

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF SELECTMEN

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

ELLEN F. GIBBS, CHAIR
JACK MORGAN, VICE CHAIR
MARJORIE R. FREIMAN, SECRETARY
ELIZABETH SULLIVAN WOODS
THOMAS H. ULFELDER

FACSIMILE: (781) 239-1043
TELEPHONE: (781) 431-1019 x2201
WWW.WELLESLEYMA.GOV
BLYTHE C. ROBINSON
EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

SELECTMEN'S MEETING
TENTATIVE AGENDA
Middle School Library
6:15 P.M. Monday, April 23, 2018

1. 6:15 Citizen Speak
2. 6:20 Executive Director's Report
 - Execute Proclamations – Rachel Carson Day and Alpha Kappa Alpha Sorority
3. 6:25 Discuss Annual Town Meeting Preparation
4. 6:35 Review Draft of Warrant for June 5th Special Town Meeting
5. 6:40 Discuss Stipend for Town Clerk
6. 6:55 New Business & Correspondence

Next Meeting Dates: Tuesday, April 24, Annual Town Meeting
Monday, April 30, Annual Town Meeting
Tuesday, May 1, Annual Town Meeting

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SELECTMEN'S MEETING
TENTATIVE AGENDA
Middle School Library
6:15 P.M. Tuesday, April 24, 2018

1. 6:15 Citizen Speak
2. 6:20 Approve SPED Stabilization fund expenditure
3. 6:30 Discuss Lincoln Circle license request
4. 6:40 Discuss Annual Town Meeting Preparation
5. 6:45 Appoint New Members to School Building Committee
6. 6:50 New Business & Correspondence

Next Meeting Dates: Monday, April 30, Annual Town Meeting
Tuesday, May 1, Annual Town Meeting
Monday, May 7, Regular Meeting

4/19/2018

Black regular agenda items

Board of Selectmen Calendar – FY17

<i>Date</i>	<i>Selectmen Meeting Items</i>	<i>Other Meeting Items</i>
<i>4/30 Monday</i>	ATM (If Needed) Babson One Day License COA gifts	
<i>5/1 Tuesday</i>	ATM (If Needed)	
<i>5/7 Monday</i>	Meeting Approve CR for Hunnewell Land Wellesley Country Club - Sudbury Aqueduct Discuss Complete Streets Policy Youth Commission Appointment(?)	
<i>5/14 Monday</i>	Meeting	
<i>5/21 Monday</i>	Meeting Authorize Issuance of Bonds/Notes for debt	
<i>5/28 Monday</i>	TOWN HALL CLOSED (Memorial Day)	
<i>6/4 Monday</i>	Meeting	
<i>6/5 Tuesday</i>	STM #2	
<i>6/6 Wednesday</i>	STM #2	
<i>6/11 Monday</i>	Meeting Diversity Program w/WOW?	
<i>6/18 Monday</i>	Meeting	
<i>6/25 Monday</i>	Meeting	
<i>7/2 Monday</i>	Meeting	
<i>7/4 Wednesday</i>	TOWN HALL CLOSED (INDEPENDENCE DAY)	
<i>7/9 Monday</i>	Meeting	
<i>7/16 Monday</i>	Meeting	
<i>7/23 Monday</i>	Meeting	
<i>7/30 Monday</i>	Meeting	
<i>8/6 Monday</i>	Meeting	

4/19/2018

Black regular agenda items

<i>Date</i>	<i>Selectmen Meeting Items</i>	<i>Other Meeting Items</i>
<i>8/13 Monday</i>	Meeting	
<i>8/20 Monday</i>	Meeting	
<i>8/27 Monday</i>	Meeting	
<i>9/3 Monday</i>	TOWN HALL CLOSED (LABOR DAY)	
<i>9/10 Monday</i>	Meeting	
<i>9/17 Monday</i>	Meeting	
<i>9/24 Monday</i>	Meeting	
<i>10/1 Monday</i>	Meeting	
<i>10/8 Monday</i>	TOWN HALL CLOSED (COLUMBUS DAY)	
<i>10/15 Monday</i>	Meeting	

Notes

Quarterly updates

- *Traffic Committee (Deputy Chief Pilecki)*
- *Facilities Maintenance (Joe McDonough)*
- *Wellesley Club Dates 1/22/18, 3/5/18*

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The meetings on Monday and Tuesday prior to Town Meeting will both begin at **6:15 PM** in the Middle School.

1. Citizen Speak

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EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

MEMORANDUM

DATE: April 20, 2018
TO: Board of Selectmen
FROM: Blythe C. Robinson, Executive Director
SUBJECT: Weekly Report

Below are various activities of our office and various departments that I would like to bring to your attention.

- Although the Middle School paving project is on hold while we contemplate the various repairs/upgrades to the building, we will plan to move forward with temporary repairs to D'Auria Way this summer. From the original appropriation DPW plans to spend just under \$20,000 to adjust a catch basin and drain, install some new bollards and repave the road. The thought is that this will be sufficient until a full plan for the school is developed.
- A couple of weeks ago Mike Grant taped an interview on Wellesley Media regarding the role of the Building Department in Town. This is the link should you like to watch it!
https://www.youtube.com/watch?v=bz1KLht_9Wc
- I checked in recently with James Joyce as to the progress of installing equipment to be able to tape and/or show meetings live from the Kingsbury Room and Warren Building. The final designs are complete and funding has been approved. The installation folks are coming out May 1st to walk through each room to get a sense for how long the job will take to complete and if all goes well the Warren project is slated for early June followed by the Kingsbury Room in late June/early July.
- To follow up on the wall collapse at 16 Mountview Road – the Building Official met on site Wednesday afternoon with the owner's engineer (who had attested to the original design). I understand that the engineer was very surprised by what had actually been

constructed and will be furnishing the Town with his opinion as to what was actually built. Staff has a meeting with Town Counsel next week as to how to proceed. Both Mike Grant and I have spoken with the homeowner and are assisting him as appropriate.

- Included in your FNM is an email update from Dave Hickey regarding the guardrail installation plans by MassDOT. As you will see, they plan on starting this work this weekend.
- There was a well-attended meeting yesterday afternoon between staff and the neighbors/abutters to the 900 Worcester Street project. The meeting was also attended by Tom, Meghan and Julie Meyer (Wetlands). The abutters are clearly upset by the project and unfortunately some of their concerns cannot be addressed as they would have been taken up during permitting and that is complete. One issue that is relevant now is the developer has taken down more trees than were called for on the plans, and this will have to go back to the ZBA to resolve. Both Meghan and Tom can fill the Board in more on the details of the meeting as I was at another meeting concurrently.
- I had the pleasure of attending a meeting set up by MIIA on Friday afternoon to investigate best practices in the area of facilities management. They asked to come to Wellesley along with leadership from the Mass. Facilities Manager's Association to learn from our model and others in hopes that they can find ways to support member communities in this area with the goal of better practices leading to fewer claims. It was a very robust 2-hour conversation that I'm sure will yield good results.
- We distributed the various tickets for the marathon to some employees to use. In your packet is a lovely thank you note from Elizabeth Bradley from the COA that I thought you would like to see.

2. Executive Director's Update

There are two proclamations on the agenda for your consideration at this meeting.

- Rachel Carson Day Proclamation - included in your packet is a proclamation that would designate May 27th as Rachel Carson Day. As you will see from the background provided by the NRC and a letter from Enku Kebede-Francis, Ms. Carson is credited with starting the modern day environmental movement.

MOVE to approve the Proclamation designating May 27, 2018 as Rachel Carson Day in Wellesley.

Meagher, Cathryn

From: Robinson, Blythe
Sent: Wednesday, April 18, 2018 10:06 AM
To: Meagher, Cathryn
Subject: FW: Rachel Carson Day Proclamation Request
Attachments: RachelCarsonDay5.27.pdf

Blythe C. Robinson
Executive Director- General Government
Town of Wellesley
525 Washington Street
Wellesley, MA 02482
P – 781-431-1019, ext. 2200
brobinson@wellesleyma.gov

-----Original Message-----

From: Schmitt, Brandon
Sent: Tuesday, April 10, 2018 12:56 PM
To: Robinson, Blythe <brobinson@wellesleyma.gov>
Cc: Jop, Meghan <mjop@wellesleyma.gov>; Raina McManus <rmcmanus@wellesleyma.gov>; Lise Olney (Imolney@gmail.com) <lmolney@gmail.com>; Hawkinson, Stephanie <shawkinson@wellesleyma.gov>
Subject: Rachel Carson Day Proclamation Request

Hi Blythe,

As part of our continuing Grow Green Wellesley initiative, which promotes awareness of organic alternatives to create safe, chemical- free home environments, the NRC is asking the Board of Selectmen to consider a proclamation recognizing May 27, 2018, as Rachel Carson Day in honor of Ms. Carson's work launching the modern environmental movement.

Attached please find a memo from the NRC board, language for a proposed proclamation and a joint message from the NRC and the Wellesley Board of Health.

Thank you for considering this matter. On a related matter, if you haven't seen it, there is a display case with some interesting info about Rachel Carson in the Foyer of Town Hall.

Thanks,

Brandon Schmitt, Director
Wellesley Natural Resources Commission
525 Washington Street
Wellesley, MA 02482
(781) 431-1019 x2294
Certified Arborist, Municipal Specialist: International Society of Arboriculture



NATURAL RESOURCES COMMISSION

Town Hall, 525 Washington Street, Wellesley, Massachusetts 02482-5992

Raina McManus, Chair
Regina LaRocque, Vice Chair
Lise Olney
Katie Griffith
Laura Robert

Brandon Schmitt, NRC Director
Telephone: 781.431.1019, Ext. 2298
Fax: 781.237.6495
Website: www.wellesleyma.gov/NRC

To: Wellesley Board of Selectmen
From: Raina McManus, Chair, Natural Resources Commission
Re: Proposed Rachel Carson Day, May 27, 2018
Attachments: Suggested Proclamation; Letter from the Board of Health and the NRC

The members of the Natural Resources Commission request that the Board of Selectmen proclaim Sunday, May 27, 2018, as Rachel Carson Day in Wellesley. Please see suggested proclamation attached.

Background: In 1962, Rachel Carson published her now famous work, "Silent Spring," in which she warned that a "chemical barrage has been hurled at the fabric of life." The book resulted in the ban on DDT and was a catalyst in the launching of the modern environmental movement. Fifty-five years later, pesticides and herbicides that were originally developed as chemical weapons in World War II are still being used on lawns in Wellesley with dangerous implications for our health and our environment. Last year, the NRC re-launched its efforts to encourage Wellesley residents to switch to organic methods of lawn care with our Grow Green Wellesley initiative. Our day-long forum, "Landscapes for Living," featured nationally known organic turf specialist, Chip Osborne, who developed the Organic Integrated Pest Management program for the town. The NRC and the Board of Health also issued a joint letter to Wellesley residents attending the forum (attached) to alert them to the dangers of using chemical applications as part of their lawn care.

Plan: As part of our continuing Grow Green Wellesley initiative, the NRC would like to promote awareness of the organic alternatives to chemical lawn care through the inspirational example set by Rachel Carson, using Rachel Carson Day as a springboard. So far, we are planning the following:

- **Outreach to the Wellesley Green Collaborative**, which is the informal network of green groups and supporters in town
- **May 16 screening** of "A Chemical Reaction: The Story of a True Green Revolution," ([click here for trailer](#)), co-sponsored by the NRC, the Board of Health, and Sustainable Wellesley, at the Wellesley Free Library, at 7 pm
- **Marching in the Veterans Parade** using Rachel Carson theme for NRC, Sustainable Wellesley, and other green groups marching together
- **Badge of honor lawn signs** given out to chemical free lawns (tentative)
- **General outreach** in coordination with our partners on the Board of Health and Sustainable Wellesley, using press releases and social media to educate the public about Rachel Carson, with suggestions about switching to organic lawn care

We would very much appreciate your support in proclaiming Rachel Carson Day and would welcome your participation in the May 16 showing of "A Chemical Reaction." Thank you for considering this request.

Proposed proclamation by the Wellesley Board of Selectmen

Whereas we believe in the power of the individual to make a difference; and

Whereas Rachel Carson's birthday, May 27, is an opportunity to remember and celebrate her legacy, her unabashed love of nature, her sense of wonder, and her extraordinary sense of responsibility for the natural world, and

Whereas Ms. Carson's book *Silent Spring* (1962) called for a fundamental shift in thinking about human behavior and our relationship to our environment, teaching us that our health is intimately connected to the health of our environment;

Whereas Ms. Carson's work resulted in a worldwide environmental movement and generated enormous public support for the creation of the U.S. Environmental Protection Agency, the U.S. ban on DDT, and the passage of the Clean Air Act (1963, 1970) and the Clean Water Act (1972); and

Whereas Carson faced breast cancer and a well-orchestrated campaign to discredit her work, and remained unwavering in her resolve to speak out about the hazards of pesticides and the largely unregulated chemical industry until her untimely death on April 14, 1964,

Now, therefore, be it resolved, that we do hereby proclaim and observe May 27, 2018, as Rachel Carson Day in Wellesley and call on our fellow citizens to remember Rachel Carson's life and legacy, and to join together to strengthen the protections of our health and the sustainability of our homes, schools, neighborhoods, and community.



GROW GREEN WELLESLEY

A message from the Wellesley Board of Health and Wellesley Natural Resources Commission

The Wellesley Board of Health and the Wellesley Natural Resources Commission thank you for joining us at the “Landscapes for Living” forum. We hope today’s programs will inspire you to maintain your lawn and garden without the use of pesticides. Please consider the dangers of toxic chemicals to children, pets, and the environment and learn how to eliminate the unnecessary use of these chemicals on your property, just as the Town of Wellesley has!

Here are some important facts:

- Insecticides, herbicides, fungicides and “weed and feed” are all pesticides.
- A growing body of evidence in the scientific literature shows that pesticide exposure can adversely affect neurological, respiratory, immune, and endocrine systems in humans, even at low levels.
- Children are especially sensitive to pesticide exposure as they take in more pesticides relative to their body weight than adults, have vulnerable developing organ systems, and are less able to detoxify harmful chemicals.
- Common lawn care pesticides contain chemicals that are known to pose a serious risk to your pet’s health, including several types of cancer, respiratory and reproductive problems and endocrine disruption.
- Use of lawn pesticides in urban and suburban communities contributes to contamination of surface, groundwater and drinking water supplies.
- All lawn pesticides are toxic to aquatic organisms and most are toxic to birds.
- A 24-hour waiting period after application will not prevent exposure. Most pesticides persist in the turf and soil for months, not days. They get tracked indoors, washed into rivers, and leached into the groundwater.

For more information on pesticides and organic lawn care:

- “Introduction to Organic Lawn Care and Yards, Plus a Checklist for an Eco-Friendly Property,” by Sarah Little, Northeast Organic Farming Association, Organic Land Care Program (www.organiclandcare.net/homeownerresources)
- Beyond Pesticides (www.beyondpesticides.org)
- “Protecting Your Pet from Pesticides” (grassrootsinfo.org/pdf/petcard.pdf)
- “Establishing and Caring for an Organic Lawn,” fact sheet from Maine Organic Farmers and Gardeners Association (<http://www.mofga.org/Publications/FactSheets/>)

The Honorable Selectwoman Ellen F Gibbs,
Town of Wellesley

3/19/2018

The entire world has benefited from Rachel Carson's wisdom. A scientist and pioneer conservationist she started the modern day environmental movement with just one important publication in 1962, the Silent Spring.

As a resident of Wellesley, an agronomist and environmental scientist, I am writing to ask you to declare a Rachel Carlson year starting on 1 May 2018 and ending on 31 May 2019. Dedicating a year as opposed to a day will give the residents and the Town ample opportunities to design and implement educational programs that will protect our environment.

We honor Ms. Carson's work and life as she was, and as her work still is, the driving force for protecting the air we breathe, the water we drink and the land we use. Her most important work was the removal of the indiscriminate use of the pesticide DDT. The Town of Wellesley is a leader in the country in removing pesticides from its grounds - which we should at the same time recognize.

We honor Ms. Carson as a reminder that we still have a long way to go and we need the whole year to have sustainable outcomes supported by science, the foundation for Ms. Carson's work.

...Science is part of the reality of living; it is the what, the how, and the why of everything in our experience....

We honor Ms. Carson to promote science, to protect our environment and most of all to make sure we remain healthy. She argued that pesticides travel through the air, the water and through the food chain and cause hazards to human health. She was right but many in the chemical industry resisted and tried to derail her work. She succeeded using science. Therefore, declaring a year dedicated to Rachel Carson is also declaring that science is important.

I have no doubt that Wellesley residents will embrace the acknowledgment of Rachel Carson and a dedication honoring her work. I, therefore, respectfully request the Town of Wellesley declare 1 May 2018 – 31 May 2019 Rachel Carson Year and the Year of Science. Will be happy to provide additional information to help draft a proclamation.

Submitted through:

- Ms. Phyllis Theermann of Sustainable Wellesley
- Ms. Katie Griffith of Town of Wellesley Natural Resource Commission

Sincerely,



Enku Kebede-Francis, PhD, MS, MEd
Agronomist and Environmental Scientist

IMPORTANT MESSAGE

For _____ A.M.

Day _____ Time _____ P.M.

M _____

Of _____

Phone _____
Area Code _____ Number _____ Extension _____

FAX _____
MOBILE _____
Area Code _____ Number _____ Extension _____

Telephoned	Returned your call	RUSH	
Came to see you	Please call	Special attention	
Wants to see you	Will call again	Caller on hold	

Message

ENKU KEBEDE - FRANCIS
11 OAK ST #4
Wellesley, MA 02482
617-304-2040
enkukebede@aol.com

Signed _____

TOWN OF WELLESLEY



MASSACHUSETTS

TOWN OF WELLESLEY

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

PROCLAMATION RACHEL CARSON DAY MAY 27, 2018

WHEREAS: we believe in the power of the individual to make a difference; and

WHEREAS: Rachel Carson's birthday, May 27, is an opportunity to remember and celebrate her legacy, her unabashed love of nature, her sense of wonder, and her extraordinary sense of responsibility for the natural world; and

WHEREAS: Ms. Carson's book *Silent Spring* (1962) called for a fundamental shift in thinking about human behavior and our relationship to our environment, teaching us that our health is intimately connected to the health of our environment; and

WHEREAS: Ms. Carson's work resulted in a worldwide environmental movement and generated enormous public support for the creation of the U.S. Environmental Protection Agency, the U.S. ban on DDT, and the passage of the Clean Air Act (1963, 1970) and the Clean Water Act (1972); and

WHEREAS: Ms. Carson faced breast cancer and a well-orchestrated campaign to discredit her work, and remained unwavering in her resolve to speak out about the hazards of pesticides and the largely unregulated chemical industry until her untimely death on April 14, 1964; and

NOW THEREFORE BE IT RESOLVED THAT, WE, the Board of Selectmen of the Town of Wellesley, Massachusetts, do hereby proclaim and observe May 27, 2018, as Rachel Carson Day in Wellesley and call on our fellow citizens to remember Rachel Carson's life and legacy, and to join together to strengthen the protections of our health and the sustainability of our homes, schools, neighborhoods, and community. The Board of Selectmen of the Town of Wellesley, Massachusetts, in witness whereof, have hereunto set our hand at Wellesley Massachusetts on this 23rd day of April, 2018.

Ellen F. Gibbs, Chairman

Jack Morgan, Vice Chairman

Marjorie R. Freiman, Secretary

Thomas H. Ulfelder

Elizabeth Sullivan Woods

- Proclamation – Rho Epsilon Day

Included in your packet is a proclamation in recognition of this sorority's 30th anniversary and their work as the first black public service sorority for college trained women. A request for this came to Beth who has asked it be acted on by the Board.

MOVE to approve the Proclamation designating April 28, 2018 as Rho Epsilon Omega Day in Wellesley.

TOWN OF WELLESLEY



MASSACHUSETTS

WELLESLEY BOARD OF SELECTMEN

***RESOLUTION IN HONOR OF
Rho Epsilon Omega Chapter of Alpha Kappa Alpha
Sorority, Inc. 30th Anniversary***

- Whereas:** Alpha Kappa Alpha Sorority, Incorporated is the first Black public service sorority for college-trained women with more than 300,000 members;
- Whereas:** Since its founding has been committed to addressing the ongoing global challenges faced by women, youth, and families through five strategic areas of educational enrichment, health promotion, family strengthening, environmental ownership, and global impact;
- Whereas:** This organization is committed to developing its members, instilling in them the values of sisterhood, and inspiring them to seek opportunities to actively contribute to our community and this nation;
- Whereas:** Among its more than 1,012 chapters is Rho Epsilon Omega of Alpha Kappa Alpha Sorority, Incorporated which was chartered to further its ideals of scholarship, leadership, sisterhood, and civic engagement;
- Whereas:** Rho Epsilon Omega has rendered outstanding service to Middlesex, Norfolk, and Worcester counties from 1988 - 2018;
- Whereas:** The chapter has sponsored or co-sponsored educational programs that aid in the upward mobility of the residents of Boston MetroWest communities that include but are not limited to Framingham, Natick, Sudbury, Wellesley, and Westborough;

Whereas: In addition to awarding scholarships to high-achieving students, Rho Epsilon Omega has sponsored and co-sponsored youth development opportunities including ASCEND (Achievement, Self-Awareness, Communication, Engagement, Networking and Developmental Skills), Emerging Young Leaders (EYL), and the Dr. Martin Luther King Jr. Youth Conference;

Whereas: The chapter has sponsored or co-sponsored educational programs that focus on heart health, financial literacy, voter registration and mobilization, and food insecurity;

Whereas: The chapter has raised the funds for these projects through several fundraisers such as the Pink Ice Ball, Caribbean Groove, Sailing Into Silver, Hats, Heels, and High Tea, and more;

Whereas: The chapter has partnered with local agencies and organizations such as Sage House, A Place to Turn, Pearl Street Cupboard & Cafe, League of Women Voters, World of Wellesley, NAMI Massachusetts, the Alzheimer's Association to assist in their efforts of being "Supreme in Service to All Mankind";

Whereas: The services and resources provided by Rho Epsilon Omega will continue to have a positive impact on our community and citizens in the years to come;

Whereas: April 28, 2018 the Rho Epsilon Omega Chapter of Alpha Kappa Alpha Sorority, Inc. celebrates thirty years of service to the people of Boston MetroWest;

NOW, THEREFORE BE IT RESOLVED THAT, that we, the Board of Selectmen of the Town of Wellesley, hereby proclaim April 28, 2018 as Rho Epsilon Omega Day in recognition of the hard work and dedication of the members of Rho Epsilon Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated.

The Board of Selectmen of the Town of Wellesley, Massachusetts, in witness whereof, have hereunto set our hand at Wellesley Massachusetts on this 23rd day of April, 2018.

Ellen F. Gibbs., Chairman

Jack Morgan, Vice Chairman

Marjorie R. Freiman, Secretary

Thomas H. Ulfelder

Elizabeth Sullivan Woods

3. Discuss Annual Town Meeting Preparation

There are no specific matters that require action for this agenda item. Rather it is included should the Board wish to discuss any articles coming before Town Meeting that remain on the warrant.

NO MOTION

4. Review Draft of Warrant for June 5th Special Town Meeting

Included in your packet is a draft of the warrant for the special town meeting that is set for June 5th. The warrant contains three articles. The first has been broadened from the typical language to enable town meeting members to vote on electing a Town Clerk pro tem as KC Kato is unable to attend. The second article will appropriate \$2.5M for the MSBA project for Upham School and the final article will appropriate funds to conduct the feasibility study for Hunnewell School. Town Counsel has reviewed the warrant and is in the process of reaching out to the MSBA to confirm the wording for that article. No action is needed at this meeting, rather we will ask the Board to approve and execute it on April 30th.

NO MOTION

TOWN OF WELLESLEY



MASSACHUSETTS

**WARRANT
for the
SPECIAL TOWN MEETING
June 5, 2018**

ADVISORY COMMITTEE PUBLIC HEARING (WARRANT ARTICLES)
May, 2, 7:00 P.M. at Town Hall

Commonwealth of Massachusetts
Norfolk, ss.

To any Constable of the Town of Wellesley in the County of Norfolk,

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify the qualified Town Meeting Members of said Town of Wellesley to meet in the

**Wellesley Middle School Auditorium
50 Kingsbury Street
JUNE 5, 2018**

at 7:00 P.M. at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members, in accordance with Chapter 202 of the Acts of 1932, as amended, and subject to referendum as provided therein:

**ARTICLE 1
Board of Selectmen
Town Reports**

To see if the Town will vote to choose a Moderator and/or Town Clerk to preside over said meeting and to receive reports of Town officers, boards and committees, including the Report of the Advisory Committee; or take any other action in relation thereto.

ARTICLE 2
Board of Selectmen & School Committee
Ernest F. Upham School Feasibility Study & Schematic Design

To see if the Town will vote to appropriate, borrow or transfer from available funds, the sum of \$2,500,000 (TWO MILLION FIVE HUNDRED THOUSAND DOLLARS), or any other sum, to be expended under the direction of the School Building Committee and the Permanent Building Committee for a feasibility study and schematic design of the Ernest F. Upham School located at 35 Wynnewood Road, Wellesley, MA for which feasibility study and schematic design the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount; or to take any other action in relation thereto.

ARTICLE 3
Board of Selectmen & School Committee
Hunnewell School Feasibility Study

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow \$1,000,000.00 (ONE MILLION DOLLARS), or any other sum, to be expended under the direction of the School Building Committee, for a feasibility study of the Hunnewell School located at 28 Cameron Street including architectural and engineering services and all associated costs related to the renovation, reconstruction, addition, consolidation or replacement of the Hunnewell School and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs

of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount; or take any other action in relation thereto.

And you are directed to serve this warrant by posting attested copies in not less than two conspicuous places in the Town and by causing this warrant to be posted on the Town of Wellesley website (www.wellesleyma.gov) at least fourteen days before the date on which the meeting is to be held.

Hereof fail not and make due return of this Warrant and your doings thereon unto the Town Clerk at or before the time of holding said meeting.

Given under our hands this 30th day of April 2018.

Board of Selectmen

Ellen F. Gibbs, Chair

Jack Morgan, Vice-Chair

Marjorie R. Freiman, Secretary

Elizabeth Sullivan Woods

Thomas H. Ulfelder

A true copy, _____

Attest: Constable, Town of Wellesley

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Wellesley, MA April _____, 2018

I have this date caused the within warrant to be served by posting two copies in two conspicuous places in the Town, *i.e.*, the Town Hall and Wellesley Square, and causing the warrant to be posted to the Town of Wellesley website.

5. Discuss Stipend for Town Clerk

In the transition of Town Clerk from Kathy Nagle to KC Kato, it was brought to my attention that the Town Clerk has for many years been receiving a stipend for her duties related to the Registrar of Voters. The payroll clerk correctly inquired whether the stipend should continue as there was a change of Town Clerk.

We have included some relevant sections of State law on this topic which notes that every Town there is to be a board of registrars consisting of the Town Clerk and three other persons. Furthermore, under a separate section of the general laws, the Town Clerk and Registrars are to receive compensation as “the Selectmen may determine”. On that basis I am bringing this to you for consideration, as I’m not sure when this was done in prior years, and with a new person in the position it is appropriate.

The budget includes \$2,600 for these positions. I understand that during her tenure Kathy Nagle received \$1,700/year, and the three Registrars received \$100 each per election that was held. \$900 has been budgeted which would allow for up to three elections per year. I have spoken to KC Kato about this and she would like to receive this stipend going forward. KC has not received this stipend to this point, and understands it is a decision of the Board.

MOVE that the Board authorize an annual stipend for the Town Clerk serving as a member of the Board of Registrars in the amount of \$1,700.

Robinson, Blythe

From: Strother, Sheryl
Sent: Monday, April 02, 2018 5:20 PM
To: Robinson, Blythe
Subject: RE: Board of Registrars

\$1,700 in budget and paid to Kathy

From: Robinson, Blythe
Sent: Monday, April 2, 2018 5:17 PM
To: Strother, Sheryl <sstrother@wellesleyma.gov>
Subject: FW: Board of Registrars

Sheryl,

So it looks like there is state law to pay the Town Clerk to act as/for the Registrars. We should probably have the BOS revisit how much it is and approve it. Please get me the details on what is in the budget and how much we've been paying Kathy.

Thanks,
Blythe

Blythe C. Robinson
Executive Director- General Government
Town of Wellesley
525 Washington Street
Wellesley, MA 02482
P – 781-431-1019, ext. 2200
brobinson@wellesleyma.gov

From: Kelly McElreath [<mailto:KMcElreath@uptonma.gov>]
Sent: Monday, April 02, 2018 4:08 PM
To: Robinson, Blythe <brobinson@wellesleyma.gov>
Subject: RE: Board of Registrars

Hi,

Left you a voice mail but for further clarification, from what I have seen and been told, Town Clerks are considered ex-officio members for the Board of Registrars. Thus, even if the Town Clerk is not appointed as a registrar, she/he is considered a registrar.

Here is the MGL stating the clerk is a registrar and the other 3 members are appointed by BOS: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVIII/Chapter51/Section15>

Hope this helps,
Kelly

From: Robinson, Blythe [<mailto:brobinson@wellesleyma.gov>]
Sent: Monday, April 02, 2018 1:44 PM
To: Kelly McElreath <KMcElreath@uptonma.gov>
Subject: RE: Board of Registrars

Kelly,

Had a nice quiet Easter which is good, it's town meeting time here and it is crazy!!! Likely to be all of the 8 nights it was last year.... Hope you had a good day too.

Our clerk is NOT a registrar, but for some reason she was getting a stipend. It is clear the registrars can receive a stipend, but what about the clerk who supports them?

Any thoughts?

Thanks,
Blythe

Blythe C. Robinson
Executive Director- General Government
Town of Wellesley
525 Washington Street
Wellesley, MA 02482
P – 781-431-1019, ext. 2200
brobinson@wellesleyma.gov

From: Kelly McElreath [<mailto:KMcElreath@uptonma.gov>]
Sent: Monday, April 02, 2018 11:00 AM
To: Robinson, Blythe <brobinson@wellesleyma.gov>
Subject: Board of Registrars

Hi Blythe!

Sorry I missed your call on Thursday! I hope you had a nice Easter.

The MGL Chapter 51, section 23 states Registrars shall be compensated: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVIII/Chapter51/Section23>

If you need additional info, let me know!

Kelly

*Kelly A. McElreath
Upton Town Clerk
Assistant to the Town Manager
1 Main St, Box 11
Upton MA 01568
508-529-3565*

This electronic message is confidential and intended for the named recipient only. Any dissemination, disclosure or distribution of the contents of this communication is unlawful and prohibited. If you have received this message in error, please contact by return email or telephone 508.529.3565 and delete the copy you received. Thank you.

Part I ADMINISTRATION OF THE GOVERNMENT**Title VIII** ELECTIONS**Chapter 51** VOTERS**Section 23** REGISTRARS, ASSISTANT REGISTRARS AND ABSENT
REGISTRATION OFFICERS; OATH OF OFFICE;
COMPENSATION

Section 23. The registrars, assistant registrars and absent registration officers shall, before entering upon their official duties, each take and subscribe an oath faithfully to perform the same. They shall receive such compensation as the city council or selectmen may determine; but such compensation shall not be regulated by the number of names listed or registered by them, as the case may be, and a reduction of compensation shall apply only to registrars, assistant registrars and absent registration officers appointed thereafter. The city council or selectmen shall provide them suitable rooms, necessary assistance and, when required, transportation. The city or town clerk, when a member of the board of registrars, shall act as clerk thereof, and shall keep a full and accurate record of its proceedings and shall cause such notices as the registrars may require to be properly given.

Part I ADMINISTRATION OF THE GOVERNMENT**Title VIII** ELECTIONS**Chapter 51** VOTERS**Section 15** BOARD OF REGISTRARS IN CERTAIN CITIES AND TOWNS; APPOINTMENT; TERM OF OFFICE

Section 15. Except as provided in section seventeen, there shall be in every city, other than one having a board of election commissioners or an election commission, and in every town a board of registrars of voters consisting of the city or town clerk and three other persons who shall, in a city, be appointed by the mayor, with the approval of the aldermen, and in a town, by a writing signed by the selectmen and filed with the town clerk. When a board of registrars is first appointed, the registrars shall be appointed in February or March for terms respectively of one, two and three years, beginning with April first following. In February or March in every year after the original appointment, one registrar shall be appointed for the term of three years, beginning with April first following.

As the terms of the several registrars expire, and in case a vacancy occurs in the board of registrars of voters, the selectmen or the appointing authority shall so appoint their successors that as nearly as possible the members of the board shall represent the two leading political parties, as defined in section one of chapter fifty; provided, that a city or town clerk need not be enrolled in a political party; and provided further, that in no case shall an appointment be made as to cause a board to have more than two members, including the city or town clerk, of the same political party. Every such appointment shall be made in a town by the selectmen or the appointing authority from a list to be submitted to them by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee; and every member of a board of registrars of voters shall serve until the expiration of his term and until his successor has qualified; provided, however, if the chairman of the town committee has not submitted such list to the selectmen or the appointing authority within forty-five days after a notification to said chairman by certified mail, the selectmen or the appointing authority shall make said appointment without reference to such a list.

6. **New Business and Correspondence** - Other Documents: The Board will find documents the staff are not seeking action on, but is for informational purposes only. Please find the following:

- ❖ Green Cleaning Award
- ❖ Abutter Notice
- ❖ Email correspondence regarding Route 9/Kingsbury
- ❖ Thank you note

HEALTHY SCHOOLS CAMPAIGN

EVERY CHILD DESERVES TO LEARN + THRIVE

Michael Andersen
Custodial Service Manager
Town of Wellesley
888 Worcester Street, Suite 370
Wellesley, MA 02482

April 10, 2018

Dear Mr. Andersen:

Please accept this certificate in recognition of Wellesley Public Schools' exemplary green cleaning efforts. We are proud to showcase your district as part of the Green Cleaning Award for Schools & Universities.

This is the only award dedicated solely to recognizing schools and their facility leaders for the tireless work of promoting clean, healthy and sustainable school buildings. Presented by Healthy Schools Campaign, *American School & University* magazine and the Green Cleaning Network, it highlights schools with innovative, health-focused and environmentally minded cleaning programs.

We're honored to learn about terrific green cleaning programs like yours from around the country each and every year through this award. We look forward to hearing more about your program and working together to further the green cleaning movement. *In the meantime*, please contact Sara Porter at 312-419-1810 or sara@healthyschoolscampaign.org if you have any questions.

Sincerely,



Rochelle Davis
President + CEO, Healthy Schools Campaign

GREEN CLEANING
AWARD
2018 for Schools & Universities



awarded to

Wellesley Public Schools

Grand Winner

Presented by



**HEALTHY SCHOOLS
CAMPAIGN**

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act and the
Wellesley Wetlands Protection Bylaw**

*(this form must be completed and copies sent by certified mail
to all abutters within 300 feet of the site of the project)*

In accordance with the Massachusetts General Laws Chapter 131, Section 40 (the Wetlands Protection Act) and the Wellesley Wetlands Protection Bylaw (Article 44), you are hereby notified of the following:

1. The applicant's name is Wellesley Sports Center, LLC.
2. The applicant has filed the following application with the Wellesley Wetlands Protection Committee:
 - A Notice of Intent, seeking permission to alter an area subject to protection under the Wetlands Protection Act and/or the Bylaw.
 - A request to amend an existing Order of Conditions.
 - A Notice of Resource Area Delineation, seeking to determine the extent of areas subject to protection under the Wetlands Protection Act and/or Bylaw.
3. The address or location of the site where the activity or delineation is proposed is: 47 Russell Road & 3, 5 Dale Street, Wellesley, MA.
4. The proposed work includes The proposed project seeks to create a new point discharge into Morses Pond for temporary construction dewatering associated with the proposed construction of the pool and foundation for the Wellesley Sports Center located at 900 Worcester Street. The Wellesley Sports Center Project was previous approved under MassDEP File No. 324-0845. A dewatering system as designed by Rain for Rent will keep and maintain the groundwater below the required excavation area to allow work to progress and minimize the hydrostatic load on the structure. Dewatering will continue until the pool is complete, approximately 8 months. Work will occur near Bordering Land Subject to Flooding per 310 CMR 10.57, and within a Bank per 310 CMR 10.54. Work will also occur within the 100-ft buffer zone, within the 25-ft No Disturbance Zone and within the 75-ft Limited Disturbance Zone which is protected under the Town of Wellesley Wetland Protection By-Law.
5. Copies of the above application may be examined at the Wetlands Protection Committee's office, located in the Lower Level of Town Hall, 525 Washington Street, Wellesley, between 8:30 a.m. and 4:00 p.m., Monday through Friday. Copies may be obtained at the office for a fee or from the applicant.
6. Information regarding the date, time, and place of the public hearing may be obtained:
 - a. from the Wetlands Protection Committee's (WPC) website at http://wellesleyma.gov/Pages/WellesleyMA_NRC/wetlands/index or
 - b. by calling the WPC Office at 781-431-1019, x2294 between 8:30 a.m. and 4:00 p.m., Monday through Friday or
 - c. from the applicant or the applicant's representative.

Meagher, Cathryn

From: Robinson, Blythe
Sent: Friday, April 20, 2018 10:14 AM
To: Meagher, Cathryn
Subject: FW: MassDOT

Cay,

Please include this email from Dave Hickey in the Board's FNM.

Thanks,

Blythe C. Robinson
Executive Director- General Government
Town of Wellesley
525 Washington Street
Wellesley, MA 02482
P – 781-431-1019, ext. 2200
brobinson@wellesleyma.gov

From: Hickey, David
Sent: Friday, April 20, 2018 9:47 AM
To: Robinson, Blythe <brobinson@wellesleyma.gov>; Jop, Meghan <mjop@wellesleyma.gov>; Pilecki, Jack <jpilecki@wellesleyma.gov>
Cc: Cohen, David <dcohen@wellesleyma.gov>; Pakstis, Mike <mpakstis@wellesleyma.gov>; Whittemore, Scott <swhittemore@wellesleyma.gov>
Subject: MassDOT

A quick MassDOT update from yesterday's meeting. Guardrail first, they plan on doing the "pre-digging" which is an exercise to confirm that the guardrail can go where it is planned or reasonably close on the eastbound side (Donizetti toward Kingsbury) on Sunday night and westbound, Audubon to Sprague on Monday night. If it goes well they will install the wood post, steel beam guardrail on Tuesday and Wednesday nights. If it doesn't go well then MassDOT construction will report to engineering that it is not possible.

Overall project schedule next, there continues to be issues with National Grid, the biggest problems between Bancroft and Emerson, but also near Cedar Street. MassDOT has stated that they can only hold PJ Keating (the contractor) until the end of the calendar year and while the current schedule has all work complete by Dec 2, 2018, there is a growing realization that this may not happen. Keating is pressing the issue as they are holding opening a significant paving mobilization for this project and they have no level of comfort that it can happen. There was talk of doing a patching / potholing project for the fall, so that the state could re-group and rebid for a repaving project in 2019. There was also talk of modifying the pavement limits, the most favorable at least from my perspective, would be to pave from School Street to Cliff Rd and then from Oakland to Rte 128 on the eastbound side. I pushed pretty hard that the School to Cliff piece should be done. The gas work here is nearly done and the road, which was not in good condition, was certainly made worse by the work over the last year.

Dave

Dear Blythe,

I'm writing to express my sincere appreciation for the marathon event tickets you kindly offered to Town employees. To say the grandstand tickets were an incredible opportunity would be an understatement. I've had the honor of running 6 Boston Marathons, and knowing that my family was watching at the finish line was truly remarkable; we were beyond impressed with the seats and cannot thank you enough for making this experience possible! Despite the inclement weather, I hope you also had a lovely Patriot's Day. Very gratefully,

Elizabeth Bradley, COA

APRIL 24th AGENDA BACKGROUND

2. Approve SPED Stabilization fund expenditure

As you may recall expenditures from the SPED stabilization fund requires approval of both the Board of Selectmen and the School Committee. Enclosed in your packet is background on this topic. The expenditure is for \$1886.76 for _____. As you can see, the School Committee has already acted on this item and once the Board has it can be processed for payment.

MOVE that the Board approve the disbursement of \$1,886.76 from the SPED Stabilization Fund.

Meagher, Cathryn

From: Robinson, Blythe
Sent: Wednesday, April 18, 2018 10:31 AM
To: Strother, Sheryl
Cc: Meagher, Cathryn
Subject: RE: SC Vote on Medicaid Billing

Sheryl,

Let's put this on for Monday or Tuesday next week.

Blythe

Blythe C. Robinson
Executive Director- General Government
Town of Wellesley
525 Washington Street
Wellesley, MA 02482
P – 781-431-1019, ext. 2200
brobinson@wellesleyma.gov

From: Strother, Sheryl
Sent: Wednesday, April 18, 2018 10:30 AM
To: Robinson, Blythe <brobinson@wellesleyma.gov>
Subject: FW: SC Vote on Medicaid Billing

The BOS are also (in addition to SC) supposed to approve any payment out of the SPED Stabilization fund. I hope to have the SC approval attached to the invoice we're trying to have BOS approve (the invoice is \$1,866.76 to process the reimbursement requests) . Once we explain the process to the BOS, it should be routine.

Do you think this will fit within the general business of the BOS for tomorrow, or do we need a separate agenda item?

From: Belliveau, Judy
Sent: Tuesday, April 17, 2018 4:54 PM
To: Strother, Sheryl <sstrother@wellesleyma.gov>
Subject: SC Vote on Medicaid Billing

Hi Sheryl,

Attached is the memo I sent to David and School Committee to vote on payment of invoices out of the Special Education Stabilization fund. My language for the motion was amended by School Committee to clarify that it was for invoices for this fiscal year. They expect to have a similar vote for each year. As a result, I didn't think they had to vote each individual invoice. If you think they do, let me know and I will put the invoices on the Consent Agenda.

The link to the SC agenda for this item

is: <https://drive.google.com/drive/folders/1imMEaeRhPRYrLIEvj37eN455LuU0Ohss>

I have to get the minutes of the meeting from Addie since they aren't posted yet. I know you want a form to go over to you with the invoice.

Judy

Judith M. Belliveau
Assistant Superintendent
for Finance & Operations
Wellesley Public Schools
40 Kingsbury Street
Wellesley, MA 02481
Tel: 781-446-6210 ext. 5611
Fax: 781-446-6207

WELLESLEY PUBLIC SCHOOLS
40 Kingsbury Street • Wellesley • Massachusetts 02481
781-446-6210

Dr. DAVID F. LUSSIER
Superintendent of Schools

Dr. JOAN DABROWSKI
Assistant Superintendent, Teaching and Learning

LORI V. CIMENO, Director of Student Services



JUDITH M. BELLIVEAU
Assistant Superintendent, Finance and Operations

KATHLEEN F. DOOLEY, Director of Technology

To: David Lussier, Superintendent
Wellesley School Committee

From: Judith M. Belliveau

Date: February 21, 2018

RE: Payment of Medicaid Billing Services

When the School District investigated the benefits of filing for Medicaid reimbursement and decided to move forward, Heidi Perkins solicited proposals from vendors to provide the Medicaid billing services. While our staff perform a lot of the "legwork" to provide the data, the complexity of filing calls for an experienced firm.

We selected New England Medical Billing as our service provider at 4.5% of reimbursed funds. Attached is a copy of the current invoice and we anticipate total invoices this fiscal year will be approximately \$10,000. These funds are not budgeted in our operating budget and are an appropriate expense out of the Stabilization fund. We have had a conversation with Sheryl Strother about paying the invoice and she recommended that payment come from the Stabilization fund.

→ She will present it to the Selectmen for approval.

If you wish to vote on this now, I have provided language below, or it can wait until the next meeting.

Recommended Motion:

I recommend that the School Committee vote to authorize payment of invoices to New England Medical Billing for the District's Medicaid filing from the Special Education Stabilization Fund as the invoices are received.

If you have any questions, please don't hesitate to contact me. Thank you.

Cc: Heidi Perkins



N • E • M • B

NEW ENGLAND MEDICAL BILLING
19 Norfolk Avenue
South Easton, MA 02375

Invoice

DATE	INVOICE NO.
1/17/2018	WELLS1709

BILL TO

Wellesley Public Schools
40 Kingsbury ST
Wellesley, MA 02481
Attn: Judith Belliveau
Asst Superintendent

TERMS
Due on receipt

DESCRIPTION	NET RECEIPTS	RATE	AMOUNT
School Administrative Medicaid Claiming Fees submitted in qtr ending 9/30/17, pmt date 1/17/18	40,492.44	0.045	1,822.16
School Medicaid Direct Service submitted for qtr ending 9/30/17, pmt date 1/17/18	991.08	0.045	44.60

Charge to 83982203-578010

I thank you for your business.

For questions - call Nancy Dolgin at (508)297-2068 x232

Total	\$1,866.76
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OK to pay. Board of Selectmen

3. Discuss Lincoln Circle License Request

The residents of Lincoln Circle approached the Town about 18 months ago to seek approval to modify the cul-de-sac which is a public way to install a landscaped island. There is a very thorough email on this topic from Meghan and information from Town Counsel about this in your packet. While staff sees merit in the project, it would require a license agreement from the Board, and typically insurance protection from the residents. This last item has been a sticking point up to now. As Meghan notes, Town Counsel will be present at the meeting to discuss this with you, and a marked up copy of the license agreement is also included for your review. At this meeting we are seeking your input on whether or not you would like to move forward with this proposal, and what conditions for which you would be willing to do so. Thus no motion is scripted.

NO MOTION

Meagher, Cathryn

From: Jop, Meghan
Sent: Friday, April 20, 2018 7:32 AM
To: Robinson, Blythe; Meagher, Cathryn
Subject: FW: Lincoln Circle
Attachments: Lincoln Circle License Agreement V6.docx

Blythe and Cay,

The email below and the attached are the documents for FNM. For background:

The residents of Lincoln Circle approached the Town about a year and half ago to see if it were possible to modify the cul-de-sac with a landscape island in the middle of the road. The road is a public way. The staff saw some real merit in reducing the impervious cover and improving groundwater drainage. The abutters were willing to pay all costs associated with the project. The Board agreed to move ahead as a Pilot Program. BOS staff has been working with the Town Counsel, Mike Pakstis, and Dave Hickey on this project. The Town prepared a License Agreement and have been in a bit of an road block with the neighbors on insurance. The road will still be a public way, so there is a question as to how much further the garden island must be insured. Tom will be present to discuss the Town's options. On Tuesday night, we are seeking the Board's position on how they would like to move forward, or whether they would like to move forward on this Pilot Program. In the Packet is the draft license agreement marked up with comments as well as an email from Town Counsel describing the major insurance and indemnity hurdles.

Meghan

-----Original Message-----

From: Tom Harrington [mailto:tom@miyares-harrington.com]
Sent: Thursday, April 19, 2018 2:51 PM
To: Jop, Meghan <mjop@wellesley.ma.gov>
Subject: Lincoln Circle

Meghan,

The Lincoln Circle License Agreement permits a group of residents to maintain a "Landscape Island Garden" in the central portion of the cul-de-sac at the end of Lincoln Circle. We previously reviewed the draft and noted that there was no insurance requirement. The potential licensees looked into obtaining insurance and learned that it was cost prohibitive so the Town will now consider waiving the requirement. When making that determination we recommend weighing the risk to the Town. Here, the licensees will indemnify the town for any damage that occurs in conjunction with the license or their use of the property. I recommend also adding a hold harmless and release of liability provision, as provided in the attached draft. With that added hold harmless and release of liability, I think the risk to the Town from these activities is low. The Town does have insurance and any damages are capped by the MA Torts Claims Act at \$100,000.

As for termination, the license states that it can be terminated at any time by the Town by giving Licensees 30 days notice. Upon termination, the licenses must restore the circle to its former condition. The only change I recommend is that we make the right to terminate reciprocal. If the licensees decide they no longer wish to maintain the garden, they should have a way to terminate the license.

My suggested edits are incorporated into the last draft in redline (attached).

Tom

LICENSE AGREEMENT

THIS LICENSE AGREEMENT, dated as of the later of the signature dates below (the “**Effective Date**”), is entered into by and between the Town of Wellesley, a Massachusetts Municipal Corporation acting by and through its Board of Selectmen with a principal office at 525 Washington Street, Wellesley, MA 02482 (the “**Town**”) and John F. Adams, Jr. & Jan S. Adams, with a principal residence of 3 Lincoln Circle, Wellesley, MA 02481; James J. Ward & Elizabeth A. Ward, with a principal residence of 7 Lincoln Circle, Wellesley, MA 02481; Soroya M. Rahaman, with a principal residence of 8 Lincoln Circle, Wellesley, MA 02481; and Matthjis A. Gates & Anne-Marie Gates, with a principal residence of 10 Lincoln Circle, Wellesley, MA 02481, (the “**Licensees**”). The Town and the Licensees shall be referred to collectively as “the Parties.”

The Parties agree as follows:

1. **LICENSE TO USE PROPERTY.**

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the covenants and agreements of the Town and the Licensees hereinafter set forth, and upon the following terms and conditions, the Town hereby grants a revocable license to the Licensees to install and maintain a “Landscape Island Garden” in the central portion of the cul-de-sac at the terminus of the public way known as “Lincoln Circle,” as shown with more particularity on a plan of land entitled attached hereto as “Exhibit A,” (the “Landscape Island Garden” or the “Property”).

The Licensees agree to bear all present and future costs incurred for the installation and maintenance of the Landscape Island Garden, including, but not limited to: The costs of removing, and properly disposing of, the paved surface and underlay material on that portion of the public roadway in the center of the Lincoln Circle cul-de-sac, covering approximately ± 920 square feet as shown on Exhibit A, or any other earth removal necessary for the installation; the costs to install or add any earth, sand, rock, mulch, loam, sand, gravel, or other landscaping materials, whether natural or synthetic, to the Landscape Island Garden; or the costs to procure, plant, or maintain any trees, shrubs, flowers, moss, lichen, or any other vegetative material added to the Landscape Island Garden. The Landscape Island Garden shall be designed with permeable materials so as to provide adequate drainage of all water, whether in the form of precipitation or active or passive landscape watering activities. This right to include that of present and future owners, tenants, invitees and others lawfully using the premises and no others, to the extent now and hereafter from time to time permitted under applicable laws, bylaws, ordinances, codes, rules, regulations, orders and other lawful requirements of governmental bodies having jurisdiction, and for no other use or purpose. No further improvements will be made without Town approval.

- (a) No signage will be permitted unless approved by the Town.
- (b) Licensees shall neither commit nor permit any nuisance to be committed upon said Property and all the provisions of every law,

- ordinance, bylaw, rule or regulation of the Commonwealth of Massachusetts or the Town of Wellesley, which are now in force or which may hereafter become applicable to the use of said Property, shall be observed and obeyed by Licensees at all times.
- (c) Licensees shall not record this License Agreement in any Registry of Deeds within the Commonwealth of Massachusetts. If Licensees fail to comply with this provision, the Town may terminate this License Agreement without notice.

2. TERM.

The term of this License Agreement (the “Term”) shall commence on the Effective Date of [REDACTED], 2017 and shall continue annually, in perpetuity, unless earlier terminated by the Town or the Licensees, in accordance with the terms of this License Agreement.

3. INDEMNIFICATION AND HOLD HARMLESS.

(a) The Licensees shall, to the maximum extent permitted by law, indemnify, defend and save harmless the Town, its officers, agents, volunteers, and employees from and against any and all damages, liabilities, actions, suits, proceedings, claims, demands, losses, costs and expenses (including reasonable attorneys’ fees) that may arise within the bounds of Lincoln Circle Garden; the Licensees’ license or use of the Property or any damage to its real or personal property that occurs in conjunction with the license or use of the Property by the Licensees, their tenants, invitees, agents, successors, and assigns.

~~(b) The Licensees and their heirs, personal representatives, next of kin, estate, administrators and assignees, agree to forever release and promise to indemnify, defend and hold harmless the Town of Wellesley and all their employees, agents, and board members (the “Releasees”) from any and all claims, rights of action and causes of action that may have arisen in the past, or may arise in the future, directly or indirectly, from personal injuries to Licensees or property damage resulting from the Licensees use of the Property.~~

4. UTILITIES. There shall be no utilities installed in or on the Property.

5. TERMINATION.

(a) This License Agreement may be terminated at any time and for any reason by ~~either party~~ upon thirty (30) days written notice to the ~~other party~~.

(b) Upon termination this License Agreement for any reason, the Licensees shall immediately, at their sole expense, restore the Property to its former condition as a public way and in conformity with all applicable minimum design and performance standards of the Town, the Massachusetts Department of Transportation, and all applicable state, federal, and local laws, regulations, and bylaws in force at the time of termination.

Deleted: the Town

Deleted: Licensees

9. NOTICES. All notices, requests, approvals, demands and communications hereunder shall be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices shall be addressed to the parties as follows:

If to Town: Blythe C. Robinson, Executive Director
Town of Wellesley, Massachusetts
525 Washington Street
Wellesley, MA 02482

with a copy to: Thomas J. Harrington, Town Counsel
Miyares and Harrington LLP
40 Grove Street • Suite 190
Wellesley, MA 02481

If to Licensees: John F. Adams, Jr. & Jan S Adams
3 Lincoln Circle, Wellesley, MA 02481

James J. Ward & Elizabeth A. Ward
7 Lincoln Circle, Wellesley, MA 02481

Soroya M. Rahaman
8 Lincoln Circle, Wellesley, MA 02481

Matthjis A. Gates & Anne-Marie Gates
Lincoln Circle, Wellesley, MA 02481

Any of the Parties may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

MISCELLANEOUS.

(a) Amendment/Waiver.

This License Agreement cannot be amended, modified or revised unless done in writing and signed by an authorized agent of Town and Licensee. No provision may be waived except in a writing signed by both parties.

(b) Entire Agreement.

This License Agreement and the exhibits hereto, all being a part hereof, constitute the entire agreement of the parties hereto and shall supersede all prior offers, negotiations and agreements with respect to the subject matter of this License Agreement.

(c) Governing Law.

This License Agreement shall be governed by the laws of the Commonwealth of Massachusetts, without regard to conflicts of law.

(d) **Severability.**

If any provision of this License Agreement shall be declared to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall be construed as narrowly as possible and the balance of this License Agreement shall be deemed to be amended to the minimum extent necessary to provide to the parties substantially the benefits set forth in this License Agreement.

(e) **Interpretation.**

Unless otherwise specified, the following rules of construction and interpretation apply: (i) captions are for convenience and reference only and in no way define or limit the construction of the terms and conditions of this License Agreement; (ii) use of the term "including" shall be interpreted to mean "including but not limited to"; (iii) whenever a party's consent is required under this License Agreement, except as otherwise stated in this License Agreement or as same may be duplicative, such consent shall not be unreasonably withheld, conditioned or delayed; (iv) exhibits are an integral part of this License Agreement and are incorporated by reference into this License Agreement; and (v) use of the terms "termination" or "expiration" are interchangeable.

IN WITNESS WHEREOF, the Parties have caused this License Agreement to be executed as a sealed instrument as of the dates set forth below their respective signatures.

TOWN:

Town of Wellesley, Massachusetts
A Municipal Corporation
By its Board of Selectmen

Ellen F. Gibbs, Chair

Jack Morgan, Vice Chair

Marjorie R. Freiman, Secretary

Beth Sullivan Woods

Thomas H. Ulfelder

Date: _____

LICENSEES:

John F. Adams, Jr.
3 Lincoln Circle, Wellesley, MA 02481

Date: _____

Jan S Adams
3 Lincoln Circle, Wellesley, MA 02481

Date: _____

James J. Ward
7 Lincoln Circle, Wellesley, MA 02481

Date: _____

Elizabeth A. Ward
7 Lincoln Circle, Wellesley, MA 02481

Date: _____

Soroya M. Rahaman
8 Lincoln Circle, Wellesley, MA 02481

Date: _____

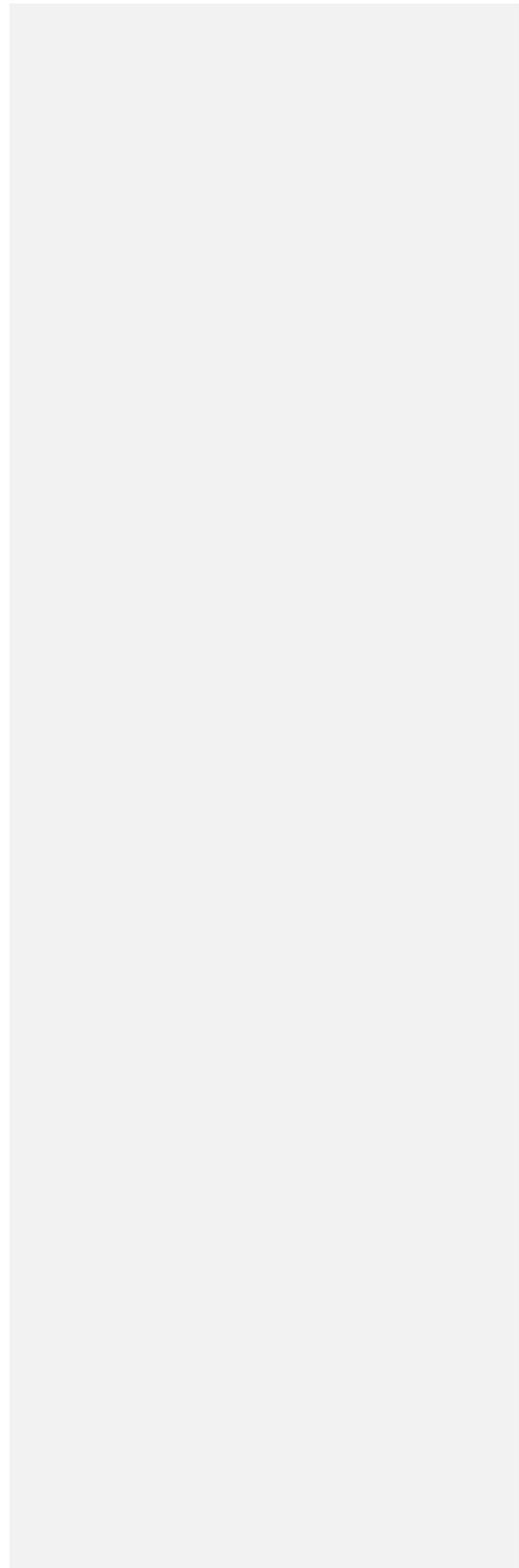
Date: _____

Matthjis A. Gates
10 Lincoln Circle, Wellesley, MA 02481

Date: _____

Anne-Marie Gates
10 Lincoln Circle, Wellesley, MA 02481

Date: _____



4. Discuss Annual Town Meeting Preparation

There are no specific matters that require action for this agenda item. Rather it is included should the Board wish to discuss any articles coming before Town Meeting that remain on the warrant.

NO MOTION

5. Appoint New Members to School Building Committee

In order to move forward through the process with the MSBA, the Town needs to modify the membership of the School Building Committee (SBC). As discussed at a previous meeting, Heather Sawitsky, Virginia Ferko and Cindy Mahr would like to be appointed to the Committee. Ms. Sawitsky and Ms. Ferko would serve as resident members, and Ms. Mahr as the incoming Assistant Superintendent who also holds the designation of a certified procurement official (MCCPO). The MSBA process requires that the Town submit the names of the persons serving on the SBC to them by May 2nd which is why it is on this agenda for action. It is also anticipated that this SBC will serve for both the MSBA project and the Hunnewell project.

MOVE that the Board appoint Heather Sawitsky, Virginia Ferko and Cindy Mahr to the School Building Committee.

6. New Business/Correspondence

There are no specific topics for this agenda item. All correspondence was included in the April 23rd section of your agenda packet.