

SELECTMEN'S MEETING  
Monday, August 31, 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. Grant of Location - Eversource - Maguire Road/Hartwell Avenue (5 min.) 7:00 PM
2. Grant of Location - National Grid - Belfry Terrace (5 min.) 7:05 PM
3. Grant of Location - Verizon/Eversource - Philip Road (5 min.) 7:10 PM
4. Public Hearing-Amendment to HOME Annual Action Plan (15 min.) 7:15 PM
5. Approve Regulatory Monitoring Report-Avalon and LexHAB (5 min.) 7:30 PM
6. Joint Meeting with Planning Board - Policy Priorities 7:35 PM
7. Discussion of School District Building Projects Plan (10 min.) 8:35 PM
8. Discuss Wayland Request to Withdraw from Minuteman Tech (10 min.) 8:40 PM
9. Liquor License - Busa Brothers Liquors - Pledge of License (5 min.) 8:50 p.m.
10. Liquor License - Vinebrook Corporation - Pledge of License (5 min.) 8:50 p.m.
11. Renewal of Theatre Licenses – Lexington Venue (5 min.) 9:00 PM
12. Approve Common Victualler License for New Owner of Panera Bread (5 min.) 9:05 PM
13. Selectmen Committee Appointment - Design Advisory Committee (5 min.) 9:10 PM
14. Appointing Authority Determination of Financial Interest - Historic Districts Commission (5 min.) 9:15 PM
15. Approve and Sign Eagle Congratulation Letter for Jack Schulz (5 min.) 9:20 PM
16. Town Manager Appointments - Council on Aging and Permanent Building Committee (5 min.) 9:25 PM

**CONSENT AGENDA**

1. Water and Sewer Commitments and Adjustments 9:30 PM

2. Sign Proclamation - Constitution Week 9:30 PM
3. Approve One-Day Liquor License - Czech and Slovak Association 9:30 PM
4. Approve One-Day Liquor License - Historical Society 9:30 PM
5. Approve Tax Bill Insert - Conservation Stewards 9:30 PM
6. Approve Use of the Battle Green - Lexington Minute Men 9:30 PM

**ADJOURN**

The next meeting of the Board of Selectmen is scheduled for Wednesday, September 9, 2015 at 9:00 a.m. in the Selectmen's 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:**

Grant of Location - Eversource - Maguire Road/Hartwell Avenue (5 min.)

### **PRESENTER:**

William P Hadley, Director of Public Works

### **ITEM NUMBER:**

I.1

### **SUMMARY:**

The Department of Public Works/Engineering has reviewed the petition, plan, and order for Eversource, formally NSTAR Electric Company, for a Grant of Location to install approximately 117 feet of conduit in Maguire Rd and 155 feet in Hartwell Ave. This conduit will be used as the feed for the solar project. In addition to the feed, the overhead wire running to the Town Compost Facility will be put underground for safety concerns. A Street Opening Permit is required prior to excavation.

Since this petition appears to be in order, we recommend approval be granted.

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

Motion to approve the petition of Eversource Energy, formally NStar Electric Company, to construct, and a location for, a line of conduits and manholes with the necessary wires and cables therein to be located in Maguire Road southwesterly at pole 399/11 thence turning and running southeasterly approximately 57 feet northwest of Hartwell Avenue, a distance of about 117 feet of conduit and Hartwell Avenue at and southeasterly from Magurie Road, a distance of about 155 feet of conduit.

### **FOLLOW-UP:**

Engineering Division

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

8/31/2015

7:00 PM

**ATTACHMENTS:**

Description	Type
📎 Hartwell & Maguire Grant of Location Conduit	Cover Memo



200 Calvary Street  
Waltham, Massachusetts 02453

August 13, 2015

Board of Selectmen  
Town Hall  
1625 Massachusetts Ave  
Lexington, MA 02420

**RE: Hartwell Ave/Maguire Rd.  
Lexington  
W/O #2075630**

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR Electric Company for the purpose of obtaining a Grant of Location to install 117 feet of conduit in Maguire Road and 155 feet in Hartwell Ave.

There are two reasons for this work:

First this conduit will be utilized as the feed to the proposed solar farm for the Town of Lexington.

Secondly, the NSTAR Electric Transmission Department has identified that the overhead wire running to the Town Dump is too close to the Transmission wires running above it. This could be a potential safety issue therefore we need to put the overhead wire servicing the dump underground.

If you have any further questions, contact Maureen Carroll @ (617) 369-6421. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "William D. Lemos".

William D. Lemos, Supervisor  
Rights and Permits

WDL/kj  
Attachments

**ORDER FOR LOCATION FOR CONDUITS AND MANHOLES  
Town of LEXINGTON**

WHEREAS, **NSTAR ELECTRIC COMPANY d/b/a Eversource Energy** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY d/b/a Eversource Energy** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

**Maguire Road –Southwesterly at pole 399/11, thence turning and running southeasterly approximately 57 feet northwest of Hartwell Avenue a distance of 117 feet of conduit.**

**Hartwell Ave. –At/and southeasterly from Maguire Road a distance of about 155 feet of conduit**

**WO: (2075630)**

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **A. DeBenedictis, Dated July 22, 2015** on the file with said petition.
2. Said shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. Company All work shall be done to the satisfaction of the Board of Selectmen or such officer or officers as it may appoint to supervise the work.

1		
2		Board of Selectmen
3		the Town of
4		<b>LEXINGTON</b>
5		

**CERTIFICATE**

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit: after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_ 2014 at \_\_\_\_\_ in said Town.

1		
2		Board of Selectmen
3		the Town of
4		<b>LEXINGTON</b>
5		

**CERTIFICATE**

I hereby certify that the foregoing are true copies of the Order of the **Board of Selectmen** of the Town of **LEXINGTON**, Massachusetts, duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 and recorded with the records of location Orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter. Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: \_\_\_\_\_  
Clerk of the Town of **LEXINGTON**, Massachusetts

**PETITION OF NSTAR ELECTRIC COMPANY**  
**d/b/a EVERSOURCE ENERGY FOR LOCATION FOR CONDUITS**  
**AND MANHOLES**

To the **Board of Selectmen** of the Town of **LEXINGTON** Massachusetts:

Respectfully represents **NSTAR Electric Company d/b/a Eversource Energy** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

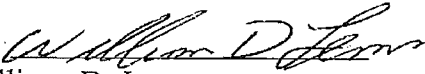
WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **A. Debenedictis Dated July 22, 2015** and filed herewith, under the following public way or ways of said Town:

**Maguire Road - Southwesterly at pole 399/11 thence turning and running southeasterly approximately 57 feet northwest of Hartwell Avenue a distance of about 117 feet of conduit.**

**Hartwell Ave. - At/and southeasterly from Maguire Road a distance of about 155 feet of conduit.**

WO: (2075630)

**NSTAR ELECTRIC COMPANY**

BY   
William D. Lemos  
Rights & Permits, Supervisor

**Dated this 13<sup>th</sup> Day of August**

Town of **LEXINGTON** Massachusetts

Received and filed \_\_\_\_\_ 2015

WO# 2075630  
HARTWELL AVE @ MAGUIRE RD  
LEXINGTON, MA 02421

85-17A  
1 MAGUIRE ROAD  
MAGUIRE ROAD LIMITED PARTNERSH  
C/O LEXINGTON MGMT INC  
24 HARTWELL AVE  
LEXINGTON, MA 02421

85-5  
4 MAGUIRE ROAD  
HEGARTY DAVID J & DOYLE RICHARD A TRS  
LEXINGTON OFFICE REALITY TRUST  
C/O REUTERS, PO BOX 52136  
BOSTON, MA 02205

80-6  
HARTWELL AVE  
CATALDO ROBERT &  
MALONEY JOHN W  
121 MARRETT RD  
LEXINGTON, MA 02421

80-1  
52 HARTWELL AVE  
BOSTON EDISON COMPANY (EVERSOURCE)  
PROPERTY TAX DEPT  
P.O. BOX 567  
NORWOOD, MA 02062-0567

79-50  
HARTWELL AVE  
TOWN OF LEXINGTON  
1625 MASS AVE  
LEXINGTON, MA 02420



**NOTICE TO ABUTTERS**

**August 5, 2015**

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws (Ter. Ed.), you are hereby notified that a public hearing will be held in the Selectmen's Meeting Room, 2nd Floor, Town Office Building, of the Town of Lexington, Massachusetts, on Monday, August 31st, 2015 at 7:00 p.m., upon the following petition of Eversource Energy, formally NSTAR Electric, for permission to construct and locations for a line of conduits and manholes with the necessary wires and cables therein under the following public way of said Town:

**Maguire Rd:**

Approximately 117 ± feet – conduit at pole 399/11

**Hartwell Ave:**

Approximately 155 ± feet – conduit

By: Michael Sprague  
Engineering Asst.  
Department of Public Works/Engineering

Please direct inquiries to the Eversource Representative:  
Maureen Carroll (617) 369-6421

Copies to:

Eversource Energy  
Maureen Carroll  
Rights & Permits  
200 Calvary Street  
Waltham, MA 02453

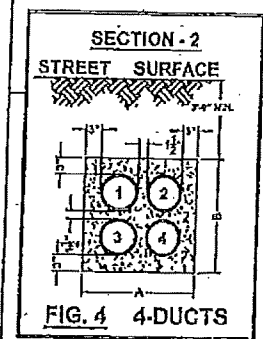
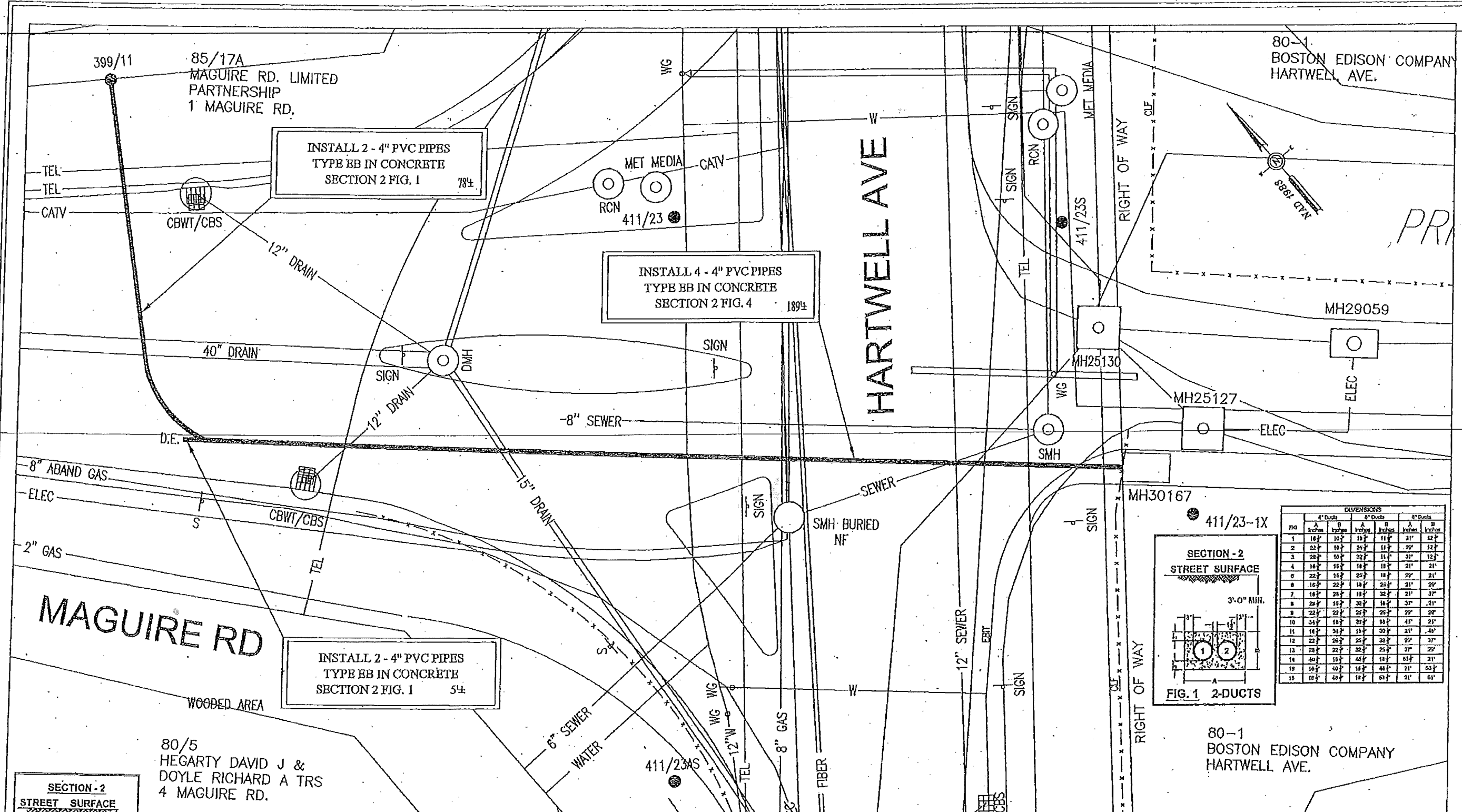
Maguire Rd Limited Partnership  
c/o Lexington MGMT INC  
24 Hartwell Ave  
Lexington, MA 02421

Hegarty David J &  
Doyle Richard A TRS  
Lexington Office Reality Trust  
c/o Reuters, PO Box 52136  
Boston, MA 02205

Cataldo Robert &  
Maloney John W  
121 Marrett Rd  
Lexington, MA 02421

Boston Edison Company(Eversource)  
Property Tax Dept.  
PO Box 567  
Norwood, MA 02062-0567

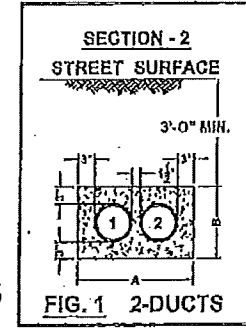
Town of Lexington  
1625 Mass. Ave  
Lexington, MA 02420



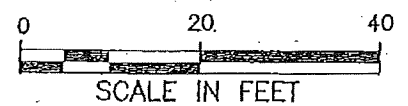
INSTALL 2 - 4" PVC PIPES  
TYPE BB IN CONCRETE  
SECTION 2 FIG. 1 54±

INSTALL 2 - 4" PVC PIPES  
TYPE BB IN CONCRETE  
SECTION 2 FIG. 1 78±

INSTALL 4 - 4" PVC PIPES  
TYPE BB IN CONCRETE  
SECTION 2 FIG. 4 189±



Duct	4" Ducts		6" Ducts		8" Ducts	
	A	B	A	B	A	B
1	16"	10"	18"	11"	21"	12"
2	22"	14"	25"	14"	29"	12"
3	28"	18"	32"	18"	37"	12"
4	14"	16"	18"	18"	21"	21"
5	22"	18"	25"	18"	29"	21"
6	16"	22"	18"	23"	21"	29"
7	18"	28"	18"	32"	21"	37"
8	28"	18"	32"	18"	37"	21"
9	22"	22"	25"	25"	29"	29"
10	14"	18"	18"	18"	21"	21"
11	16"	31"	18"	30"	21"	40"
12	22"	26"	25"	33"	29"	37"
13	28"	22"	32"	25"	37"	29"
14	40"	18"	44"	18"	53"	21"
15	18"	40"	18"	43"	21"	53"
16	16"	48"	18"	47"	21"	61"



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARTNERS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR COMPANIES") SHALL BE LIABLE FOR ANY LOSS OR HARM CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR COMPANIES HARMLESS FROM ANY SUCH LOSS OR HARM.

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**MASS. LAW**

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

CH# 109-15  
Ward #  
Work Order # 2075630  
Surveyed by: JM/LM  
Research by: LM  
Plotted by: L MERCURY  
Proposed Structures:  
Approved: A DEBENEDETIS  
P#

**NSTAR EVERSOURCE**  
ELECTRIC  
GAS

1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of HARTWELL AVE & MAGUIRE RD  
LEXINGTON  
Showing PROPOSED CONDUIT LOCATION  
8/12/15 20 SCALE  
Scale 1"=20' Date JULY 22, 2015  
SHEET 1 of 1

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Grant of Location - National Grid - Belfry Terrace (5 min.)

### PRESENTER:

Dennis Regan, National Grid

### ITEM NUMBER:

I.2

### SUMMARY:

National Grid requests a Grant of Location to install 50 feet of 4 inch gas main in Belfry Terrace from the existing 4 inch main at House #15 northerly to House #18 for a new gas service.

A Street Opening Permit is required prior to excavation. Since this petition appears to be in order, Engineering recommends that approval be granted.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the petition of National Grid to install and maintain approximately 50 feet more or less of 4 inch gas main in Belfry Terrace, from the existing 4 inch main at house #15 to house #18 for a new gas service.

### FOLLOW-UP:

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

7:05 PM

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Plan	Backup Material
<input type="checkbox"/> Petition	Cover Memo

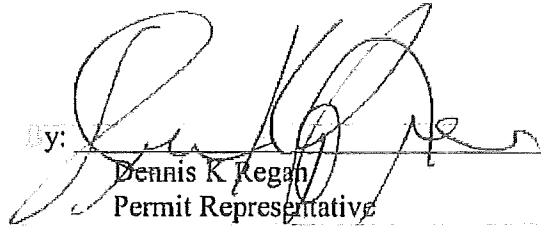
**PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS**

**Town of Lexington / Board of Selectmen:**

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **Town of Lexington** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

**To install and maintain approximately 50 feet more or less of 4 inch gas main in Belfry Terrace, Lexington. From the existing 4 inch gas main at house # 15, northerly to house # 18 for a new gas service.**

Date: August 17, 2015

By:   
Dennis K. Regan  
Permit Representative

**Town of Lexington / Board of Selectmen:**

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **Town of Lexington** substantially as described in the petition dated August 17, 2015 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **Town of Lexington** applicable to the enjoyment of said locations and rights.

Date this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I hereby certify that the foregoing order was duly adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_, MA on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

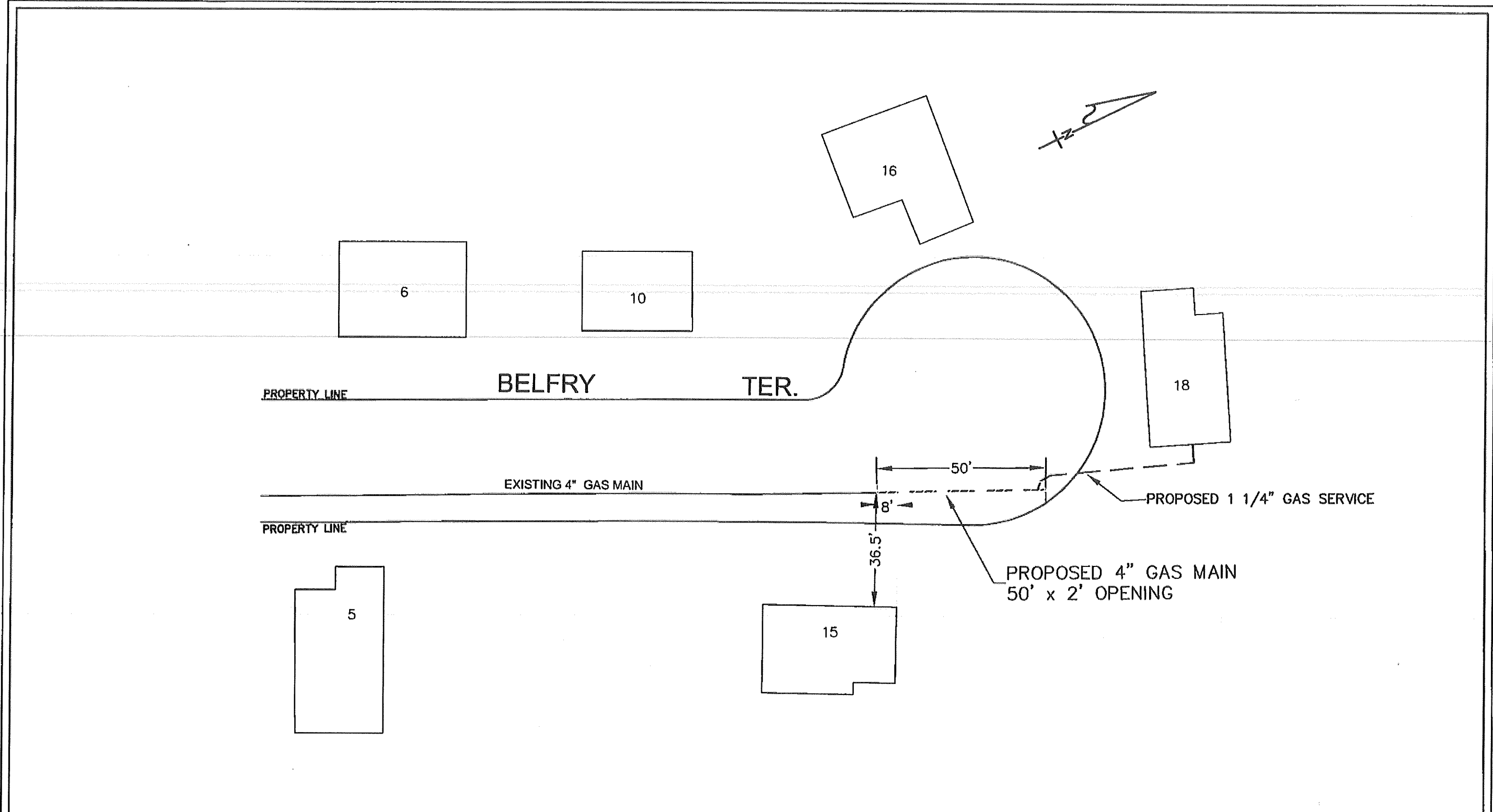
By: \_\_\_\_\_

\_\_\_\_\_  
Title

MN # 144-8504-1038229

**RETURN ORIGINAL TO THE PERMIT SECTION  
NATIONAL GRID  
40 SYLVAN RD, WALTHAM, MA 02451**

**RETAIN DUPLICATE FOR YOUR RECORDS**



**LEGEND**

- PROPOSED GAS
- EXISTING GAS
- PROPERTY LINE
- EOR
- EDGE OF ROADWAY
- PROPOSED OPENING

**NOTE:**

THE LOCATION OF SURFACE AND UNDERGROUND OBJECTS SHOWN ARE NOT WARRANTED TO BE CORRECT.

CALL 811 BEFORE YOU DIG

UTILITIES AND STREET LINES COMPILED FROM AVAILABLE DATA SOURCES. NO FIELD VERIFICATION PERFORMED.

**REVISIONS**

NO.	DESCRIPTION	DATE	DR BY	APP BY

**nationalgrid**  
 40 SYLVAN ROAD  
 WALTHAM MA 02451

GRANT OF LOCATION						
PROPOSED LOCATION OF 4" GAS MAIN						
18 BELFRY TER., LEXINGTON, MA 02420						
ENGR / DRFTM	DATE	SIZE	PRESSURE	MATERIAL	LENGTH	WORK ORDER NO.
J.M.P./INC.	0807/2015	4"	I.P.	PLASTIC	50±	1038229

SCALE: 1" = 30'
SHEET 1 OF 1
DRAWING NO GP-LEX
1038229-15-125

ABUTTERS LIST-BELFRY TER.

MCKENNA EILEEN E	1 BELFRY TER	LEXINGTON MA	02421-4909
CARPE DAVID R	5 BELFRY TER	LEXINGTON MA	02421-4909
RUTILA DEAN A	6 BELFRY TER	LEXINGTON MA	02421-4931
MUNDKUR PRAVIN V	9 BELFRY TER	LEXINGTON MA	02421-4909
SWANSON AMY MCDERMOTT	10 BELFRY TER	LEXINGTON MA	02421-4931
GREGG JAMES C	11 BELFRY TER	LEXINGTON MA	02421-4909
HORNE-KRISTIN E	15 BELFRY-TER	LEXINGTON MA	02421-4909
KHUDARI OMAR H	16 BELFRY TER	LEXINGTON MA	02421-4931
SLOCOMBE ANNETTE J	18 BELFRY TER	LEXINGTON MA	02421-4931

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Grant of Location - Verizon/Eversource - Philip Road (5 min.)

### **PRESENTER:**

Penny Kane, Verizon

### **ITEM NUMBER:**

I.3

### **SUMMARY:**

Joint petition for installation of a new pole on Philip Road.

Install one JO pole, P.325-5 on the northwesterly side of Philip Road at a point approximately 550' northerly from the center of Rockville Ave.

Engineering recommends approval the petition of Verizon/Eversource to install a new pole, P.325-5, on Philip Road.

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

Motion to approve the petition of Verizon New England, Inc. and Eversource Energy to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitions, along and across Philip Road to install one (1) JO pole, P.325-5, on the northwesterly side of Philip Road at a point approximately 550 feet northerly from the centerline of Rockville Avenue.

### **FOLLOW-UP:**

A Street Opening Permit is required prior to excavation. Since this petition appears to be in order, we recommend that approval be granted.

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

8/31/2015

7:10 PM

**ATTACHMENTS:**

Description	Type
📎 Verizon/Eversource petition for a pole on Phillip Rd	Cover Memo





Penny Kane  
Right of Way

125 Lundquist Drive  
Braintree, MA 02184

Phone 781-849-6320  
Fax 781-380-8854  
penny.l.kane@verizon.com

August 17, 2015

Lexington Board of Selectmen  
Lexington Town Hall  
1625 Massachusetts Avenue  
Lexington, MA 02420

**RE: Petition for Verizon job #4A0BWOS  
Philip Road, Lexington, MA**

Dear Honorable Board of Selectmen:

Enclosed please find a petition on behalf of Verizon New England Inc. and NStar Electric Company d/b/a Eversource Energy to install one new Pole (P.325-5), as shown on the attached plan.

This pole installation is necessary in order to provide service to the home at #10 Philip Road.

A Public hearing and notice to abutters is required. A Verizon representative will attend the Public hearing. Should any questions or comments arise concerning this matter prior to the hearing, please contact me at (781) 849-6320. Your Assistance is greatly appreciated.

Sincerely,

Penny Kane  
Right of Way Specialist

Enc

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

July 31, 2015

To the Board of Selectmen

in LEXINGTON, Massachusetts

VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Philip Road:

Install one (1) JO pole, P.325-5, on the northwesterly side of Philip Road at a point approximately 550' northerly from the centerline of Rockville Avenue.

This pole installation is necessary in order to accommodate service to a new home on Philip Road.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. Plan No. 4A0BW0S Dated July 31, 2015.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree that space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

VERIZON NEW ENGLAND INC.

By Penny Kane
Manager - Rights of Way

Dated this 31 day of July, 2015.

NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY

By William D. Lemos
Manager - Rights of Way

Dated this 11th day of August, 2015.

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

By the Board of Selectmen of the Town of LEXINGTON, Massachusetts.

Notice having been given and a public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY dba  
EVERSOURCE ENERGY be and they are hereby granted joint or identical locations for and  
permission to erect and maintain poles and their respective wires and cables to be placed thereon, together  
with anchors guys and other such sustaining and protecting fixtures as said Companies may deem necessary,  
in public way or ways hereinafter referred to, as requested in petition of said Companies dated the 31<sup>st</sup> day  
of July, 2015

**Philip Road:**

**Install one (1) JO pole, P.325-5, on the northwesterly side of Philip Road at a point  
approximately 550' northerly from the centerline of Rockville Avenue.**

**This pole installation is necessary in order to accommodate service to a new home on  
Philip Road.**

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points  
indicated upon the plan marked-VZ N. E. Inc. No. **4A0BW0S** in a package Dated **July 31, 2015** - filed  
with said petition.

The following are the public ways or parts of ways along which the poles above referred to may be  
erected, and the number of poles, which may be erected thereon under this order:

Philip Road  
1 JO pole to be installed

Also that permission be and hereby is granted to each of said Companies to lay and maintain  
underground laterals, cables and wires in the above or intersecting public ways for the purpose of making  
connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen for the  
Town of LEXINGTON, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Town Clerk

We hereby certify that on \_\_\_\_\_ 2015, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., at the \_\_\_\_\_ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

\_\_\_\_\_  
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\_\_\_\_\_  
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Board of Selectmen of the Town of LEXINGTON, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen for the Town of LEXINGTON, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, and recorded with the records of location orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_. this certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk

**ABUTTERS LIST**

MBLU: 15/ / 67B/ /  
Philip Road

CONROY FREDERICK J TRUSTEE  
PHILIP ROAD TRUST  
141 Waltham Street  
Lexington, MA 02421

---

MBLU: 15/ / 67A/ /  
8 Philip Road

GOODWIN BRYAN J &  
GOODWIN JODI M  
9 Philip Road  
Lexington, MA 02421

---

MBLU: 15/ / 70/ /  
17 Lantern Lane

SHAPIRO IRWIN I &  
SHAPIRO MARIAN K  
17 Lantern Lane  
Lexington, MA 02421

---

MBLU: 15/ / 69/ /  
Philip Road

SHAPIRO MARIAN K  
17 Lantern Lane  
Lexington, MA 02421

---

MBLU: 15/ / 68/ /  
Philip Road

TOWN OF LEXINGTON - CONSERVATION  
1625 Mass Avenue  
Lexington, MA 02421

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# PETITION PLAN

MUNICIPALITY

LEXINGTON

VZ N.E. Inc. No.

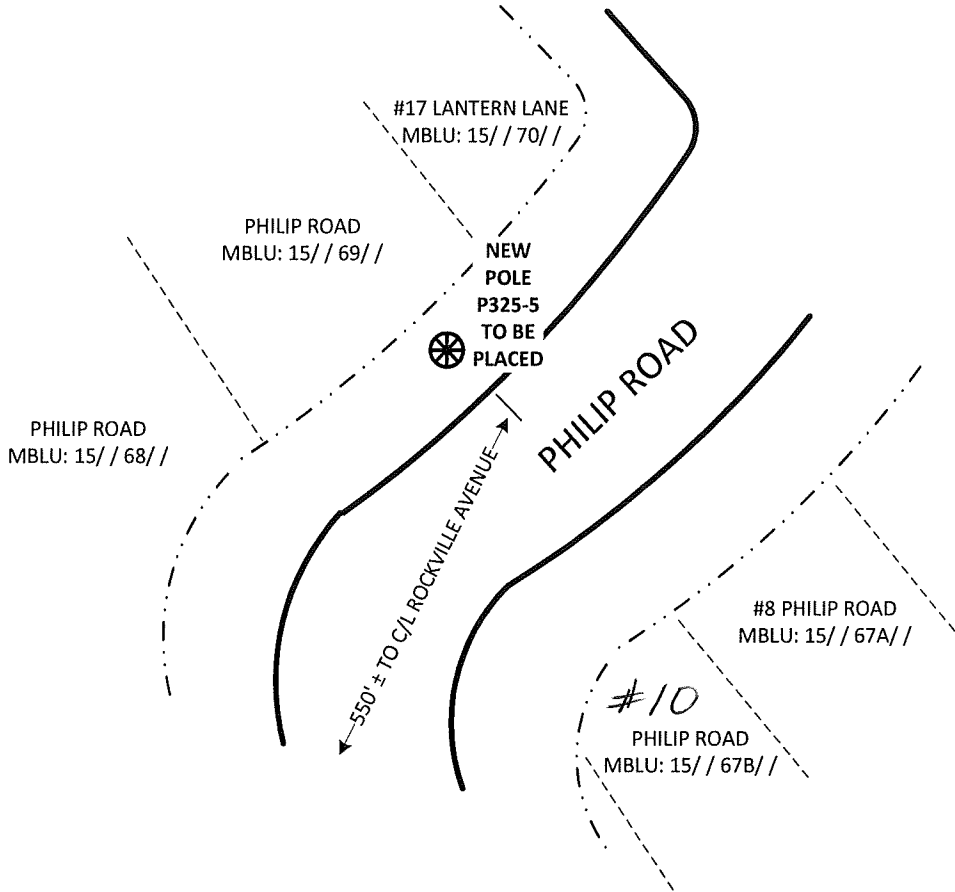
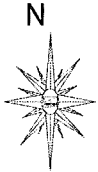
4A0BW0S

VERIZON NEW ENGLAND INC. AND MASSACHUSETTS ELECTRIC COMPANY

DATE: JULY 31, 2015

SHOWING

PROPOSED INSTALLATION ONE POLE ON PHILIP ROAD



**NOT TO SCALE**

1 JO POLE TO BE PLACED

## LEGEND



PROPOSED NEW JOINTLY OWNED POLE  
TO BE INSTALLED



EDGE OF PAVEMENT



EDGE OF ROADWAY



PROPERTY LINE

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Public Hearing-Amendment to HOME Annual Action Plan (15 min.)

### PRESENTER:

Liz Rust, Regional Housing Services  
Office; Aaron Henry, Planning Director

### ITEM NUMBER:

I.4

### 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). This public hearing is required prior to the Board considering amending the HOME Annual Action Plan for this purpose.

### RECOMMENDATION / SUGGESTED MOTION:

Move to approve modifying the HOME Annual Action Plan to fund a Tenant-Based Rental Assistance Program with current HOME funds of \$34,671.

### FOLLOW-UP:

If approved by the Board of Selectmen, the RHSO will prepare application material and administer this program.

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

7:15 PM

### ATTACHMENTS:

Description	Type
☐ Proposal from Regional Housing Services Office	Cover Memo







# 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: August 25, 2015  
To: Carl Valente, Lexington Board of Selectmen  
From: Liz Rust  
CC: Aaron Henry  
RE: Lexington HOME-funded Tenant Based Rental Assistance Program (TBRA)

This proposal, for the Selectmen approval, is to establish a rental assistance program with the Town's HOME funds.

## **Summary**

In this program, the Town of Lexington would offer rental assistance to income qualified residents, providing assistance in the form of initial move in costs – first and last month rent (if required by the landlord) and the security deposit. The intention is to assist households in obtaining and retaining permanent housing, helping to reduce and eliminate housing barriers.

The program will meet HOME Program requirements and will utilize Lexington's annual HOME Program Allocation, currently \$35,000 (\$25k from HUD and \$10k repayment of HOME loan from Concord). With an estimated budget of \$4,000 per case, this may translate to approximately 9-10 cases per year. The assistance provided is in the form of a grant, with no repayment due to the Town or the Consortium.

## **Applicant Eligibility**

Eligible applicants are under low income (60% AMI) households. They do not own property, have documented income to be able to afford the rent, have never been granted assistance in the program, and are not obligated to the Housing Authority for any past due funds. Priority is given to households with Lexington connections.

The applicants will need to complete all required screening by the landlord additionally.

	1	2	3	4	5	6
60% AMI	\$41,400	\$47,280	\$53,220	\$59,100	\$63,840	\$68,580

## **Apartment Eligibility**

These apartments must pass housing quality standards (performed by the Lexington Housing Authority) and must be rented at low, affordable rents.

Lexington will use a local Payment Standard for its Program in order to give Lexington TBRA participants the most opportunity to locate eligible affordable units. This Payment Standard is designed to enable the TBRA Program to be used for tenants using Section 8 vouchers, and also for tenants to rent at restricted affordable units at properties in Lexington. [The Lexington HOME TBRA Payment Standard is the higher of the HUD Fair Market Rent (FMR), the DHCD LIP (Local Initiative Program) Rent or MassHousing 40B Rent for each available bedroom size.]



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The Program will be used for units that are already restricted as affordable (Avalon or LexHAB 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. LexHAB's approach is more customized for the tenant, and other properties also have different standards.

Affordable units are difficult to come by (long waiting lists) and require a year-long lease. Security deposits will be returned to the tenant when they leave. Other options discussed included returning the security deposits to the Consortium (such funds, known as Program Income, are not returned to the program that generated them). However, it was thought that the tenant might not take as much care if it was not their funds. Additionally, since the security deposit (for Avalon) is \$500-\$700, the administrative cost of tracking such small funds was prohibitive.

## **HOME Funds**

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.

The funds are paid directly to the landlord, and do not cover pet deposits, realtor fees, or other 'extras'.

The funds will be awarded on a First-come First-Served basis.

## **Next Steps and Implementation**

This program requires approval from the Selectmen (as it is a substantial change to the Annual Action Plan) with a public hearing. The Selectmen approve modifying the Annual Action Plan to fund a Tenant-Based Rental Assistance Program with current HOME funds of \$34,671.

The RHSO will administer the Program for Lexington, and Lexington will perform the outreach and publicity. The Program will be marketed to affordable property owners.

Once approved, the program materials will be completed, which includes application materials, lease addendums and HOME administrative forms.

The number of cases expected in the first year may not achieve the target – ie. We may not have enough applicants to spend the funds before they 'expire'. The income and rent limits are very restrictive, and there are few eligible households and units that turnover annually. Publicity is important, and it will take some time to get the word out. It is a good use of HOME funds though, and has the potential to assist a number of households annually.

**PUBLIC HEARING  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

The Town of Lexington, through the Selectmen, will conduct a public meeting to amend and discuss its FY16 Annual Action Plan for the allocation of U.S. Department of Housing and Urban Development HOME funds fiscal years 2016. The proposed amendment for FY16 funds of \$34,571 is to allocate HOME funds to the implementation of a Lexington Tenant Based Rental Assistance Program to fund first month rent and possible security deposit amounts.

**The meeting will be held on Monday, August 31, 2015, at 7:15 p.m. in the Lexington Town Office Building, Selectmen's Meeting Room, 1625 Massachusetts Avenue, Lexington, MA 02420.**

Comments will also be accepted in writing in advance of the meeting. Written comments should be submitted to the Selectmen, c/o Town Manager's Office, Lexington Town Office Building, 1625 Massachusetts Avenue, Lexington, MA 02420, Reference: Comments on allocation of HOME funds.

There will be a 30-day comment period following the public hearing. For more information about the public hearing, please call the Town's Planning Department at 781-698-4560.

AD# 13321187  
Lexington Minuteman 8/27/15

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Approve Regulatory Monitoring Report-Avalon and LexHAB (5 min.)

### PRESENTER:

Liz Rust, Regional Housing Service  
Office

### ITEM NUMBER:

I.5

### SUMMARY:

The Town is required to monitor affordable housing units in town to determine whether the units are in compliance with their regulatory agreements. The regulatory agreements largely require that rents meet affordability requirements, tenant selection follow State and federal non discrimination requirements, tenants meet low or moderate income levels and that there is the proper documentation in place for these requirements.

The Town's Regional Housing Services Office recently completed its monitoring of the Avalon and LexHab affordable units. The reports are attached.

### RECOMMENDATION / SUGGESTED MOTION:

Move to certify, based on the information provided to the Town, that each Low and Moderate Income Unit at Avalon Lexington, Lexington Hills, and those units owned by the Lexington Housing Assistance Board (LexHab) continue to be a Low and Moderate Income Unit as provided in the regulatory agreements and that the Project and Low and Moderate Income Units have been maintained in a manner consistent with regulations and guidelines and this agreement.

### FOLLOW-UP:

Reports to be filed with DHCD.

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

7:30 PM

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Avalon Monitoring Report	Backup Material





## **Avalon Lexington and Lexington Hills, Lexington**

### **Monitoring Report 2015**

This Monitoring Report is prepared by the Regional Housing Services Office for the Town of Lexington. This report will serve as the DHCD monitoring requirement for Lexington Hills, as well as the Town monitoring report for Avalon at Lexington for the period 7/1/14 to 6/30/15, in accordance with the contract executed between the Town and Avalon.

#### **Background**

There are two Avalon developments in the Town of Lexington in scope for this report: Avalon at Lexington and Avalon at Lexington Hills.

Avalon at Lexington is located at 100 Lexington Ridge Dr., Lexington, MA 02421 off Waltham Street. It was permitted through a Comprehensive Permit in 1990, with conditions issued by HAC, in 1992. The project was secured through a Regulatory Agreement with MHFA in 1994 (as Lexington Ridge), which was discharged in 2011 when the mortgage was satisfied. At that time, the Town became responsible for on-going monitoring. There are 198 total units, of which 56 (or 28%) are affordable (40 at 50% AMI and 16 at 80% AMI) and 142 market rate units. All units are garden style.



Avalon at Lexington

Avalon at Lexington Hills is located at 1000 Main Campus Drive Lexington, MA 02421 on the former Metropolitan State Hospital site. It was permitted in 2004 through a Special Permit, executed a Regulatory Agreement in 2005 under the DHCD Local Initiative Program as Local Action Units (as Avalon at Lexington Square). The LIP Regulatory Agreement requires that the Board of Selectmen annually certify to DHCD that the rents are restricted, the residents are Eligible Tenants, and the Project with its affordable units have been maintained in a manner consistent with the Regulations and Guidelines. There are 387 total units in the development, 97 affordable at 80% of AMI and 290 market rate units. There is a cooperation agreement in place with DMR (now DDS) to provide 29 units (of the 97 affordable) on-site. One of the buildings (60 apartments total, 14 affordable) is reserved for residents where at least one member of the household is 55 or older. The development has a mix of mid-rise, town house and garden style apartments.



Avalon at Lexington Hills

#### **Summary Findings**

Overall, we found Avalon again to be courteous, responsive and accommodating during the entire monitoring process. The items identified are small in nature and the Town commends Avalon for the housing opportunities it has brought to Lexington.



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## Monitoring Scope

The Town conducted its annual monitoring for Avalon in May 2015, with a visit to the administrative office at the Avalon at Lexington Hills site. The 2015 monitoring process included review and approval of annual rents, review of rent rolls by tenant, and a site visit with a 10% sampling of tenant income certifications and physical inspections.

The following unit numbers were included in the 2015 effort:

- Avalon at Lexington: 7224, 5102, 4114, 1212, 6102, 7113
- Avalon at Lexington Hills: 12431, 6006, 3110, 3102, 3304, 12117, 12238, 12211, 12258, 12113

Avalon at Lexington, as a 40B project, was initially required to comply with the Limited Dividend regulation with cost certification reporting. The annual audit requirement is no longer required once the project's mortgage with MHFA was discharged. Avalon at Lexington Hills has no cost certification reporting requirement.

## Compliance Requirements

The following compliance requirements are confirmed through the monitoring process.

1. **Monthly Rent Requirement:** The regulation requires that the monthly rents charged to tenants of Low and Moderate Income Units shall not exceed an amount equal to thirty percent (30%) of the monthly adjusted income of a Family whose gross income equals eighty percent (80%) (or 50% as applicable) of the median income for the Area, with adjustment for the number of bedrooms in the Unit, as provided by HUD. It also requires that the Project Sponsor annually submit a proposed schedule of monthly rents.

**Determination:** Annual rents for the Low and Moderate Income Units were reviewed and approved by the Town in March 2015, as presented, using the 2015 HUD income limits published on 3/6/15 and the utility allowance based on the Lexington Housing Authority schedule (effective 10/15/2014). Avalon uses a 1.5 persons/bedroom calculation – per both regulatory agreements. Avalon has annually presented a proposed schedule of monthly rents since the start of the Town monitoring efforts.

In April 2015, Avalon agreed to reduce the rents for certain Section 8 voucher residents to accept the Lexington Housing Authority Section 8 payments at 100% of FMR, a recommendation from last year's monitoring efforts. Capping the LHA voucher payments to Avalon for deed restricted affordable units at 100% of FMR is one approach to extending the Section 8 program, so that the LHA will be able to help more families find affordable housing. Lexington thanks Avalon for making this accommodation.

2. **Tenant Eligibility Requirement:** Determination of whether the tenant of each Low and Moderate Income Unit remains an Eligible Tenant. An Eligible Tenant is a Family whose annual income does not exceed eighty percent (80%) (or 50% as applicable) of the Area median income adjusted for family size as determined by the U.S. Department of Housing and Urban



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Development (“HUD”)...Any Low or Moderate Income Unit occupied by an Eligible Tenant at the commencement of occupancy shall be deemed a Low or Moderate Income Unit so long as (i) such unit continues to be rent restricted and (ii) the tenant’s income does not exceed 140% of the Maximum Income.”

**Determination:** A 10% sampling of individual tenant certifications were reviewed (17 tenants). Avalon has a thorough review process and is commended for their file organization. They have optimized their document management system for digital storage which is most efficient.

Avalon has recently started collecting 5 paychecks for income verification in accordance with the guidelines.

- 3. **Regulatory Requirement:** Certification that each of the Low and Moderate Income Units continues to be a Low and Moderate Income Unit; and is maintained in a manner consistent with regulations and guidelines.

**Determination:** A 10% sampling for the units were inspected (10 units at Lexington Hills, and 7 units at Avalon Lexington). All units appeared to be well maintained. We did observe in Unit 5102 at Avalon Lexington that the tenant had removed the smoke detector and placed it on the dining room table. Management indicated that maintenance will replace it and the tenant reminded of the importance of not tampering with safety equipment. The maintenance personnel were receptive and forthcoming.

As noted above, the Regulatory Agreement with Avalon at Lexington has been discharged with the mortgage from MHFA.

The Town is interested in exploring executing a local Regulatory Agreement with Avalon to formalize the preservation of the affordable housing restriction and covenants.

Unit Mix: At Avalon at Lexington Hills, Avalon continues to provide more 1BRs and fewer 2BRs than called for in the Regulatory Agreement from 2012. This is in part due to the changing unit sizes for the DMH units. Avalon reserves 29 units for DMH clients per the cooperation agreement and as agreed, DMH has substituted one bedroom apartments for two bedroom apartments as the needs of their clients have changed. The unit mix is shown below:

	Agreement	Actual
1BR	27	30
2BR	64	61
3BR	6	6
TOTA	97	97

At our visit, there were four affordable unit vacancies – 3 2BR (12113, 12115, 12409) and 1 1BR (12215).

At Avalon at Lexington, the unit mix is correct between the actual affordable units, and the regulated number of units (10 1BR moderate, 23 2BR low, 6 2BR moderate, 17 3BR low).





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The Town requests that Avalon Lexington Hills move towards the unit mix as defined in the Regulatory Agreement as vacancies occur.

4. **Affirmative Fair Marketing Requirement:** Verification that the on-going leasing is compliant with DHCD Affirmative Fair Housing Guidelines.

**Determination:** Avalon is starting to update its Affirmative Fair Housing Marketing Plan (AFHMP). Recent change to the guidelines require update every 5 years. Additionally, vacancies must be posted to the MassAccess Registry system. The Town will review these items in detail in the next monitoring review.

In one unit (3304) a couple was leasing a 3BR unit. Avalon indicated that they potentially would be moved to a smaller unit through a Compliance Transfer process.

Waiting list. The waiting lists for each of the properties were reviewed. Avalon does not utilize any preferences or priorities in leasing from the list. Approximately 10 persons are offered units each year at each property across the bedroom sizes. The lists are years long. Avalon is implementing a new waiting list system in 2015.

	Lexington Hills	Avalon at Lexington
1BR	39	42
2BR	79	70 (50%), 71 (80%)
3BR	73	59
TOTAL	191	242



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## **LexHAB Local Initiative Program Units, Lexington**

### **Monitoring Report 2015**

This Monitoring Report is prepared by the Regional Housing Services Office for the Town of Lexington. This report will serve as monitoring requirement per the Department of Housing and Community Development (DHCD) for the period 7/1/14 to 6/30/15.



#### **Background**

LexHAB owns and operates 68 scattered site rental units throughout the Town of Lexington. Of these units, 41 are listed on the State's Subsidized Housing Inventory (SHI), and further, 16 of those SHI units are subject to Local Initiative Program Local Action Unit (LIP LAU) regulatory agreements. There are specific compliance requirements for these LIP LAU units, the other units listed on the SHI, and the Parker Grove Village units. LexHAB is bound by the enabling legislation for LexHAB and not part of this monitoring review.

The LIP Regulatory Agreement requires the Town Manager (as Chief Executive Office) to certify annually to the DHCD that the Low and Moderate Income units are occupied by income-eligible tenants who are paying a rent that is within the program guidelines and that the units have been maintained in a manner consistent with applicable regulations and guidelines. These requirements are generally found in Section 2 of the Regulatory Agreement, with the Town's obligation in section 2e.

The affordable housing restriction for the Parker Manor requires that LexHAB provide to the Town annual reports consisting of certifications regarding the annual and monthly gross and adjusted income of each Household occupying each Unit, as well as a proposed schedule of monthly rents and monthly allowances for utilities and services for the Units.

#### **Summary Findings**

It is clear that LexHAB continues to develop and maintain an impressive portfolio of properties. The organization and staff are dedicated to serving a diverse and low-income population. LexHAB enjoys the support and respect from the Town due to their successful track record and the large number of households they are able to assist. The LexHAB staff has addressed some of the items as noted in the 2014 monitoring report, and continues to make improvements.

The recommendations below are designed to strengthen the compliance of the affordable housing program as well as encourage a more consistent set of leasing and rent determination practices.

Below are the findings from the detail report below.



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*We recommend again this year that LexHAB formalize its annual rent determination results by providing a summary in the tenant file of the income calculated, and rent determined. We suggest that LexHAB compare their rent determination with the LIP program maximums and use the lower of the two figures. We recommend that LexHAB review 'market' rent and its processes for over-income tenants.*

*We recommend again this year that LexHAB submit all initial rents and rent increases (with the utility allowance included in the calculation) to the Town. Town review is required for rent increases.*

*Additionally, LexHAB should clarify its policy regarding eligibility limits. The State program allows Eligible Tenants to earn 140% of the 80% limit; LexHAB renewal forms require the tenant be under the 80% limit.*

*We suggest that LexHAB review its lease for over-income and change in income processes.*

*We recommend that LexHAB review its Policy and Guidelines to align with the State program. We also suggest that LexHAB retain documentation regarding the tenant selection process followed on each new tenant.*

## **Monitoring Scope**

This is the second year of monitoring the LexHAB's LIP units. All files were reviewed and site visits were made to the units.

The LexHAB units, as Local Action units and not Chapter 40B units, are not subject to a Limited Dividend restriction.

## **Reporting Requirements**

1. **Requirement:** The regulation requires that the monthly rents charged to tenants of Low and Moderate Income Units shall not exceed an amount equal to thirty percent (30%) of the monthly adjusted income of a Family whose gross income equals eighty percent (80%) of the median income for the Area (as provided by HUD), with adjustment for the number of bedrooms in the Unit, including an allowance for any utilities and services which are paid for by the tenant. It also requires that the Project Sponsor annually submit a proposed schedule of monthly rents.

**Determination:** LexHAB charges rents based on the ability of their tenants to pay, that is that rent is determined based on 30% of the gross household income.

LexHAB has started to formalize the charging of utility allowances and consistently handling them in rent determination. LexHAB does not annually submit rent schedules to the Town.

LexHAB accepts Section 8 vouchers from the Lexington Housing Authority for a number (7 as of 12/31/2014) of its tenants. In these cases, LexHAB accepts the Section 8 rent.



One tenant (109 Parker Street) was determined to be over income, and charged ‘market’ rent of \$1600, which is a rent that is significantly below the going rents in Lexington, and is closer to the affordable regulated rents.

*We suggest again this year that LexHAB formalize its annual rent determination results by providing a summary in the tenant file of the income calculated, and rent determined. We suggest that LexHAB compare their rent determination with the LIP program maximums and use the lower of the two figures. We recommend that LexHAB review ‘market’ rent and its processes for over-income tenants.*

*We recommend again this year that LexHAB submit all initial rents and rent increases (with the utility allowance included in the calculation) to the Town. Town review is required for rent increases and is a good practice for the initial rents to provide a check on the process.*

2. **Requirement:** Determination of whether the tenant of each Low and Moderate Income Unit remains an Eligible Tenant. An Eligible Tenant is a Family whose annual income does not exceed 140% of eighty percent (80%) of the Area median income adjusted for family size as determined by the U.S. Department of Housing and Urban Development (“HUD”).

**Determination:** As mentioned, there have been improvements in collecting paychecks and bank statements to verify income, rather than relying on tenant certifications. However, income determination documentation was not included in the tenant files, and it was difficult to review the administrator’s determination, even though income determination training was provided and templates provided. In some cases, the determination did not include current wages, or income from all the household members, and in other cases, income documentation was missing from the file.

- 109 Muzzey: Used last year 1040 rather than current paychecks
- 2 Spenser: Used last year 1040 rather than current paychecks
- 1003 Mass Ave: Missing bank statements
- 300 Woburn: Did not include spouse part-time income
- 142 Emerson: Used last year 1040 rather than current paychecks

*We suggest that LexHAB include the income determination in the tenant files, showing the income that was calculated. Additionally, LexHAB should clarify its policy regarding eligibility limits. The State program allows Eligible Tenants to earn 140% of the 80% limit; LexHAB renewal forms require the tenant be under the 80% limit.*

3. **Requirement:** Certification that each of the Low and Moderate Income Units continues to be a Low and Moderate Income Unit; and is maintained in a manner consistent with regulations and guidelines.

**Determination:** A 10% sampling for the units were inspected. All units appeared to be well maintained with no issues or defects, and maintenance requests seem to be handled swiftly.



4. **Requirement:** All tenants are given a 1-year lease.

**Determination:** Current leases were in the files and accurately completed (for example, tenant paid utilities were not always initialed as called for by the lease). One tenant who is in arrears has not been given a renewal lease nor has been income recertified, as it is LexHAB's policy not to renew if the tenant has an outstanding balance.

*We suggest that LexHAB review its lease for over-income and change in income processes.*

5. **Requirement:** Units are leased in compliance with the Marketing Plan and Tenant Selection Policy approved by DHCD at the time of the Regulatory Agreement and applicable laws and guidelines.

**Determination:** Tenant files contain the application of the selected tenant though no documentation of the selection process nor of the other potential tenants for this unit, or evidence of advertising.

**Please provide updated LexHAB Policy and Guidelines**

*We recommend that LexHAB review its Policy and Guidelines to align with the State program. We also suggest that LexHAB retain documentation regarding the tenant selection process followed on each new tenant.*

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Joint Meeting with Planning Board - Policy Priorities

### PRESENTER:

Joe Pato, BOS Chair/Nancy  
Corocoran-Ronchetti, PB Chair

### ITEM NUMBER:

I.6

### SUMMARY:

The Board of Selectmen and the Planning Board will meet in joint session to discuss the Selectmen's zoning policy goals. Topics to be discussed include:

- Governmental / Civic Use Zoning Bylaw
- Center Diversity
  - Article 53 Bank Moratorium
  - Street level storefront use
- Parking requirements in Zoning Bylaw
- Affordable Housing and Housing Diversity - Residential Policy Committee

Enclosed is some material regarding the Governmental - Civic Use District. First is the proposal of the Planning Board at last spring's Annual Town Meeting. Major categories of property included in the district included Federal, State, and municipally-owned sites. Second is a modified version of this proposal that SUBTRACTS land owned by Lexington, but ADDS certain properties owned by entities that benefit from local property tax exemptions and/or local zoning protections. The added sites have been screened to limit the number of properties in the proposed district to generally larger sites whose conversion to their current zoning district would result in significant impact to the community. For reference, the properties filtered out are shown in gray on the map. This map is for discussion purposes only and is subject to further refinement and public comment.

The Planning Board will need an indication from the Selectmen if the Governmental - Civic Use Districty proposal should be included in the Special Town Meeting proposed for later this year.

### RECOMMENDATION / SUGGESTED MOTION:

### FOLLOW-UP:

The Planning Board is expected to continue to refine the concept for an upcoming Town Meeting.

**DATE AND APPROXIMATE TIME ON AGENDA:**

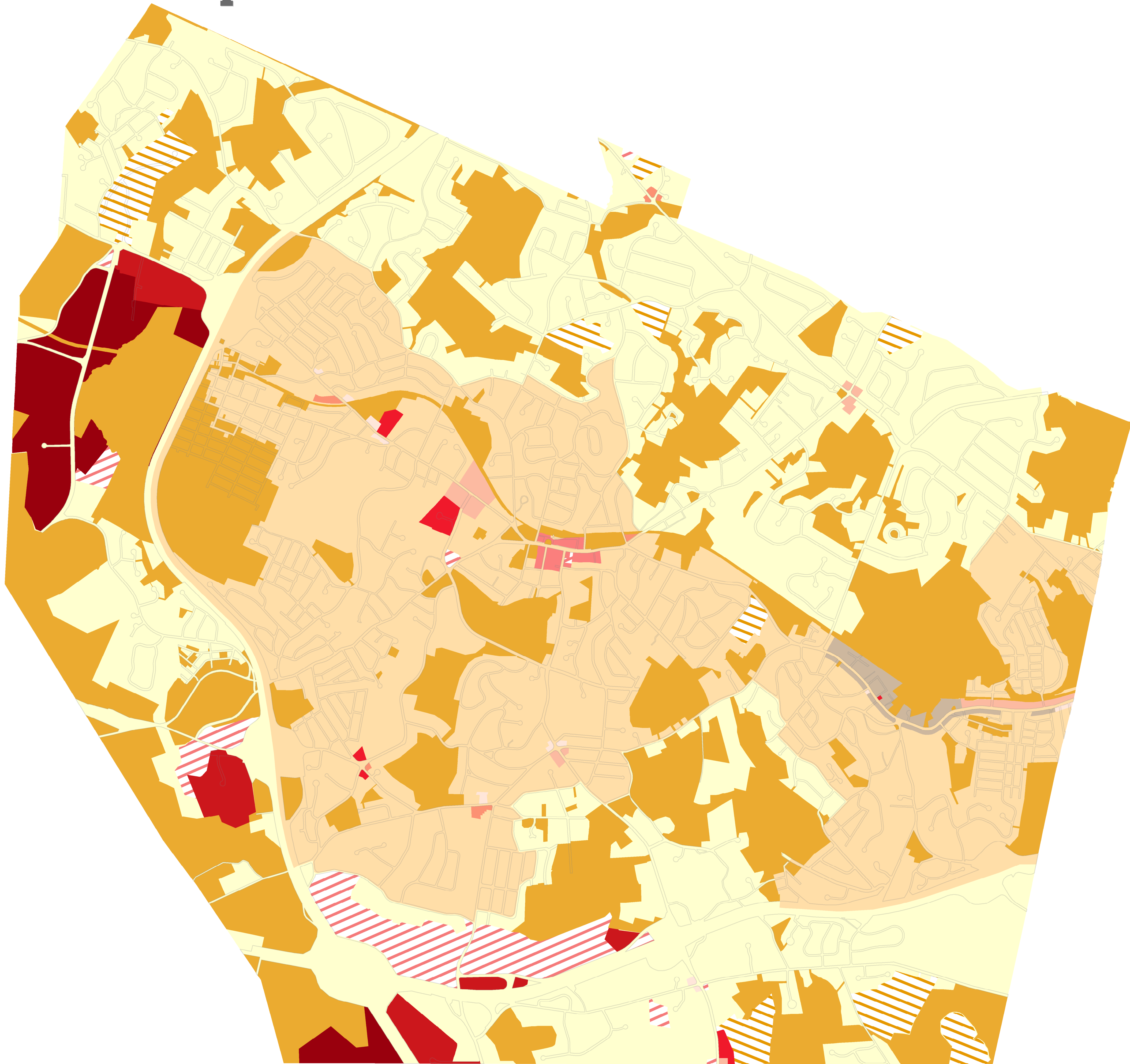
8/31/2015

7:35 PM

**ATTACHMENTS:**

Description	Type
☐ GC Map from ATM 2015	Backup Material
☐ Modified GC Map for Discussion	Backup Material

# Proposed Governmental/Civic Use District Map



## Legend

 **GC - Governmental/Civic Use District**

### RESIDENTIAL DISTRICTS


 RO - One Family Dwelling

 RS - One Family Dwelling

 RT - Two Family Dwelling

### COMMERCIAL / INDUSTRIAL DISTRICTS

 CB - Central Business

 CLO - Local Office

 CM - Manufacturing

 CN - Neighborhood Busines

 CRO - Regional Office

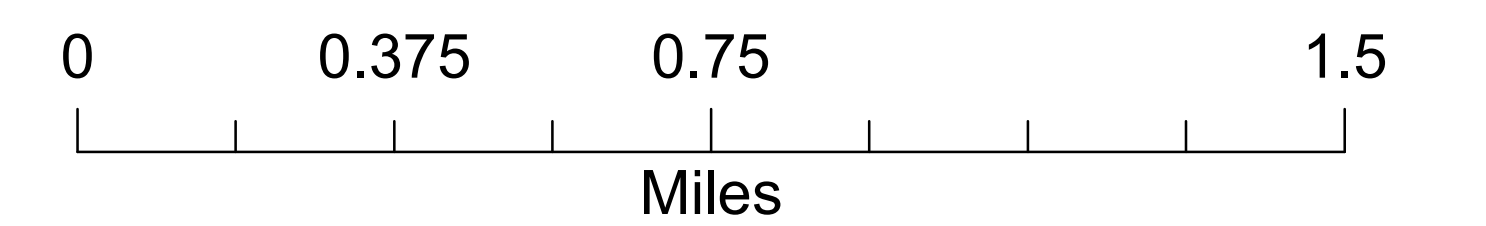
 CRS - Retail Shopping

 CS - Service Business

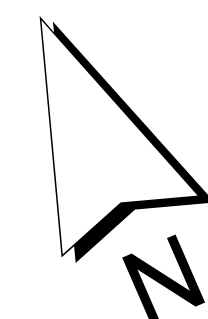
### PLANNED DEVELOPMENT DISTRICTS

 CD - Planned Commercial

 RD - Planned Residential



1 in = 1,200 ft







Date: 3 / 5 / 2 0 1 5

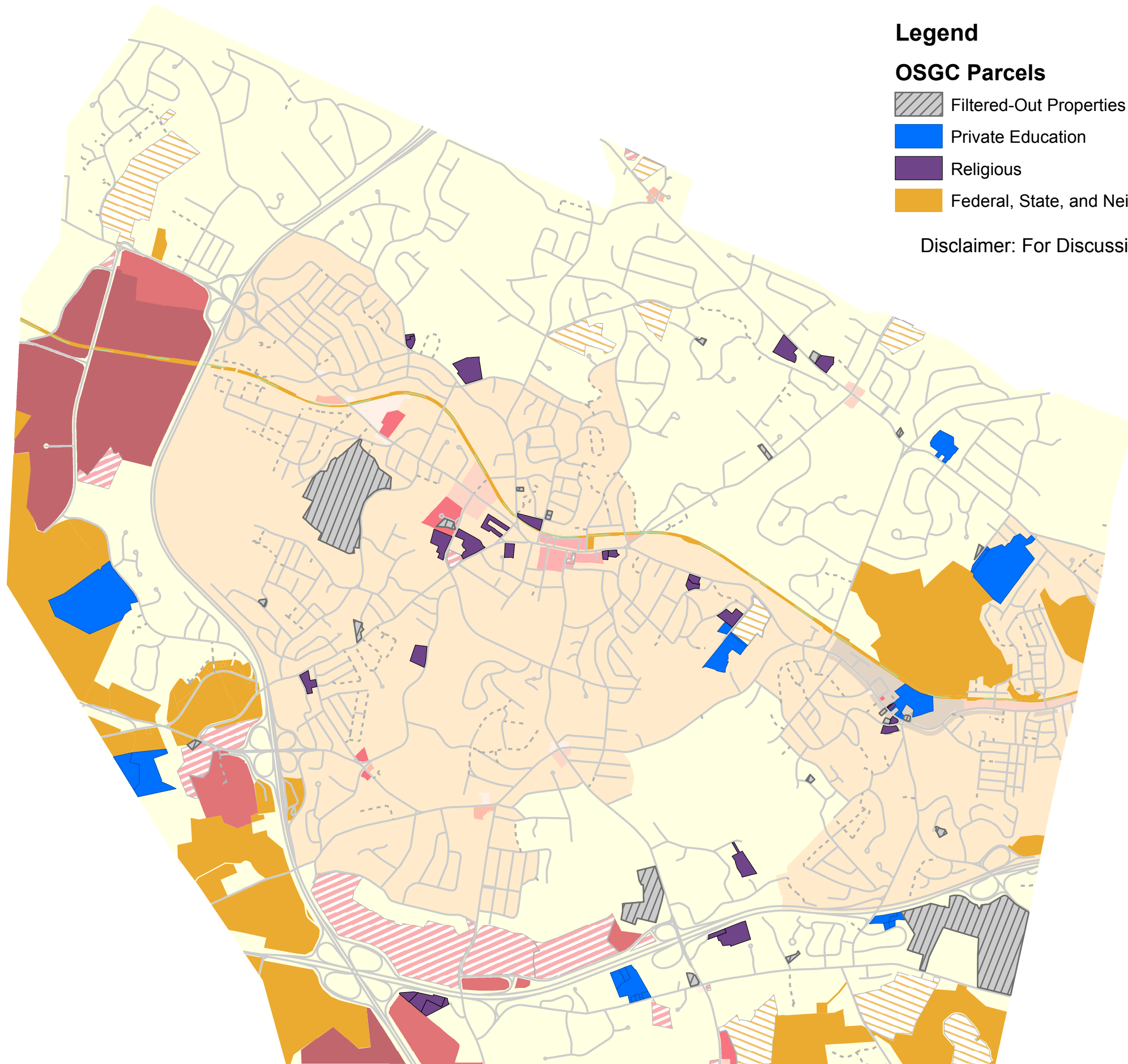


# Legend

## OSGC Parcels

-  Filtered-Out Properties
-  Private Education
-  Religious
-  Federal, State, and Neighboring Town-Owned Land

Disclaimer: For Discussion Purposes Only



# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Discussion of School District Building Projects Plan (10 min.)

### **PRESENTER:**

Joe Pato

### **ITEM NUMBER:**

I.7

### **SUMMARY:**

The board will review any changes in status regarding the district school building projects.

1. discuss special Summit on 9/16

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

### **FOLLOW-UP:**

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

8/31/2015

8:35 PM

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Discuss Wayland Request to Withdraw from Minuteman Tech (10 min.)

### PRESENTER:

Joe Pato

### ITEM NUMBER:

I.8

### SUMMARY:

The Board will discuss Wayland's request to withdraw from the Minuteman Regional School District. Such a withdrawal will require unanimous approval by all towns that are part of the regional district. The Minuteman School Committee has requested that towns place the question on the warrant for their next Town Meeting.

### RECOMMENDATION / SUGGESTED MOTION:

### FOLLOW-UP:

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

8:40 PM

### ATTACHMENTS:

Description	Type
☐ Letter from Minuteman Regarding Wayland Request to Withdraw from District	Backup Material



**MINUTEMAN**  
A REVOLUTION IN LEARNING

July 16, 2015

Joseph N. Pato, Chair  
Board of Selectmen  
Town of Lexington  
1625 Mass. Ave.  
Lexington, MA 02420

Dear Mr. Pato:

On April 15, 2015 the Wayland Town Meeting voted to seek the Town of Wayland's withdrawal from the Minuteman Regional School District. Section IX of the current Minuteman Regional Agreement requires the Minuteman Regional School Committee, under such circumstances, to draft an amendment to the Regional Agreement setting forth the terms by which the town seeking to withdraw may withdraw from the District. To this end, the Regional School Committee on July 7, 2015 voted to submit the enclosed Amendment to the member towns for their approval.

Thus, I am writing to request on behalf of the Minutemen Regional School Committee that the Board of Selectmen include in the warrant for your town's next annual or special Town Meeting an article calling for the acceptance of the enclosed Amendment. For your convenience, we are also enclosing the draft of a possible warrant article that you can consider utilizing.

Please understand that this Amendment, as well as the withdrawal of the Town of Wayland from the District, will only occur if all sixteen of the current member towns of the District, as well as the Commissioner of Education, approve this Amendment.

Please feel free to contact Superintendent Edward Bouquillon, who would be happy to provide whatever further information you or the other Selectmen might desire. Thank you for your cooperation.

Sincerely,

David Horton, Secretary  
Minuteman School Committee

cc: Carl Valente, Town Administrator  
Enclosures

Approved by Minuteman School Committee 7.7.15

Amendment to Minuteman Regional Agreement regarding the Withdrawal of  
The Town of Wayland from the Minuteman Regional School District

Whereas the Wayland Town Meeting voted on April 15, 2015 to seek withdrawal from the Minuteman Regional School District, and whereas Section IX of the Minuteman Regional Agreement requires the Minuteman Regional School Committee under such a circumstance to draft an amendment to the Regional Agreement setting forth the terms by which a town seeking to withdraw may withdraw from the District, the Regional School Committee voted at a meeting on July 7, 2015 to submit the following amendment to the Regional Agreement to the member towns for their approval.

Amendment No. 4 to the Minuteman Regional Vocational Technical School District Agreement

1. The references to the Town of Wayland will be stricken from the prefatory language of the Regional Agreement as well as from Section I and from wherever else a reference to Wayland appears in the Regional Agreement.
2. The Town of Wayland, even after the date that its withdrawal becomes effective, will remain responsible, consistent with the terms of Section IX of the Regional Agreement, for its share of the indebtedness of the District which is outstanding as of the effective date of Wayland's withdrawal.
3. Pursuant to the terms of 603 CMR 41.03, assuming that the approval of this amendment has been voted by the town meetings in all of the member towns, as well as having been approved by the Commissioner of Education, by December 31 of a given year, the effective date of this amendment and the effective date of Wayland's withdrawal will be the July 1 following that December 31 date.

Article \_\_\_\_\_

To see if the Town will accept and approve the “Amendment to Minuteman Regional Agreement regarding the Withdrawal of the Town of Wayland from the Minuteman Regional School District” which was approved by the Minuteman Regional School Committee on July 7, 2015 and which has been submitted to the Board of Selectmen consistent with the current Minuteman Regional Agreement.

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Liquor License - Busa Brothers Liquors - Pledge of License (5 min.)

### PRESENTER:

Joe Pato

### ITEM NUMBER:

I.9

### SUMMARY:

I have received all the necessary paperwork needed to request approval of a pledge of license on the Retail Package Goods Store liquor license for the Busa Brothers Liquors, Inc, located at 133 Massachusetts Avenue.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the application for a pledge of license of the Retail Package Goods Store liquor license for Busa Brothers Liquors, Inc. located at 133 Massachusetts Avenue.

### FOLLOW-UP:

Selectmen's Office

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

8:50 p.m.

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Busa Brothers Liquor Store Application for Pledge of License	Backup Material

**Posternak**  
POSTERNAK BLANKSTEIN & LUND LLP

August 4, 2015

Michael E. Rubin  
617-973-6110  
617-722-4911 FAX  
mrubin@pbl.com

Selectmen's Office  
1625 Massachusetts Ave  
Lexington, MA 02420  
ATTN: Lynne A. Pease  
Executive Clerk

Re: Busa Brothers Liquors, Inc.  
ABCC License No.: 06120005

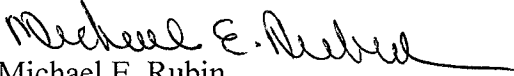
Dear Ms. Pease:

Enclosed please find the following documents:

1. ABCC Retail Alcoholic Beverages License Application Monetary Transmittal Form;
2. Check in the amount of \$200.00 made payable to the Commonwealth of Massachusetts;
3. Check in the amount of \$100.00 made payable to the Town of Lexington, Massachusetts;
4. Copy of Certificate of Good Standing from MA DOR;
5. Copy of Secured Promissory Note, evidencing funds from pledgee, Berkshire Bank;
6. Copy of Pledge Agreement;
7. Copy of Liquor License;
8. Copy of Vote authorizing pledge; and
9. Petition for Change of License.

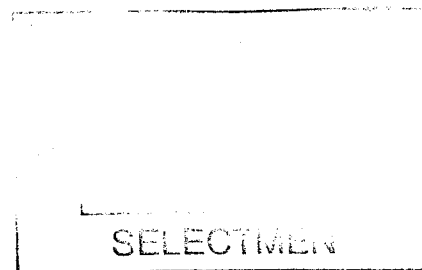
Please issue a pledge of the license at your earliest convenience. Thank you for your attention to this matter.

Sincerely yours,

  
Michael E. Rubin

MR/lmc  
Enclosures

1853027v1/18245-1







The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

PETITION FOR CHANGE OF LICENSE

061200015

ABCC License Number

Lexington

City/Town

The licensee Busa Brothers Liquors, Inc. respectfully petitions the Licensing Authorities to approve the following transactions:

- Change of Manager
- Pledge of License/Stock
- Change of Corporate Name/DBA
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")
- Alteration of Premises
- Cordial & Liqueurs
- Change of Location

Change of Manager  
 Last-Approved Manager: \_\_\_\_\_  
 Requested New Manager: \_\_\_\_\_

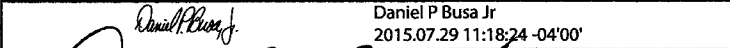
Pledge of License /Stock\*  
 Loan Principal Amount: \$ 1,500,000.00 Interest Rate: WSJ PR  
 Payment Term: 7/14/2016 Lender: Berkshire Bank

Change of Corporate Name/DBA\*  
 Last-Approved Corporate Name/DBA: \_\_\_\_\_  
 Requested New Corporate Name/DBA: \_\_\_\_\_

Change of License Type  
 Last-Approved License Type: \_\_\_\_\_  
 Requested New License Type: \_\_\_\_\_

Alteration of Premises: (must fill out attached financial information form)  
 Description of Alteration: \_\_\_\_\_

Change of Location: (must fill out attached financial information form)  
 Last-Approved Location: \_\_\_\_\_  
 Requested New Location: \_\_\_\_\_

Signature of Licensee  Date Signed 07/29/2015  
(If a Corporation/LLC, by its authorized representative)

\*Must have Certificate of Good Standing from MA Department of Revenue

## BERKSHIRE BANK

### PLEDGE OF ALCOHOLIC BEVERAGE LICENSE

KNOW ALL MEN BY THESE PRESENTS that Busa Bros Liquors, Inc., a Massachusetts corporation, having a principal place of business at 133 Massachusetts Avenue, Lexington, Massachusetts 02420 (the "**Pledgor**"), being the holder of a Retail Package Goods Store license to sell All Kinds of Alcoholic Beverages not to be drunk on the premises located at 55 Bedford Street, Lexington, Massachusetts (the "**License**", a copy of which is attached hereto as Exhibit A), in order to secure the payment of a certain loan evidenced by a Secured Revolving Time Note of even date in the maximum principal amount of One Million Five Hundred Thousand and 00/100 (\$1,500,000.00) Dollars (the "**Note**") made by Pledgor, State Road Liquor Mart, Inc., Busa's Reading Liuqors, Inc., Busa Wine & Spirits of Westford, Inc., Vinebrook Corporation, Doherty Bros Market, Inc. and Highlander Plaza Liquors, Inc., jointly and severally, payable to the order of Berkshire Bank (the "**Pledgee**"), and also to secure all other existing or future obligations and liabilities of the Pledgor to the Pledgee, whether said liabilities are direct, contingent, liquidated or unliquidated and in consideration of the making by Pledgee of the loan evidenced by the by the Note, Pledgor does hereby covenant and agree for itself and its successors and assigns, with the Pledgee, as follows:

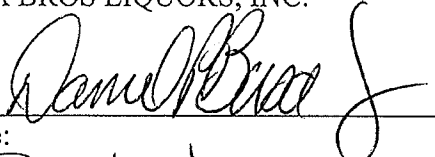
1. That Pledgor grants to Pledgee a security interest in the License.
2. That Pledgor and its successors and assigns will keep in force and duly renew said License.
3. That neither the Pledgor nor its successors or assigns will, without first obtaining the written consent of the Pledgee or the Pledgee's successors or assigns, transfer the location of, assign or surrender the License or any renewals thereof.
4. Upon the occurrence and continuance of an Event of Default (as defined in the Note), Pledgor for itself and its successors and assigns, irrevocably authorizes and empowers Pledgee, and Pledgee's successors and assigns, for and in the name of Pledgor, and its successors and assigns, to make such disposition of the License as the Pledgee sees fit without further consent from Pledgor.

5. Pledgor and Pledgee acknowledge that the pledge of the License provided herein is subject to prior approval by the City/Town of Lexington Licensing Board and by the Commonwealth of Massachusetts Alcoholic Beverages Control Commission.

IN WITNESS WHEREOF, the undersigned Pledgor has caused its name to be signed under seal this 14<sup>TH</sup> day of July, 2015.


PLEDGOR:

BUSA BROS LIQUORS, INC.

By:   
Name:  
Title: President

PLEDGEE:

BERKSHIRE BANK

By:   
Name: Christopher P. DeFronzo  
Title: Vice President

SECURED REVOLVING TIME NOTE

\$1,500,000.00

July 14, 2015  
Boston, Massachusetts

On July 14, 2017, for value received, the undersigned, BUSA BROS LIQUORS, INC., a Massachusetts corporation, STATE ROAD LIQUOR MART, INC., a Massachusetts corporation, BUSA'S READING LIQUORS, INC., a Massachusetts corporation, BUSA WINE & SPIRITS OF WESTFORD, INC., a Massachusetts corporation, VINEBROOK CORPORATION, a Massachusetts corporation, DOHERTY BROS. MARKET, INC., a Massachusetts corporation and HIGHLANDER PLAZA LIQUORS, INC., a Massachusetts corporation (collectively, the "**Borrowers**"), jointly and severally, promise to pay BERKSHIRE BANK, a Massachusetts banking corporation (the "**Bank**") at the office of the Bank located at One Van de Graff Drive, Suite 202, Burlington, Massachusetts 01803, or such other place as the Bank shall designate, the principal sum of One Million Five Hundred Thousand (\$1,500,000.00) Dollars (or if less, the aggregate unpaid principal amount of all advances and loans outstanding made under the Revolving Loan pursuant to a Loan Agreement of even date between the Bank and the Borrowers, as may be amended from time to time (the "**Loan Agreement**")), together with interest on unpaid balances payable monthly in arrears on the first (1<sup>st</sup>) day of each calendar month, commencing on the first day of the first month next succeeding the date hereof at a fluctuating interest rate per annum equal to the Prime Rate in effect from time to time. The "**Prime Rate**" shall mean the rate of interest designated in "Money Rates" section of *The Wall Street Journal*, from time to time as its "Prime Rate" in effect for domestic commercial loans, it being understood that such rate is a reference rate and not necessarily the lowest rate of interest charged by Bank. In the event that *The Wall Street Journal* announces more than one "Prime Rate", the highest rate shall be applicable hereto. In the event that the Prime Rate is no longer published or announced, or becomes unascertainable for any reason, the Bank shall designate a comparable reference rate, upon prior written notice to the Borrower, which shall be deemed the "Prime Rate" hereunder. The rate of interest payable by the Borrower shall be changed effective as of that day on which a change in the Wall Street Journal Prime Rate becomes effective. Interest shall be calculated on the basis of actual days elapsed and a 360-day year.

If any payment hereunder is not paid in full when due or after the occurrence of an Event of Default hereunder, interest on such unpaid balances shall thereafter accrue and be payable at a per annum rate equal to four (4%) percent greater than the rate of interest otherwise applicable to such balance (the "**Default Rate**"). In no event, however, shall advances evidenced by this Note bear interest rate in excess of the maximum interest permitted by applicable law. If any payment or installment to be made hereunder, whether interest, principal or both, shall not be paid within ten (10) days of the date when due, then, in addition to interest and without limiting the Bank's



rights by reason of such default, there shall be paid, upon demand, a late charge equal to five (5%) percent of any such payment or installment.

At the option of the Bank, this Note shall become immediately due and payable without notice or demand upon the occurrence at any time of any of the following (each an "**Event of Default**"): (i) the failure to pay in full and when due any installment of principal or interest hereunder; (ii) the occurrence and continuance of an Event of Default under the Loan Agreement; or (iii) the termination of the Loan Agreement for any reason.

This Note is issued pursuant to the aforementioned Loan Agreement, to which reference is made for a complete description of the rights, obligations, limitations and restrictions of the Borrower and the Bank.

The Borrower hereby authorizes the Bank to charge the amount of all payments, when due and payable hereunder, against the Borrower's loan account created pursuant to the Loan Agreement.

Any and all deposits or other sums at any time or times credited by or due from the Bank to, and all securities or other property in possession of the Bank, for safekeeping or otherwise and belonging to, any maker, endorser, or guarantor of this Note, are and shall be subject to a security interest in favor of the Bank to secure payment of this Note and the payment and performance of any and all other liabilities and obligations, direct or indirect, absolute or contingent, due or to become due or that may hereafter be contracted, of said respective maker, endorser or guarantor to the Bank. During the continuance of any of the foregoing events of default specified above or upon non-payment of this Note or any of such liabilities or obligations whenever due, and at any time or times thereafter, without any demand or notice, except to the extent as notice may be required by applicable law, the Bank may sell or dispose of any or all such securities or other property and may exercise any and all of the rights accorded the Bank by the Massachusetts Uniform Commercial Code. Upon the occurrence and during the continuance of any of the foregoing events of default, the Bank may apply or set off such deposits or other sums. The provisions of this paragraph are cumulative to, and non-exclusive of, any other rights that the Bank has with respect to such deposits, sums, securities or other property under other agreements or applicable principles of laws. The Bank shall have no duty to take steps to preserve rights against prior parties as to such securities or other property.

The Borrower agrees to pay all costs of collection, including reasonable fees of attorneys.

No delay or omission on the part of the Bank in exercising any right hereunder shall operate as a waiver of such right or of any other right of such Bank, nor shall any delay, omission or waiver on any one occasion be deemed a bar to or waiver of the same or any other right on any future occasion. The Borrower and every indorser or guarantor of this Note regardless of the time, order or place of signing waives presentment, demand, protest and notices of every kind and assents to any one or more extensions or postponements of the time of




payment or any other indulgences, to any substitutions, exchanges or releases of collateral if at any time there be available to the Bank collateral for this Note, and to the additions or releases of any other parties or persons primarily or secondarily liable hereunder.

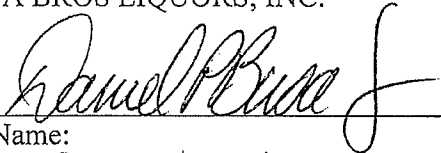
All rights and obligations hereunder shall be governed by the laws of the Commonwealth of Massachusetts and this Note shall be deemed to be made under seal.

BORROWERS:

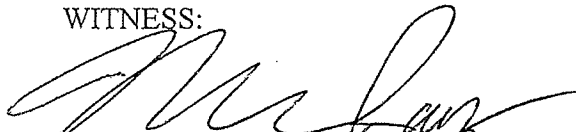
WITNESS:

  
Print Name: Matthew Ray

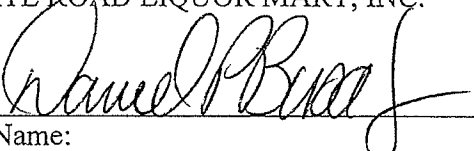
BUSA BROS LIQUORS, INC.

By:   
Name: \_\_\_\_\_  
Title: President


WITNESS:

  
Print Name: Matthew Ray

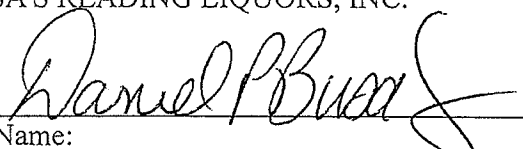
STATE ROAD LIQUOR MART, INC.

By:   
Name: \_\_\_\_\_  
Title: President


WITNESS:

  
Print Name: Matthew Ray


BUSA'S READING LIQUORS, INC.

By:   
Name: \_\_\_\_\_  
Title: President

WITNESS:

  
Print Name: Matthew Ray


BUSA WINE & SPIRITS OF WESTFORD, INC.

By:   
Name: \_\_\_\_\_  
Title: President

WITNESS:

  
Print Name: Matthew Ray


VINEBROOK CORPORATION

By:   
Name: \_\_\_\_\_  
Title: President

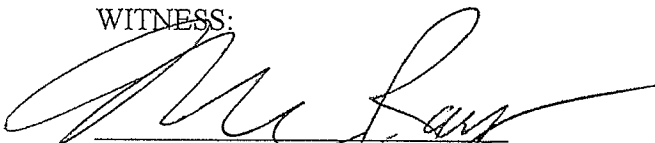
WITNESS:

  
Print Name: Matthew Ray


DOHERTY BROS. MARKET, INC.

By:   
Name: \_\_\_\_\_  
Title: President

WITNESS:

  
Print Name: Matthew Ray

HIGHLANDER PLAZA LIQUORS, INC.

By:   
Name: \_\_\_\_\_  
Title: President

**THIS NOTE IS SECURED PURSUANT TO THOSE CERTAIN SECURITY AGREEMENTS (ALL ASSETS), EACH OF EVEN DATE HEREOF, GIVEN BY EACH OF THE BORROWERS IN FAVOR OF THE BANK.**

**BUSA BROS LIQUORS, INC.**  
**(a Massachusetts Corporation)**

**UNANIMOUS WRITTEN CONSENT OF THE BOARD OF DIRECTORS**

As of July 4, 2015

The undersigned, being all of the Directors of Busa Bros Liquors, Inc., a Massachusetts corporation (the "Corporation"), hereby consent, pursuant to Massachusetts General Laws, Chapter 156D, Section 8.21, and the By-laws of the Corporation, to the following actions by unanimous written consent in lieu of a special meeting of the Board of Directors:

RESOLVED: That the President, Treasurer or any other officer or agent of Busa Bros Liquors, Inc. (the "**Corporation**") or any one or more of them be and they are hereby authorized and empowered to borrow or obtain other financial accommodations, from time to time, from Berkshire Bank (herein "**Secured Party**") such sum or sums of money as any of said officers may deem necessary or advisable for the purposes of the Corporation.

RESOLVED: That the President, Treasurer, or any other officer or any agent of the Corporation, or any one or more of them, be and they are hereby authorized and empowered to enter into and execute on behalf of the Corporation a security agreement(s) and/or a mortgage(s) with Secured Party relating to the granting of a security interest, pledge, assignment, negotiation and guarantee to said Secured Party of accounts, contracts, contract rights, general intangibles, chattel papers, instruments, documents; and all forms of obligations owing to the Corporation arising from or out of the sale of merchandise and/or the rendition of services or however otherwise, and all proceeds thereof, collectively referred to as "**Accounts**", and/or relating to the granting of a security interest, consignment, pledge, mortgage or other hypothecation of any and all of the inventory and any and all of the machinery, equipment, goods or other property, now or hereafter belonging to or acquired by the Corporation, to or with said Secured Party and/or to enter into and to execute on behalf of the Corporation a mortgage(s) relating to the real property of the Corporation, of whatever kind or nature and wherever situated, and from time to time to modify or supplement said security agreement(s) or mortgage(s) and to make and modify, or supplement arrangements with said Secured Party as to the terms or conditions on which such Accounts are to be pledged, assigned, negotiated or guaranteed to said Secured Party, and as to the terms or conditions on which merchandise or other property, now or hereafter belonging to or acquired by the Corporation, may be consigned, pledged, mortgaged or otherwise hypothecated to or with said Secured Party, and they and each



of them and any person or persons hereafter and from time to time designated by any of them to act for the Corporation are hereby further authorized and empowered from time to time to assign, transfer, deliver, endorse, negotiate or otherwise transfer and/or guarantee to said Secured Party and its assigns any and all Accounts now or hereafter belonging to or acquired by the Corporation, and for said purposes to execute and deliver any and all assignments, schedules, transfers, endorsements, contracts, guarantees, agreements or other instruments in respect thereof and to make remittances and payments in respect thereof as provided by any security agreement entered into with Secured Party, and they are further authorized and empowered from time to time to consign, designate, pledge, mortgage or otherwise hypothecate to or with said Secured Party merchandise or other property whether real personal or of whatever kind or nature and wherever situated, now or hereafter belonging to or acquired by the Corporation, and for said purposes to execute and deliver any and all consignments, promissory notes, security agreements, financing statements, designations, schedules, mortgages, agreements, instruments of pledge and/or other instruments in respect thereof, and to do and perform all such other acts and things deemed by such officer or agent necessary, convenient or proper to carry out, modify or supplement any such agreement and arrangements made with said Secured Party, hereby ratifying, approving and confirming all that any of said officers or agents have done or may do in the premises.

RESOLVED: That until said Secured Party receives notice in writing of any change or limitations of authority of any officers or any agents of the Corporation, said Secured Party is authorized to rely upon the authority and power set forth in these resolutions.

RESOLVED: That any one of the officers and/or persons authorized by the foregoing Resolutions, acting singly, may by written instrument furnished the Secured Party delegate to any other officer or person the same authority which is vested singly and individually by said Resolutions in the person(s) or officer(s) so delegating authority, which written delegation shall be in such form as may be requested by the Secured Party and may be subject to such restrictions and limitations as may be indicated thereon.

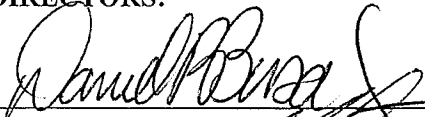
*[Remainder of page intentionally left blank.]*

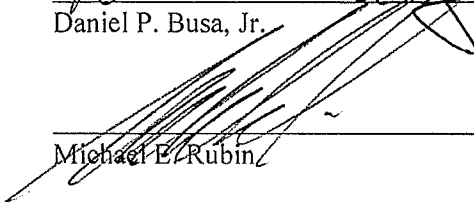
*[Signature page to follow.]*

*[Signature page to Unanimous Written Consent of the Board of Directors]*

**IN WITNESS WHEREOF**, the undersigned has executed this instrument to be effective as of the day and year first written above.

**DIRECTORS:**

  
\_\_\_\_\_  
Daniel P. Busa, Jr.

  
\_\_\_\_\_  
Michael E. Rubin

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Liquor License - Vinebrook Corporation - Pledge of License (5 min.)

### PRESENTER:

Joe Pato

### ITEM NUMBER:

I.10

### SUMMARY:

I have received all the necessary paperwork needed to request approval of a pledge of license on the Retail Package Goods Store liquor license for the Vinebrook Corporation, located at 131 Massachusetts Avenue.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the application for a pledge of license of the Retail Package Goods Store liquor license for Vinebrook Corporation, located at 131 Massachusetts Avenue.

### FOLLOW-UP:

Selectmen's Office

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

8:50 p.m.

### ATTACHMENTS:

Description	Type
□ Application for Pledge of Liquor License for Vinebrook Corporation	Backup Material

**Posternak**  
POSTERNAK BLANKSTEIN & LUND LLP

August 4, 2015

Michael E. Rubin  
617-973-6110  
617-722-4911 FAX  
mrubin@pbl.com

Selectmen's Office  
1625 Massachusetts Ave  
Lexington, MA 02420  
ATTN: Lynne A. Pease  
Executive Clerk

Re: Vinebrook Corporation a/k/a Vinebrook Bottle Shop  
ABCC License No.: 061200019

Dear Ms. Pease:

Enclosed please find the following documents:

1. ABCC Retail Alcoholic Beverages License Application Monetary Transmittal Form;
2. Check in the amount of \$200.00 made payable to the Commonwealth of Massachusetts;
3. Check in the amount of \$100.00 made payable to the Town of Lexington, Massachusetts;
4. Copy of Certificate of Good Standing from MA DOR;
5. Copy of Secured Promissory Note, evidencing funds from pledgee, Berkshire Bank;
6. Copy of Pledge Agreement;
7. Copy of Liquor License;
8. Copy of Vote authorizing pledge; and
9. Petition for Change of License.

Please issue a pledge of the license at your earliest convenience. Thank you for your attention to this matter.

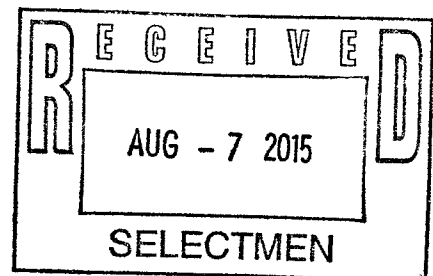
Sincerely yours,



Michael E. Rubin

MR/lmc  
Enclosures

1853024v1/18245-1





*The Commonwealth of Massachusetts*  
**Alcoholic Beverages Control Commission**  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**PETITION FOR CHANGE OF LICENSE**

061200019

ABCC License Number

Lexington

City/Town

The licensee Vinebrook Corporation d/b/a Vinebrook Bottle respectfully petitions the Licensing Authorities to approve the following transactions:

- Change of Manager
- Pledge of License/Stock
- Change of Corporate Name/DBA
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")
- Alteration of Premises
- Cordial & Liqueurs
- Change of Location

Change of Manager  
 Last-Approved Manager:   
 Requested New Manager:

Pledge of License /Stock\*  
 Loan Principal Amount: \$  Interest Rate:   
 Payment Term:  Lender:

Change of Corporate Name/DBA\*  
 Last-Approved Corporate Name/DBA:   
 Requested New Corporate Name/DBA:

Change of License Type  
 Last-Approved License Type:   
 Requested New License Type:

Alteration of Premises: (must fill out attached financial information form)  
 Description of Alteration:

Change of Location: (must fill out attached financial information form)  
 Last-Approved Location:   
 Requested New Location:

Signature of Licensee *William A. Benson* Date Signed   
(If a Corporation/LLC, by its authorized representative)

*\*Must have Certificate of Good Standing from MA Department of Revenue*

## BERKSHIRE BANK

### PLEDGE OF ALCOHOLIC BEVERAGE LICENSE

KNOW ALL MEN BY THESE PRESENTS that Vinebrook Corporation, a Massachusetts corporation, having a principal place of business at 133 Massachusetts Avenue, Lexington, Massachusetts 02420 (the "**Pledgor**"), being the holder of a Retail Package Goods Store license to sell All Kinds of Alcoholic Beverages not to be drunk on the premises located at 131 Massachusetts Avenue, Lexington, Massachusetts (the "**License**", a copy of which is attached hereto as Exhibit A), in order to secure the payment of a certain loan evidenced by a Secured Revolving Time Note of even date in the maximum principal amount of One Million Five Hundred Thousand and 00/100 (\$1,500,000.00) Dollars (the "**Note**") made by Pledgor, Bus Bros Liquors, Inc., State Road Liquor Mart, Inc., Busa's Reading Liquors, Inc., Busa Wine & Spirits of Westford, Inc., Doherty Bros Market, Inc. and Highlander Plaza Liquors, Inc., jointly and severally, payable to the order of Berkshire Bank (the "**Pledgee**"), and also to secure all other existing or future obligations and liabilities of the Pledgor to the Pledgee, whether said liabilities are direct, contingent, liquidated or unliquidated and in consideration of the making by Pledgee of the loan evidenced by the by the Note, Pledgor does hereby covenant and agree for itself and its successors and assigns, with the Pledgee, as follows:

1. That Pledgor grants to Pledgee a security interest in the License.
2. That Pledgor and its successors and assigns will keep in force and duly renew said License.
3. That neither the Pledgor nor its successors or assigns will, without first obtaining the written consent of the Pledgee or the Pledgee's successors or assigns, transfer the location of, assign or surrender the License or any renewals thereof.
4. Upon the occurrence and continuance of an Event of Default (as defined in the Note), Pledgor for itself and its successors and assigns, irrevocably authorizes and empowers Pledgee, and Pledgee's successors and assigns, for and in the name of Pledgor, and its successors and assigns, to make such disposition of the License as the Pledgee sees fit without further consent from Pledgor.

5. Pledgor and Pledgee acknowledge that the pledge of the License provided herein is subject to prior approval by the City/Town of Lexington Licensing Board and by the Commonwealth of Massachusetts Alcoholic Beverages Control Commission.

IN WITNESS WHEREOF, the undersigned Pledgor has caused its name to be signed under seal this 14<sup>TH</sup> day of July, 2015.

PLEDGOR:

VINEBROOK CORPORATION

By: William Kew  
Name:  
Title: President

PLEDGEE:

BERKSHIRE BANK

By: Christopher P. DeFronzo  
Name: Christopher P. DeFronzo  
Title: Vice President

SECURED REVOLVING TIME NOTE

\$1,500,000.00

July 14, 2015  
Boston, Massachusetts

On July 14, 2017, for value received, the undersigned, BUSA BROS LIQUORS, INC., a Massachusetts corporation, STATE ROAD LIQUOR MART, INC., a Massachusetts corporation, BUSA'S READING LIQUORS, INC., a Massachusetts corporation, BUSA WINE & SPIRITS OF WESTFORD, INC., a Massachusetts corporation, VINEBROOK CORPORATION, a Massachusetts corporation, DOHERTY BROS. MARKET, INC., a Massachusetts corporation and HIGHLANDER PLAZA LIQUORS, INC., a Massachusetts corporation (collectively, the "**Borrowers**"), jointly and severally, promise to pay BERKSHIRE BANK, a Massachusetts banking corporation (the "**Bank**") at the office of the Bank located at One Van de Graff Drive, Suite 202, Burlington, Massachusetts 01803, or such other place as the Bank shall designate, the principal sum of One Million Five Hundred Thousand (\$1,500,000.00) Dollars (or if less, the aggregate unpaid principal amount of all advances and loans outstanding made under the Revolving Loan pursuant to a Loan Agreement of even date between the Bank and the Borrowers, as may be amended from time to time (the "**Loan Agreement**")), together with interest on unpaid balances payable monthly in arrears on the first (1<sup>st</sup>) day of each calendar month, commencing on the first day of the first month next succeeding the date hereof at a fluctuating interest rate per annum equal to the Prime Rate in effect from time to time. The "**Prime Rate**" shall mean the rate of interest designated in "Money Rates" section of *The Wall Street Journal*, from time to time as its "Prime Rate" in effect for domestic commercial loans, it being understood that such rate is a reference rate and not necessarily the lowest rate of interest charged by Bank. In the event that *The Wall Street Journal* announces more than one "Prime Rate", the highest rate shall be applicable hereto. In the event that the Prime Rate is no longer published or announced, or becomes unascertainable for any reason, the Bank shall designate a comparable reference rate, upon prior written notice to the Borrower, which shall be deemed the "Prime Rate" hereunder. The rate of interest payable by the Borrower shall be changed effective as of that day on which a change in the Wall Street Journal Prime Rate becomes effective. Interest shall be calculated on the basis of actual days elapsed and a 360-day year.

If any payment hereunder is not paid in full when due or after the occurrence of an Event of Default hereunder, interest on such unpaid balances shall thereafter accrue and be payable at a per annum rate equal to four (4%) percent greater than the rate of interest otherwise applicable to such balance (the "**Default Rate**"). In no event, however, shall advances evidenced by this Note bear interest rate in excess of the maximum interest permitted by applicable law. If any payment or installment to be made hereunder, whether interest, principal or both, shall not be paid within ten (10) days of the date when due, then, in addition to interest and without limiting the Bank's





rights by reason of such default, there shall be paid, upon demand, a late charge equal to five (5%) percent of any such payment or installment.

At the option of the Bank, this Note shall become immediately due and payable without notice or demand upon the occurrence at any time of any of the following (each an "**Event of Default**"): (i) the failure to pay in full and when due any installment of principal or interest hereunder; (ii) the occurrence and continuance of an Event of Default under the Loan Agreement; or (iii) the termination of the Loan Agreement for any reason.

This Note is issued pursuant to the aforementioned Loan Agreement, to which reference is made for a complete description of the rights, obligations, limitations and restrictions of the Borrower and the Bank.

The Borrower hereby authorizes the Bank to charge the amount of all payments, when due and payable hereunder, against the Borrower's loan account created pursuant to the Loan Agreement.

Any and all deposits or other sums at any time or times credited by or due from the Bank to, and all securities or other property in possession of the Bank, for safekeeping or otherwise and belonging to, any maker, endorser, or guarantor of this Note, are and shall be subject to a security interest in favor of the Bank to secure payment of this Note and the payment and performance of any and all other liabilities and obligations, direct or indirect, absolute or contingent, due or to become due or that may hereafter be contracted, of said respective maker, endorser or guarantor to the Bank. During the continuance of any of the foregoing events of default specified above or upon non-payment of this Note or any of such liabilities or obligations whenever due, and at any time or times thereafter, without any demand or notice, except to the extent as notice may be required by applicable law, the Bank may sell or dispose of any or all such securities or other property and may exercise any and all of the rights accorded the Bank by the Massachusetts Uniform Commercial Code. Upon the occurrence and during the continuance of any of the foregoing events of default, the Bank may apply or set off such deposits or other sums. The provisions of this paragraph are cumulative to, and non-exclusive of, any other rights that the Bank has with respect to such deposits, sums, securities or other property under other agreements or applicable principles of laws. The Bank shall have no duty to take steps to preserve rights against prior parties as to such securities or other property.

The Borrower agrees to pay all costs of collection, including reasonable fees of attorneys.

No delay or omission on the part of the Bank in exercising any right hereunder shall operate as a waiver of such right or of any other right of such Bank, nor shall any delay, omission or waiver on any one occasion be deemed a bar to or waiver of the same or any other right on any future occasion. The Borrower and every indorser or guarantor of this Note regardless of the time, order or place of signing waives presentment, demand, protest and notices of every kind and assents to any one or more extensions or postponements of the time of




payment or any other indulgences, to any substitutions, exchanges or releases of collateral if at any time there be available to the Bank collateral for this Note, and to the additions or releases of any other parties or persons primarily or secondarily liable hereunder.

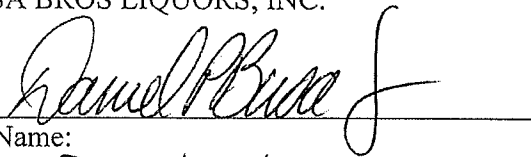
All rights and obligations hereunder shall be governed by the laws of the Commonwealth of Massachusetts and this Note shall be deemed to be made under seal.

BORROWERS:


WITNESS:

  
Print Name: Matthew Ray

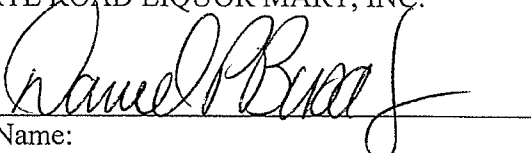
BUSA BROS LIQUORS, INC.

By:   
Name: \_\_\_\_\_  
Title: President


WITNESS:

  
Print Name: Matthew Ray

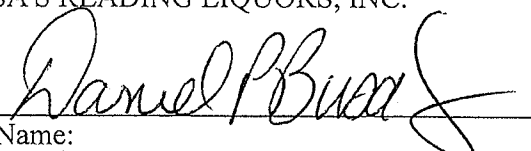
STATE ROAD LIQUOR MART, INC.

By:   
Name: \_\_\_\_\_  
Title: President


WITNESS:

  
Print Name: Matthew Ray

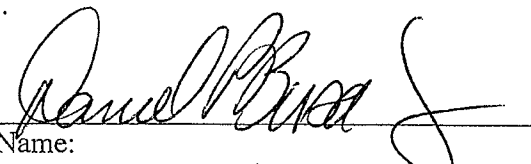
BUSA'S READING LIQUORS, INC.

By:   
Name: \_\_\_\_\_  
Title: President

WITNESS:

  
Print Name: Matthew Ray


BUSA WINE & SPIRITS OF WESTFORD, INC.

By:   
Name: \_\_\_\_\_  
Title: President

WITNESS:

  
Print Name: Matthew Ray

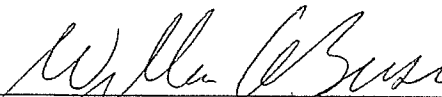
VINEBROOK CORPORATION

By:   
Name: \_\_\_\_\_  
Title: President

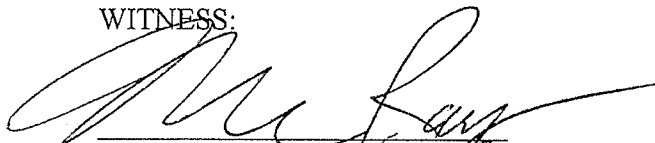
WITNESS:

  
Print Name: Matthew Ray


DOHERTY BROS. MARKET, INC.

By:   
Name: \_\_\_\_\_  
Title: President

WITNESS:

  
Print Name: Matthew Ray

HIGHLANDER PLAZA LIQUORS, INC.

By:   
Name: \_\_\_\_\_  
Title: President

**THIS NOTE IS SECURED PURSUANT TO THOSE CERTAIN SECURITY AGREEMENTS (ALL ASSETS), EACH OF EVEN DATE HEREOF, GIVEN BY EACH OF THE BORROWERS IN FAVOR OF THE BANK.**

**VINEBROOK CORPORATION**  
**(a Massachusetts Corporation)**

**UNANIMOUS WRITTEN CONSENT OF THE BOARD OF DIRECTORS**

As of July 14, 2015

The undersigned, being all of the Directors of Vinebrook Corporation, a Massachusetts corporation (the "Corporation"), hereby consent, pursuant to Massachusetts General Laws, Chapter 156D, Section 8.21, and the By-laws of the Corporation, to the following actions by unanimous written consent in lieu of a special meeting of the Board of Directors:

RESOLVED: That the President, Treasurer or any other officer or agent of Vinebrook Corporation, (the "**Corporation**") or any one or more of them be and they are hereby authorized and empowered to borrow or obtain other financial accommodations, from time to time, from Berkshire Bank (herein "**Secured Party**") such sum or sums of money as any of said officers may deem necessary or advisable for the purposes of the Corporation.

RESOLVED: That the President, Treasurer, or any other officer or any agent of the Corporation, or any one or more of them, be and they are hereby authorized and empowered to enter into and execute on behalf of the Corporation a security agreement(s) and/or a mortgage(s) with Secured Party relating to the granting of a security interest, pledge, assignment, negotiation and guarantee to said Secured Party of accounts, contracts, contract rights, general intangibles, chattel papers, instruments, documents; and all forms of obligations owing to the Corporation arising from or out of the sale of merchandise and/or the rendition of services or however otherwise, and all proceeds thereof, collectively referred to as "**Accounts**", and/or relating to the granting of a security interest, consignment, pledge, mortgage or other hypothecation of any and all of the inventory and any and all of the machinery, equipment, goods or other property, now or hereafter belonging to or acquired by the Corporation, to or with said Secured Party and/or to enter into and to execute on behalf of the Corporation a mortgage(s) relating to the real property of the Corporation, of whatever kind or nature and wherever situated, and from time to time to modify or supplement said security agreement(s) or mortgage(s) and to make and modify, or supplement arrangements with said Secured Party as to the terms or conditions on which such Accounts are to be pledged, assigned, negotiated or guaranteed to said Secured Party, and as to the terms or conditions on which merchandise or other property, now or hereafter belonging to or acquired by the Corporation, may be consigned, pledged, mortgaged or otherwise hypothecated to or with said Secured Party, and they and each

of them and any person or persons hereafter and from time to time designated by any of them to act for the Corporation are hereby further authorized and empowered from time to time to assign, transfer, deliver, endorse, negotiate or otherwise transfer and/or guarantee to said Secured Party and its assigns any and all Accounts now or hereafter belonging to or acquired by the Corporation, and for said purposes to execute and deliver any and all assignments, schedules, transfers, endorsements, contracts, guarantees, agreements or other instruments in respect thereof and to make remittances and payments in respect thereof as provided by any security agreement entered into with Secured Party, and they are further authorized and empowered from time to time to consign, designate, pledge, mortgage or otherwise hypothecate to or with said Secured Party merchandise or other property whether real personal or of whatever kind or nature and wherever situated, now or hereafter belonging to or acquired by the Corporation, and for said purposes to execute and deliver any and all consignments, promissory notes, security agreements, financing statements, designations, schedules, mortgages, agreements, instruments of pledge and/or other instruments in respect thereof, and to do and perform all such other acts and things deemed by such officer or agent necessary, convenient or proper to carry out, modify or supplement any such agreement and arrangements made with said Secured Party, hereby ratifying, approving and confirming all that any of said officers or agents have done or may do in the premises.

RESOLVED: That until said Secured Party receives notice in writing of any change or limitations of authority of any officers or any agents of the Corporation, said Secured Party is authorized to rely upon the authority and power set forth in these resolutions.

RESOLVED: That any one of the officers and/or persons authorized by the foregoing Resolutions, acting singly, may by written instrument furnished the Secured Party delegate to any other officer or person the same authority which is vested singly and individually by said Resolutions in the person(s) or officer(s) so delegating authority, which written delegation shall be in such form as may be requested by the Secured Party and may be subject to such restrictions and limitations as may be indicated thereon.

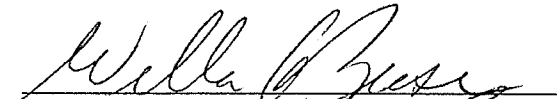
*[Remainder of page intentionally left blank.]*

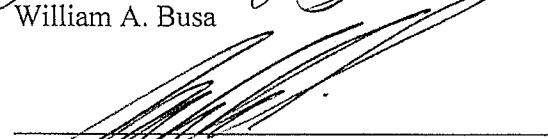
*[Signature page to follow.]*

*[Signature page to Unanimous Written Consent of the Board of Directors]*

**IN WITNESS WHEREOF**, the undersigned has executed this instrument to be effective as of the day and year first written above.

**DIRECTORS:**

  
\_\_\_\_\_  
William A. Busa

  
\_\_\_\_\_  
Michael E. Rubin

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Renewal of Theatre Licenses – Lexington Venue (5 min.)

### PRESENTER:

Joe Pato

### ITEM NUMBER:

I.11

### SUMMARY:

The Lexington Theatre Project, Inc. d/b/a Lexington Venue, has submitted an application to renew their two theatre licenses for weekdays and Sundays. Their current licenses expires August 31, 2015.

Fire inspection has been completed without any issues.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the application and issue two theatre licenses to Lexington Theatre Project, Inc., d/b/a Lexington Venue, located at 1794 Mass. Avenue, for Cinema 1 and 2 to show movies weekdays and Sundays from September 1, 2015 through August 31, 2016.

### FOLLOW-UP:

Selectmen's Office

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

9:00 PM

### ATTACHMENTS:

Description	Type
□ Application for Renewal of Venue Theatre License	Backup Material

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Approve Common Victualler License for New Owner of Panera Bread (5 min.)

### PRESENTER:

Joe Pato

### ITEM NUMBER:

I.12

### SUMMARY:

PR Restaurants LLC now owns and operates the Panera Bread at 1684 Massachusetts Avenue. This new Common Victualler reflects the name change of the owner.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve a Common Victualler License for PR Restaurants LLC, d/b/a Panera Bread, 1684 Massachusetts Avenue.

### FOLLOW-UP:

Selectmen's Office

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

9:05 PM

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application for Common Victualler - Panera Bread	Backup Material



# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Selectmen Committee Appointment - Design Advisory Committee (5 min.)

### PRESENTER:

Joe Pato

### ITEM NUMBER:

I.13

### SUMMARY:

#### Design Advisory Committee

The Committee has requested that Caroline Fitzgerald be appointed to the Committee.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to appoint Caroline Fitzgerald to the Design Advisory Committee for a term to expire September 30, 2016.

### FOLLOW-UP:

Selectmen's Office

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

9:10 PM

### ATTACHMENTS:

Description	Type
☐ Committee Application-DAC	Backup Material

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Appointing Authority Determination of Financial Interest - Historic Districts Commission (5 min.)

### PRESENTER:

Joe Pato

### ITEM NUMBER:

I.14

### SUMMARY:

See attached Disclosure Form. The Board needs to determine whether the member of the Historic Districts Commission can participate in meetings related to the Massachusetts Avenue Intersection Project or not since their property directly abuts the project.

### RECOMMENDATION / SUGGESTED MOTION:

As the appointing authority, as required by G.L. c. 268A, § 19, the Board have reviewed the particular matter and the financial interest identified above by a municipal employee.

**Motion:** that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee and to authorize the chair to sign the disclosure for the Board.

### FOLLOW-UP:

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

9:15 PM

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Disclosure Form	Backup Material

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Approve and Sign Eagle Congratulation Letter for Jack Schulz (5 min.)

### **PRESENTER:**

Joe Pato

### **ITEM NUMBER:**

I.15

### **SUMMARY:**

You are being asked to sign a letter of commendation for Boy Scout Eagle Jack Schulz from Troop 160.

Is there a Selectman interested in attending the Court of Honor and presenting the Selectmen letter?

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

Motion to send a letter of commendation congratulating Jack Schulz for attaining the highest rank of Eagle in Boy Scouting.

### **FOLLOW-UP:**

Selectmen's Office

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

8/31/2015

9:20 PM

### **ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Proposed Eagle Letter for Jack Schulz	Backup Material

August 31, 2015

Jack Schulz  
Troop 160  
St. Brigid Parish  
2001 Massachusetts Avenue  
Lexington, MA 02421

Dear Jack,

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

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

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

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

Sincerely,

Joseph N. Pato, Chairman

Peter C. J. Kelley

Norman P. Cohen

Michelle L. Ciccolo

Suzanne E. Barry

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

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

### PRESENTER:

Linda C. Vine, Deputy Town Manager

### ITEM NUMBER:

I.16

### SUMMARY:

Nancy Adler has been with the Council on Aging since 2009. Ms. Adler is current with her Ethics Commission training.

Richard Perry has been with the Permanent Building Committee since 2003. Mr. Brown is current with his Ethics Commission training.

### RECOMMENDATION / SUGGESTED MOTION:

Move to approve the Town Manager's reappointment of Nancy Adler as a member of the Council on Aging and Richard Perry as a member of the Permanent Building Committee.

### FOLLOW-UP:

Town Manager's Office will send reappointment letters.

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

9:25 PM

### ATTACHMENTS:

Description	Type
☐ Nancy Adler Reappointment Application - COA	Backup Material
☐ Richard Perry Reappointment Application - PBC	Backup Material

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Water and Sewer Commitments and Adjustments

### PRESENTER:

William P Hadley, Director of Public Works

### ITEM NUMBER:

I.1

### SUMMARY:

Adjustments of Water and Sewer charges as recommended by WSAB on 7/23/15 (\$28,202.27)

Commitment of Water and Sewer Finals July 2015 \$ 24,472.88

Commitment of Water and Sewer Cycle 9 July 2015 \$137,030.44

### 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:

8/31/2015

9:30 PM

### ATTACHMENTS:

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



Department of Public Works  
Town of Lexington  
Water and Sewer Enterprise Funds  
FISCAL YEAR 2016  
JULY 2015 Final Water Bills

	FINALS	GRAND TOTALS
WATER	\$13,186.56	\$13,186.56
SEWER	\$11,286.32	\$11,286.32
TOTAL:	\$24,472.88	\$24,472.88

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:

*Twenty-four thousand, four hundred seventy-two dollars and 88/00*

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

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

\_\_\_\_\_  
BOARD OF SELECTMEN

8/31/2015



Department of Public Works  
Town of Lexington  
Water and Sewer Enterprise Funds  
FISCAL YEAR 2016  
July 2015 Cycle 9 Billing

	CYCLE 9 July 2015	GRAND TOTALS
WATER	\$129,197.94	\$129,197.94
SEWER	\$2,756.90	\$2,756.90
FEE FOR BEDFORD	\$5,075.60	\$5,075.60
TOTAL:	<u>\$137,030.44</u>	<u>\$137,030.44</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:

*One hundred thirty-seven thousand, thirty dollars and 44/00*

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

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

\_\_\_\_\_  
BOARD OF SELECTMEN

8/31/15





FY2016

ADJUSTMENTS TO WATER/ SEWER

AS RECOMMENDED BY THE WATER AND SEWER ABATEMENT BOARD

PAGE 1 OF 2

WSAB 7/23/2015 BOS 8-31-2015

ACCOUNT	NBR	STREET	WATER	SEWER	TOTAL	BILL	YEAR
0100053900	9	Abernathy Road	-\$112.74	-\$508.39	-\$621.13	812666	2015
0100250100	19	April Lane	-\$36.33	-\$93.87	-\$130.20	815221*	2015
0300957000	29	Barberry Road	-\$124.25	-\$263.25	-\$387.50	825484*	2015
0300707000	19	Bellflower Street	-\$329.80	-\$798.80	-\$1,128.60	822331	2015
0200526300	22	Brent Road	\$44.28	-\$439.21	-\$394.93	2902	2015
0100140100	7	Butler Road	-\$140.94	-\$15.30	-\$156.24	813787	2015
0100134700	4	Chase Avenue	-\$1,053.84	-\$2,680.72	-\$3,734.56	813727	2015
0300808000	2	Coach Road	-\$166.93	-\$505.34	-\$672.27	823542	2015
0200582400	21	Colony Road	-\$57.09	-\$147.51	-\$204.60	820142	2015
0300950500	475	Concord Avenue	-\$343.84	-\$1,026.12	-\$1,369.96	788517	2015
0200396800	16	Dee Road	-\$10.38	-\$26.82	-\$37.20	817634	2015
0300906600	38	Downing Road	\$50.84	-\$924.73	-\$873.89	810645	2015
0100164800	8	Dudley Road	-\$132.87	-\$279.93	-\$412.80	814108	2015
0300768300	28	Eldred Street	-\$153.70	-\$346.80	-\$500.50	808938*	2015
0300786700	42	Fifer Lane	-\$46.71	-\$120.69	-\$167.40	823297	2015
0200336702	17	John Poulter Road	-\$697.59		-\$697.59	816852	2015
0100213400	96	Kendall Road	-\$138.00	-\$282.00	-\$420.00	814782	2015
0200338500	116	Kendall Road	-\$177.04	-\$539.12	-\$716.16	816881	2015
0200368800	22	Larchmont Lane	-\$138.00	-\$282.00	-\$420.00	817274	2015
0200501400	473	Lowell Street	-\$244.44	-\$764.32	-\$1,008.76	818971	2015
0300879100	642	Marrett Road	-\$261.29	-\$1,786.47	-\$2,047.76	824449	2015
0100007300	430	Massachusetts Avenue	-\$15.57	-\$40.23	-\$55.80	812116	2015
0100045100	11	Norton Road	-\$159.61		-\$159.61	812555*	2015
0300962600	153	Old Spring Street	-\$256.70	-\$896.00	-\$1,152.70	788666	2014
0300913700	103	Outlook Drive	-\$99.53	-\$280.14	-\$379.67	810740	2015
0100292400	9	Peacock Farm Road	-\$32.87	-\$84.93	-\$117.80	815771	2015
0100257200	159	Pleasant Street	-\$82.85	-\$178.65	-\$261.50	805859*	2015
0200519400	2	Seaborn Place	-\$89.42	-\$246.36	-\$335.78	819217	2015
0300941900	73	Spring Street	-\$197.07	-\$616.80	-\$813.87	788409	2014
0100047800	5	Spencer Street	\$189.95	\$425.55	\$615.50	803149	2015
			<b>-\$5,014.33</b>	<b>-\$13,748.95</b>	<b>-\$18,763.28</b>		

Continued to next page



**FY2016**  
**ADJUSTMENTS TO WATER/SEWER**  
**AS RECOMMENDED BY THE WATER AND SEWER ABATEMENT BOARD**  
**WSAB 7/23/15 BOS 8/31/15**

**PAGE 2 OF 2**

ACCOUNT	NBR	STREET	WATER	SEWER	TOTAL	BILL	YEAR
Carried over from Page 1			-\$5,014.33	-\$13,748.95	-\$18,763.28		
0300624800	18	Stratham Road	\$129.58	-\$1,428.18	-\$1,298.60	807125	2015
0100184200	37	Tower Road	-\$1,103.52	-\$2,449.54	-\$3,553.06	814393*	2015
0300861800	25	Tufts Road	-\$708.77	-\$3,200.31	-\$3,909.08	810066*	2015
0100077002	197	Westminster Avenue	-\$195.46		-\$195.46	803512	2015
0200414100	60	Williams Rd	-\$111.21	-\$371.58	-\$482.79	817725	2015
			-\$7,003.71	-\$21,198.56	-\$28,202.27		

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

ACCOUNT	NBR	STREET			BILL	YEAR
0200536702	37	Saddle Club Road			3058	2015

\* Although one bill will be adjusted, other bills are included in the calculation

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>
(\$7,003.71)	(\$21,198.56)	(\$28,202.27)

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*William M. Dwyer*  
 \_\_\_\_\_  
 DIRECTOR OF PUBLIC WORKS

\_\_\_\_\_  
 BOARD OF SELECTMEN  
 8/31/2015

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Sign Proclamation - Constitution Week

### PRESENTER:

Joe Pato

### ITEM NUMBER:

C.2

### SUMMARY:

The Daughters of the American Revolution (DAR) have requested that the Selectmen sign the annual Proclamation for Constitution Week, celebrated September 17 through 23 each year.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the request of the Daughters of the American Revolution (DAR) to sign a Proclamation for the 228th Constitution Week, celebration September 17 through 23, 2015.

### FOLLOW-UP:

Selectmen's Office

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

9:30 PM

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Proposed Proclamation for Constitution Week	Backup Material

***PROCLAMATION***

**WHEREAS:** Our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

**WHEREAS:** It is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to effectively support, preserve and defend it against all enemies; and

**WHEREAS:** The two hundred twenty-eighth anniversary of the signing of the Constitution provides an historic opportunity for all Americans to remember the achievements of the Framers of the Constitution and the rights, privileges, and responsibilities they afforded us in this unique document; and

**WHEREAS:** The freedoms guaranteed to American citizens should be celebrated by appropriate ceremonies and activities during the Constitution Week, September 17 through 23 as designated by proclamation of the President of the United States of America in accordance with Public Law 915.

*NOW, THEREFORE, WE, THE BOARD OF SELECTMEN of Lexington, Massachusetts,* do hereby proclaim the week of September 17 through 23 as

**CONSTITUTION WEEK**

and urge all citizens to reflect during the week on the many benefits of our Federal Constitution and the privileges and responsibilities of American Citizenship.

IN WITNESS WHEREOF, we have hereunto set our hands on this thirty-first day of August in the year of our Lord Two Thousand and Fifteen.

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

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Approve One-Day Liquor License - Czech and Slovak Association

### PRESENTER:

Joe Pato

### ITEM NUMBER:

C.3

### SUMMARY:

Attached is a request from the Czech and Slovak Association for a one-day liquor license to serve beer and wine at a Harvest Fest/Family Event on Saturday, October 17, 2015 from 6:00 p.m. to 11:00 p.m. at the Sacred Heart Church located at 16 Follen Road.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the consent agenda.

### FOLLOW-UP:

Selectmen's Office

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

9:30 PM

### ATTACHMENTS:

Description	Type
☐ Application for One-Day Liquor-Czech and Slovak Association	Backup Material

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Approve One-Day Liquor License - Historical Society

### PRESENTER:

Joe Pato

### ITEM NUMBER:

C.4

### SUMMARY:

Attached is a request from the Historical Society for a one-day liquor license to serve all alcohol at the Lextopia Cocktail Party and Mid-Century Marketplace on Friday, September 11, 2015 from 6:00 p.m. to 8:00 p.m. at the Depot Building located at 13 Depot Square.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the consent agenda.

### FOLLOW-UP:

Selectmen's Office

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

9:30 PM

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application for One-Day Liquor License - Historical Society	Backup Material

# AGENDA ITEM SUMMARY

## LEXINGTON BOARD OF SELECTMEN MEETING

### AGENDA ITEM TITLE:

Approve Tax Bill Insert - Conservation Stewards

### PRESENTER:

Joe Pato

### ITEM NUMBER:

I.5

### SUMMARY:

The Conservation Stewards have planned an outreach and educational event for the fall as a means to try to increase the membership of active volunteers and have requested that the attached flyer be included in the next tax bill mailing.

### RECOMMENDATION / SUGGESTED MOTION:

Motion to approve inserting the Conservation Stewards information in the next tax bill.

### FOLLOW-UP:

### DATE AND APPROXIMATE TIME ON AGENDA:

8/31/2015

9:30 PM

### ATTACHMENTS:

Description	Type
☐ Conservation Stewards Proposed Flyer	Backup Material



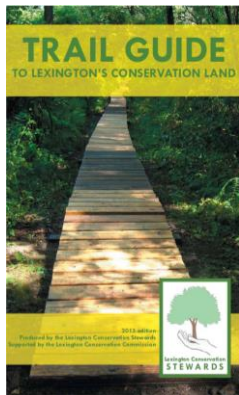
## Lexington Conservation Stewards *Caring for our public land.*

A program of the Town of Lexington Conservation Division  
1625 Massachusetts Avenue  
Lexington, Massachusetts 02420  
Tel: (781) 862-0500 x84532  
Fax: (781) 861-2780  
Email: [landstewards@lexingtonma.gov](mailto:landstewards@lexingtonma.gov)  
Website: [www.lexingtonma.gov/conservation/stewards.cfm](http://www.lexingtonma.gov/conservation/stewards.cfm)

Lexington is fortunate to have over 1,300 acres of conservation land throughout town, with over 50 miles of trails that bring you through woods, meadows, and apple orchards and along brooks, marshes, and ponds.

### Help Maintain Our Town Conservation Land Join the Lexington Conservation Stewards

The Lexington Conservation Stewards is a volunteer group that works closely with the Conservation Division and Conservation Commission to care for the town's conservation land. Conservation Stewards build boardwalks and bridges, maintain trails, control invasive plants, clean up streams, host community events, and assist with a variety of conservation-related projects. They become caretakers for the open spaces in their neighborhoods.



Becoming a Steward is easy, and it's free! To join the Lexington Conservation Stewards, visit the Stewards' website at [www.lexingtonma.gov/conservation/stewards.cfm](http://www.lexingtonma.gov/conservation/stewards.cfm).

As a member, you will receive monthly Steward E-newsletters, email notifications of upcoming stewardship events, projects, and news, and opportunities to work together with other like-minded residents to preserve and maintain Lexington's important open spaces.

*Explore Lexington's Conservation Land! **Trail Guides** are available for purchase at the Conservation Division office, Visitor's Center, and Cary Memorial Library.*

#### Conservation Stewards 2014-2015 Highlights:

- Maintained over 50 miles of conservation trails
- Renovated large bridges at Meagherville and Dunback Meadow
- Completed over 500 feet of new boardwalks at Whipple Hill
- Hosted sustainable trail design and chainsaw safety trainings
- Ecological restoration of the Idylwilde Old Community Garden Site

***\*See reverse for information about our fall open house\****





**The Lexington Conservation Stewards  
and the Town of Lexington Conservation Division  
Invite You to our Fall 2015**



**Saturday, October 24<sup>th</sup>, 1-3 pm, Cary Memorial Library Meeting Room**

**Join us for an afternoon of learning, exploration, and camaraderie as we celebrate  
Lexington's conservation land and open spaces !!**

- ◆ Learn about Lexington's Conservation Stewards volunteer program
- ◆ Network with current volunteer Stewards and conservation staff and share ideas on projects for specific conservation sites
- ◆ Tables/booths geared to a variety of interests
- ◆ Interactive displays
- ◆ Map displays, trail guides, and resource materials
- ◆ Learn about upcoming conservation projects
- ◆ Learn about volunteering to be the "eyes and ears" on a conservation site near you
- ◆ Light refreshments

**Questions? Contact Jordan McCarron, Conservation Stewardship Program Coordinator,  
at [jmccarron@lexingtonma.gov](mailto:jmccarron@lexingtonma.gov), 781-698-4532**

# **AGENDA ITEM SUMMARY**

## **LEXINGTON BOARD OF SELECTMEN MEETING**

### **AGENDA ITEM TITLE:**

Approve Use of the Battle Green - Lexington Minute Men

### **PRESENTER:**

Joe Pato

### **ITEM NUMBER:**

C.6

### **SUMMARY:**

The Lexington Minute Men have requested permission to use the Battle Green on Thursday, September 17, 2015, from 5:00 p.m. to 7:30 p.m. for a Change of Command Ceremony, including the firing of muskets for a volley and salute.

Police, Public Works and Town Manager are OK with the request.

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

Motion to approve the consent agenda.

### **FOLLOW-UP:**

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

8/31/2015

9:30 PM



## The Lexington Minute Men, Inc.

(Member, The Centennial Legion of Historic Military Commands, Inc.)

Post Office Box 1775  
Lexington, Massachusetts 02420

August 11, 2015

[Selectmen@lexingtonma.gov](mailto>Selectmen@lexingtonma.gov)

Lexington Selectmen

Re: Lexington Minute Men, Change of Command Ceremony

Good morning Lynne,

The Lexington Minute Men, are requesting the following....

**1. To reserve the Green for our 'Change of Command Ceremony**

Thursday September 17<sup>th</sup>, from 5:00 pm to 7:30 pm

**2. To advise Police for the firing of musket**

For a volley and salute

**3. To have the DPW to have podium and small set of bleacher's**

Set up similar to Patriots Day

Lexington Minute Men Company  
Adjutant Larry Conley, LMM