSTRUCTION ENGINEERING**

**901 Pre-Bid Services**

BSC Group will review and respond to inquiries from MassDOT related to the bid documents and provide written responses to contractor's questions.

**902 Pre-Construction Conference**

BSC Group will attend the Pre-Construction Conference. Answer questions and prepare minutes of the meeting.

**903 Highway Shop Drawings and Signal Permit**

BSC Group will review traffic signal shop drawings, including foundations and supports; and perform an operational site inspection.

**906 Furnishing Advice and Field Visits**

BSC Group will provide assistance to MassDOT in interpreting the contract documents. Conduct field visits to the project site during construction as requested by the Town of Lexington /Resident Engineer to provide consultation on design intent, assistance in addressing unforeseen conditions and/or similar matters. Attend periodic status and coordination meetings as determined by complexity of the project.

### 2.3 - Termination of the Contract

The Town, on written notice, may suspend, postpone, abandon or terminate this contract or any part thereof, and such action shall in no event be deemed a breach of contract. Such suspension, postponement, abandonment or termination may come about for the convenience of the Town of as a result of the Consultant's failure to render to the satisfaction of the Town the services required of it under this Contract, including the program of work of such services. Upon receipt of written notification from the Town that the Contract, or any part thereof, is to be terminated, the Consultant shall immediately cease operations on the work stipulated, and shall assemble all material that has been prepared, developed, furnished or obtained under the terms of the Contract that may be in its possession, or custody, and shall transmit the same to the Town on or before the fifteenth day following the receipt of the above written notice of termination, together with its elevation of the cost of the work performed. The Consultant shall be entitled to just and equitable payment for any uncompensated work satisfactory performed prior to such notice.

The Town Engineer shall determine the amount of acceptable work performed by the Consultant under this Contract. The Town Engineer's evaluation shall be used as a basis to determine the amount of compensation due to the Consultant for this work, provided it shall be made in good faith and supported by substantial evidence.

In determining the value of the work performed by the Consultant prior to termination, no consideration will be given to profit, which the Consultant might have reasonably expected to make on the uncompleted portion of the work.

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Consider HOME Funded Tenant-Based Rental Assistance Program (15 min.)

### **PRESENTER:**

Carl F. Valente, Town Manager

### **ITEM NUMBER:**

I.7

### **SUMMARY:**

The Town of Lexington is currently in a regional affordable housing consortium, receiving approximately \$34,600 per year in federal HOME funds. Given the limited amount of this grant, the Town has had few opportunities to expend these funds. They have gone, therefore, to other members of this consortium.

The Town's Regional Housing Service Office has suggested that the Board consider using HOME funds for a tenant-based rental assistance program, to assist those very low income families with financial assistance by way of a rental subsidy. (see attached memorandum)

If the Board is interested in pursuing this program, a public hearing would need to be scheduled to amend the HOME Annual Action Plan.

### **RECOMMENDATION / SUGGESTED MOTION:**

If the Board wishes to pursue this program, it should authorize staff to schedule a public hearing at a subsequent Selectmen's meeting to amend the HOME Annual Action Plan.

### **FOLLOW-UP:**

RHSO, should Board wish to pursue.

### **DATE AND APPROXIMATE TIME ON AGENDA:**

7/27/2015

9:45 PM

### **ATTACHMENTS:**

## Description

📄 Program Summary from Regional Housing Services Office

## Type

Backup Material



## Regional Housing Services Office

*Serving Acton, Bedford, Burlington, Concord, Lexington, Sudbury and Weston*

141 Keyes Road  
Concord MA 01742  
(978) 287-1090

[info@RHSOhousing.org](mailto:info@RHSOhousing.org)

Date: July 23, 2015  
To: Carl Valente  
From: Liz Rust  
CC: Aaron Henry  
RE: Lexington HOME-funded Tenant Based Rental Assistance Program (TBRA)

Carl,

We are exploring implementing a rental assistance program with the Town's HOME funds, modeled after a similar program in Waltham.

In this program, the Town of Lexington would offer rental assistance to income qualified residents, providing assistance in the form of up to two month's rent, possibly to include security deposits, with the intention of assisting households in obtaining and retaining permanent housing, helping to reduce and eliminate housing barriers.

The program is designed to meet HOME Program requirements and will utilize Lexington's annual HOME Program Allocation, currently \$34,600. With an estimated budget of \$4,000 per case, this may translate to approximately 8 cases per year. The assistance provided is in the form of a grant, with no repayment due to the Town or the Consortium.

From a detail perspective, the Program will serve low income (60% AMI) households with the rent subsidy for apartments that are available at affordable rent limits. These apartments must pass housing quality standards and must be rented at low, affordable rents. The Program will be used for units that are already restricted as affordable (Avalon for example). At Avalon, where tenants first move in they pay first month rent, a security deposit of \$500-\$700 and no last month rent.

This is an appropriate use of HOME funds, and allows Lexington to expend their funds in the community in the 15 month 'exclusive use period', after which the funds transfer to the Consortium-level pool.

This program requires approval from the Selectmen (as it is a substantial change to the Annual Action Plan) with a public hearing. We are prepared to implement the program in the fall providing the Town approves the plan this summer.

Thank you,

Elizabeth Rust



# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Review Draft Charge for Community Center Advisory Committee (5 min.)

### PRESENTER:

Carl F. Valente, Town Manager

### ITEM NUMBER:

I.8

### SUMMARY:

With the opening of the Community Center and conclusion of the work by the Ad hoc Community Center Advisory Committee (AdhocCCAC), staff and the Governance Sub-Committee of the AdhocCCAC recommend that the Board of Selectmen create a Community Center Advisory Committee to advise the Town Manager and Board of Selectmen on:

- Community Center programming by Town departments;
- Community use of the building; and
- Building use prioritization.

### RECOMMENDATION / SUGGESTED MOTION:

None at this time.

### FOLLOW-UP:

Integrate Selectmen's comments on the draft charge; identify potential Committee members; return to subsequent Selectmen's meeting to vote the Committee charge and appoint members.

### DATE AND APPROXIMATE TIME ON AGENDA:

7/27/2015

10:00 PM

### ATTACHMENTS:

Description	Type
 Draft Committee Charge	Backup Material

## Lexington Community Center Advisory Committee

Members:	7
Ex-Officio Members:	3
Appointed by:	Town Manager with Board of Selectmen's approval
Length of Term:	2 years
Appointments Made:	September 30
Meeting Times:	Monthly or as needed

Description: To provide guidance to the Town Manager and Director of Recreation and Community Programs in the areas of programming, community use of the building, and building-use prioritization. To promote collaboration and communication among the Community Center stakeholders in order to provide a comprehensive and integrated array of community programs.

Criteria for Membership: Two (2) at-large community members, member or designee of the School Committee, the Recreation Committee, the Council on Aging, the Youth Service Council, and Cary Memorial Library. Initial Chair appointment made by Town Manager.

Ex-Officio Members/Staff: The Director of Recreation and Community Programs the Human Services Director and the Community Center Director are ex-officio nonvoting members and their staff shall support, at their direction, this committee.

Liaison: Historical Society, Board of Selectmen

Prior to serving as a member of this Committee, appointees are required to:

1. Acknowledge receipt of the Summary of the Conflict of Interest Statute. Further, to continue to serve on the Committee, the member must acknowledge annually receipt of the summary of the Conflict of Interest Statute. Said summary will be provided by, and member's acknowledgement shall be sent to, the Town Clerk.
2. Provide evidence to the Town Clerk that the appointee has completed the on-line training requirement required by the Conflict of Interest Statute. Further, to continue to serve on the Committee, the member must acknowledge every two years to the Town Clerk completion of the on-line training requirement.

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Review Waxy O'Connor's Request to Remain Open Later on August 1 (10 min.)

### PRESENTER:

Joe Pato

### ITEM NUMBER:

I.9

### SUMMARY:

The Manager for Waxy's has requested permission to remain open until 1:00 AM on Sunday, August 2 to allow patrons to watch a UFC Title fight late on August 1. Their current liquor license allows them to serve liquor until 12:00 midnight. Their common victualler license lists 11:00 a.m. to 12:00 midnight as their hours of operation.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to (approve)(not approve) the request of Waxy O'Connor's to remain open until 1:00 AM on August 2, 2015.

### FOLLOW-UP:



Selectmen's Office

### DATE AND APPROXIMATE TIME ON AGENDA:

7/27/2015

10:05 PM

### ATTACHMENTS:

Description	Type
 Email Request	Backup Material
 Code of Lexington - Hours of Service	Backup Material

---

**From:** Lynne Pease  
**Sent:** Monday, July 13, 2015 9:16 AM  
**To:** Mark Corr; Carl Valente  
**Subject:** FW: one day extention

Please let me know if there are reasons the Board should not consider this request for Waxy's to remain open until 1 AM on Saturday, August 1. Thanks!

*Lynne A. Pease*  
Selectmen's Office  
Town of Lexington  
1625 Massachusetts Avenue  
Lexington, MA 02420  
email [selectmen@lexingtonma.gov](mailto:selectmen@lexingtonma.gov)  
phone 781-698-4580  
fax 781-863-9468

**From:** Doug Carcione [<mailto:doug@waxyspubgroup.com>]  
**Sent:** Sunday, July 12, 2015 10:00 AM  
**To:** Lynne Pease  
**Subject:** Re: one day extention

Hello Lynne, can i put in for extension for Aug 1st till 1am i know the meeting is on the 13th and want to be proactive another ufc title fight and may run over thank you let me know if you need anything from me please.

thanks in advance

Doug

On Mon, Jul 6, 2015 at 11:39 AM, Lynne Pease <[LPEASE@lexingtonma.gov](mailto:LPEASE@lexingtonma.gov)> wrote:

Mr. Carcione,

I checked with the Town Manager and the Chair of the Board of Selectmen. Unfortunately there is no way to approve your request to remain open until 1 AM on Sunday, 7/12. The Board does not meet until July 13 and the Town Manager does not have any authorization to approve extending liquor hours, except for New Year's Eve.

You will have to make sure that liquor is not served after 12 midnight. If you have any questions, please contact me.

*Lynne A. Pease*

Selectmen's Office

Town of Lexington

1625 Massachusetts Avenue

Lexington, MA 02420

email [selectmen@lexingtonma.gov](mailto:selectmen@lexingtonma.gov)

phone [781-698-4580](tel:781-698-4580)

fax [781-863-9468](tel:781-863-9468)

**From:** Doug Carcione [mailto:[doug@waxyspubgroup.com](mailto:doug@waxyspubgroup.com)]

**Sent:** Sunday, July 05, 2015 5:40 PM

**To:** Lynne Pease

**Subject:** one day extention

hello Lynne last week i sent an email to Diana asking how i go about getting extension to my licenses we want to show the ufc match on Saturday and need to extend an hour to 1am. i have not heard from her in regards to process. i know it was short notice but if match goes late i do not want to be in violation and or anger guests if its not over and have to disband. please reply back to me as soon as you get this so we can try and make this happen.

thank you for your help in this matter

--

Douglas Carcione

General Manager

Waxy O'Connor's

94 Hartwell Ave.

Lexington, MA 02421

[www.waxys.com](http://www.waxys.com)

--

Douglas Carcione  
General Manager  
Waxy O'Connor's  
94 Hartwell Ave.  
Lexington, MA 02421  
[www.waxys.com](http://www.waxys.com)

*Town of Lexington, MA*

*Friday, July 24, 2015*

## Chapter 187. SELECTMEN, BOARD OF

### Article II. Alcoholic Beverage Licenses for Restaurants

#### § 187-10. Hours of service.

[Amended 3-15-2010]

- A. Unless the Board of Selectmen elects to reduce such hours as a condition of a license, the hours for serving alcoholic beverages shall not exceed the following:
- (1) 11:00 a.m. to 12:00 midnight, seven days a week.
  - (2) Restaurants may serve alcoholic beverages past 12:00 midnight on New Year's Eve until 1:00 a.m. on January 1, subject to a written request to and the prior approval in writing from the Town Manager. In determining whether to approve such request, the Town Manager shall take into consideration any objections or complaints concerning club operations that may have been received by the Town or the Town police.
- B. The hours during which sales of alcoholic beverages may be made in a restaurant are further limited to the times when the dining room is open and food service is available. No alcoholic beverages shall be sold or served in a restaurant before it is open and food service is available, nor after the restaurant has been closed or food service has ended. "Food service" is defined as the service of any food, including appetizers, desserts and snacks.

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Selectmen Resignation/Appointment - Arts Council and Noise Advisory Committee (5 min.)

### **PRESENTER:**

Joe Pato

### **ITEM NUMBER:**

I.10

### **SUMMARY:**

#### Council for the Arts

Mr. Pronchick has submitted his resignation.

#### Noise Advisory Committee

Selectmen Pato and Cohen interviewed Elizabeth Rozan and recommend she be appointed to the Noise Advisory Committee.

### **RECOMMENDATION / SUGGESTED MOTION:**

Motion to accept the resignation of Matthew Pronchick from the Council for the Arts, effective immediately.

Motion to appoint Elizabeth Rozan to the Noise Advisory Committee for a term to expire September 30, 2017.

### **FOLLOW-UP:**

Selectmen's Office

### **DATE AND APPROXIMATE TIME ON AGENDA:**

7/27/2015

10:15 PM



## ATTACHMENTS:

Description	Type
📎 Email Resignation from Pronchick	Backup Material
📎 Current Arts Council Members	Backup Material
📎 Elizabeth Rozan Application-Noise Committee	Backup Material
📎 Current Noise Advisory Committee Members	Backup Material

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Town Manager Appointments - Council on Aging and Permanent Building Committee (5 min.)

### PRESENTER:

Carl F. Valente, Town Manager

### ITEM NUMBER:

I.11

### SUMMARY:

Dr. Harry Allan Mackay has been with the Council on Aging since 2012. Dr. Mackay is current with his Ethics Commission training. Carl Oldenburg has been on the Permanent Building Committee since 2007. Mr. Oldenburg is current with his Ethics Commission training.

### RECOMMENDATION / SUGGESTED MOTION:

Move to approve the Town Manager's reappointment of Dr. Harry Allan Mackay as a member of the Council on Aging and Carl Oldenburg as a member of the Permanent Building Committee.

### FOLLOW-UP:

Town Manager's Office will send reappointment letters.

### DATE AND APPROXIMATE TIME ON AGENDA:

7/27/2015

10:20 PM

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Dr. Mackay Reappointment Application	Backup Material
<input type="checkbox"/> Carl Oldenburg Reappointment Application	Backup Material

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Future Meetings (5 min.)

### **PRESENTER:**

Joe Pato

### **ITEM NUMBER:**

I.12

### **SUMMARY:**

For review, attached are calendars for August through December showing all the meetings and vacations I know about. Let me know if we are missing meetings or if any of the information is incorrect.

It would be helpful to schedule Selectmen meetings through December also. See proposed dates on the calendar.

I have tried to categorize the calendars with color:

- BOS Meetings - blue
- Summits - orange
- Public Meetings - purple
- Events - Red
- STM - yellow
- Vacations/holidays - green

If anything is incorrectly categorized, let me know.

### **RECOMMENDATION / SUGGESTED MOTION:**

### **FOLLOW-UP:**

Selectmen's Office

### **DATE AND APPROXIMATE TIME ON AGENDA:**

7/27/2015

10:25 PM

**ATTACHMENTS:**

Description

Type

📅 Calendars for August through December 2015

Cover Memo





# October 2015

October 2015						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November 2015						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	Notes
Sep 27	28	29	30	Oct 1	2	3	
4	5 BOS-Proposed	6	7 7:30pm Lex Community Coalition (St. Brigid)	8 GCC-MAPC REVIEW ACROSS 7:00pm Summit 1-Proposed Date	9	10	
11	12	13	14 5:00pm Lex Eat Together - 1st Meal (Church) 7:00pm Mass. Avenue Intersection	15 7:00pm Mass. Avenue Intersection Project (High School Auditorium)	16	17 Community Center Ribbon Cutting (Community Center)	Notes
18	19 BOS-Proposed	20	21	22	23	24 Cary Memorial Building Ribbon Cutting 6:00pm Dance Around World (Lex HS)	
25	26	27	28	29	30	31	







# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Approve Water and Sewer Commitments and Adjustments

### PRESENTER:

William P Hadley, Director of Public Works

### ITEM NUMBER:

C.1

### SUMMARY:

Adjustments of Water and Sewer charges as recommended by WSAB	(\$ 26,412.73)
Commitment of Water and Sewer June 2015 Finals	\$ 13,371.97
Commitment of Water and Sewer Cycle 9	\$ 342,885.55

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the Water and Sewer commitments and adjustments as noted above.

### FOLLOW-UP:

Revenue Officer

### DATE AND APPROXIMATE TIME ON AGENDA:

7/27/2015                      10:30 PM

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Water-Sewer Adj & Commitments	Backup Material





**FY2015  
ADJUSTMENTS TO WATER/SEWER  
AS RECOMMENDED BY THE WATER AND SEWER ABATEMENT BOARD**

**PAGE 2 OF 2**

ACCOUNT	NBR	STREET	WATER	SEWER	TOTAL	BILL	YEAR
Carried over from Page 1			(\$4,959.86)	(\$21,452.87)	(\$26,412.73)		
			(\$4,959.86)	(\$21,452.87)	(\$26,412.73)		

It is further recommended to waive all accumulated interest on disputed bills for which no abatement is recommended:

ACCOUNT	NBR	STREET	WATER	SEWER	TOTAL	BILL	YEAR
0300955202	5	Barberry Road				811283	2015
0300893302	7	Baskin Road				810466	2015
0100195300	219	Follen Road				814548	2015

It is the recommendation of the Water and Sewer Abatement Board that the Town Collector be authorized to waive interest that has accrued on the bills included herein, unless stated here otherwise, from the due date of the bill until 30 calendar days after the date of written notification to applicant of the Selectmen's action.

THE SUM SET AGAINST THE ABOVE ACCOUNTS IS HEREBY ADJUSTED.

<b>WATER</b>	<b>SEWER</b>	<b>TOTAL</b>
(\$4,959.86)	(\$21,452.87)	(\$26,412.73)

*W. [Signature]*  
 \_\_\_\_\_  
 DIRECTOR OF PUBLIC WORKS

\_\_\_\_\_  
 BOARD OF SELECTMEN  
 7/27/2015





Department of Public Works  
Town of Lexington  
Water and Sewer Enterprise Funds  
FISCAL YEAR 2015  
JUNE 2015 Final Water Bills

	FINALS	GRAND TOTALS
WATER	\$6,478.25	\$6,478.25
SEWER	\$6,893.72	\$6,893.72
TOTAL:	<u>\$13,371.97</u>	<u>\$13,371.97</u>

To the Collector of Revenue for the Town of Lexington:

You are hereby authorized and required to levy and collect of the persons named in the list of water/sewer charges herewith committed to you and each one of his/her respective portion herein set down of the sum total of such list. Said sum being:

*Thirteen thousand, three hundred seventy-one dollars and 97/100*

And pay the same into the treasury of the Town of Lexington and to exercise the powers conferred by law in regard thereto.

---

---

---

---

---

---

  
\_\_\_\_\_  
DIRECTOR OF PUBLIC WORKS

\_\_\_\_\_  
BOARD OF SELECTMEN 7/27/2015

Treasurer/Collector, Director of Public Works, Water/Sewer Billing

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Accept Donation from the Cicclo Family Foundation for Community Center Piano

### **PRESENTER:**

Joe Pato

### **ITEM NUMBER:**

C.2

### **SUMMARY:**

The Ciccolo Family Foundation has donated over \$12,000 to the Selectmen's Gift Account for the Community Center to be used to purchase a piano. You are being asked to accept the donation.

### **RECOMMENDATION / SUGGESTED MOTION:**

Motion to approve the Consent Agenda.

### **FOLLOW-UP:**

### **DATE AND APPROXIMATE TIME ON AGENDA:**

7/27/2015

10:30 PM

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Martingale Road and Richmond Circle Street Acceptance Completion

### PRESENTER:

Joe Pato

### ITEM NUMBER:

C.3

### SUMMARY:

You are being asked to approve and sign the Order of Taking for Martingale Road and Richmond Circle.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the Consent Agenda.

### FOLLOW-UP:

### DATE AND APPROXIMATE TIME ON AGENDA:

7/27/2015

10:30 PM

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Order of Taking for Martingale Road	Backup Material
<input type="checkbox"/> Order of Taking for Richmond Circle	Backup Material



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

ORDER OF TAKING

Town of Lexington

**Martingale Road**

At a meeting of the Board of Selectmen of the Town of Lexington held on the 27<sup>th</sup> day of July, 2015. It is

ORDERED: Whereas the Board of Selectmen of the Town of Lexington having determined and adjudged that common convenience and necessity require that a town way be laid out in the location hereinafter described and having complied with the requirements of law relating to notice, did on the **twenty-third day of March, 2015**, lay out as a town way the way known as **Martingale Road** a distance of 850 feet, more or less, from Freemont Street northerly to Cedar Street, accordingly and duly filed their report of such laying out with the boundaries and the measurements of the same in the office of the Town Clerk on the fifth day of March, 2015, and whereas at the 2015 Annual Town Meeting duly called, warned and held on the thirtieth day of March, 2015, it was under Articles #18.

“VOTED: To establish as a Town way and accept the layout of Martingale Road, a distance of 850 feet, more or less, as laid out by the Selectmen and shown upon a plan on file in the office of the Town Clerk, dated October 14, 2014, subject to the assessment of betterments; to authorize the Selectmen to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefore.

NOW THEREFORE, we, the undersigned, being a majority of the Board of Selectmen of the Town of Lexington, duly elected, qualified and acting as such, do hereby under and by virtue of the provisions of Chapter 79 of the General Laws and of every other power and authority us hereto in any way enabling, take the right or easement to use for all the purposes of a town way for the use of said Town of Lexington, the land in said Town bounded and described as follows:

A certain parcel of land situated in the Town of Lexington, Middlesex County, Commonwealth of Massachusetts, more commonly known as Martingale Road described as follows:

Beginning at a Stone bound on the northerly sideline of Freemont Street said bound being the southeasterly most point of a road to be known as Martingale Road being 392.42' westerly of Cedar Street; thence

S 62° 16' 15" W            a distance of eighty-one and twenty-three hundredths (81.23') feet along the northerly sideline of said Freemont Street to a point of curvature; thence

Northerly                    along a curve to the left having a radius of twenty and no hundredths (20.00') feet and a curve length of thirty-four and ninety hundredths (34.90') feet to a point of tangency; thence

N 37° 43' 05" W            a distance of five and eighty-one hundredths (5.81') feet to a point of curvature; thence

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

## ORDER OF TAKING

Town of Lexington

**Martingale Road**

Northeasterly along a curve to the right having a radius of one hundred forty and no hundredths (140.00') feet and a curve length of one hundred eleven and forty-three hundredths (111.43') feet to a point of tangency; thence

N 07° 53' 10" E a distance of ninety-three and ninety hundredths (93.90') feet to a point of curvature; thence

Northwesterly along a curve to the left having a radius of ninety and no hundredths (90.00') feet and a curve length of fifty-nine and sixty-six hundredths (59.66') feet to a point of tangency; thence

N 30° 05' 50" W a distance of one hundred twenty-four and twenty-seven hundredths (124.27') feet to a point of curvature; thence

Northeasterly along a curve to the right having a radius of one hundred thirty and no hundredths (130.00') feet and a curve length of one hundred ninety-eight and thirty-two hundredths (198.32') feet to a point of tangency; thence

N 57° 18' 38" E a distance of one hundred three and forty-five hundredths (103.45') feet to a point of curvature; thence

Northeasterly along a curve to the left having a radius of two hundred twenty and no hundredths (220.00') feet and a curve length of forty-one and ninety-eight hundredths (41.98') feet to a point of tangency; thence

N 68° 14' 39" E a distance of one hundred seven and thirty hundredths (107.30') feet to a point of curvature; thence

Northerly along a curve to the left having a radius of twenty and no hundredths (20.00') feet and a curve length of thirty-two and eighty-one hundredths (32.81') feet to a point of tangency on the westerly sideline of Cedar Street; thence

S 25° 44' 22" E a distance of eleven and fifty-five hundredths (11.55') feet along the westerly sideline of said Cedar Street to a point; thence

S 24° 11' 22" E a distance of thirty-four and no hundredths (34.00') feet along the westerly sideline of said Cedar Street to a point; thence

S 21° 25' 30" E a distance of twenty-eight and twenty-one hundredths (28.21') feet along the westerly sideline of said Cedar Street to a point; thence

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

## ORDER OF TAKING

Town of Lexington

**Martingale Road**

- S 09° 22' 30" E a distance of twelve and twenty-six hundredths (12.26') feet along the westerly sideline of said Cedar Street to a point of curvature; thence
- Northwesterly along a curve to the left having a radius of twenty and no hundredths (20.00') feet and a curve length of thirty-five and seventy-four hundredths (35.74') feet to a point of tangency; thence
- S 68° 14' 39" W a distance of one hundred seven and seventeen hundredths (107.17') feet to a point of curvature; thence
- Southwesterly along a curve to the left having a radius of one hundred eighty and no hundredths (180.00') feet and a curve length of thirty-four and thirty-five hundredths (34.35') feet to a point of tangency; thence
- S 57° 18' 38" W a distance of one hundred three and forty-five hundredths (103.45') feet to a point of curvature; thence
- Southeasterly along a curve to the left having a radius of ninety and no hundredths (90.00') feet and a curve length of one hundred thirty-seven and thirty hundredths (137.30') feet to a point of tangency; thence
- S 30° 05' 50" E a distance of one hundred twenty-four and twenty-seven hundredths (124.27') feet to a point of curvature; thence
- Southwesterly along a curve to the left having a radius of one hundred thirty and no hundredths (130.00') feet and a curve length of eighty-six and eighteen hundredths (86.18') feet to a point of tangency; thence
- S 07° 53' 10" W a distance of ninety-three and ninety hundredths (93.90') feet to a point of curvature; thence
- Southeasterly along a curve to the left having a radius of one hundred and no hundredths (100.00') feet and a curve length of seventy-nine and fifty-nine hundredths (79.59') feet to a point of tangency; thence
- S 37° 43' 05" E a distance of nineteen and ninety hundredths (19.90') feet to a point of curvature; thence
- Southeasterly along a curve to the left having a radius of twenty and no hundredths (20.00') feet, a curve length of twenty-seven and ninety-three hundredths (27.93') feet, to the point of beginning. Said Martingale Road contains 34,450 square feet of land.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

ORDER OF TAKING

Town of Lexington

**Martingale Road**

Said Roadway is depicted on a plan entitled, "Martingale Road & Richmond Circle Street Acceptance Plan in Lexington, Massachusetts", prepared for JMG Development, LLC, prepared by Meridian Associates, Inc. dated October 14, 2014, revised July 8, 2015 to be recorded at the Middlesex South Registry of Deeds. Said Roadway is also depicted on Plan Number 769 of 2006 recorded at said Registry of Deeds.

All trees, if any, upon the land taken are included in this taking.

The area, which it is expected will receive benefit or advantage other than the general advantage to the community from such improvement, is described as follows:

The same being lands now or formerly of JMG Development, as shown on a plan entitled "Town of Lexington Street Acceptance Plan, Martingale Road and Richmond Circle, Lexington, Massachusetts"; Scale 1"=40'; Dated October 14, 2014.

The said area comprises the several lots shown upon the plan hereinbefore referred to.

No betterments are to be assessed for this improvement

We determine that no damages have been sustained and none are awarded.

UNREGISTERED LAND

**Martingale Road**

<u>OWNER</u>	<u>BOOK</u>	<u>PAGE</u>
JMG Development LLC 204 Cedar Street Lexington, MA 02420	47915	96

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

ORDER OF TAKING

Town of Lexington

**Martingale Road**

The land in which the aforesaid rights and easements are taken is believed to belong to the aforesaid named parties, but if the name of the owner of any of said land or of any interest therein is not currently stated, it is to be understood that such land or interest is owned by an owner or owners unknown to us.

WITNESS our hands at Lexington aforesaid this twenty-seventh day of July, 2015.

\_\_\_\_\_

Selectmen

\_\_\_\_\_

of

\_\_\_\_\_

Lexington

\_\_\_\_\_

\_\_\_\_\_

Then personally appeared the above-named, Joseph N. Pato, Chairman, Peter C. J. Kelley, Norman P. Cohen, Michelle L. Ciccolo and Suzanne E. Barry, known to me to be a majority of the duly elected, qualified and acting Selectmen of the Town of Lexington, and severally acknowledged the foregoing instrument to be their free act and deed and the free act and deed of the Town of Lexington, before me,

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

ORDER OF TAKING

Town of Lexington

**Richmond Circle**

At a meeting of the Board of Selectmen of the Town of Lexington held on the 27<sup>th</sup> day of July, 2015. It is

ORDERED: Whereas the Board of Selectmen of the Town of Lexington having determined and adjudged that common convenience and necessity require that a town way be laid out in the location hereinafter described and having complied with the requirements of law relating to notice, did on the **twenty-third day of March, 2015**, lay out as a town way the way known as **Richmond Circle** from Martingale Road northerly to its terminus a distance of 170 feet, more or less, to the end, accordingly and duly filed their report of such laying out with the boundaries and the measurements of the same in the office of the Town Clerk on the fifth day of March, 2015, and whereas at the 2015 Annual Town Meeting duly called, warned and held on the thirtieth day of March, 2015 namely, it was under Articles #19.

“VOTED: To establish as a Town way and accept the layout of Richmond Circle, a distance of 170 feet, more or less, as laid out by the Selectmen and shown upon a plan on file in the office of the Town Clerk, dated October 14, 2014, subject to the assessment of betterments; to authorize the Selectmen to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefore.

NOW THEREFORE, we, the undersigned, being a majority of the Board of Selectmen of the Town of Lexington, duly elected, qualified and acting as such, do hereby under and by virtue of the provisions of Chapter 79 of the General Laws and of every other power and authority us hereto in any way enabling, take the right or easement to use for all the purposes of a town way for the use of said Town of Lexington, the land in said Town bounded and described as follows:

A certain parcel of land situated in the Town of Lexington, Middlesex County, Commonwealth of Massachusetts, more commonly known as Richmond Circle and described as follows:

Beginning at a Stone bound on the westerly sideline of Martingale Street said bound being the southwesterly most point of a road to be known as Richmond Circle; thence

Northwesterly along a curve to the left having a radius of twenty and no hundredths (20.00') feet and a curve length of twenty-six and no hundredths (26.00') feet to a point of tangency; thence

N 64° 25' 33" W a distance of eighty-seven and six hundredths (87.06') feet to a point of curvature; thence

Northeasterly along a curve to the right having a radius sixty and no hundredths (60.00') feet and a curve length of two hundred eighty-two and seventy-four hundredths (282.74') feet to a point of reverse curvature; thence

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

ORDER OF TAKING

Town of Lexington

**Richmond Circle**

- Southeasterly along a curve to the left having a radius of twenty and no hundredths (20.00') feet and a curve length of thirty-one and forty-two hundredths (31.42') feet to a point of tangency; thence
- S 64° 25' 33" E a distance of seven and no hundredths (7.00') feet to a point of tangency; thence
- Southeasterly along a curve to the left having a radius of twenty and no hundredths (20.00') feet and a curve length of twenty-six and three hundredths (26.03') feet to a point of reverse curvature at sideline of said Martingale Road; thence
- Southwesterly along a curve to the left having a radius of one hundred thirty and no hundredths (130.00') feet and a curve length of seventy and eighteen hundredths (70.18') feet to the point of beginning

Said Roadway is depicted on a plan entitled, "Martingale Road & Richmond Circle Street Acceptance Plan in Lexington, Massachusetts", prepared for JMG Development, LLC, prepared by Meridian Associates, Inc. dated October 14, 2014, revised July 8, 2015 to be recorded at the Middlesex South Registry of Deeds. Said Roadway is also depicted on Plan Number 769 of 2006 recorded at said Registry of Deeds.

All trees, if any, upon the land taken are included in this taking.

The area, which it is expected will receive benefit or advantage other than the general advantage to the community from such improvement, is described as follows:

The same being lands now or formerly of JMG Development, as shown on a plan entitled "Town of Lexington Street Acceptance Plan, Martingale Road and Richmond Circle, Lexington, Massachusetts"; Scale 1"=40'; Dated October 14, 2014.

The said area comprises the several lots shown upon the plan hereinbefore referred to.

No betterments are to be assessed for this improvement.

We determine that no damages have been sustained and none are awarded.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

ORDER OF TAKING

Town of Lexington

**Richmond Circle**

UNREGISTERED LAND

**Richmond Circle**

<u>OWNER</u>	<u>BOOK</u>	<u>PAGE</u>
JMG Development LLC 204 Cedar Street Lexington, MA 02420	47915	96

The land in which the aforesaid rights and easements are taken is believed to belong to the aforesaid named parties, but if the name of the owner of any of said land or of any interest therein is not currently stated, it is to be understood that such land or interest is owned by an owner or owners unknown to us.

WITNESS our hands at Lexington aforesaid this twenty-seventh day of July, 2015.

\_\_\_\_\_

Selectmen

\_\_\_\_\_

of

\_\_\_\_\_

Lexington

\_\_\_\_\_

Then personally appeared the above-named, Joseph N. Pato, Chairman, Peter C. J. Kelley, Norman P. Cohen, Michelle L. Ciccolo and Suzanne E. Barry, known to me to be a majority of the duly elected, qualified and acting Selectmen of the Town of Lexington, and severally acknowledged the foregoing instrument to be their free act and deed and the free act and deed of the Town of Lexington, before me,

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_



# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Approve and Sign Proclamation for Childhood Cancer Awareness Month

### PRESENTER:

Joe Pato

### ITEM NUMBER:

C.4

### SUMMARY:

You are being asked to sign a proclamation recognizing September as Childhood Cancer Awareness Month. See attached request and proposed proclamation.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the Consent Agenda.

### FOLLOW-UP:

Selectmen's Office

### DATE AND APPROXIMATE TIME ON AGENDA:

7/27/2015

10:30 PM

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Proclamation for Childhood Cancer Awareness Month	Backup Material
<input type="checkbox"/> Email Request for Proclamation-Childhood Cancer Awareness Month	Cover Memo



# Town of Lexington, Massachusetts

OFFICE OF SELECTMEN

JOSEPH N. PATO, CHAIRMAN  
PETER C.J. KELLEY  
NORMAN P. COHEN  
MICHELLE L. CICOLO  
SUZANNE E. BARRY

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

## *Proclamation*

**Whereas:** Families, caregivers, charities and research groups across the United States observe September as Childhood Cancer Awareness Month; and

**Whereas:** The American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in nearly 15,000 of our country's young people each and every year; and

**Whereas:** One in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

**Whereas:** Founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor cosmetics family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

**Whereas:** The American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Boston Children's Hospital, UMass Memorial Medical Center in Worcester, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

**Whereas:** The American Cancer Fund for Children and Kids Cancer Connection also sponsor Courageous Kid Recognition Award presentations, community get well cards and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

*NOW, THEREFORE, WE THE BOARD OF SELECTMEN* of the Town of Lexington, Massachusetts, hereby declare September 2015 as

## *Childhood Cancer Awareness Month*

and urge all our citizens to remember the young lives taken too soon, stand with the families facing childhood cancer today, and rededicate ourselves to combating this terrible illness.

*IN WITNESS WHEREOF*, we have set our hands and caused the seal of Lexington to be affixed herewith on the 27<sup>th</sup> of July 2015.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Lynne Pease

---

**From:** Kids Cancer Connection, Inc. <acfkids@earthlink.net>  
**Sent:** Tuesday, July 07, 2015 3:15 PM  
**To:** selectmen's; Lynne Pease; Diana Chabot  
**Subject:** Lexington / Childhood Cancer Awareness Month

Dear Chairman Pato, Board of Selectmen and staff,

I hope you are doing well. I am writing to request a proclamation recognizing September as Childhood Cancer Awareness Month in Lexington. Cancer is the leading cause of death by disease among children in our country today. This tragic disease is detected in nearly 15,000 of our country's young people each and every year. I am truly grateful for the Town's past support.

-Massachusetts  
[www.flickr.com/photos/kidscancerconnection/sets/72157633025071585](http://www.flickr.com/photos/kidscancerconnection/sets/72157633025071585)

I will continue to coordinate activities including our popular Courageous Kid Recognition Award program and other hospital functions at UMass Memorial Medical Center in Worcester among other facilities.

I've included sample text below for your reference. (\*) May we please receive a .PDF format copy to share? Thank you for your time and consideration.

Sincerely,  
Steven Firestein, M.A.  
Volunteer Director

American Cancer Fund for Children, Inc.  
IRS 501 (C)(3) # 13-3780954  
Kids Cancer Connection, Inc.  
IRS 501 (C)(3) # 56-2520924

-KCC Document/Photo Albums  
[www.flickr.com/photos/kidscancerconnection/sets](http://www.flickr.com/photos/kidscancerconnection/sets)  
-U.S. Congressional Record  
[http://capitolwords.org/term/steven\\_firestein](http://capitolwords.org/term/steven_firestein)

SAMPLE: Childhood Cancer Awareness Month

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in nearly 15,000 of our country's young people each and every year.

WHEREAS, one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor cosmetics family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Boston Children's Hospital, UMass Memorial Medical

Center in Worcester, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor Courageous Kid Recognition Award presentations, community get well cards and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

-Please add your concluding statement.

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Approve Minutes and Executive Session Minutes

### **PRESENTER:**

Joe Pato

### **ITEM NUMBER:**

C.5

### **SUMMARY:**

The minutes of May 18, 2015, June 1, 2015, June 8, 2015, June 10, 2015, June 22, 2015, June 29, 2015, July 1, 2015 and July 6, 2015 and the Executive Session minutes of June 8, June 22, 2015 and July 6, 2015 are ready for your review and approval.

### **RECOMMENDATION / SUGGESTED MOTION:**

Motion to approve the minutes of May 18, 2015, June 1, 2015, June 8, 2015, June 10, 2015, June 22, 2015, June 29, 2015, July 1, 2015 and July 6, 2015 and the Executive Session minutes of June 8, June 22, 2015 and July 6, 2015.

### **FOLLOW-UP:**

Selectmen's Office

### **DATE AND APPROXIMATE TIME ON AGENDA:**

7/27/2015

10:30 PM

### **ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Minutes for Approval	Backup Material
<input type="checkbox"/> Executive Session Minutes for Approval	Backup Material

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Approve Releasing Executive Session Minutes for 2012

### PRESENTER:

Joe Pato

### ITEM NUMBER:

C.6

### SUMMARY:

Approve releasing the following Executive Session minutes from 2012: January 9, 11, 18, 23 and 30, February 13 and 27, March 28, April 23 and 25, May 3, 21 and 24; June 4 and 5, July 24 and 30, September 10, October 1 and 22, November 5, 13 and 20, December 3 and 17. These were reviewed by the Town Counsel, the Town Manager and Selectmen Cohen.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the Consent Agenda.

### FOLLOW-UP:


Selectmen's Office

### DATE AND APPROXIMATE TIME ON AGENDA:

7/27/2015

10:30 PM

### ATTACHMENTS:

Description	Type
 Proposed 2012 Executive Session Minutes to Release	Backup Material

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Next Meeting

### **PRESENTER:**

**ITEM  
NUMBER:**

### **SUMMARY:**

### **RECOMMENDATION / SUGGESTED MOTION:**

### **FOLLOW-UP:**

### **DATE AND APPROXIMATE TIME ON AGENDA:**

7/27/2015