

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](http://WWW.WELLESLEYMA.GOV)  
BLYTHE C. ROBINSON  
EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

### SELECTMEN'S MEETING

#### *TENTATIVE AGENDA*

Wellesley Town Hall – Juliani Room

**7:00 P.M. Monday, June 4, 2018**

1. 7:00 Citizen Speak
2. 7:05 Approve MWRA Bond
3. 7:15 Re-sign Hunnewell-Morgan Palmer Conservation Restriction
4. 7:20 John Hancock – Wellesley Office Park Presentation
5. 8:20 STM Preparation
6. 8:40 Executive Director's Report
  - Approval of Minutes
7. 8:45 New Business and Correspondence

Next Meeting Dates: Tuesday, June 5, 2018 6:30 pm  
Wednesday, June 6, 2018 6:30 pm  
Friday, June 8, 2018 8:30 am



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### SELECTMEN'S MEETING

#### *TENTATIVE AGENDA*

Middle School Library

**6:30 P.M. Tuesday, June 5, 2018**

1. 6:30 Citizen Speak
2. 6:35 STM Preparation

Next Meeting Dates: Wednesday, June 6, 2018 6:30 pm  
Friday, June 8, 2018 8:30 am



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### SELECTMEN'S MEETING

#### *TENTATIVE AGENDA*

Middle School Library

**6:30 P.M. Wednesday, June 6, 2018**

1. 6:30 Citizen Speak
2. 6:35 STM Preparation

Next Meeting Dates: Friday, June 8, 2018 8:30 am  
Monday, June 11, 2018 7:00 pm



5/30/2018

Black regular agenda items

**Board of Selectmen Calendar – FY18**

<b>Date</b>	<b>Selectmen Meeting Items</b>	<b>Other Meeting Items</b>
6/5 <i>Tuesday</i>	<b>STM #2</b>	
6/6 <i>Wednesday</i>	<b>STM #2</b>	
6/8 <i>Friday</i>	<b>Retreat – DPW training room</b>	
6/11 <i>Monday</i>	<b>Meeting</b> Alcohol regulations BOS Appointments Wellesley Country Club – Sudbury Aqueduct	
6/12 <i>Tuesday</i>		HPP Community Forum – High School
6/18 <i>Monday</i>	<b>Meeting</b> Quarterly Traffic Committee Update Discuss Complete Streets Policy Police Quarterly Update BOS Appointments Capital Policy	
6/25 <i>Monday</i>	<b>Meeting</b> Year End Transfers	
7/2 <i>Monday</i>	<b>No Meeting</b>	
7/4 <i>Wednesday</i>	<b>TOWN HALL CLOSED (INDEPENDENCE DAY)</b>	
7/10 <i>Tuesday</i>	<b>Meeting</b> Reviews: Executive Director, Fire Chief, Police Chief	
7/17 <i>Tuesday</i>	<b>No Meeting</b>	
7/24 <i>Tuesday</i>	<b>Meeting</b>	
7/31 <i>Tuesday</i>	<b>No Meeting</b>	
8/7 <i>Tuesday</i>	<b>Meeting</b>	
8/14 <i>Tuesday</i>	<b>No Meeting</b>	
8/21 <i>Tuesday</i>	<b>Meeting</b>	
8/28 <i>Tuesday</i>	<b>No Meeting</b>	
9/3 <i>Monday</i>	<b>TOWN HALL CLOSED (LABOR DAY)</b>	

5/30/2018

Black regular agenda items

<i>Date</i>	<i>Selectmen Meeting Items</i>	<i>Other Meeting Items</i>
<i>9/4 Tuesday</i>	<b>No Meeting</b>	
<i>9/11 Tuesday</i>	<b>Meeting</b>	
<i>9/17 Monday</i>	<b>Meeting</b> Diversity Program w/WOW? HPP	
<i>9/24 Monday</i>	<b>Meeting</b>	
<i>10/1 Monday</i>	<b>No Meeting - Wellesley Club</b>	
<i>10/2 Tuesday</i>	<b>STM</b>	
<i>10/3 Wednesday</i>	<b>STM</b>	
<i>10/8 Monday</i>	<b>TOWN HALL CLOSED (COLUMBUS DAY)</b>	
<i>10/9 Tuesday</i>	<b>Meeting</b>	
<i>10/15 Monday</i>	<b>Meeting</b>	

**Notes**

*Quarterly updates*

- *Traffic Committee (Deputy Chief Pilecki)*
- *Facilities Maintenance (Joe McDonough)*
- *Wellesley Club Dates 10/1/18, 11/5/18, 1/7/19, 3/4/19*

## **MOTIONS**

2. **MOVE** that the sale of the \$179,454 Sewer Bond of the Town dated June 11, 2018, to Massachusetts Water Resources Authority (the “Authority”) is hereby approved and the Town Treasurer or other appropriate Town official is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on May 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>
2019	\$35,890.80
2020	35,890.80
2021	35,890.80
2022	35,890.80
2023	35,890.80

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing vote.

3. **MOVE** that the Board approve the revised Conservation Restrictions for parcels 194-24 and 186-4 fronting Pond Road, which are partially located within the Town of Wellesley, owned by the Estate of Mary Palmer and the Trustees of Hunnewell Estates, to the Trustees of Reservations in perpetuity.
6. **MOVE** that the Board vote to approve the minutes of the May 7<sup>th</sup>, 14<sup>th</sup> and 21<sup>st</sup> meetings.



TOWN OF WELLESLEY



MASSACHUSETTS

## BOARD OF SELECTMEN

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BLYTHE C. ROBINSON  
EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

This meeting is on Monday at its regularly scheduled time of 7:00 PM in the Juliani Room at Town Hall.

### 1. Citizen Speak



TOWN OF WELLESLEY



MASSACHUSETTS

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EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

### MEMORANDUM

DATE: June 1, 2018  
TO: Board of Selectmen  
FROM: Blythe C. Robinson, Executive Director  
SUBJECT: Weekly Report

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

- Staff had another meeting on electronic time management this week with a vendor that has serviced the DPW for a number of years. Now that we've looked at two options we'll be able to refine what we are looking for in a solution and decide how to move forward.
- As I mentioned in an email on Wednesday, the full copy of the State Auditors report about the Housing Authority audit is in your packet for review.
- You'll also find a monthly budget report from Finance. Right now all budgets are still on track. We will continue to work with Fire to get them as close to on budget as we can, and determine where adjustments can come from to cover their deficit. Stay tuned!
- We met this week to select candidates for a first round of interviews for the Project and Communications Manager – we've chosen seven for what we expect to be the first of two rounds of interviews and those will be planned for the week of June 18<sup>th</sup>.
- The State Dept. of Veteran's Affairs has approved our veterans district to stay with the number of staff we currently have for the next year, and that letter is in your correspondence.
- A copy of the court decision on our water management act registration is also enclosed. You'll note that at least we have a reprieve on changes by DEP until 2021.



**2. Approve MWRA Bond**

Included in your packet is a memo from Meghan Condon to Marc Waldman outlining the request for approval by the Board to execute a MWRA sewer bond in the amount of \$179,454. This borrowing is for a five-year term to enable the Town to carry out projects to reduce inflow and infiltration (I&I) in some sections of our sewer system. Besides the loan, the MWRA is also providing \$146,826 in grant funding. DPW Assistant Director Dave Cohen will be at the meeting to answer any questions that you may have.

**MOVE** that the sale of the \$179,454 Sewer Bond of the Town dated June 11, 2018, to Massachusetts Water Resources Authority (the “Authority”) is hereby approved and the Town Treasurer or other appropriate Town official is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on May 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>
2019	\$35,890.80
2020	35,890.80
2021	35,890.80
2022	35,890.80
2023	35,890.80

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing vote.



TOWN OF WELLESLEY  
DEPARTMENT OF PUBLIC WORKS  
WATER & SEWER DIVISION



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**Memorandum**

**TO:** Marc Waldman  
**FROM:** Meghan Condon  
**DATE:** April 26, 2018  
**Subject:** **MWRA Local Pipeline Assistance Program**

This is to serve as a brief overview of the Department of Public Works, Water and Sewer Division's application for \$326,280.00 grant and loan funding. Through the MWRA's Infiltration/Inflow Local Pipeline Assistance Program, the MWRA provides a 45% grant and 55% 5 year zero interest loan to aid communities in reducing infiltration and inflow into the local sewer collection system. This year's submittal of \$326,280.00 will be funded as \$146,826.00 in the form of a grant and \$179,454.00 in the form of an interest free loan.

The specific projects for which this grant/loan have been requested are the Sewer Inspection and Rehabilitation Contract, McLean Street Sewer Pipe Bursting, the Sewer Main Repair on Cliff Road and the Sewer Main Repair on Rte. 9.

The Inspection and Rehabilitation contract consisted of the closed circuit television (CCTV) inspection of the sewer mains, testing and sealing the pipe joints, testing and sealing service connections, root treatment and sealing sewer manholes. This work has enabled the Department to assess pipe condition, note issues/failures within the system and effectively reduce the amount of infiltration and inflow into the system by sealing leaking pipe joints and manholes with a non-permeable grout.

The work on McLean Street consisted of pipe bursting 200' of 10" vitrified clay pipe sewer main and replacing this pipe with 10" HDPE pipe. There was a depression in the road over the sewer main on McLean Street that runs between Willow Street and Ashmont Road. National Water Main Cleaning Company inspected the pipe under the Sewer Inspection and Rehabilitation contract. During inspection, the pipe was found to have multiple fractures, was partially collapsed in one section and overall was in poor condition. The job was awarded to D'Allessandro Corp. in September 2016 and the job was completed in October 2016.

The work on Cliff Road consisted of the repair of the 8" VCP sewer main by replacing a 5' section with 8" PVC. During a planned inspection under the Sewer Inspection and Rehabilitation contract there was a hole found in the top of the pipe with groundwater infiltrating into the sewer main. This section of sewer main is located between Pierce

Road and #206 Cliff Road. The job was awarded to D'Allessandro Corp. in September 2016 and the job was completed in October 2016.

The work on Rte. 9 consisted of the spot repair of the 10" VCP sewer main and replacing a 6' section with 10" PVC. The section of pipe is located between #504 Worcester St. and Rockland St. There was a sewer backup in this area. The crew relieving the backup in the main found rocks and debris in the downstream manhole. The pipe was then inspected and found to have a large hole in the top of the pipe. The job was awarded to D'Allessandro Corp. in September 2016 and the job was completed in October 2016.

Cc: Mike Pakstis  
Dave Cohen  
Amy Johnstun  
Bill Shaughnessy

May 23, 2018

**VIA OVERNIGHT COURIER**

Marc V. Waldman, Treasurer  
Town of Wellesley, Massachusetts  
525 Washington Street  
Wellesley, Massachusetts 02482

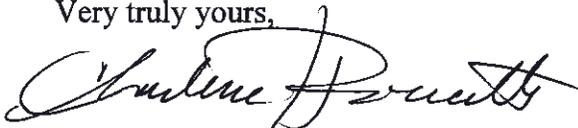
Dear Marc: (Wellesley Sewer Bond - MWRA)

Enclosed is the \$179,454 Sewer Bond, which is to be issued to the Massachusetts Water Resources Authority ("MWRA") on June 11, 2018, with a distribution of funds to take place on June 14, 2018. I have also enclosed four copies of the selectmen's vote and the related closing certificate. The Town should have received the Loan Agreement and Financial Assistance Agreement directly from the MWRA.

The enclosed form of selectmen's vote will need to be passed by the selectmen at their meeting on June 5, 2018 and signed by the Clerk of the Board of Selectmen. The Bond and closing certificate will need to be executed by the appropriate Town officials and must be **sealed** with the Town seal where indicated. In order to close the borrowing with the MWRA on June 11, we will need to receive the executed Bond, closing certificates and votes by no later than June 6.

Please call me if you should have any questions.

Very truly yours,



Charlene J. Doucette

Enclosures

cc: Peter Frazier (*without enclosures*)

AM 68784333.1

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Wellesley, Massachusetts, certify that at a meeting of the board held June 4, 2018, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$179,454 Sewer Bond of the Town dated June 11, 2018, to Massachusetts Water Resources Authority (the "Authority") is hereby approved and the Town Treasurer or other appropriate Town official is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on May 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>
2019	\$35,890.80
2020	35,890.80
2021	35,890.80
2022	35,890.80
2023	35,890.80

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing vote.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the bond were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: June 4, 2018

\_\_\_\_\_  
Clerk of the Board of Selectmen

\$179,454

\$179,454

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WELLESLEY

SEWER BOND

The Town of Wellesley (hereinafter called the "Municipality") in the County of Norfolk and in The Commonwealth of Massachusetts promises to pay to the Massachusetts Water Resources Authority (hereinafter called the "Authority"), or registered assigns, the sum of One Hundred Seventy-Nine Thousand Four Hundred Fifty-Four Dollars (\$179,454) in installments on May 15 of each year as set forth below, without interest:

<u>Year</u>	<u>Installment</u>
2019	\$35,890.80
2020	35,890.80
2021	35,890.80
2022	35,890.80
2023	35,890.80

Principal payments on this bond are payable at the offices of the Authority at 100 First Avenue, Charlestown Navy Yard, Boston, Massachusetts 02129. Upon final payment of the principal of this bond the Authority shall cancel this bond and return it to the Municipality.

This bond is the only instrument representing a borrowing of \$179,454 issued by the Municipality pursuant to Chapter 44 of the General Laws as amended and votes of the Municipality duly passed on the twenty-sixth day of April, 2010 and on the twenty-second day of April, 2013. This bond is issued for the purpose of defraying the cost of improvements to the Municipality's sewer system as described in said votes.

This bond is a general obligation of the Municipality and the full faith and credit of the Municipality is pledged for the payment of principal on this bond as the same shall become due and payable.

This bond is transferable only upon presentation to the Treasurer of the Municipality with a written assignment duly acknowledged or proved. No transfer hereof shall be effectual unless made on the books of the Municipality kept by the Treasurer as transfer agent and noted thereon by the Treasurer with a record of payments.

In Witness Whereof the Municipality has caused this bond to be signed by its Treasurer and countersigned by its Selectmen and the seal of the Municipality to be affixed hereto as of the eleventh day of June, 2018.



Treasurer

Countersigned:

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Selectmen

(Town Seal)

(Please Note: The following statements are an essential part of the permanent bond record. Read them carefully before signing this certificate. Advise Locke Lord LLP of any inaccuracy.)

**Town of Wellesley, Massachusetts**

**\$179,454 Sewer Bond**

**CERTIFICATE**

We, the Selectmen and the Treasurer of the Town of Wellesley, Massachusetts, certify that we have signed the \$179,454 Sewer Bond (the "Bond") of the Town dated June 11, 2018, and payable, without interest, in installments on May 15 of each year as set forth below:

<u>Year</u>	<u>Installment</u>
2019	\$35,890.80
2020	35,890.80
2021	35,890.80
2022	35,890.80
2023	35,890.80

The Bond bears the Town seal, which is also affixed to this certificate.

We further certify that the Loan Agreement with the Massachusetts Water Resources Authority (the "Authority") dated June 11, 2018 providing for the sale of the Bond has been signed by the Treasurer, and that the Financial Assistance Agreement dated June 11, 2018 relating to the Project financed by the Bond has been signed by the Treasurer and we hereby confirm those Agreements. The Loan Agreement and the Financial Assistance Agreement are sometimes referred to collectively in this certificate as the "Agreements." Capitalized terms used in this certificate and not otherwise defined shall have the same meanings given those terms in the Agreements.

We, the Selectmen and the Treasurer, also certify as follows:

1. Authority. The Bond is issued pursuant to the following statutes and votes of the Town:
  - (a) \$168,742.80 - under G.L. c.44, §7(1) and a vote of the Town passed April 22, 2013 (Article 24); and
  - (b) \$10,711.20 - under G.L. c.44, §7(1) and a vote of the Town passed April 26, 2010 (Article 19).

The issuance of the Bond and the execution of the Agreements were further authorized by a vote of the Board of Selectmen passed at a duly called meeting of the Board held June 5, 2018 (the "Selectmen's Vote").

2. Other Debt. No other debt has been incurred under those votes of the Town except:

(a) none; and

(b) \$262,088.80 bond issued to the Authority dated February 29, 2016.

3. Use of Project and Loan Proceeds.

(a) No Reimbursement. None of the proceeds of the Loan and the Bond are being used by the Town to reimburse the Town for expenditures previously made from funds other than proceeds of a borrowing.

(b) Prior Notes or Bonds. No proceeds of the Loan or the Bond will be used to pay or retire any notes, bonds or other evidence of indebtedness previously issued by the Town.

(c) No Sale of Project. The Town does not expect to sell any Project prior to repayment of the Loan and the Bond.

(d) Use in Trade or Business. Not more than 5% of the gross proceeds of the Loan or the Bond are to be used (directly or indirectly) in any trade or business carried on by any person other than a state or local governmental unit. (Use in a trade or business includes all activities carried on by the federal government (including its agencies and instrumentalities), by so-called Section 501(c)(3) organizations and by all other nongovernmental entities other than natural persons, not engaged in a trade or business but does not include use as a member of or on the same basis as the general public.) The Town does not have or plan to have any contract or other arrangement not applicable to the general public under which a party, other than the Commonwealth or a local governmental unit, is to have the use of the Project or is to make payments based on costs of the Project rather than system costs.

(e) Private Loans. None of the gross proceeds of the Loan or the Bond are to be used by the Town directly or indirectly to make or finance loans to others. (The foregoing representation does not preclude the financing of a Project whose costs are to be paid by betterment assessments over a period of years.)

I, the Treasurer, hereby certify as follows:

4. Debt Limit. At the time of its authorization, the Bond was, and on the date hereof is, within every applicable debt and other limit prescribed by law or otherwise.

5. Delivery and Receipt. The Bond was delivered on this date and the full purchase price of \$179,454 and a grant in the amount of \$146,826 are expected to be received from the Authority on June 14, 2018.

We, the Selectmen, the Treasurer and the Town Clerk, hereby certify as follows:

(a) Authorization, Execution and Delivery of Documents. The Loan Agreement, the Financial Assistance Agreement and the Bond have been duly authorized, executed and delivered. None of those instruments has been amended or supplemented since its date (except such amendments or supplements which have been approved by the Authority) or repealed and each such instrument remains in full force and effect as of this date.

(b) Signatures and Incumbency. The signatures of the Treasurer and the Selectmen as appearing below are the genuine signatures of the persons who held those offices when the Agreements and the Bond were signed and when they were delivered.

(c) Open Meeting Law. Other than the town meeting called pursuant to G.L. c.39, §10 at which the Bond was authorized, all proceedings essential to the Agreements or the authorization, execution, delivery or issue of the Bond and deliberations of a quorum relating thereto have been taken at a meeting or meetings open to the public; notice of each such meeting was filed in the office of the Town Clerk and publicly posted in the time and manner set forth in the General Laws, as amended, in effect at the time of each such meeting (Chapter 39, §23B for proceedings occurring prior to July 1, 2010 and Chapter 30A, §§18-25 for proceedings occurring on or after July 1, 2010) or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b); no deliberations, decision or vote in connection with the Bond or the Agreements were taken in executive session and no vote was taken by secret ballot; and the official record of each such meeting was made available to the public and remains available to the public as set forth in G.L. c.39, §23B or c.30A, §§18-25, as applicable.

(d) Proceedings. No proceeding essential to the Agreements or the authorization, execution, delivery or issue of the Bond has been repealed or amended except as stated in paragraph (1) above, and no proceedings have been taken relating to the Agreements and the Bond other than those certified to Locke Lord LLP.

(e) Bylaws. The bylaws described below are the only bylaws or standing votes of the Town affecting the authorization, sale or issue of the Bond, including the calling and conduct of town meetings, or the authorization, execution or delivery of the Agreements, and there has been no change therein affecting those matters in any way except as may be indicated below:

Town of Wellesley Bylaws as amended through April,  
2014 and certified to Locke Lord LLP on April 13, 2018.

(f) Home Rule. The Town has not adopted a home rule charter and the Town has not amended or repealed any special law relating to the Town through the use of home rule procedures.

(g) Selectmen's Vote. Attached hereto is a true copy of the Selectmen's Vote, which has not been amended or repealed and remains in full force and effect on this date.

(h) No Referendum. No petition for a referendum has been filed with respect to any of the proceedings essential to the Agreements or the Bond.

(i) Development Districts. The Town has not established any development districts pursuant to G.L. c.40Q.

*[Remainder of page intentionally left blank; signature page follows.]*

(j) No Litigation; No Financial Interest. There has been no litigation affecting the Agreements or the authorization, execution, delivery or issue of the Bond, the validity of the Bond or the power of the Town to levy and collect taxes to pay the Bond, and none is pending or to our knowledge threatened; neither the corporate existence nor boundaries of the Town nor the title of any of us to our respective offices is being contested; and none of us and, to the best of our knowledge, no other official of the Town has any direct or indirect financial interest in or relationship with the Authority.

Dated: June 11, 2018  
(date of delivery of and  
payment for the Bond)

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

Selectmen

  
\_\_\_\_\_  
Treasurer

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

(Town Seal)

AM 68784121.1



### **3. Re-sign Hunnewell-Morgan Palmer Conservation Restriction**

Since the recent meeting where the Board approved this conservation restriction, the document was sent to the State for their approval. David Santomenna from the Trustees of Reservations will be present to discuss the minor revisions, and thus it needs to be taken up by the Selectmen and approved again. The Natick Board of Selectmen have already approved the minor changes and resigned the CR. The changes made by the state include:

1. Correction in total number of acres.
2. Correction in identifying specific lots
3. Creation of new section II. C. Excluded Lots, that aggregates the provisions of section II. A. Prohibited Acts and Uses, numbers 11-13 and provisions of section II. B. Reserved Rights and Exceptions, number 12.

**MOVE** that the Board approve the revised Conservation Restrictions for parcels 194-24 and 186-4 fronting Pond Road, which are partially located within the Town of Wellesley, owned by the Estate of Mary Palmer and the Trustees of Hunnewell Estates, to the Trustees of Reservations in perpetuity.



**Grantor:** Arnold W. Hunnewell, Jr., personal representative of the Estate of Morgan Palmer (Middlesex County Probate Court Docket No. MII7P5310EA)

**Grantee:** The Trustees of Reservations

**Address of Restricted Area:** Off Dorset Lane, Natick & Wellesley, Massachusetts

**For Grantor's title see:** Multiple Deeds, Middlesex & Norfolk County Registries of Deed, as described in Exhibit A.

### **CONSERVATION RESTRICTION**

Arnold W. Hunnewell, Jr., personal representative of the Estate of Morgan Palmer (Middlesex County Probate Court Docket No. MII7P5310EA), his permitted successors and assigns, (the "Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants with quitclaim covenants to The Trustees of Reservations, a Massachusetts charitable corporation established under Chapter 352 of the Acts of 1891, its permitted successors and assigns (the "Grantee"), for nominal consideration, in perpetuity and exclusively for conservation purposes, the following Conservation Restriction ("Restriction") on a portion of the land owned by Grantor (the "Property") located in Natick and Wellesley, Massachusetts. The Restriction provided for herein applies to that portion of the Property which is referred to herein as the "Restricted Area" and which is shown on the plan referred to below in this paragraph as Proposed Conservation Areas A (14.434 acres), AI (3.884 acres), B (9.958 acres), C (2.994 acres), and D (1.~~184~~164 acres), and to those portions of the Property which are referred to herein and shown on the plan as Excluded Lots I through and including 87. The Property, the Restricted Area, and the Excluded Lots are shown on a plan recorded herewith in the Middlesex and Norfolk County Registries of Deeds at Middlesex South Registry of Deeds Plan Book \_\_\_\_ Page \_\_\_\_ and Norfolk County Registry of Deeds Plan Book \_\_\_\_ Page \_\_\_\_, by Feldman Land Surveyors, dated April 23, 2018, entitled "Conservation Restriction Plan, Palmer Estate, Dorset Lane, Natick, Mass, (Middlesex County), Wellesley, Mass, (Norfolk County), (the

“Plan”). A reduced copy of Sheet 1 of the Plan is attached hereto as Exhibit B, and a reduced copy of Sheet 2 of the Plan is attached as Exhibit C. For Grantor’s title to the Property see Exhibit A.

I. PURPOSES:

This Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Restriction is to assure that the Restricted Area will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would materially impair or interfere with its conservation and preservation values (“conservation values”).

The conservation values include the following:

- **Open Space Preservation.** The Restricted Area contains approximately 33.362 acres of wooded upland, open meadow, and deciduous wooded swamp and is a significant natural area which qualifies as a “...relatively natural habitat of fish, wildlife, or plants, or similar ecosystem,” as that phrase is used in P.L. 96-541, 26 USC 170(h)(4)(A)(ii), as amended, and in regulations promulgated thereunder.
- **Scenic Protection.** The Restricted Area is located within a “Noteworthy Landscape” as identified in the 1982 Massachusetts Landscape Inventory Report, compiled by the Massachusetts Department of Environmental Management; protection of the Restricted Area qualifies as “the preservation of open space (including farmland and forest land) where such preservation is for the scenic enjoyment of the general public” as that phrase is used in P.L. 96-541, 26 USC 170(h)(4)(A)(iii)(I), as amended, and in regulations promulgated thereunder.
- **Protection of Wildlife Habitat.** According to the Massachusetts Natural Heritage and Endangered Species Program, the Restricted Area contains approximately 0.365 acres of Deciduous Wooded Swamp; 0.20 acres of Shallow Marsh, Meadow or Fen, wetland and an approximately ½ acre Potential Vernal Pool.
- **Historic Preservation.** The Property is included in the National Register of Historic Places as part of the “Hunnewell Estates Historic District” by protecting the scenic qualities of the Restricted Area both its historic landscape and historic setting will be preserved, which qualifies as the “...the preservation of an historically important land area or a certified historic structure” as that phrase is used in P.L. 96-541, 26 USC 170(h)(4)(A)(iv), as amended, and in regulations promulgated thereunder.
- **Contiguous Open Space.** The Property abuts or is proximate to 13 additional perpetual conservation restrictions held by Grantee on land within the Hunnewell Estates Historic District, encumbering in the aggregate 166.6 acres; the protection of the Property therefore expands and enhances an existing well-established conservation area.

- Conformity with Established Plans (Wellesley). The protection of the Restricted Area via a Conservation Restriction is consistent with and advances the goals of the Town of Wellesley's current Open Space and Recreation Plan, specifically Goal I: Preserve open space for habitat protection and enhancement of community character; Objective E: Continue to protect and enhance open space in Wellesley: Continue to identify important open space properties and work with property owners to obtain conservation restrictions.
- Conformity with Established Plans (Natick). The protection of the Restricted Area via a Conservation Restriction is consistent with and advances the goals of the Town of Natick's current Open Space and Recreation Plan, specifically Goal I: Protect Natick's open spaces, including lakes, rivers, streams, woodlands, farms and parks that can be enjoyed by future generations: Objective IA Protect privately held open space through acquisition, conservation restrictions, easements, and other means; IF, prioritize areas that enhance existing open spaces, by creating larger contiguous parcels or connecting existing open space, neighborhoods, trail or wildlife corridors; areas of historic significance.
- Forest Protection. All of the wooded portion of the Restricted Area is mapped as Prime Forest 3 by the UMass Department of Natural Resources Conservation,

The conservation values of the Premises and the public benefits of this Conservation Restriction are described in more detail in a **Baseline Documentation Report (BDR)** to be kept on file at the office of Grantee, with a copy provided to the Grantor, and incorporated herein by this reference. Grantor and Grantee hereby acknowledge that this Report provides an accurate representation of the condition and the values of the Premises at the time of the granting of this Conservation Restriction and is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the BDR, the parties may utilize any other evidence of the condition of the Premises at the time of this grant, should the BDR be unavailable or if it does not adequately address the issues presented.

## II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

### A. Prohibited Acts and Uses

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Restricted Area:

- (1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above or under the Restricted Area;

(2) Mining, excavating, dredging or removing from the Restricted Area of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;

(3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;

(4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;

(5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;

(6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Restricted Area except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties;

(7) Subdivision or conveyance of a part or portion of the Restricted Area (as compared to conveyance of the Restricted Area in its entirety which shall be permitted), and no portion of the Restricted Area may be used towards building or development requirements on this or any other parcel; provided, however, that any portion or portions of the Property may be subdivided in order to create separate buildable lots within the portion of the Property shown on the Plan as Proposed Lots 1 and Lots 3 through 87;

(8) The use of the Restricted Area for more than *de minimis* commercial recreation, business, residential or industrial use;

(9) The disruption, removal, or destruction of any stone walls, granite fence posts or town bounds on the Restricted Area;

(10) Any other use of the Restricted Area or activity thereon which is inconsistent with the purpose of this Restriction or which would materially impair its conservation values.

~~(11) — The existence within Excluded Lot 1 of more than one residential dwelling structure, together with such outbuildings, sheds, garages or other improvements as are customary with respect to such permitted residence.~~

~~(12) — The existence within Excluded Lot 2 of more than one residential dwelling structure, together with such outbuildings, sheds, garages or other improvements as are customary with respect to such permitted residence.~~

~~(13) The existence within Excluded Lot 6 of more than one residential dwelling structure, together with such outbuildings, sheds, garages or other improvements as are customary with respect to such permitted residence.~~

B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Restricted Area, but only if such uses and activities do not materially impair the conservation values or purposes of this Restriction:

- (1) Recreational Activities. Fishing, boating, hunting, hiking, horseback riding, cross-country skiing and other non-motorized outdoor recreational activities that do not materially alter the landscape, do not degrade environmental quality, or do not involve more than minimal use for commercial recreational activities;
- (2) Vegetation Management. A. In accordance with generally accepted forest management practices, selective minimal removal of brush, pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Restricted Area, including vistas as documented in the BDR, woods roads, fence lines and trails and meadows; B. The harvesting of (i) trees to provide firewood or construction materials for use on the Restricted Area, including, without limitation, limited commercial timber production in accordance with a plan that is designed to protect the conservation values of the Restricted Area, including, without limitation, scenic and wildlife habitat values, prepared by a professional forester in accordance with the requirements of M.G.L. Chapter 6I and (ii) cultivation and harvesting of vegetation in accordance with M.G.L. Chapter 6IA;
- (3) Non-native or nuisance species. The removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
- (4) Composting. The stockpiling and composting of stumps, trees and brush limbs and similar biodegradable materials originating on the Restricted Area, provided that such stockpiling and composting is in locations where the presence of such activities will not have a deleterious impact on the purposes (including scenic values) of this Restriction. No such activities will take place closer than one hundred (100) feet from any wetland, waterbody or stream. All exercise of this Reserved Right shall take into account sensitive areas and avoid harm to nesting species during nesting season;
- (5) Wildlife Habitat Improvement. With the prior written permission of Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife

habitat, or rare or endangered species including selective planting of native trees, shrubs and plant species;

(6) Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official);

(7) Trails. The use, construction, maintenance, marking, and clearing of trails for pedestrian and equestrian use, including, with prior written consent of the Grantee, as provided for herein, the construction, use, maintenance, repair and replacement of boardwalk trails or footbridges where such use is consistent with the purposes of this Restriction;

(8) Signs. The erection, maintenance and replacement of signs with respect to hunting, trespass, trail access, identity and address of the occupants, sale of the Restricted Area, the Grantee's interest in the Restricted Area (subject to Grantor's prior approval, which may be withheld in the Grantor's sole discretion), and the protected conservation values;

(9) Roads. The maintenance of presently existing roads located on the Restricted Area in their present condition or as reasonably necessary for the uses permitted herein, and, with the prior written permission of Grantee, the construction of new roads for such purposes;

(10) Use by non-profit for open space. The right of a qualified non-profit charitable organization (within the meaning of 501(c)(3) of the Internal Revenue Code), whose primary purposes include conservation purposes, to use and maintain the Restricted Area as a public open space reservation for outdoor recreational and educational uses, should such use occur in the future, including limited, unenclosed and unpaved parking areas, access drives, minor recreational and educational structures including but not limited to signs, information kiosks, and other interpretive elements, and other provisions for visitation by the public, and subject to appropriate rules and regulations, and to provide suitable interpretation of the natural and cultural history of the Restricted Area and the surrounding area. Said right shall include the right to construct and maintain limited, unenclosed and unpaved parking areas and structures appurtenant to public use, including but not limited to signs, information kiosks, and other interpretive elements, provided that such construction and maintenance does not impair the conservation values of the Restricted Area. Such right shall also include the right to use motorized vehicles as part of the routine maintenance of the property and for purposes of occasionally providing tours of the Restricted Area for physically impaired visitors, where such tours are supervised by staff of said qualified non-profit organization. Each of the foregoing may only be exercised upon and following the prior written approval of both the Grantee and the Grantor.

(11) Permits. The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.

~~(12) The Grantor reserves the right to develop the Excluded Lots 1 through 8 as shown on the Plan, to include the right to subdivide, convey, or use the Excluded Lots for any purposes, subject to Paragraphs 11-13 of Section A, and subject to Paragraph 11 of Section B, and provided that any such use of the Excluded Lots does not impair the conservation values of this Restriction.~~

### C. Excluded Lots

The Grantor reserves the right to develop the Excluded Lots 1 through 7 (hereinafter the "Excluded Lots") as shown on the Plan, to include the right to subdivide, convey, or use the Excluded Lots for any purposes, subject to the following:

- (1) Any subdivision, conveyance, or construction shall require prior notice to the Grantee in compliance with Section D;
- (2) The existence within Excluded Lot 1 of more than one residential dwelling structure, together with such outbuildings, sheds, garages or other improvements as are customary with respect to such permitted residence, is prohibited;
- (3) The existence within Excluded Lot 2 of more than one residential dwelling structure, together with such outbuildings, sheds, garages or other improvements as are customary with respect to such permitted residence, is prohibited;
- (4) The existence within Excluded Lot 6 of more than one residential dwelling structure, together with such outbuildings, sheds, garages or other improvements as are customary with respect to such permitted residence, is prohibited;
- (5) Any such uses of the Excluded Lots shall comply with Paragraph 11 of Section B; and
- (6) Any such uses of the Excluded Lots as herein permitted shall not impair the Conservation Values of this Restriction.

D. Notice and Approval. Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Restriction.

Failure of Grantee to respond in writing within 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein, and the activity will not materially impair the conservation values or purposes of this Restriction.

### III. LEGAL REMEDIES OF THE GRANTEE

#### A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Restricted Area to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for such survey work as shall be reasonably necessary, and to have the boundaries permanently monumented.

#### B. Non-Waiver

Enforcement of the terms of this Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

#### C. Disclaimer of Liability

By acceptance of this Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Restricted Area pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

#### D. Acts Beyond the Grantor's Control

Nothing contained in this Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Restricted Area resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Restricted Area resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Restricted Area, if desirable and feasible.

#### IV. ACCESS

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Restricted Area upon reasonable notice and at reasonable times, for the purpose of inspecting the Restricted Area to determine compliance with or to enforce this Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Restricted Area for the purpose of taking any and all actions with respect to the Restricted Area as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

#### V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Restricted Area, shall be entitled to a portion of the proceeds in accordance with paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose of this grant.

B. Proceeds. Grantor and Grantee agree that the donation of this Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Restriction bears to the value of the unrestricted property at that time. Such proportionate value of the Grantee's property right shall remain constant. Any proceeds will be distributed only after complying with the terms of any gift, grant, or other funding requirements.

#### C. Grantor/Grantee Cooperation Regarding Public Action

Whenever all or any part of the Restricted Area or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and

the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with paragraph V. B. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

## VI. ASSIGNABILITY

### A. Running of the Burden

The burdens of this Restriction shall run with the Restricted Area in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Restricted Area.

## B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Restriction; the Grantor, on behalf of herself and her successors and assigns, appoint the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on her behalf. Without limiting the foregoing, the Grantor and her successors and assigns agree themselves to execute any such instruments upon request.

## C. Running of the Benefit

The benefits of this Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Restriction continues to be carried out; that the Assignee is not an owner of the fee in the Property, and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

## VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Restriction in any deed or other legal instrument by which he divests himself of any interest in all or a portion of the Restricted Area, including a leasehold interest and to notify the Grantee within 20 days of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Restriction. Any transfer will comply with article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this CR shall survive the transfer. Any new owner shall cooperate in the restoration of the Restricted Area or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

## VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Restriction.

## **IX. NON MERGER**

The parties intend that any future acquisition of the Restricted Area shall not result in a merger of the Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Restricted Area without having first assigned this Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Restriction continues to be enforceable by a non-fee owner.

## **X. EFFECTIVE DATE**

This Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative Approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in a timely manner in the Middlesex South District and Norfolk Registries of Deed.

## **XI. NOTICES**

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Arnold W. Hunnewell, Jr., personal representative  
of the Estate of Morgan Palmer  
c/o Simonds, Winslow, Willis & Abbott  
50 Congress Street; Suite 925  
Boston, MA 02109

To Grantee: The Trustees of Reservations  
200 High Street  
Boston, MA 02110

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

## **XII. GENERAL PROVISIONS**

### **A. Controlling Law**

The interpretation and performance of this Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Restriction shall be liberally construed in favor of the grant to effect the purpose of this Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to this Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Restriction, all of which are merged herein.

XIII. MISCELLANEOUS

A. Pre-existing Public Rights. Approval of this Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Restricted Area, and any such pre-existing rights of the public, if any, are not affected by the granting of this Restriction. For the avoidance of doubt, this Restriction does not create or grant any rights in favor of the public or any third party to access the Restricted Area or any other portion of the Property.

B. Homestead

The Grantor attests that there is a residence abutting the Restricted Area (including exclusions) that is occupied or is intended to be occupied as a principal residence by a spouse, former spouse, or children of the Grantor, on or abutting the Restricted Area, who have signed and notarized a separate release and subordination of their homestead rights to this Restriction, which will be recorded herewith.

C. Subordination

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

D. Attachments

Attached hereto and incorporated herein by reference are the following:

Signature pages:

Grantor

Grantee Acceptance

Approval by Natick Select Board

Approval by Wellesley Select Board

Approval of the Secretary of Energy and Environmental Affairs.

Exhibits:

Exhibit A: Grantor's Title

Exhibit B: Reduced Copy of Recorded Plan of Premises, Sheet 1

Exhibit C: Reduced Copy of Recorded Plan of Premises, Sheet 2

No documentary stamps are required, as this Restriction is a gift.

Executed under seal this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Arnold W. Hunnewell, Jr., personal  
representative of the Estate of Morgan  
Palmer

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared Arnold W. Hunnewell, Jr., proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

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

My commission expires:

ACCEPTANCE OF GRANT

The foregoing Conservation Restriction from Arnold W. Hunnewell, Jr., personal representative of the Estate of Morgan Palmer is accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

THE TRUSTEES OF RESERVATIONS

By \_\_\_\_\_

Its \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss.

\_\_\_\_\_, 20\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, and that they are authorized to do so on behalf of the Corporation.

\_\_\_\_\_  
Notary Public  
My commission expires:

APPROVAL OF SELECTMEN

We, the undersigned, being a majority of the Selectmen of the Town of Natick, Massachusetts, hereby certify that at a meeting duly held on \_\_\_\_\_, 20\_\_ the Selectmen voted to approve the foregoing Restriction from Arnold W. Hunnewell, Jr., personal representative of the Estate of Morgan Palmer to The Trustees of Reservations pursuant to M.G.L. Chapter 184, Section 32.

Selectmen

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

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss.

\_\_\_\_\_, 20\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_

Notary Public

My commission expires:

APPROVAL OF SELECTMEN

We, the undersigned, being a majority of the Selectmen of the Town of Wellesley, Massachusetts, hereby certify that at a meeting duly held on \_\_\_\_\_, 20\_\_ the Selectmen voted to approve the foregoing Restriction from Arnold W. Hunnewell, Jr., personal representative of the Estate of Morgan Palmer to The Trustees of Reservations pursuant to M.G.L. Chapter 184, Section 32.

Selectmen

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

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss.

\_\_\_\_\_, 20\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_

Notary Public

My commission expires:

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS

COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Restriction from Arnold W. Hunnewell, Jr., personal representative of the Estate of Morgan Palmer (Middlesex County Probate Court Docket No. MII7P5310EA) to The Trustees of Reservations has been approved in the public interest pursuant to M.G.L. Chapter 184, Section 32. Any proposed modification, release, or partial release to this conservation restriction must be approved by the then-acting Secretary of EOEEA in accordance with MGL Chapter 184 Section 32 and the then-current EOEEA policy that maintains the conservation values of Conservation Restrictions.

Dated: \_\_\_\_\_, 2018

\_\_\_\_\_

MATTHEW A. BEATON

Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared MATTHEW A. BEATON, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_

Notary Public

My Commission Expires:

Exhibit A

For Grantor's title to the Premises, see the following eight (8) deeds recorded with the Middlesex County Registry of Deeds in:

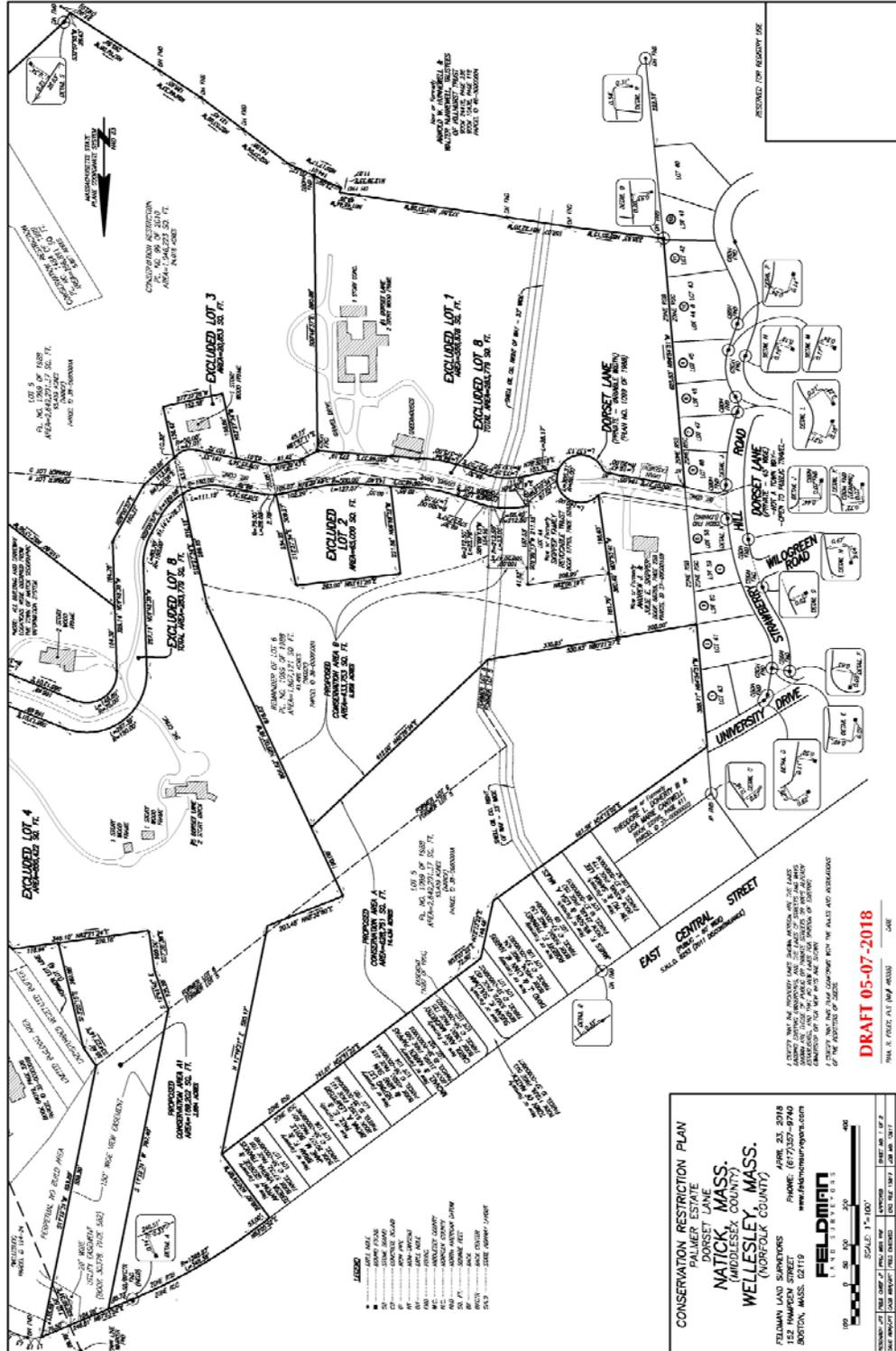
Book 6579, Page 152;  
Book 6579, Page 161;  
Book 6583, Page 522;  
Book 6675, Page 196;  
Book 6755, Page 505,  
Book 6880, Page 464;  
Book 6929, Page 211; and  
Book 7089, Page 203.

See also those eight (8) deeds recorded with the Norfolk County Registry of Deeds in:

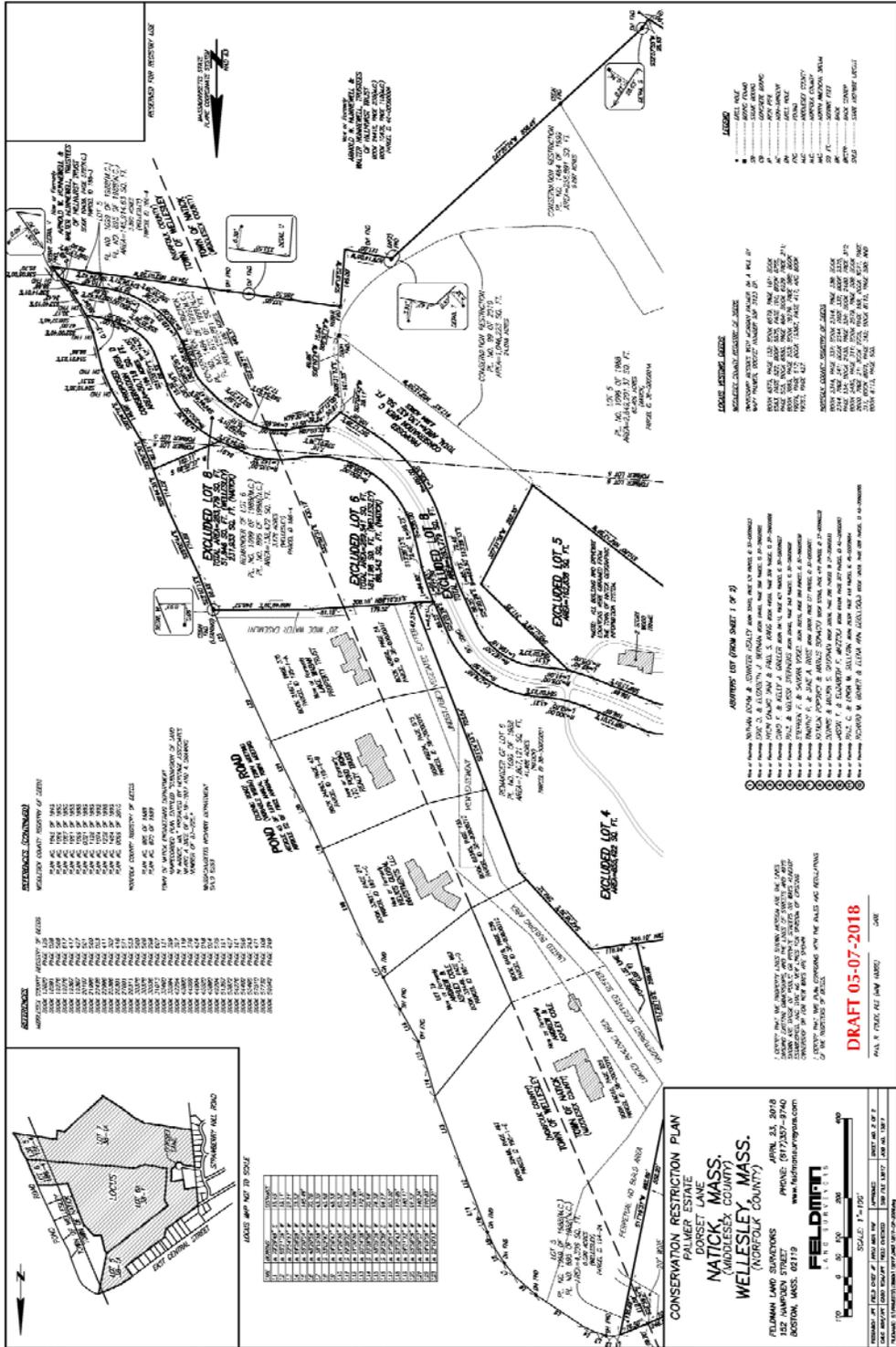
Book 2344, Page 338;  
Book 2344, Page 341;  
Book 2375, Page 134;  
Book 2436, Page 324;  
Book 2480, Page 311;  
Book 2579, Page 308;  
Book 2600, Page 21; and  
Book 2705, Page 199.

See also Estate of Mary H. Palmer (Middlesex County Probate Court Docket No. 95P3123EP) and Estate of Morgan Palmer (Middlesex County Probate Court Docket No. M117P5310EA).

Exhibit B - Reduced Copy of Recorded Plan of Premises, Sheet 1



# Exhibit C - Reduced Copy of Recorded Plan of Premises, Sheet 2



**DRAFT 03-07-2018**

**CONSERVATION RESTRICTION PLAN**  
 PALMER ESTATE  
 DUCKETT LANE  
 WELLESLEY, MASS.  
 NATICK, MASS.  
 (FORBULAR COUNTY)  
 WELLESLEY, MASS.  
 152 HAMPDEN STREET  
 BOSTON, MASS. 02119  
 PHONE: (617) 257-3740  
 www.natickplanning.com

SCALE: 1" = 100'  
 SHEET 2 OF 2  
 DATE: 03/07/2018  
 DRAWN BY: J. J. JONES  
 CHECKED BY: J. J. JONES  
 PROJECT NO.: 152 HAMPDEN STREET

#### **4. John Hancock – Wellesley Office Park Presentation**

Recently staff met with representatives of John Hancock, the owners of the Wellesley Office Park, to learn about their plans to redevelop this parcel in Town. Joining us at the meeting were John Hancock's Counsel, Jack Morgan and Catherine Johnson. John Hancock would like to move ahead fairly soon to submit a 40B application for housing on this site, with plans for further development of the parcel in a second stage. We have allocated an hour at this meeting to hear their presentation and have dialogue with them about it. We anticipate that Robert Maulden Managing Director of Real Estate for John Hancock, Peter Tamm, Gouldston and Storrs (Counsel), and David Hall of Hanover Company (housing development) will be present at the meeting. Enclosed in your packet is the letter sent to the Town on request to meet with the Board and a powerpoint presentation to review prior to the meeting. The Wellesley Office Park team met with the Planning Board on May 30<sup>th</sup> and the Planning Board was unanimously supportive of this idea and moving it along.

**NO MOTION**



---

**John Hancock Real Estate Investments**

197 Clarendon Street  
Boston, Massachusetts 02116  
E-mail: [rmaulden@hancock.com](mailto:rmaulden@hancock.com)

Robert Maulden  
Managing Director



May 22, 2018

**by e-mail only** {[mjop@wellesleyma.gov](mailto:mjop@wellesleyma.gov); [mzehner@wellesleyma.gov](mailto:mzehner@wellesleyma.gov)}

Ms. Ellen F. Gibbs, Chair, Board of Selectmen  
Ms. Katherine Johnson, Chair, Planning Board  
Town of Wellesley  
525 Washington Street  
Wellesley, MA 02482

**Re: Reimagining the Wellesley Office Park**

Dear Mmes. Gibbs, Johnson and members of the Board of Selectmen and Planning Board:

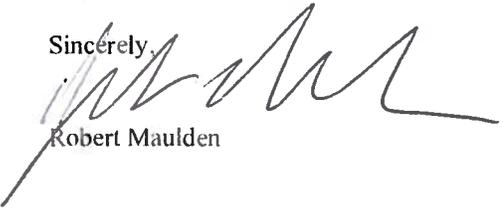
Almost five years have passed since our purchase of Wellesley Office Park in 2013. Today, this property remains an important asset in our national property portfolio. Comprised of eight office buildings on over 26 acres, the office park has proven to be a solid investment. Its convenient location, well-maintained facilities, and unique riverfront site are qualities valued by our tenants, their clients, and guests. Yet, recognizing that some of the buildings are now over fifty years old, we have spent the last several years planning the future of the office park and ways to reinvest in the property. Based on this preliminary work, we are ready to begin to explore with you the development of a potential new long-term master plan for the property.

Some of our planning goals include exploring a broader mix of complimentary uses within the property to add vibrancy to the site. Diversifying the uses on the site can also be expected to contribute to greater long-term economic stability. We envision that the property could be enlivened by a variety of uses, including new Class A offices, hotel, residences and new amenities and green spaces on the site, all oriented along a re-envisioned pedestrian-oriented core on William Street. These goals appear to align with existing and emerging Town planning priorities. We have followed with interest the Town's recent progress on developing a Housing Production Plan and how it relates to our own planning efforts. It is an opportune time to collaboratively explore how a new mix of uses on the property, including a first phase of new, high-quality residential offerings, may help to accomplish some of the Town's pressing housing goals while advancing our own master plan objectives. Our other important priorities for the site include exploring measures to enhance transportation management, sustainability, resiliency and environmental protection, in consideration of the property's sensitive location along the Charles River. This focus has already produced results. We are proud of our recent partnership with the Massachusetts Department of Conservation and Recreation to develop the fantastic new public riverfront trail system on the property and we are excited to explore additional stewardship opportunities.

Of course, such planning efforts take time and any redevelopment of the property can be undertaken only after reaching consensus on a thoughtful phased, multi-year approach. We would welcome the opportunity to begin this dialogue and to consider the possibilities with you.

Thank you. We look forward to beginning this conversation.

Sincerely,

  
Robert Maulden



# Reimagining Wellesley Office Park

---

Town of Wellesley Board of Selectmen

June 4, 2018

- Rob Maulden, AIA, Managing Director John Hancock Real Estate
- David Hall, Development Partner, Hanover Company
- Peter Tamm, Director, Goulston & Storrs

# Existing Conditions



- 26± acre property
- Bounded by Rt. 95 and Charles River
- 8 buildings and associated improvements
- Access to William St. via Rt. 9

# Redevelopment Potential



# Design Goal #1 – Mixed Use



## Activate Complementary Mix of Uses

- New Class A Office
- High-Quality Residential Offerings
  - Address Town's existing housing needs
  - Potential initial phase in redevelopment
- On-Site Amenities
  - Café, services, convenience items, etc.
  - Centered on a new pedestrian-oriented core

# Design Goal #2 - Sustainability



## Incorporate Sustainable Design Elements and Enhance Resiliency

- Evaluate energy efficiency improvements
- Implement flood resilient construction techniques
- Explore use of solar/renewables, water reduction measures, etc.

# Design Goal #3 - Transportation



## Enhance Transportation Management Plan

- Incorporate complementary land uses
- Encourage public transportation use
- Maximize existing opportunities
  - ridesharing, ped. network, shuttle, etc.

# Design Goal #4 – Environmental Protection



## Incorporate Best Management Practices for Stormwater Management

- Maintain/expand green buffers
- Goal of overall reduction in impervious surface
- Expand on-site infiltration
- Design to comply with stormwater guidelines
- Incorporate LID techniques

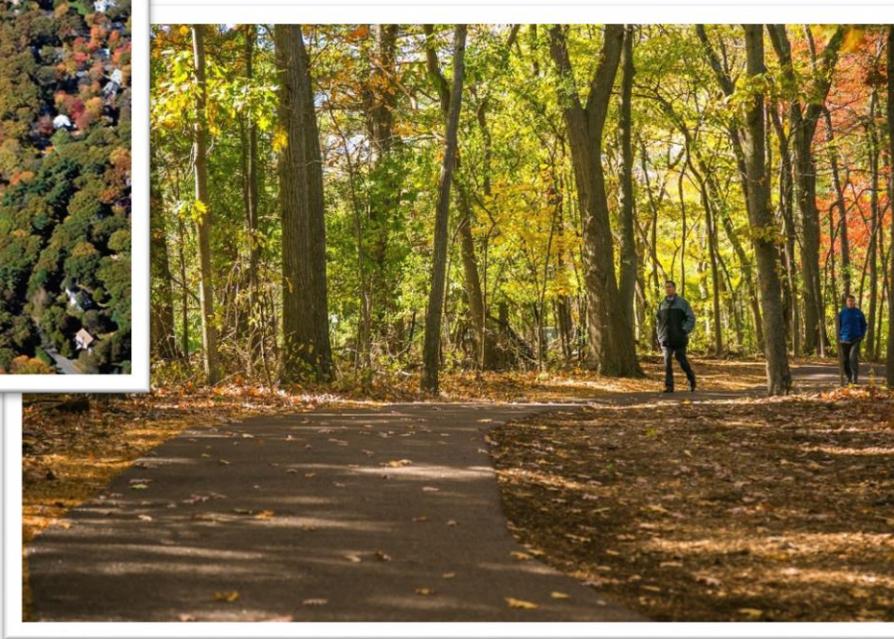
# Design Goal #5 – Environmental Stewardship



## Expand on Successful Track Record

- Create additional recreational opportunities
- Increase open space/ reduce surface parking
- Improve on-site pedestrian network and potential off-site links

# Ideas and Next Steps...



**5. STM Preparation**

As you know, the special town meeting regarding the Hunnewell School feasibility study kicks off on Tuesday evening at the Middle School. While we've posted the agenda for the board to meet that night at 6:30 for any last minute preparation, we've also added this item on Monday's agenda the Board needs to consider anything related to this topic ahead of Tuesday.

**NO MOTION**



**6. Executive Director's Update**

There are three sets of minutes in your packet for approval at this meeting for May 7, 14 and 21.

**MOVE** that the Board approve the minutes of the May 7<sup>th</sup>, 14<sup>th</sup> and 21<sup>st</sup> meetings.



1 **Approved:**

2  
3 **Board of Selectmen Meeting: May 7, 2018**

4 **Present: Gibbs, Freiman, Sullivan Woods, Morgan, Ulfelder**

5 **Also Present: Robinson, Jop**

6  
7 **Warrants approved: 2018-043 \$6,943,541.59**

8  
9 **Minutes approved:**

10 **BOS Regular Meeting: 4/19/18**

11 **BOS Regular Meeting: 4/23/18**

12 **BOS Regular Meeting: 4/24/18**

13 **BOS Regular Meeting: 4/30/18**

14  
15 **Meeting Documents:**

16 1. Agenda

17 2. BOS Calendar

18 3. Executive Director's Weekly Report

19 4. Draft BOS minutes: meeting 4/19/18

20 5. Draft BOS minutes: meeting 4/23/18

21 6. Draft BOS minutes: meeting 4/24/18

22 7. Draft BOS minutes: meeting 4/30/18

23 8. Conservation Restriction Application Form

24 9. Conservation Restriction Text

25 10. Maps of land in Wellesley proposed for Conservation Restriction

26 11. NRC Minutes approving Conservation Restriction

27 12. Parking Vendor Report fines prior to 2010

28 13. Map of parking areas for July Jubilation Free Parking

29 14. Map of parking areas for Mom's Day Out Free Parking

30 15. Map of parking areas requested by Smith and Wollensky

31 16. April Budget Report FY18

32 17. Moody's Comment Report – Wellesley, MA

33 18. TPC Closeout – correspondence from Joe McDonough & Punch List Spreadsheet

34 19. Correspondence from Meghan Jop re: project updates; 9000 Worcester Street, 135 Great Plain  
35 Avenue, Great Plain Avenue intersections

36  
37 **1. Call to Order and Citizen Speak**

38  
39 Ms. Gibbs, Chair, called the meeting to order at 7:00 pm.

40 Ms. Gibbs announced that on Thursday, May 10, at 5:30-8pm the World of Wellesley Collaboration  
41 would sponsor its first ever Wellesley multicultural festival at the Middle School. Additional information  
42 is available on their website.

43 Ms. Sullivan Woods added that the School Committee had released a report and would like to hold the  
44 diversity forum in the fall and was supportive of the recommendation.

45 **Citizens Speak:**

46 None.

47 **2. Executive Director's Report**

48 Ms. Robinson reviewed the weekly report, pointing out the budget report provided to the Board. She added  
49 she had spoken with the Fire Chief, and the department will likely need transfers to get to the end of the  
50 year as a result of overtime for the Marathon, employees with injuries, and salary adjustments made this  
51 year. She was unsure if the gap could be closed within the budget and added that the Board will need to  
52 vote on the transfers before the end of June.

53  
54 She informed the Board that her office is gathering the appointments list and it would soon be on the website  
55 along with the online application. The current plan is to review appointments in two steps; positions that  
56 are rollovers on June 11<sup>th</sup>, and the rest of the appointments on June 18<sup>th</sup>. She addressed the open project  
57 and communications manager position. The posting closes on Friday, May 11.

58  
59 Ms. Freiman asked if the Fire Department budget would be able to cover short falls and if the marathon  
60 overtime costs were generally considered in his budget. Ms. Robinson believed that some of the shortfall  
61 could be covered through staffing reduction which has already been implemented as well as some staff  
62 buying back vacation time working at regular time versus overtime. Some of the cost could be covered by  
63 marathon proceeds but other areas of the budget would need to cover a further shortfall, the exact amount  
64 is unknown at this time. She added that this year the marathon cost approximately \$17,000 in overtime and  
65 the overtime line item was increased for next year and should be more straightforward. Mr. Morgan stated  
66 that for FY20 the Board will need to review structural deficits and what the targeted staffing is.

67  
68 Ms. Sullivan Woods inquired about the Veteran's Service Officer; and if there could be some outreach to  
69 some of the Veterans to ask how things have been under the new structure and what could be improved or  
70 dropped. She hopes to find out if they feel about the services they have been receiving.

71  
72 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve the**  
73 **minutes of the meetings held on April 19, 23, 24, and 30, 2018.**

74  
75 **3. Approve Conservation Restriction for Hunnewell Land**  
76

77 Ms. Jop provided background for the request from Mr. Hunnewell who has been working with the  
78 Trustees of Reservations. The proposal included some additional conservation restrictions on Hunnewell  
79 land. Town Counsel had reviewed the proposal and is supportive of this. The proposal had been approved  
80 by Wellesley NRC and the Natick Board of Selectmen.

81  
82 Mr. Santomenna from the Trustees of Reservation joined the Board. He reviewed the location of the  
83 parcels that are in Wellesley, noting that the majority of the land is in Natick. The property is mostly  
84 wooded, with a few areas of meadow, adding that from a habitat standpoint it is significant as it is one of  
85 the largest undisturbed tracts of land in this area. He stated the restriction is straightforward and has  
86 accommodated the residential uses within the restriction. The Town is asked to consider the merits of the  
87 restrictions and there will be no responsibility by the Town to monitor the restriction. The Board made  
88 general inquiries regarding this land and previous conservation restrictions that had come before the  
89 Board.

90  
91 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve the**  
92 **proposed Conservation Restrictions for parcels 194-24 and 186-4 fronting Pond Road, which are**  
93 **partially located within the Town of Wellesley, owned by the Estate of Mary Palmer and the**  
94 **Trustees of Hunnewell Estates, to the Trustees of Reservations in perpetuity.**  
95

96 **4. Approve Purging of Parking Penalties**

97  
98 Ms. Robinson reviewed the process of reviewing old unpaid parking fines and penalties. Town Meeting  
99 had approved the purging of the original ticket in Article 27, so the Board is being asked to purge the  
100 accumulated fines and penalties. Tickets being purged are from the time between 1983 through the end of  
101 2009, the amount to be waived totaled \$366,160.

102  
103 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to purge all the**  
104 **accumulated parking ticket penalties and fines from January 1, 1983 through December 31, 2009.**

105  
106 **5. Discuss and Approve Wellesley Square Parking waivers:**

107 **July Jubilation and Moms' Day Out**

108 Ms. Jop reviewed the background of the request: the Town has worked with the Wellesley Square  
109 Merchants' Association for the past few years to provide free parking at meters for two events. The first  
110 event is "July Jubilation" proposed to be held on July 21<sup>st</sup>; from 9:30-4:40pm. The revenue reduction is  
111 approximately \$1,500 for the day. The second request is for "Moms' Day Out" to be held in the fall, over  
112 two days, a Friday and a Saturday. The request for both events is the same parking configuration. The  
113 estimated revenue reduction is approximately \$1,180 on the Friday and \$680 for the Saturday. Ms. Sullivan  
114 Woods noted that the Wellesley Square Merchants are appreciative of the Board voting favorably for these  
115 events as they see additional patrons when parking is waived. Ms. Robinson noted that providing the free  
116 meters for these events does not negatively impact the overall revenue stream.

117 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve free**  
118 **meter parking in Wellesley Square for July Jubilation on Saturday July, 21, 2018 from 9:30am to**  
119 **4:30pm.**

120 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve free**  
121 **meter parking in Wellesley Square for Mom's Day Out from 10am to 6pm on Friday September 14,**  
122 **2018 and Saturday September 15, 2018.**

123  
124 **6. Approve Smith and Wollensky Parking request**

125 Ms. Jop reviewed the request by Smith and Wollensky to reserve 15 meters on Church Street and  
126 Washington Street on May 23<sup>rd</sup> for its grand opening. The meters would be bagged starting at noon to  
127 ensure the meters would be available at 4pm. The Town would typically generate approximately \$75 for  
128 those meters for a day. She explained that the Town currently has "no parking" bags and "free parking"  
129 bags; we have no reserve parking bags therefore they would need to be printed for this event. Smith and  
130 Wollensky agreed to pay for the lost meter revenue as well as the "reserved" parking bags for the Town  
131 which costs approximately \$400 and the Town would keep the bags after the event for its future use. She  
132 added that the event is expected to add about 350 people during rush hour time, and this reserved parking  
133 would limit those patrons from circling the area to find parking.

134 Mr. Baker of Smith and Wollensky joined the Board to review the parking request. He stated that the event  
135 is scheduled to take place from 4:00pm to 8:00pm and they will be hiring a valet company using 5 valets

136 to park and move cars which will expedite parking and limit circling the area to help facilitate patrons  
137 getting in and out of the event.

138 Ms. Sullivan Woods noted that she had checked with the Wellesley Square merchants and they were  
139 supportive of the event parking for the opening. The Board made general inquiries regarding the request  
140 and how the traffic and parking will flow. Ms. Jop noted that the current request had been reduced from the  
141 original request made by Smith and Wollensky. Ms. Gibbs added that similar requests from other  
142 businesses will be reviewed by the Board in the future out of fairness.

143 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve the**  
144 **exclusive use of parking meters CH028-CH031 and WQ117-WQ127 on May 23<sup>rd</sup> from 12:00 pm to**  
145 **8:00 pm in Wellesley Square for the opening of Smith and Wollensky' s.**

146

147 **7. Discuss Special Town Meeting Preparation**

148 Mr. Morgan provided an overview of the MSBA process and outstanding issues and noted the clarifying  
149 statement the Board of Selectmen sent to Town Meeting Members.

150 The MSBA project coordinator had sent a letter that MSBA does not object to the options of having a new  
151 school not built on the school site. The MSBA letter also clarified the feasibility and schematic design  
152 language, and confirmed that the word feasibility refers to both module 3 and module 4 in their process.  
153 Module 4 is what the Town calls the schematic design. The Town would be seeking funding for both  
154 components, noting that in most towns there is no need to use the word schematic design because there is  
155 no differentiation as to how the handle these projects. The letter also went to the Superintendent and the  
156 School Committee and they are going to distribute the letter to Town Meeting Members. He added that  
157 dialogue continues regarding article language and while there has been progress there are still many  
158 concerns, thus the Board might want to consider additional options.

159 Ms. Sullivan Woods added that there are important issues that the community should be involved in and  
160 needs to come together on. She asked the Board not to rush if it is not necessary and be open to having the  
161 Special Town Meeting in the fall.

162

163 **8. New Business and Correspondence**

164 Ms. Gibbs added that she looked forward to seeing the Board on Friday at their annual retreat from 8:30  
165 am to noon. She noted that Ms. Robinson had updated the work plan.

166

167 Ms. Sullivan Woods stated that the Celebrations Committee had written information on Memorial Grove  
168 to complete the project on the centennial anniversary. They are hoping for a large turnout and have made  
169 arrangements with the president of Wellesley College to read a poem by Katherine L. Bates. The ceremony  
170 will be held on May 19<sup>th</sup> at 3:30pm at the Memorial Grove.

171

172 The meeting was adjourned at 7:57 pm.

1 **Approved:**

2  
3 **Board of Selectmen Meeting: May 14, 2018**

4 **Present: Gibbs, Freiman, Sullivan Woods, Morgan, Ulfelder**

5 **Also Present: Robinson**

6  
7 **Warrants approved:**

8 **Minutes approved:**

9  
10 **Meeting Documents:**

11 1. Agenda

12 2. Warrant for Special Town Meeting

13  
14 **1. Call to Order and Citizen Speak**

15  
16 Ms. Gibbs, Chair, called the meeting to order at 7:00 pm.

17 Mr. Ulfelder reminded the Board that the upcoming weekend is the Wellesley Wonderful Weekend;  
18 Friday, May 18 through Sunday, May 20. On Saturday, May 19 at 3:30 pm there will be a rededication of  
19 the Wellesley WWI Memorial at Memorial Grove honoring WWI veterans. This year marks the 50<sup>th</sup>  
20 anniversary of the Wellesley Veterans Parade and the 100<sup>th</sup> anniversary of the end of WWI.

21 **Citizens Speak:**

22 Mr. McCauley, Town Meeting Moderator, came before the Board to ask that at a future meeting the  
23 Board consider an item to discuss a policy regarding the Town Meeting Members listserve. He stated that  
24 concerns have been raised that the listserve has become a discussion forum and this was compromising its  
25 original purpose as a notification system. He plans to work with the Town Clerk to restore the listserve to  
26 its original notice provision. He added that he would like to have further discussions with the Town Clerk,  
27 Board of Selectmen, and Town Counsel regarding how to deal with discussion aspects that have been  
28 requested. He added that he believes it is important to restrict the use temporarily and discuss how to go  
29 forward appropriately. Ms. Freiman supported using the listserve as a one-way communication tool and  
30 believes discussion should take place on the floor of Town Meeting. Mr. McCauley noted that due to the  
31 discussions that are happening some Town Meeting Members have asked to be removed from the listserve  
32 which he believes threatens its integrity. He believed there is a way to have discussions appropriately at  
33 Town Meeting.

34 Ms. Cort, precinct B and new Town Meeting Member addressed the Board and stated she appreciates  
35 getting thoughts from other Town Meeting Member via email. She has found the discussions via email a  
36 helpful way to receive additional information regarding issues at Town Meeting.

37 Mr. Berry, precinct B a Town Meeting Member, wanted to inform the Board that Precinct B was not  
38 included in discussions that took place over the previous weekend. He added that the precinct was listed  
39 as a recipient on the email but list was blank.

40 Ms. Robinson informed the Board that 123 applications had been received for the project and  
41 communication officer position. There will be two rounds of interviews that will include different staff  
42 members from the organization.

43 **2. Reopen Special Town Meeting Warrant**

44 Mr. Morgan provided an update of events from the past few weeks. He invited School Committee Members  
45 to join the Board for the discussion. Ms. Gray, Ms. Martin, Mr. Kelley and Dr. Lussier joined the Board.  
46 Since the opening of the warrant for the June Special Town Meeting there had been many discussions with  
47 the Advisory Committee and comments received from public hearings. The Town had discussions with the  
48 MSBA that were insightful in understanding their processes and objectives, and the MSBA understands the  
49 Town's needs. Mr. Morgan noted that at the Board of Selectmen retreat it was suggested that the Town may  
50 be better served by delaying consideration of article two from June to a fall Special Town Meeting, currently  
51 targeted for early October. He added that a delay will not have a detrimental effect on the MSBA process.  
52 If article two is delayed the community will continue to receive updates from the Selectmen and School  
53 Building Committee. He then asked if any members from the School Committee wished to comment on  
54 delaying article two to the fall.

55  
56 Ms. Gray stated the School Committee had discussions regarding this issue and in her opinion the  
57 committee had weighed the pros and cons of a delay but had not come to a final decision. Ms. Martin added  
58 that the committee had discussed that a delay would allow the committee to continue to have the opportunity  
59 to provide updates and information to the community and Town Meeting Members.

60  
61 Ms. Sullivan Woods asked if there would be additional outreach to the community and what the approach  
62 might be. She also asked if it would be possible to offer tours of the schools to provide an overview of what  
63 the facilities currently look like and what is envisioned for the future. Ms. Gray stated that it is a complex  
64 process and the community has many questions. She added the committee had been to PTO meetings and  
65 would continue to do so to provide any additional information. She noted that there have also been School  
66 Committee office hours and several layers of communications to receive feedback. There are planned tours  
67 for Town Meeting Members and will be for others as well.

68  
69 The Boards continued to discuss the merits of postponing article two of the warrant to a fall Special Town  
70 Meeting. Points of discussion included the funding of the projects, communication to the community, access  
71 to information from the MSBA, and realistic expectations the Town should have of the MSBA.

72  
73 Mr. Ulfelder stated that while article two will not have enough questions answered in time for the June  
74 Special Town Meeting, article three is an independent Town project and should be considered in June  
75 rather than the fall. Mr. Morgan added that postponing article three would impact the schedule of the  
76 project as the first part of the feasibility study includes field work. Mr. Kelley noted that if the Hunnewell  
77 project is delayed the work could overlap with the MSBA work.

78  
79 The Boards discussed moving forward with Article three for the June Special Town Meeting and the overall  
80 Hunnewell project. Points of discussion included the overall plan for the Hunnewell project as well as the  
81 clarity of questions and answers for the project. Ms. Gray stated that a tour of Hunnewell would be held for  
82 Town Meeting Members on May 24<sup>th</sup> followed by a presentation and a questions and answers discussion  
83 period.

84  
85 Mr. Morgan invited audience members to come forward and address the Boards regarding the June Special  
86 Town Meeting.

87  
88 Ms. Cort of precinct B came before the Board stated her concerns of separating the articles and believed it  
89 would be best to have one Special Town Meeting in the fall.

90  
91 Mr. Martin of 11 Bayview Road, precinct B and a Town Meeting member, stated he thought article two  
92 should be delayed and would like further details regarding the feasibility study for article three.

93

94 Mr. Roberti, precinct B, stated that at a recent Advisory Meeting he stated he believed it had been agreed  
95 upon by the Town that the Hunnewell project should move forward in June and hold off on H.U. portion.  
96 He had heard from many people with their concerns regarding article three including leadership and  
97 communication. After hearing concerns, he raised further questions and now believed that article three  
98 should be delayed until the fall.

99  
100 Ms. Fico, precinct A, a Town Meeting Member, stated that she was in favor of moving the June Special  
101 Town Meeting to the fall to consider both article two and three. She expressed concern having a push for  
102 the Hunnewell project without reviewing other projects.

103  
104 Mr. Tobin, precinct G, a Town Meeting Member, stated he wished to highlight the previous comments  
105 regarding pushing for the Hunnewell project and agreed with others that article three should also be delayed  
106 until the fall.

107  
108 Ms. Freiman asked to know the School Committee would vote regarding article two prior to the Selectmen  
109 vote for the article. She stated it was important that the community know the Selectmen and the School  
110 Committee are working together. The School Committee voted unanimously to postpone article two until  
111 a Special Town Meeting in the fall.

112  
113 The Board reviewed the language used in reopening the warrant and the importance of keeping the article  
114 numbers in place to avoid confusion when discussing the articles in the future.

115  
116 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to re-open the**  
117 **warrant for the Special Town Meeting scheduled for June 5, 2018**

118 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to remove article**  
119 **two by strikethrough from the warrant and keep the remaining numbers in place for the remaining**  
120 **articles.**

121 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to close the**  
122 **warrant for the June 5, 2018 Special Town Meeting**

123  
124 **3. New Business and Correspondence**

125 None.

126  
127 The meeting was adjourned at 8:30 pm.



1 **Approved:**

2  
3 **Board of Selectmen Meeting: May 21, 2018**

4 **Present: Gibbs, Freiman, Sullivan Woods, Morgan, Ulfelder**

5 **Also Present: Robinson, Jop**

6  
7 **Warrants approved: 2018-045 - \$9,189,985.59**

8 **Minutes approved:**

9  
10 **Meeting Documents:**

- 11 1. Agenda
- 12 2. BOS calendar
- 13 3. Motions
- 14 4. Executive Director's weekly report
- 15 5. Memo from Marc Waldman, Treasurer re: Bonds
- 16 6. Change in ownership application for Cook's Window; Dmitri Klimov
- 17 7. Memo from Meghan Jop re: Waterstone Rent Increase
- 18 8. Waterstone of Wellesley Compliance Report
- 19 9. Email correspondence from tenants re: Waterstone
- 20 10. Order of Taking; 818-822 Worcester Street
- 21 11. Notice of Taking to Jay Derenzo: 818, 822 Worcester Street
- 22 12. Notice of Taking to Mr. & Mrs. Foss re: 818, 822 Worcester Street
- 23 13. Notice of Taking to Mr. & Mrs. Roychowdhury re: 826 Worcester Street
- 24 14. Order of Taking 826 Worcester Street
- 25 15. Order of Taking for Lot 88-66 Seaver Street
- 26 16. Order of Taking for two portions of Lot 76-11 adjacent to Wellesley High School
- 27 17. Gifts for Council on Aging
- 28 18. Gift for Recreation Commission
- 29 19. Boston Marathon Fundraising Results
- 30 20. Commendation to Officer Evan Rosenberg
- 31 21. April 2018 Parking Meter Collections Summary
- 32 22. Correspondence from Mr. Miyares
- 33 23. Correspondence from Newton Wellesley Hospital
- 34 24. Correspondence from MAPC
- 35 25. Correspondence from National Grid
- 36 26. Volunteer Forms
- 37 27. Executive Session release log

38  
39 **1. Call to Order and Citizen Speak**

40  
41 Ms. Gibbs, Chair, called the meeting to order at 7:00 pm.

42 Ms. Sullivan Woods gave an update that the Celebrations Committee had to reschedule the previous  
43 weekend's parade and fireworks due to weather; the event has been tentatively rescheduled to June 3<sup>rd</sup>.

44 Ms. Jop noted the traffic committee will hold a neighborhood meeting for the Great Plain Avenue  
45 residents regarding the roundabout the following evening; May 22<sup>nd</sup> at 7pm in the Kingsbury Room.

46 **Citizens Speak:**

47 Ms. Lange, 34 Pembroke Road, Town Meeting Member Precinct F and future Hunnewell School parent,  
48 spoke. She urged the Board to withdraw article 3, the Hunnewell project, from consideration at the June

49 Special Town Meeting. She would like to have all the articles considered at the same time. She stated her  
 50 understanding that the Town has been working on these projects for a long time and appreciated the work  
 51 that had been done as well as the willingness to listen to the community. She stated she has spoken to  
 52 many parents and most do not want to see any of the schools closed or expanded. She felt that one piece  
 53 missing from the discussion is what the voters want. She urged the Board to have a referendum vote, to  
 54 withdraw the upcoming town meeting, and to get consensus before moving forward. She added that she  
 55 believes the people want to be sure they are doing the right thing before the Town closes a school they  
 56 may have to reopen in the future.

57 Mr. Slawsby of 20 Tappan Road spoke. He stated he recently returned home from traveling and has been  
 58 unaware of the projects. He believed for a project of this order and magnitude the Town should have  
 59 given more information to residents. He agreed with Ms. Lange's.

60 Mr. Derderian of 12 Cornell Road spoke. He stated he went to Brown, Kingsbury, and Philips schools and  
 61 all of the schools have since closed. He stated he believes the appeal of Wellesley is the small  
 62 neighborhood schools.

63 Mr. Aronow of 28 Sturbridge Road, Bates School district spoke. He is new to the Town and one of the  
 64 decision points to move to Wellesley was the small school districts and does not want to see that  
 65 undermined. He supported Ms. Lange.

66 **2. Authorize Issuance of Bonds/Notes for Debt**

67 Mr. Waldman and Ms. Kato joined the Board. Mr. Waldman provided an overview of the bond sale that  
 68 took place on May 17<sup>th</sup>. The Town had taken bids for a twenty-year proposed bond issue for \$14,519,230  
 69 maturing in June 1<sup>st</sup> 2038. The process generated ten bids; the low bid being recommended for approval  
 70 was from Morgan Stanley. Mr. Waldman reviewed the bids and the bond premium information. He stated  
 71 that under new laws the premiums are used to offset the issuance cost of the debt and then to use it to offset  
 72 part of the bond itself; the total amount actually being borrowed after the premium is \$13,330,000. He  
 73 included the itemized breakdown of the projects to the Board. The Board discussed the bonds with Mr.  
 74 Waldman including the overall interest rate, and the premiums.

75  
 76 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve**  
 77 **sale of the \$13,330,000 General Obligation Municipal Purpose Loan of 2018 Bonds of the Town**  
 78 **dated June 1, 2018 (the "Bonds") to Morgan Stanley & Co., LLC at the price of \$14,623,273.63**  
 79 **and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on**  
 80 **June 1 of the years and in the principal amounts and bear interest at the respective rates, as**  
 81 **follows:**

82

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2019	\$1,655,000	5.00%	2029	\$530,000	4.00%
2020	1,045,000	5.00	2030	530,000	3.00
2021	1,040,000	5.00	2031	530,000	3.00
2022	960,000	5.00	2032	530,000	3.00
2023	950,000	5.00	2033	530,000	3.00
2024	850,000	5.00	2034	160,000	3.125
2025	850,000	5.00	2035	160,000	3.125
2026	845,000	5.00	2036	160,000	3.25

2027	845,000	5.00	2037	160,000	3.25
2028	840,000	5.00	2038	160,000	3.25

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Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 10, 2018, and a final Official Statement dated May 17, 2018 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds, for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes

**3. Approve Change in Ownership – Cook’s Window**

Ms. Jop reviewed the application and the background of the restaurant and introduced the new owner of Cook’s Window Mr. Klimov.

Mr. Klimov came before the Board. He stated that many of the staff are being retained and there will be no changes to the hours of operation or trash collection. He has received final approval from the Board of Health. He plans to make some changes to the menu based on sales.

**Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve the change of ownership for Cook’s Window from Juan D. Morales to Dmetri Klimov, Premium Pizza, Inc. effective May 22, 2018.**

**4. Review and Discuss Waterstone of Wellesley Compliance Report**

Ms. Jop provided background on the annual compliance report. Waterstone is responsible for ensuring existing tenants still qualify for affordable housing and to establish rents for the remaining year and the upcoming year. What is proposed by Waterstone is in compliance with Department of Housing and Community Development (DHCD) standards. Since Waterstone opened in 2012 the area median income has increased by approximately 25%, which has in turn meant allowable rental rates have also gone up. Last year the rent increase was approximately 7%; after the increase was approved many residents called with concerns about the size of the increase. This year, the Board solicited comments regarding the proposed increase; comments were across the spectrum. The proposal must be approved by the Board and DHCD.

Ms. Anderson and Ms. Burt from Epic Senior Living and Ms. Tilton from Waterstone joined the Board. Ms. Anderson provided background on the management of Waterstone, the property itself and the

126 affordable program at Waterstone. She detailed the rents and the amenities that are included with the  
127 monthly rent. She explained that based on HUD new incomes, the rental increase will be 3.6%. She  
128 detailed the basis and the history of the rate increases as well as the increases of costs for the facility.  
129

130 Mr. Ulfelder made inquiries regarding the previous year's 7% increase and how much information is  
131 typically presented to the residents. Ms. Tilton explained that each year letters and lease agreements are  
132 sent to residents with a 60-day notice. Included in the notice is an outline of the increase of rent for the  
133 residents as well as the expenses for the facility. She holds an "open door policy" in her office for  
134 residents to voice concerns on any matter including rental increases.  
135

136 Mr. Morgan asked for clarification between these affordable units and others that do not require approval  
137 for rent increases. Ms. Jop explained the differences in program requirements and the rate increase  
138 process when the HUD figures are released. She noted that HDCD has authorized using a lower  
139 percentage of median income going forward to assess the rent increase. Ms. Sullivan Woods noted that  
140 the Board had received several letters from residents expressing the fairness of this year's increase.  
141

142 The Board discussed the proposed rent increases at Waterstone.  
143

144 Ms. Collella, a resident of an affordable unit at Waterstone came before the Board. She stated she was  
145 told she could expect 3% increases per year for affordable units and the previous year's increase of 7%  
146 was a shock to her. She expressed concern about future increases and the ability to stay in her unit if the  
147 rent does increase above her expectations.  
148

149 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to approve the**  
150 **Waterstone at Wellesley Affordable Housing Compliance Report as submitted and to set the**  
151 **proposed rental rates for 2018 at:**

	<u>2018 Rate</u>
152 Assisted Living Units (7 units)	\$4056.25
153 Independent Units (2, 2-bedroom)	\$1825.00
154 Independent Units (20, 1-bedroom)	\$1622.50

156

157 **5. Discuss Process to Review Tailby & Railroad Lot Proposals**

158 Ms. Jop updated the Board on the RFP process. A working group will be formed to review the proposals  
159 received and offer recommendations before the board reviews a short list of firms and holds interviews in  
160 open session. She outlined the proposed working group members for the Board to consider. Depending on  
161 the number of proposals received, she suggested that the interview schedule may need to be pushed back  
162 to have sufficient time to conduct a thorough review.

163 Ms. Sullivan Woods raised questions regarding the RFP review process and the ranking of respondents.  
164 She asked if the Board would receive all proposals or only the ones that are short-listed. She showed concern  
165 that members of the community outside of the direct neighborhood do not appear to be included in the  
166 proposed working group.

167 Ms. Jop noted that though the proposals will be evaluated and scored using the provided matrix, the Board  
168 will be given all the proposals received through the process. She added the membership of the proposed  
169 working group would be reviewed for their location in the Town and if there is not enough diversity of  
170 neighborhoods, additional members could be included. She will provide the Board with an updated  
171 proposed list of members for the group.

172 The Board discussed the timing of the proposals and interview process. Mr. Morgan agreed that the  
173 interview schedule should be pushed back. The Board continued to discuss the RFP scoring matrix. Ms.  
174 Gibbs noted the location of these parcels could raise challenges for the developer. Ms. Jop believed the area  
175 provides for both challenges and opportunities and this project could have a trickle-down effect for area  
176 reinvestment.

177 Ms. Sullivan Woods asked if it may be good to have the team split between areas of expertise; one team of  
178 internal members of high expertise reviewing if a project is viable and the other part of the team focusing  
179 on project merit. Ms. Jop stated that this type of review would be dependent on the number of proposals  
180 received. She suggested discussing this type of review further after the June 1<sup>st</sup> due date.

181

## 182 **6. Execute Notices & Orders of Taking – Various Properties**

183 Ms. Robinson reviewed the need for the notices of taking for the recently acquired properties on  
184 Worcester Street. She noted that in the process for these parcels it was discovered that at after last year's  
185 Town Meeting there were three parcels for school property that were acquired and the orders of taking  
186 had not been executed.

187

188

189 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to execute notices**  
190 **of taking for the properties located 818, 822, and 826 Worcester Street, and further, to execute orders**  
191 **of taking for Lott 88-66 on Seaver Street, and two portions of Lot 76-11 adjacent to the Wellesley**  
192 **High School**

193

## 194 **7. Executive Director's Report**

195 Ms. Robinson updated the Board regarding 16 Mountview Road. Town Counsel had notified the owner  
196 they can move forward with plans and changes to the retaining wall and property without going onto the  
197 abutting property. The owner engaged a structural engineer who will be present on the site during any  
198 construction and providing reports to the Building Inspector.

199 The Board was updated on the Route 9 guardrail project. Test holes had been done and MassDOT is not  
200 comfortable with placing any guardrail in the right of way given the proximity of utilities. Currently  
201 MassDOT does not plan to install any guardrail on the south side but has not come to a conclusion on the  
202 north side. The state will need to decide quickly as paving of that section of Route 9 is set to start the week  
203 of July 4<sup>th</sup>.

204 Ms. Robinson is working on the draft Capital Policy and has asked department heads for their feedback;  
205 she hoped to provide the Board with a first draft to the meeting on June 4<sup>th</sup>.

206 Ms. Robinson reviewed the gifts for the Board to accept for the Council on Aging and the Recreation  
207 Commission.

208 Ms. Freiman asked how the presentation to staff regarding the construction overview for the Town Hall  
209 exterior was received. Ms. Robinson informed the Board that the first phase will begin the first week in  
210 June with scaffolding and screening being put in place. She reviewed the parking plan for Town Hall during  
211 construction, which will have the overall biggest impact for employees and visitors. She added noise and  
212 window replacement will impact employees throughout the project as well.

213 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to accept the**  
214 **following donations to the Council on Aging:**

- 215 • **\$735.15 for the March senior lunch program with the Wellesley Bakery**
- 216 • **\$1029.00 for the April senior lunch program with Express Gourmet**
- 217 • **\$1500.00 for the May Roaring 20's event at the Wellesley College Club**
- 218 • **\$2,000.00 from the Wellesley Hills Junior Women's Club to the Recreation Commission for**  
219 **the 2018 summer camp scholarship fund**  
220

221 **8. New Business and Correspondence**

222  
223 Ms. Jop added that the amendment for the agreement regarding affordable housing units at 978 Worcester  
224 Street needed to be signed by the Chair to be sent to DHCD.

225 Mr. Morgan asked to review the August meeting schedule. The summer schedule had not been finalized  
226 but would be adjusted.

227

228 **9. Executive Session**

229 **Upon a motion by Ms. Freiman and seconded by Mr. Morgan, the Board voted (5-0) to enter into**  
230 **Executive Session under M.G.L. c 30A, §21 exception #7 to review minutes of previous executive**  
231 **session. Furthermore, that Blythe Robinson and Meghan Jop be invited to participate in the meeting.**  
232

233 The meeting was adjourned at 8:38 pm.

7. **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:

- ❖ State Auditor's Report – Wellesley Housing Authority
- ❖ Monthly Budget Report
- ❖ MA Department of Veterans' Services Letter
- ❖ Masshousing Letter re: 136-140 Worcester Street
- ❖ Local Government Workforce Skills Gap Report – May 2018
- ❖ Registry of Deeds Invitation
- ❖ Correspondence from Miguel Lessing re: COA
- ❖ Volunteer Form
- ❖ Citizen Letter: Enku Kebede-Francis
- ❖ Water Management Act Court Decision
- ❖ Correspondence on Commuter Parking at Linden Square





Commonwealth of Massachusetts  
Office of the State Auditor  
Suzanne M. Bump

*Making government work better*

Official Audit Report – Issued May 30, 2018

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## Wellesley Housing Authority

For the period January 1, 2014 through December 31, 2016





Commonwealth of Massachusetts  
Office of the State Auditor  
Suzanne M. Bump

*Making government work better*

May 30, 2018

Ms. Maura Renzella, Chair of the Board of Commissioners  
Wellesley Housing Authority  
109 Barton Road  
Wellesley, MA 02481

Dear Ms. Renzella:

I am pleased to provide this performance audit of the Wellesley Housing Authority. This report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, January 1, 2014 through December 31, 2016. My audit staff discussed the contents of this report with management of the agency, whose comments are reflected in this report.

I would also like to express my appreciation to the Wellesley Housing Authority for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMBump".

Suzanne M. Bump  
Auditor of the Commonwealth

cc: Mr. Paul Dumouchel, Executive Director

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## LIST OF ABBREVIATIONS

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CMR	Code of Massachusetts Regulations
DHCD	Department of Housing and Community Development
LHA	local housing authority
OSA	Office of the State Auditor

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## EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted an audit of the Wellesley Housing Authority for the period January 1, 2014 through December 31, 2016. Because of the results of our audit planning procedures, it was necessary to extend our audit period in the area of inventory through May 1, 2017.

In this performance audit, we reviewed and assessed certain aspects of the Authority's operations related to administrative expenses, annual unit inspections, tenant eligibility, applicant waiting lists, procurement of goods and services, board governance, inventory of fixed assets, compliance with applicable reporting requirements, and the Authority's management agreement with the Needham Housing Authority.

Below is a summary of our findings and recommendations, with links to each page listed.

<b>Finding 1</b> <b>Page <a href="#">8</a></b>	Deficiencies in the Wellesley Housing Authority's inventory process resulted in unaccounted-for assets.
<b>Recommendations</b> <b>Page <a href="#">10</a></b>	<ol style="list-style-type: none"><li>1. The Authority should update its formal written policies and procedures governing all aspects of its inventory process as well as monitoring controls to ensure that this process is adhered to.</li><li>2. The Authority should conduct an inventory of all ranges and refrigerators, reconcile it to the current inventory list, and investigate any discrepancies.</li></ol>
<b>Finding 2</b> <b>Page <a href="#">11</a></b>	The Wellesley Housing Authority did not properly administer the procurement of \$113,206 of appliances and water heaters.
<b>Recommendation</b> <b>Page <a href="#">13</a></b>	The Authority should update its formal written procurement policies and procedures, which require it to use competitive procurement, as far as possible, for goods and services, and should ensure that these policies and procedures are adhered to.
<b>Finding 3</b> <b>Page <a href="#">14</a></b>	The Authority did not maintain housing inspection reports.
<b>Recommendations</b> <b>Page <a href="#">14</a></b>	<ol style="list-style-type: none"><li>1. The Authority should establish policies and procedures for its unit inspection process.</li><li>2. The Authority should establish monitoring controls over the inspection process to ensure that its staff consistently adheres to the policies and procedures.</li><li>3. The Authority should retain copies of all inspection reports in its files.</li></ol>

<b>Finding 4</b> <b>Page 15</b>	The Authority did not properly administer its rent redetermination process.
<b>Recommendation</b> <b>Page 17</b>	The Authority should develop and implement policies and procedures for its rent redetermination process that are consistent with Department of Housing and Community Development (DHCD) regulations and should implement monitoring controls to ensure that its staff consistently adheres to these requirements.
<b>Finding 5</b> <b>Page 17</b>	The Authority did not maintain its waiting list information or obtain all the required information from housing applicants in DHCD's prescribed manner.
<b>Recommendations</b> <b>Page 19</b>	<ol style="list-style-type: none"><li>1. Until it obtains a waiver from DHCD, the Authority should maintain hardcopy program waiting list ledgers.</li><li>2. The Authority should ensure that housing applications are date- and time- stamped; that they include emergency applications when applicable, as well as control numbers and landlord references; and that written offers for housing are accepted within the prescribed timeframe.</li><li>3. The Authority should establish policies, procedures, and monitoring controls over the application process to ensure that all information required during the process is obtained according to DHCD requirements.</li><li>4. The Authority should assign an employee the responsibility of accepting applications and ensuring that each application complies with DHCD regulations.</li></ol>
<b>Finding 6</b> <b>Page 21</b>	The Authority's board of commissioners did not properly administer its management agreement with the Needham Housing Authority.
<b>Recommendation</b> <b>Page 22</b>	Before awarding or entering into a management agreement, the Authority should submit it to DHCD for review and approval.

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## OVERVIEW OF AUDITED ENTITY

The Wellesley Housing Authority is authorized by, and operates under, Chapter 121B of the Massachusetts General Laws, as amended. Its administrative offices are at 109 Barton Road in Wellesley.

The Authority is governed by a five-member board of commissioners; four commissioners are elected by the citizens of Wellesley, and one is appointed by the Department of Housing and Community Development in coordination with the Governor. The Authority currently manages and oversees 133 units of state housing for elderly tenants, 90 units of state housing for low-income families, 12 units of scattered housing for low-income families, 1 unit under the Massachusetts Rental Voucher Program, and an additional 11 units of federal family housing that are administered by the Dedham Housing Authority.

During the audit period, the Authority's board of commissioners appointed the executive director of the Needham Housing Authority to act as executive director of the Wellesley Housing Authority, managing the latter's day-to-day operations, effective January 1, 2013. Although both housing authorities are managed by the Needham Housing Authority, they still maintain separate administrative and accounting functions, and each has a separate board of commissioners. The Wellesley Housing Authority pays a monthly management fee to the Needham Housing Authority for the daily administration and operation of the Wellesley Housing Authority's non-Section 8 programs.<sup>1</sup>

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1. Section 8 housing programs were developed by the US Department of Housing and Urban Development to help low-income families obtain affordable housing. Applicants are given vouchers that they can use to rent housing from landlords who agree to participate in this program in the open market. The tenant pays 30% of the monthly rent, and the housing authority pays the remaining rent directly to the landlord.

## AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Wellesley Housing Authority for the period January 1, 2014 through December 31, 2016. Because of the results of our audit planning procedures, it was necessary to extend our audit period in the area of inventory through May 1, 2017.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Below is a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Does the Authority perform and document annual inspections of all housing units?	No; see Finding 3
2. Are the board of commissioners' meetings held as required, are there quorums at the meetings, and do the commissioners oversee and govern the Authority's business affairs?	Yes
3. Does the Authority ensure that eligible tenants are housed in accordance with the requirements of the Department of Housing and Community Development (DHCD)?	No; see Finding 5
4. Do the Authority's administrative expenses have adequate supporting documentation, and are the expenses related to the business of the Authority?	Yes
5. Was the Authority's management agreement with the Needham Housing Authority approved by DHCD, and are the contract amount and all payments to the Needham Housing Authority under the contract appropriate?	No; see Finding 6
6. Does the Authority procure goods (specifically ranges, refrigerators, and water heaters) in accordance with Sections 2 and 4 of Chapter 30B of the General Laws?	No; see Finding 2
7. Does the Authority maintain a complete and up-to-date inventory list of its ranges and refrigerators and conduct an annual physical inventory in accordance with DHCD requirements?	No; see Finding 1

Objective	Conclusion
8. Did the Authority perform rent determinations and annual rent redeterminations during the audit period and correctly calculate rents in accordance with DHCD requirements?	No, see Finding 4

To achieve our audit objectives, we gained an understanding of the internal control environment and tested the relevant internal controls for governance and administrative expenses.

### Governance

For our testing of board governance, we obtained and reviewed all the board of commissioners' meeting minutes to determine whether meetings were attended by a quorum of board members when the board was conducting business, as required by its bylaws and DHCD regulations.

### Administrative Expenses

For our administrative expense testing, we selected 60 items randomly and an additional 35 items judgmentally from a population of 2,222 transactions made by the Authority during the audit period. We tested these expenditures to determine whether they were related to the business purposes of the Authority and had adequate supporting documentation.

### Annual Unit Site Inspections

To test whether the Authority complied with DHCD requirements for the annual inspection of tenant-occupied units, we selected a nonstatistical sample of 25 tenants from the rent roll of 231 tenants as of December 31, 2016 and reviewed any inspection records the Authority had on file for these tenants' dwellings.

### Procurement

For our testing of procurement, we requested documentation to support the Authority's procurement of all appliances it purchased during our audit period. We also requested and obtained the Authority's annual budgets, bidding documents, general ledgers, invoices, check registers, work orders, and inventory list of refrigerators and ranges for the audit period. In addition, to determine whether the Authority could account for its new purchases, we selected and compared the range and refrigerator serial numbers on the work orders to the serial numbers on the invoices. We also selected a judgmental sample of 30 purchase orders (15 for refrigerators and 15 for ranges) that identified specific units where

appliances were delivered. For these purchase orders, we inspected the units and determined whether the serial number on each purchase order and related invoice matched the one on an appliance in each unit. We then compared all appliance work orders executed during the audit period to the Authority's inventory list to determine whether any appliances had been installed in housing units but were not on the inventory list.

### **Inventory**

We requested and obtained the Authority's most recent inventory list of ranges and refrigerators. We determined whether the list was up to date and whether the Authority conducted an annual inventory. From the rent rolls, we selected a nonstatistical sample of 40 housing units from the rent roll of 231 units as of December 31, 2016. From the 40, we selected 20 units and compared the inventory list of ranges and refrigerators to the appliances in each unit; we then compared an inventory of the appliances in the other 20 units to the inventory list to check for accuracy.

We also reviewed the inventory list to determine whether it complied with DHCD requirements.

### **Tenant Eligibility**

For our review of tenant eligibility, we requested and obtained the Authority's master waiting list ledger to determine whether the Authority was properly updating it. We also determined whether housing applicants' names were properly transferred from the master waiting list ledger to the appropriate program waiting list ledgers and whether applicants were notified of vacancies in accordance with DHCD requirements. However, as discussed in the Detailed Audit Findings with Auditee's Response section of this report, the Authority did not maintain hardcopy program waiting list ledgers, so we were unable to determine whether applicants were selected in accordance with DHCD requirements. We requested the files for the 10 tenants who had moved in most recently during fiscal year 2016. We reviewed these files to determine whether the Authority obtained and maintained all the relevant documentation required by DHCD.

### **Rent Redeterminations**

For rent redeterminations, we selected a nonstatistical sample of 25 tenants from a population of 231 to verify that each tenant's rent was calculated accurately and that there was supporting documentation

for income and deductions. We also reviewed each tenant's lease addendum for accuracy and compliance with DHCD requirements.

### **Management Agreement**

We requested and obtained the management agreement between the Wellesley Housing Authority and the Needham Housing Authority. We also obtained and reviewed all of the meeting minutes of the Wellesley Housing Authority's board of commissioners from the audit period to determine whether this agreement was properly authorized by the board and executed by management. We also determined whether DHCD had approved the management agreement as required by DHCD guidelines. Further, we reviewed all monthly payments by the Wellesley Housing Authority to the Needham Housing Authority during the audit period to determine whether they were in accordance with the agreement.

### **Data Reliability**

The Authority contracts its financial reporting to a third-party fee accountant. The fee accountant receives source documents from the Authority's administrative staff and generates the Authority's general ledger and financial statements using Client Ledger software. We determined the reliability of data from the Authority's financial reporting system by tracing certain electronic transactions to original source documents such as invoices, accounts-payable checks, tenant files, and work orders. We compared these documents to the general ledger for accuracy, performed other tests of electronic data, and made relevant inquiries. We also reviewed the rent rolls, expense list, and inventory list for duplicates and missing fields. We determined that the data from the system were sufficiently reliable for the purposes of our audit.

We used nonstatistical sampling and did not project the results of our audit tests to the entire population.

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## DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

### 1. Deficiencies in the Wellesley Housing Authority's inventory process resulted in unaccounted-for assets.

The Authority did not maintain a complete and up-to-date list of its inventory of refrigerators and ranges, conduct an annual inventory of these assets, or ensure that all information on its inventory list regarding these assets was complete and accurate. The lack of a complete and up-to-date inventory list creates an undue risk of undetected loss, theft, or misuse and could result in inaccurate asset values in the Authority's accounting records.

According to the Authority's maintenance supervisor, the inventory process begins when the Authority purchases a new refrigerator or range. The item's intended final location is documented on the purchase order. The vendor delivers the appliance to the Authority's storage location along with the packing slip and invoice. If the purchase order has a unit address on it, a work order is generated. The item is prepared for installation, tagged with an asset number, and then installed at the unit address. The asset number and serial number are recorded on the work order. The work order is then brought to the administrative office, where the information on the work order is entered in the inventory list. If the purchase order does not have a specific unit address listed, the item is kept in the storage location until it is needed in a unit. The Authority does not generate a work order or apply an asset tag number until the item is ready to be installed in a unit. We inspected the small quantity of appliances in storage at an Authority storage location at Weston Road.

We requested all purchase orders and work orders for the installation of appliances by the Authority during our audit period; however, of the 85 refrigerators and 62 ranges that were purchased during the audit period and had unit numbers on their purchase orders, we could only identify 37 work orders for refrigerator installations and 20 for range installations. The Authority could not show us work orders documenting where the remaining 48 refrigerators and 42 ranges were located. Further, based on our review of the work orders for appliances that had been installed in units, we found the following problems:

- Eighteen work orders for the installation of refrigerators did not have asset tag numbers listed and therefore could not be traced to the inventory list.

- Twelve work orders for the installation of refrigerators had asset tag numbers listed, but the asset numbers did not match the inventory list.
- Only 7 of the 37 work orders for refrigerators had asset tag numbers that matched the inventory list.
- Seventeen work orders for the installation of ranges did not have asset tag numbers listed and therefore could not be traced to the inventory list.
- Two work orders for the installation of ranges had asset tag numbers listed, but the asset numbers did not match the inventory list.
- Only 1 of 20 work orders for ranges had an asset tag number that matched the inventory list.

Additionally, to determine whether the Authority had installed the new refrigerators and ranges in the designated housing units, we selected a judgmental sample of 30 purchase orders (15 for refrigerators and 15 for ranges) that identified a unit as the designated location. For each purchase order, we also reviewed the corresponding invoice and documented the serial number for the specific refrigerator or range. We then went to each identified unit and inspected the refrigerator or range to determine whether the serial number on the appliance matched the one on the invoice. Of the 30, only 2 refrigerators and 2 ranges had serial numbers that matched their invoices.

Finally, as part of our testing of the inventory list of refrigerators and ranges, from the rent rolls as of December 31, 2016, we selected a nonstatistical sample of 40 housing units from a population of 231. From the 40, we selected 20 units and compared the inventory list of ranges and refrigerators to the appliances in each unit; we then compared an inventory of the appliances in the other 20 units to the inventory list to check for accuracy. We identified the following problems:

- Our comparison of the inventory list to housing units found 11 instances where the asset tag number on the list did not match the one on the refrigerator and 11 instances where the asset tag number on the list did not match the one on the range.
- Our comparison of housing units to the inventory list found 10 instances where the asset tag number on the refrigerator did not match the one on the list and 9 instances where the asset tag number on the range did not match the one on the list.
- The inventory list provided by the Authority only accounted for 222 of the 235 units under its management. In addition, 15 units on the list were missing asset tag numbers for refrigerators, ranges, or both.
- The inventory list did not have the costs or the purchase dates of refrigerators and ranges.

- The Authority could not provide information about or evidence of when the inventory list was last updated.

### Authoritative Guidance

Section 8 of the Department of Housing and Community Development (DHCD) Accounting Manual states,

*The management of each [Local Housing Authority, or LHA] is responsible for developing and implementing a system of internal control which will:*

- *Safeguard the assets of the organization. . . .*

*It is important that each Local Housing Authority observe the following fundamental requirements in establishing an effective system of internal control:*

- *An organizational plan which provides for definite placement of responsibility and for specific lines of responsibility. . .*
- *The use of forms, documents, and procedures which facilitate control.*

In addition, Section 15(d) of the manual states,

*DHCD requires that a formal system for the inventory of furniture and equipment be established by program by all LHAs. The inventory will be composed of two parts, [including] a non capital / control inventory for all items expensed at purchase but costing \$1,000 or more (refrigerators and stoves are to be included regardless of price). . . .*

1. *A physical inventory of all Furniture and Non-expendable Equipment must be taken and an inventory list maintained each year.*
2. *Physical inventory results must be compared to equipment record and any differences and discrepancies will be reviewed by the LHA for possible adjustments.*

Finally, the Wellesley Housing Authority Inventory and Equipment Policy states, "The Inventory Master List will include the . . . Date Purchased . . . and Cost."

### Reasons for Noncompliance

Officials of the Authority stated that no annual inventory had been conducted; however, based on our audit findings, the Authority has instituted new procedures to ensure that all appliances are properly accounted for.

### Recommendations

1. The Authority should update its written policies and procedures governing all aspects of its inventory process as well as monitoring controls to ensure that this process is adhered to.

2. The Authority should conduct an inventory of all ranges and refrigerators, reconcile it to the current inventory list, and investigate any discrepancies.

### **Auditee's Response**

*The Maintenance Supervisor spent a good deal of time reviewing his procedure for ordering and receiving appliances. A system had been in place that we believe was not followed by two (2) of our former employees. Per the recommendation of your office, an up to date inventory has been performed and recorded. We also produced a listing of those appliances that were removed from units and taken to the recycling facility in Wellesley.*

*In addition, our Fee Accountant was able to successfully verify all expenditures and tie them to invoices. Finally, I will take up with the Board of Commissioners the codification of our inventory procedure as a formal policy.*

### **Auditor's Reply**

The Authority did provide the Office of the State Auditor (OSA) with what it said were updated inventory lists for its boilers / water heaters and appliances with its response to this report. However, since these lists were prepared by the Authority and provided to OSA after we completed our audit fieldwork, we could not verify their accuracy. With its response, the Authority also provided a list of items that it sent to the local recycling center, but the list did not specifically identify the types of item recycled or which Authority unit each item came from.

The Authority does have an inventory policy that recognizes that the inventory should be accounted for annually, but Authority officials told us that annual inventories were not being conducted. Further, in OSA's opinion, the Authority's inventory policy is deficient and should be updated to identify the staff member/s who will be responsible for monitoring the inventory process and performing year-end reconciliations of inventory records. This policy should also describe in detail how the use of work orders is integrated into the inventory process when appliances are placed in units as well as the process for disposing of surplus items.

### **2. The Wellesley Housing Authority did not properly administer the procurement of \$113,206 of appliances and water heaters.**

During the audit period, the Wellesley Housing Authority purchased refrigerators, ranges, and water heaters totaling \$113,206 without using a competitive procurement process. As a result, it may have spent more than necessary for these items.

The Authority budgeted and spent the following amounts for these items from January 1, 2014 through December 31, 2016.

	2014		2015		2016		Total	
	Budgeted	Spent	Budgeted	Spent	Budgeted	Spent	Budgeted	Spent
Refrigerators	\$ 9,000	\$25,000	\$ 10,000	\$ 12,024	\$ 10,000	\$ 10,227	\$ 29,000	\$ 47,251
Ranges	6,000	9,698	6,000	9,779	6,000	8,993	18,000	28,470
Water Heaters	20,000	31,213	20,000	6,272	20,000	0	60,000	37,485
<b>Total</b>	<u>\$ 35,000</u>	<u>\$65,911</u>	<u>\$ 36,000</u>	<u>\$ 28,075</u>	<u>\$ 36,000</u>	<u>\$ 19,220</u>	<u>\$ 107,000</u>	<u>\$113,206</u>

Even though the budgeted amounts shown above indicate that the Authority anticipated spending a substantial amount annually to purchase appliances and water heaters, it routinely used a local vendor to procure them noncompetitively.

### Authoritative Guidance

Effective November 7, 2016,<sup>2</sup> Section 4(a) of Chapter 30B of the Massachusetts General Laws, which applies to local government agencies such as housing authorities, states,

*For the procurement of a supply or service in the amount of \$10,000 or greater, but less than \$50,000, a procurement officer shall seek written quotations from no fewer than 3 persons customarily providing the supply or service.*

Section 4(c) of Chapter 30B of the General Laws, which applies to local government agencies such as housing authorities, states, "A procurement in the amount of less than \$10,000 shall be obtained through the exercise of sound business practices." The term "sound business practices" is defined in Section 2 of Chapter 30B as "ensuring the receipt of favorable prices by periodically soliciting price lists or quotes."

Since the Authority, through its budget process, anticipated purchasing refrigerators, ranges, and water heaters in amounts that would have fallen within the purchasing ranges in Chapter 30B, it could have availed itself of the competitive processes established within the statute.

### Reasons for Noncompliance

The Authority had not updated its formal written procurement policies and procedures, which require it to use competitive procurement, as far as possible, when purchasing goods and services.

2. Section 4(a) was amended during our audit period. For the period July 1, 2013 through July 1, 2014, the range in the law was not \$10,000–\$50,000 but rather \$10,000–\$25,000. For the period July 1, 2014 through November 7, 2016, the range was not \$10,000–\$50,000, but rather \$10,000–\$35,000.

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## Recommendation

The Authority should update its formal written procurement policies and procedures, which require it to use competitive procurement, as far as possible, for goods and services, and should ensure that these policies and procedures are adhered to.

## Auditee's Response

*We respectfully disagree with this finding for a couple of reasons. In January of 2016, [the] Facilities and Modernization Director . . . undertook an exercise to obtain quotes from various vendors for refrigerator purchases. He successfully obtained quotes from Sears (\$529.99 per unit), Frigidaire (\$579.00 per unit) and Jarvis Appliances (\$478.00 per unit). The quote offered by Jarvis Appliance was the lowest we obtained. Jarvis is a local appliance dealer and the Housing Authority has done business with them for some time now due to their low prices and very good customer service. Additionally, we are not certain on a year to year basis how many refrigerators, stoves, or water heaters we require as it varies considerably. WHA does not have adequate storage space to carry out a bulk order. We need to do these orders on an as needed basis. With respect to water heaters, these get replaced usually on an emergency basis. It simply is not practical to perform procurement in emergency situations; and indeed public entities are allowed to respond to emergency situations to safeguard resident or public safety or well being without adherence to the procurement policy.*

*The Wellesley Housing Authority already has a "formal, written procurement policy" that is followed.*

## Auditor's Reply

With its written response to this draft report, the Authority did provide a list of quotes it said it had solicited and received for refrigerators as of January 2016. However, it did not provide any documentation of quotes for appliances and/or water heaters it may have obtained before January 2016 and therefore could not substantiate that it had used a competitive procurement process for all the refrigerators, ranges, and water heaters it purchased during our audit period.

Although the Authority asserts that it is not certain from year to year how many refrigerators, stoves, or water heaters it will require, as noted above, it prepares an annual budget that identifies a specific amount of money it has for purchasing these items. In its budgets during our audit period, the Authority anticipated significant appliance and water heater expenses during each fiscal year. The Authority exceeded its budgeted estimates for appliances every year and for water heaters one year. From the proposed budgets, the Authority had a reasonable estimate of items that might be purchased each year; thus it could have obtained quotes to ensure that it received the most economical price. It could have

obtained quotes for items as needed, removing the need to store any items or purchase on an emergency basis.

The Authority does have a procurement policy, but it has not been updated to address changes in the Commonwealth's procurement laws.

### **3. The Authority did not maintain housing inspection reports.**

During our audit period, the Authority did not have DHCD-required annual inspection reports on file for several housing units. When units are not regularly inspected, there is inadequate assurance that they conform to state and local minimum standards for safe and sanitary housing.

Specifically, we sampled the same 25 units for each fiscal year of the audit period and found the following:

- For fiscal year 2014, 18 units did not have inspection reports on file.
- For fiscal year 2015, 10 units did not have inspection reports on file.
- For fiscal year 2016, 5 units did not have inspection reports on file.

### **Authoritative Guidance**

Chapter 3 of DHCD's Property Maintenance Guide states,

*To insure comprehensive accountability and efficient maintenance work scheduling, every inspection should result in a written report that documents, by specific location, the condition of every component . . . inspected. . . .*

*At least once a year every LHA dwelling unit should be systematically observed by carefully oriented inspectors.*

### **Reasons for Noncompliance**

The Authority has not established any written policies and procedures for unit inspections. In addition, the Authority has undergone significant employee turnover that, according to Authority officials, has made it unable to perform timely inspections of all of its units.

### **Recommendations**

1. The Authority should establish policies and procedures for its unit inspection process.

2. The Authority should establish monitoring controls over the inspection process to ensure that its staff consistently adheres to the policies and procedures.
3. The Authority should retain copies of all inspection reports in its files.

### **Auditee's Response**

*In 2014, there were 18 missing inspection reports, in 2015 there were 10 missing inspection reports, and in 2016 there were 5 missing inspection reports. The WHA is trending in the right direction here. Units must be inspected each year and in a number of instances where they were not done, any number of reasons may have played a role. In 2014 heading into 2015 the Greater Boston area was inundated with copious amounts of snow and ice; which necessitated the maintenance staff perform snow removal duties. In certain instances, residents will attempt to avoid the annual inspection for whatever reason (illegal occupants, hoarding, poor housekeeping etc.). The WHA encountered unanticipated employee turnover, which at times made it difficult to follow up on the inspections that were missed. The staff at the Housing Authority always tries to accommodate residents as much as possible; and I am happy to report that we obtained 100% resident inspections for 2017. Unit inspections are covered as part of resident's lease. The leasing staff has been educated that all inspection reports must be maintained in the resident's file.*

### **Auditor's Reply**

Based on the Authority's comments, it has taken some measures to address our concerns in this area. However, we again recommend that it establish a policy that details the inspection process, the employee/s responsible for the inspections, and the management oversight of the process. Inspections are key to identifying conditions in each housing unit and can be used for prioritizing maintenance work, monitoring tenant activities, and identifying future equipment needs. The policy should also ensure that unit inspections are completed annually and all inspection reports are maintained in the tenant's folder.

### **4. The Authority did not properly administer its rent redetermination process.**

The Authority did not properly conduct rent redeterminations for some of its tenants during fiscal year 2016. By not performing the required rent redeterminations or obtaining required information from its tenants, the Authority creates a higher-than-acceptable risk of overcharging or undercharging tenants for their housing or of providing housing to individuals or families whose incomes may make them ineligible.

Specifically, we judgmentally selected a sample of 25 tenants and found that rent redeterminations had not been performed for 5 of them. In addition, several other tenants in our sample did not have lease addendums, supporting documentation of deductions, or supporting documentation of income in their files. Specifically, we noted the following deficiencies:

- Six rent redeterminations were missing supporting documentation for both income and deductions.
- Five tenant files did not have documentation to support income.
- One tenant's file did not have documentation to verify the tenant's eligibility for medical deductions taken.
- Two tenants' files did not have documentation to verify their eligibility for multiple deductions taken, including deductions for family housing, medical expenses, and a dependent child.
- Three tenants had not signed lease addendums extending the rental periods for a year.

In addition, six tenants living in housing for elderly tenants were allowed a \$400 deduction from their income that is only supposed to be provided to tenants of family housing.

### Authoritative Guidance

DHCD regulations state, in Section 6.04 of Title 760 of the Code of Massachusetts Regulations (CMR),

#### *(4) Annual Re-determination*

*(a) The Re-determination Date. The LHA shall re-determine each tenant's monthly rent once annually to be effective on a specific re-determination date which shall be the first day of a month. . . .*

*(6) Verification. The tenant shall provide and authorize reasonable verification of information regarding income, exclusions from income and deductions (whether at initial determination or at any re-determination) in order to insure reliability of the information.*

In addition, 760 CMR 6.06(5)(q) requires the tenant "to sign a new lease or lease addendum whenever necessary to reflect a re-determined rent, a change in household size, or change(s) in terms and conditions of tenancy."

Finally, 760 CMR 6.05(4) lists the following deductions:

*(a) \$400 for a household living in family housing in which the tenant is an elderly person of low income or a handicapped person of low income provided that the household is not overhoused.*

*(b) \$300 for each unemancipated minor household member (younger than 18 years old). . . .*

*(c) Payments for necessary medical expenses (including co-payment amounts) which are not covered by insurance or otherwise reimbursed, provided that such expenses are in excess of 3% of annual gross household income and are paid by household members. Payments for medical health insurance are considered medical expenses.*

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## Reasons for Noncompliance

The Authority has not established policies and procedures for its rent redetermination process to ensure that it complies with DHCD requirements.

## Recommendation

The Authority should develop and implement policies and procedures for its rent redetermination process that are consistent with DHCD regulations and should implement monitoring controls to ensure that its staff consistently adheres to these requirements.

## Auditee's Response

*The WHA performs redetermination processes each year per DHCD regulations and guidance. Our property manager is very diligent about making certain that all recertifications are completed and that adequate backup exists to justify the rent redetermination. As the auditors are aware, we underwent a purge of files during the latter part of 2016 that was done by a now former employee in which a number of pieces of income and expense verifications were removed. Our staff has stabilized at this point and we look to the future with optimism that all documentation will always be in the files.*

*The WHA has retained the services of Execu-Tech Consultants to undertake a comprehensive file review to identify any remaining issues in order to position us for 2018 and beyond. The \$400 family credit to the elderly residents was given out in error and those adjustments have been made.*

## Auditor's Reply

Based on its comments, the Authority has taken some measures to address our concerns in this area. However, we again recommend that the Authority establish a policy to ensure that all rent redeterminations are completed annually. The Authority should also monitor these redeterminations by selecting a sample annually to review to verify that all documentation is present and all adjustments are made correctly.

## **5. The Authority did not maintain its waiting list information or obtain all the required information from housing applicants in DHCD's prescribed manner.**

The Authority did not maintain permanent, hardcopy program waiting list ledgers. It maintained this information electronically, but it did not seek and obtain a DHCD waiver of the requirement of hardcopy ledgers. Further, the Authority did not always obtain all required information from applicants. If DHCD's

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administrative requirements are not followed, tenants could be incorrectly offered housing ahead of other eligible tenants who should have preceded them.

Specifically, in our review of the 10 tenants who had most recently moved in, we noted the following deficiencies with the application process:

- Three applications were not date- or time-stamped.
- Three applicants were provided with emergency housing, but emergency applications had not been completed.
- Three applicants did not have landlord references.
- One application did not have a control number (a unique number assigned to identify an application).
- One offer for housing was accepted more than seven days after the written offer of the unit.

### Authoritative Guidance

According to 760 CMR 5.16(2), "The LHA shall maintain permanent handwritten ledgers including a master file ledger and waiting list ledgers."

In addition, 760 CMR 5.05(2) states, "Each application form received by the LHA shall be date and time stamped, and the applicant promptly provided with a . . . control number."

DHCD's Standard Application for State-Aided Public Housing states,

*If you have selected one of the . . . emergency categories [on the application] . . . you must complete an EMERGENCY APPLICATION in addition to this Standard Application. All emergency applications must be accompanied by third party written documentation.*

Further, 760 CMR 5.12(2) states,

*The LHA shall require an applicant to provide the names and current addresses of all landlords (or housing providers) for applicant and household members during the period five years prior to application through the date of the final determination.*

Finally, 760 CMR 5.10(4)(a) states, "An applicant offered a unit must accept the offer within seven days of the date of the written offer."

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## Reasons for Noncompliance

Authority management officials stated that they were not aware they were required to request a DHCD waiver of the requirement of hardcopy waiting lists. They could not explain the other noted deficiencies because the housing application process was the responsibility of a former employee. We did note that the Authority did not have policies, procedures, or monitoring controls in place to ensure that its staff obtained all required information from applicants.

## Recommendations

1. Until it obtains a waiver from DHCD, the Authority should maintain hardcopy program waiting list ledgers.
2. The Authority should ensure that housing applications are date- and time-stamped; that they include emergency applications when applicable, as well as control numbers and landlord references; and that written offers for housing are accepted within the prescribed timeframe.
3. The Authority should establish policies, procedures, and monitoring controls over the application process to ensure that all information required during the process is obtained according to DHCD requirements.
4. The Authority should assign an employee the responsibility of accepting applications and ensuring that each application complies with DHCD regulations.

## Auditee's Response

*Addressing the specific areas of concern:*

- *Leasing staff have been reeducated as to the requirement of date and time stamping each application. This oversight, however, had no bearing on any applicant's placement on the waiting list.*
- *Despite the fact that an emergency application was not completed in a few instances, emergency status was duly noted and all preferences provided as per the regulations. As with the prior finding, the bureaucratic fact that there wasn't a second application completed had no bearing on the placement on the wait list.*
- *Landlord references are at times quite difficult to obtain. In the majority of cases, we are able to procure the landlord reference checks without much problem. There are situations that arise where an applicant provides a listing of their prior landlords, and then we discover that these individuals no longer own the property, their mailing addresses have changed, or we simply cannot contact them. I am sometimes called upon to make a judgment on behalf of an applicant who has done everything correctly only to potentially have the whole process grind to a halt or end because of the landlord check. I am happy to report that we adhere to the requirement of ordering landlord references, but I will not necessarily deny someone housing because we cannot locate prior landlords.*

- *The Wellesley Housing Authority maintains a hand written master ledger. . . .*
- *Each of our developments possesses unique characteristics and our applicants are equally diverse and varied. In the case of an offer for housing being accepted more than seven (7) days after the written offer, extenuating circumstances may have been present. Some of our developments have limited or no available parking and we are only able to fill the units with those folks who do not drive; other units (particularly elderly units) are difficult to fill if they are on the second floor due to mobility issues. Although we endeavor to adhere to the "7 day rule," in specific hard to fill circumstances, I will grant leeway.*

### **Auditor's Reply**

Based on its response, the Authority is taking some measures to address our concerns in this area. However, we again recommend that the Authority establish a policy documenting the application process and the administrative oversight put in place to ensure that all tenant applications are processed in accordance with DHCD regulations. The Authority should also assign an employee to receive and review tenant applications to ensure that they comply with DHCD regulations. The application process must be transparent. The use of date- and time-stamping establishes a clear order in which tenants should be entered on the Authority's waiting list. All tenant applications should be clearly marked when they are received and a control number is issued.

Applicants with emergency situations are required to complete emergency applications along with standard applications and provide documentation verifying their homeless status. The emergency application gives the applicant information and guidance that can help with declaring the applicant's emergency status and identifying documentation necessary to prove the applicant's homeless status. This documentation, provided with the emergency application, assists the Authority in determining the applicant's placement on the waiting list.

Landlord references are important in the decision of whether to extend an offer for housing. A reference may provide an indication of an applicant's previous behavior. When landlord references are difficult to obtain, the Authority should document in the applicant's file the efforts made to obtain the references and the decisions made regarding the applicant if references are not obtained.

The Authority maintains a handwritten master ledger, but DHCD requires that program waiting lists be kept in handwritten ledgers unless DHCD grants a waiver and allows for an electronic waiting list. The Authority currently maintains an electronic waiting list ledger and did not provide us with a waiver

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granted by DHCD. Requesting a waiver from DHCD provides an opportunity to evaluate the electronic process to ensure that it meets DHCD's specifications.

Although applicants may have a difficult decision regarding housing, the Authority should strive to meet the "seven-day rule" to ensure that housing units are filled in a timely manner and not create extended vacancies. When applicants are given additional time to make a decision, the Authority should document in their files the reasons for the extensions.

#### **6. The Authority's board of commissioners did not properly administer its management agreement with the Needham Housing Authority.**

The Authority's board of commissioners did not submit its management agreement with the Needham Housing Authority to DHCD for approval. Without DHCD review and approval of the management agreement, the Authority cannot be sure that the contract terms are acceptable to DHCD and that the services purchased will allow the Authority to operate at a satisfactory level based on the staffing services in the agreement.

Before the audit period, the Authority's board of commissioners entered into a management agreement whereby the executive director of the Needham Housing Authority would act as the executive director of the Wellesley Housing Authority, managing the latter's day-to-day operations. Senior management officials at DHCD stated that they had not approved the agreement and did not have it on file. The management agreement was approved by the Authority's board of commissioners at its May 23, 2013 meeting. The agreement listed its effective duration as 24 months, which it defined as January 1, 2013–December 31, 2015.<sup>3</sup> The terms of the agreement required the Authority to pay the Needham Housing Authority \$132,000 annually, payable in monthly installments, as reflected in its annual budget.

On November 28, 2016, DHCD sent a memo to the chair of the Wellesley Housing Authority board of commissioners, requesting that the Authority not commit to a formal extension of the agreement. The memo stated that DHCD had several concerns that it would like to discuss with the board. However, the Authority continues to operate under the provisions of the prior management agreement and continues to pay the Needham Housing Authority monthly fees for the operations of the Wellesley Housing Authority.

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3. The agreement states that the duration is 24 months. However, it also states that it shall be in effect from January 1, 2013 through December 31, 2015. The current executive director stated that the agreement was for 36 months and that these dates were the correct ones.

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## Authoritative Guidance

The Wellesley Housing Authority's contract for financial assistance with DHCD states,

*The Authority will not, without the prior approval of the Commissioner . . . award or enter into any contract for utilities or equipment, or any other contract during the management or operation of the Project by the Authority.*

## Reasons for Noncompliance

The management agreement was signed June 27, 2013 by a current board member who was chair when the board of commissioners approved it. She stated that she assumed it was approved when DHCD approved the annual budget.

## Recommendation

Before awarding or entering into a management agreement, the Authority should submit it to DHCD for review and approval.

## Auditee's Response

*The Wellesley Housing Authority has been overseen by the Needham Housing Authority since 2004. There have been four (4) three year agreements that have been signed by both authorities. I cannot speak to why the last signed agreement in 2013 was not sent in to DHCD for approval; perhaps the respective boards at that time were not aware that had to be done. The agreement that was signed back in 2013 was the exact same agreement that had been signed previously. Since there were no changes to the agreement, there was nothing for DHCD to review as they had apparently approved prior agreements.*

*Additionally, DHCD had approved all budget submissions for both LHAs and never questioned any yearend financial data. This to me constitutes de facto acknowledgment of the existence of and approval of the management agreement.*

*It is accurate that DHCD requested that the WHA not commit to extending the agreement in a memo. . . . The Wellesley Housing Authority as well as the Needham Housing Authority have been operating under approved extensions of the prior agreement, which DHCD acquiesced to. It would have been very disruptive and highly irresponsible for one or both sides to simply terminate the agreement without a well thought out plan of action going forward.*

## Auditor's Reply

The Authority should send its management agreement to DHCD for review each time it is to be renewed to ensure that DHCD is aware of the duties and responsibilities of the parties outlined in the agreement. The annual budget, although it may state the total cost of the contract, does not provide any information about the contract.

Payroll Max 89.2  
No Depts are over



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Town of Wellesley  
YTD 2018 GENERAL FUND

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	ORIGINAL APPROP	TRANSFERS/ ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<b>122 BOARD OF SELECTMEN</b>							
1 PERSONAL SERVICES	456,591	3,981.00	460,572.00	395,430.51	.00	65,141.49	85.9%
2 EXPENSES	28,925	.00	28,925.00	22,864.04	.00	6,060.96	79.0%
4 CAPITAL IMPROVEMENTS	75,000	.00	75,000.00	21,250.24	.00	53,749.76	28.3%
5 OTHER PROGRAMS	325,000	-325,000.00	.00	.00	.00	.00	.0%
6 SPECIAL PURPOSE	0	160,500.00	160,500.00	20,000.00	.00	140,500.00	12.5%
9 CONTINUED APPROPRIATIONS	13,978	.00	13,978.00	.00	.00	13,978.00	.0%
TOTAL BOARD OF SELECTMEN	899,494	-160,519.00	738,975.00	459,544.79	.00	279,430.21	62.2%
<b>125 GREEN RIBBON COMMITTEE</b>							
2 EXPENSES	1,500	.00	1,500.00	641.00	.00	859.00	42.7%
TOTAL GREEN RIBBON COMMITTEE	1,500	.00	1,500.00	641.00	.00	859.00	42.7%
<b>126 SUSTAINABILITY DEPARTMENT</b>							
1 PERSONAL SERVICES	17,780	352.00	18,132.00	15,925.89	.00	2,206.11	87.8%
TOTAL SUSTAINABILITY DEPARTMENT	17,780	352.00	18,132.00	15,925.89	.00	2,206.11	87.8%
<b>131 ADVISORY COMMITTEE</b>							
1 PERSONAL SERVICES	7,000	.00	7,000.00	3,358.00	.00	3,642.00	48.0%
2 EXPENSES	25,000	.00	25,000.00	8,771.81	.00	16,228.19	35.1%
8 ENCUMBRANCES	4,095	.00	4,094.96	4,094.96	.00	.00	100.0%
TOTAL ADVISORY COMMITTEE	36,095	.00	36,094.96	16,224.77	.00	19,870.19	45.0%
<b>132 RESERVE FUND</b>							
2 EXPENSES	175,000	.00	175,000.00	.00	.00	175,000.00	.0%



RESERVE FUND	ORIGINAL APPROP	TRANSFERS/ADJUSTMENTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
TOTAL RESERVE FUND	175,000	.00	175,000.00	.00	.00	175,000.00	.0%
<b>133 FINANCIAL SERVICES</b>							
1 PERSONAL SERVICES	427,316	4,521.00	431,836.81	377,881.31	.00	53,955.50	87.5%
2 EXPENSES	10,200	.00	10,200.00	5,655.25	3,392.63	1,152.12	88.7%
TOTAL FINANCIAL SERVICES	437,516	4,521.00	442,036.81	383,536.56	3,392.63	55,107.62	87.5%
<b>135 AUDIT COMMITTEE</b>							
2 EXPENSES	58,200	.00	58,200.00	58,100.00	.00	100.00	99.8%
TOTAL AUDIT COMMITTEE	58,200	.00	58,200.00	58,100.00	.00	100.00	99.8%
<b>141 BOARD OF ASSESSORS</b>							
1 PERSONAL SERVICES	269,432	3,157.00	272,589.00	239,373.75	.00	33,215.25	87.8%
2 EXPENSES	82,450	.00	82,450.00	54,022.95	.00	28,427.05	65.5%
TOTAL BOARD OF ASSESSORS	351,882	3,157.00	355,039.00	293,396.70	.00	61,642.30	82.6%
<b>145 TREASURER/COLLECTOR</b>							
1 PERSONAL SERVICES	312,202	3,788.00	315,990.43	275,224.69	.00	40,765.74	87.1%
2 EXPENSES	126,450	.00	126,450.00	78,846.02	.00	47,603.98	62.4%
8 ENCUMBRANCES	1,100	.00	1,100.00	874.53	.00	225.47	79.5%
TOTAL TREASURER/COLLECTOR	439,752	3,788.00	443,540.43	354,945.24	.00	88,595.19	80.0%
<b>151 LAW</b>							
2 EXPENSES	325,000	.00	325,000.00	151,597.40	.00	173,402.60	46.6%
TOTAL LAW	325,000	.00	325,000.00	151,597.40	.00	173,402.60	46.6%



	ORIGINAL APPROP	TRANSFERS/ADJUSTMNTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
152 HUMAN RESOURCES BOARD							
152 HUMAN RESOURCES BOARD							
1 PERSONAL SERVICES	297,879	4,900.00	302,779.00	270,852.51	.00	31,926.49	89.5%
2 EXPENSES	37,250	.00	37,250.00	22,255.74	.00	14,994.26	59.7%
6 SPECIAL PURPOSE	170,000	-125,418.00	44,582.00	.00	.00	44,582.00	.0%
8 ENCUMBRANCES	4,965	.00	4,965.00	4,965.00	.00	.00	100.0%
TOTAL HUMAN RESOURCES BOARD	510,094	-120,518.00	389,576.00	298,073.25	.00	91,502.75	76.5%
155 INFORMATION TECHNOLOGY							
1 PERSONAL SERVICES	656,327	13,999.00	670,326.00	522,176.45	.00	148,149.55	77.9%
2 EXPENSES	395,750	.00	395,750.00	325,455.48	2,349.72	67,944.80	82.8%
4 CAPITAL IMPROVEMENTS	106,666	.00	106,666.00	76,664.00	.00	30,002.00	71.9%
6 SPECIAL PURPOSE	-293,709	.00	-293,709.00	-244,740.00	.00	-48,969.00	83.3%
8 ENCUMBRANCES	9,808	.00	9,807.78	9,807.78	.00	.00	100.0%
9 CONTINUED APPROPRIATIONS	167,761	.00	167,761.30	127,011.75	28,000.00	12,749.55	92.4%
TOTAL INFORMATION TECHNOLOGY	1,042,603	13,999.00	1,056,602.08	816,375.46	30,349.72	209,876.90	80.1%
161 TOWN CLERK							
1 PERSONAL SERVICES	232,227	5,152.00	237,379.00	190,783.70	.00	46,595.30	80.4%
2 EXPENSES	40,915	.00	40,915.00	23,606.67	1,617.76	15,690.57	61.7%
TOTAL TOWN CLERK	273,142	5,152.00	278,294.00	214,390.37	1,617.76	62,285.87	77.6%
171 NATURAL RESOURCES COMMISSION							
1 PERSONAL SERVICES	205,889	2,738.00	208,627.00	179,544.81	.00	29,082.19	86.1%
2 EXPENSES	19,650	.00	19,650.00	12,056.31	113.16	7,480.53	61.9%
4 CAPITAL IMPROVEMENTS	141,500	.00	141,500.00	32,724.87	76,555.00	32,220.13	77.2%
8 ENCUMBRANCES	761	.00	761.02	750.12	.00	10.90	98.6%
9 CONTINUED APPROPRIATIONS	184,563	.00	184,563.20	73,970.24	6,260.00	104,332.96	43.5%
TOTAL NATURAL RESOURCES COMMISS	552,363	2,738.00	555,101.22	299,046.35	82,928.16	173,126.71	68.8%
172 MORSES POND							



FOR 2018 13

172	MORSES POND	ORIGINAL APPROP	TRANSFERS/ ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
2	EXPENSES	141,754	.00	141,754.00	37,952.48	10,202.00	93,599.52	34.0%
4	CAPITAL IMPROVEMENTS	40,000	.00	40,000.00	.00	.00	40,000.00	.0%
9	CONTINUED APPROPRIATIONS	34,726	.00	34,726.00	31,757.72	.00	2,968.28	91.5%
	TOTAL MORSES POND	216,480	.00	216,480.00	69,710.20	10,202.00	136,567.80	36.9%
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175	PLANNING BOARD							
1	PERSONAL SERVICES	230,858	30,703.00	261,561.00	216,034.48	.00	45,526.52	82.6%
2	EXPENSES	42,750	.00	42,750.00	23,724.87	8,571.43	10,453.70	75.5%
8	ENCUMBRANCES	250	.00	250.00	162.66	.00	87.34	65.1%
9	CONTINUED APPROPRIATIONS	38,994	.00	38,994.21	16,756.35	2,237.86	20,000.00	48.7%
	TOTAL PLANNING BOARD	312,852	30,703.00	343,555.21	256,678.36	10,809.29	76,067.56	77.9%
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176	ZONING BOARD OF APPEALS							
1	PERSONAL SERVICES	53,269	1,066.00	54,335.00	48,482.42	.00	5,852.58	89.2%
2	EXPENSES	6,940	.00	6,940.00	3,942.03	.00	2,997.97	56.8%
8	ENCUMBRANCES	161	.00	160.74	45.12	.00	115.62	28.1%
	TOTAL ZONING BOARD OF APPEALS	60,370	1,066.00	61,435.74	52,469.57	.00	8,966.17	85.4%
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180	HOUSING DEVELOPMENT CORP							
2	EXPENSES	6,000	.00	6,000.00	.00	.00	6,000.00	.0%
	TOTAL HOUSING DEVELOPMENT CORP	6,000	.00	6,000.00	.00	.00	6,000.00	.0%
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185	PERMANENT BUILDING COMMITTEE							
6	SPECIAL PURPOSE	10,483	.00	10,483.35	6,659.15	1,040.85	2,783.35	73.4%
	TOTAL PERMANENT BUILDING COMMI	10,483	.00	10,483.35	6,659.15	1,040.85	2,783.35	73.4%
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192	FACILITIES MANAGEMENT							



Town of Wellesley  
YTD 2018 GENERAL FUND

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FOR 2018 13

192	FACILITIES MANAGEMENT	ORIGINAL APPROP	TRANSFERS/ADJUSTMENTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1	PERSONAL SERVICES	4,269,376	87,970.00	4,357,345.83	3,858,647.71	.00	498,698.12	88.6%
2	EXPENSES	3,380,028	2,600.00	3,382,627.74	2,693,429.25	270,918.26	418,280.23	87.6%
4	CAPITAL IMPROVEMENTS	1,875,000	.00	1,875,000.00	556,153.55	114,016.80	1,204,829.65	35.7%
6	SPECIAL PURPOSE	50,000	.00	50,000.00	24,750.00	24,750.00	500.00	99.0%
8	ENCUMBRANCES	3,021	.00	3,021.18	2,443.14	.00	578.04	80.9%
9	CONTINUED APPROPRIATIONS	1,555,249	.00	1,555,249.15	468,223.50	65,129.59	1,021,896.06	34.3%
	TOTAL FACILITIES MANAGEMENT	11,132,674	90,570.00	11,223,243.90	7,603,647.15	474,814.65	3,144,782.10	72.0%
195	TOWN REPORTS							
2	EXPENSES	4,000	.00	4,000.00	4,000.00	.00	.00	100.0%
	TOTAL TOWN REPORTS	4,000	.00	4,000.00	4,000.00	.00	.00	100.0%
199	CENTRAL ADMINISTRATION SERVICE							
2	EXPENSES	29,000	.00	29,000.00	22,972.06	.00	6,027.94	79.2%
8	ENCUMBRANCES	448	.00	448.17	448.17	.00	.00	100.0%
	TOTAL CENTRAL ADMINISTRATION S	29,448	.00	29,448.17	23,420.23	.00	6,027.94	79.5%
210	POLICE							
1	PERSONAL SERVICES	5,355,872	91,227.26	5,447,099.31	4,783,473.28	.00	663,626.03	87.8%
2	EXPENSES	630,035	.00	630,035.00	562,640.53	22,286.57	45,107.90	92.8%
4	CAPITAL IMPROVEMENTS	92,843	.00	92,843.00	82,295.97	2,202.72	8,344.31	91.0%
8	ENCUMBRANCES	46,639	.00	46,639.02	46,543.63	.00	95.39	99.8%
9	CONTINUED APPROPRIATIONS	6,420	.00	6,419.55	6,419.55	.00	.00	100.0%
	TOTAL POLICE	6,131,809	91,227.26	6,223,035.88	5,481,372.96	24,489.29	717,173.63	88.5%
211	PUBLIC SAFETY INSURANCE							
2	EXPENSES	100,000	.00	100,000.00	51,328.00	.00	48,672.00	51.3%
	TOTAL PUBLIC SAFETY INSURANCE	100,000	.00	100,000.00	51,328.00	.00	48,672.00	51.3%



Town of Wellesley  
YTD 2018 GENERAL FUND

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FOR 2018 13

220	FIRE	ORIGINAL APPROP	TRANSFERS/ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
220	FIRE							
	220 FIRE							
	1 PERSONAL SERVICES	4,933,025	97,161.00	5,030,185.96	4,478,925.98	.00	551,259.98	89.0%
	2 EXPENSES	263,549	.00	263,549.00	190,108.30	20,900.40	52,540.30	80.1%
	4 CAPITAL IMPROVEMENTS	79,000	.00	79,000.00	31,115.00	.00	47,885.00	39.4%
	8 ENCUMBRANCES	461	.00	461.28	429.88	.00	31.40	93.2%
	9 CONTINUED APPROPRIATIONS	89,611	.00	89,610.64	24,580.94	.00	65,029.70	27.4%
	TOTAL FIRE	5,365,646	97,161.00	5,462,806.88	4,725,160.10	20,900.40	716,746.38	86.9%
	241 BUILDING INSPECTION							
	1 PERSONAL SERVICES	501,821	5,903.00	507,724.00	442,587.91	.00	65,136.09	87.2%
	2 EXPENSES	26,150	.00	26,150.00	16,070.89	.00	10,079.11	61.5%
	8 ENCUMBRANCES	850	.00	850.00	815.25	.00	34.75	95.9%
	TOTAL BUILDING INSPECTION	528,821	5,903.00	534,724.00	459,474.05	.00	75,249.95	85.9%
	244 SEALER OF WEIGHTS & MEASURES							
	1 PERSONAL SERVICES	15,600	.00	15,600.00	9,540.86	.00	6,059.14	61.2%
	2 EXPENSES	2,800	.00	2,800.00	1,313.32	.00	1,486.68	46.9%
	TOTAL SEALER OF WEIGHTS & MEAS	18,400	.00	18,400.00	10,854.18	.00	7,545.82	59.0%
	299 SPECIAL SCHOOL POLICE							
	1 PERSONAL SERVICES	126,294	.00	126,294.00	63,286.97	.00	63,007.03	50.1%
	2 EXPENSES	3,105	.00	3,105.00	1,208.00	.00	1,897.00	38.9%
	TOTAL SPECIAL SCHOOL POLICE	129,399	.00	129,399.00	64,494.97	.00	64,904.03	49.8%
	300 WELLESLEY PUBLIC SCHOOLS							



FOR 2018 13

300	WELLESLEY PUBLIC SCHOOLS	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
8	ENCUMBRANCES	3,609,425	.00	3,609,424.98	3,555,672.57	.00	53,752.41	98.5%
	TOTAL WELLESLEY PUBLIC SCHOOLS	3,609,425	.00	3,609,424.98	3,555,672.57	.00	53,752.41	98.5%
320	INSTRUCTIONAL SERVICES							
1	PERSONAL SERVICES	45,837,145	.00	45,837,145.00	36,315,770.63	.00	9,521,374.37	79.2%
2	EXPENSES	2,165,336	.00	2,165,336.00	1,006,164.44	666,170.03	493,001.53	77.2%
3	CAPITAL OUTLAY	100,489	.00	100,489.00	86,135.86	26,046.68	-11,693.54	111.6%
	TOTAL INSTRUCTIONAL SERVICES	48,102,970	.00	48,102,970.00	37,408,070.93	692,216.71	10,002,682.36	79.2%
330	CENTRAL ADMINISTRATION							
1	PERSONAL SERVICES	790,910	.00	790,910.00	952,509.66	.00	-161,599.66	120.4%
2	EXPENSES	164,116	.00	164,116.00	105,734.64	4,744.54	53,636.82	67.3%
8	ENCUMBRANCES	36,124	.00	36,124.14	33,756.99	.00	2,367.15	93.4%
	TOTAL CENTRAL ADMINISTRATION	991,150	.00	991,150.14	1,092,001.29	4,744.54	-105,595.69	110.7%
340	OPERATIONAL SERVICES							
1	PERSONAL SERVICES	1,508,001	.00	1,508,001.00	1,427,239.02	.00	80,761.98	94.6%
2	EXPENSES	937,852	.00	937,852.02	829,164.63	344,102.78	-235,415.39	125.1%
3	CAPITAL OUTLAY	1,908,764	.00	1,908,764.00	1,199,592.24	365,418.87	343,752.89	82.0%
6	SPECIAL PURPOSE	0	.00	81,818.64	6,277.82	4,750.00	70,790.82	13.5%
8	ENCUMBRANCES	103,476	.00	103,476.08	61,776.25	.00	41,699.83	59.7%
9	CONTINUED APPROPRIATIONS	25,027	.00	25,026.65	25,026.65	.00	.00	100.0%
	TOTAL OPERATIONAL SERVICES	4,483,120	81,818.64	4,564,938.39	3,549,076.61	714,271.65	301,590.13	93.4%
360	SPECIAL TUITION/TRANSPORTATION							
1	PERSONAL SERVICES	16,090,857	.00	16,090,856.81	13,101,094.52	.00	2,989,762.29	81.4%
2	EXPENSES	4,456,431	.00	4,456,431.00	3,526,411.49	1,560,386.70	-630,367.19	114.1%
8	ENCUMBRANCES	1,560,005	.00	1,560,004.69	1,100,028.97	.00	459,975.72	70.5%

FOR 2018 13

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
TOTAL SPECIAL TUITION/TRANSPOR	22,107,293	.00	22,107,292.50	17,727,534.98	1,560,386.70	2,819,370.82	87.2%
410 DPW - ENGINEERING DIVISION							
1 PERSONAL SERVICES	513,138	10,665.00	523,803.00	412,122.86	.00	111,680.14	78.7%
2 EXPENSES	64,139	.00	64,139.00	36,060.58	11,452.96	16,625.46	74.1%
4 CAPITAL IMPROVEMENTS	130,000	.00	130,000.00	15,049.56	.00	114,950.44	11.6%
8 ENCUMBRANCES	11,031	.00	11,031.27	10,881.67	.00	149.60	98.6%
9 CONTINUED APPROPRIATIONS	64,371	.00	64,371.43	1,556.51	.00	62,814.92	2.4%
TOTAL DPW - ENGINEERING DIVISI	782,680	10,665.00	793,344.70	475,671.18	11,452.96	306,220.56	61.4%
420 DPW - HIGHWAY DIVISION							
1 PERSONAL SERVICES	1,010,424	32,892.00	1,043,316.00	896,101.16	.00	147,214.84	85.9%
2 EXPENSES	439,150	950.00	440,100.00	311,683.99	54,313.10	74,102.91	83.2%
4 CAPITAL IMPROVEMENTS	840,000	.00	840,000.00	497,809.00	5,958.92	336,232.08	60.0%
8 ENCUMBRANCES	3,624	.00	3,624.49	625.53	.00	2,998.96	17.3%
9 CONTINUED APPROPRIATIONS	860,780	.00	860,780.23	344,020.46	55,506.89	461,252.88	46.4%
TOTAL DPW - HIGHWAY DIVISION	3,153,979	33,842.00	3,187,820.72	2,050,240.14	115,778.91	1,021,801.67	67.9%
430 DPW - PARK DIVISION							
1 PERSONAL SERVICES	1,190,621	31,932.00	1,222,553.00	1,163,193.41	.00	59,359.59	95.1%
2 EXPENSES	364,570	850.00	365,420.00	271,484.33	31,398.50	62,537.17	82.9%
4 CAPITAL IMPROVEMENTS	228,000	.00	228,000.00	87,063.43	19,252.58	121,683.99	46.6%
8 ENCUMBRANCES	14,215	.00	14,215.18	12,955.36	.00	1,259.82	91.1%
9 CONTINUED APPROPRIATIONS	117,352	.00	117,352.20	38,978.49	10,739.68	67,634.03	42.4%
TOTAL DPW - PARK DIVISION	1,914,758	32,782.00	1,947,540.38	1,573,675.02	61,390.76	312,474.60	84.0%
440 DPW - RECYCLING & DISPOSAL DIV							
1 PERSONAL SERVICES	1,045,544	19,111.00	1,064,655.00	865,735.84	.00	198,919.16	81.3%
2 EXPENSES	1,222,235	.00	1,222,234.50	973,553.73	214,764.05	33,916.72	97.2%





FOR 2018 13

	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
4 CAPITAL IMPROVEMENTS	55,000	.00	55,000.00	.00	22,441.00	32,559.00	40.8%
8 ENCUMBRANCES	108,388	.00	108,387.74	101,020.64	99.67	7,267.43	93.3%
9 CONTINUED APPROPRIATIONS	81,100	.00	81,100.31	10,825.43	4,439.00	65,835.88	18.8%
TOTAL DPW - RECYCLING & DISPOS	2,512,267	19,111.00	2,531,377.55	1,951,135.64	241,743.72	338,498.19	86.6%
450 DPW - ADMINISTRATION DIVISION							
1 PERSONAL SERVICES	354,610	8,395.00	363,005.00	358,429.72	.00	4,575.28	98.7%
2 EXPENSES	23,968	.00	23,968.00	22,011.43	795.00	1,161.57	95.2%
3 CAPITAL OUTLAY	920,000	.00	920,000.00	375,628.97	441,095.91	103,275.12	88.8%
8 ENCUMBRANCES	768	.00	767.59	394.22	.00	373.37	51.4%
9 CONTINUED APPROPRIATIONS	642,725	.00	642,725.36	617,803.27	24,671.77	250.32	100.0%
TOTAL DPW - ADMINISTRATION DIV	1,942,071	8,395.00	1,950,465.95	1,374,267.61	466,562.68	109,635.66	94.4%
454 DPW - FLEET SERVICES DIVISION							
1 PERSONAL SERVICES	143,105	14,662.00	157,767.00	143,105.00	.00	14,662.00	90.7%
2 EXPENSES	43,462	400.00	43,862.00	43,462.00	.00	400.00	99.1%
TOTAL DPW - FLEET SERVICES DIV	186,567	15,062.00	201,629.00	186,567.00	.00	15,062.00	92.5%
456 DPW - WINTER MAINTENANCE							
5 OTHER PROGRAMS	348,703	500,000.00	848,703.00	865,371.88	8,384.91	-25,053.79	103.0%
TOTAL DPW - WINTER MAINTENANCE	348,703	500,000.00	848,703.00	865,371.88	8,384.91	-25,053.79	103.0%
458 DPW - STREET LIGHTING							
2 EXPENSES	246,876	.00	246,876.00	213,184.00	.00	33,692.00	86.4%
TOTAL DPW - STREET LIGHTING	246,876	.00	246,876.00	213,184.00	.00	33,692.00	86.4%
510 BOARD OF HEALTH							

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sstrother

Town of Wellesley  
YTD 2018 GENERAL FUND

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FOR 2018 13

510	BOARD OF HEALTH	ORIGINAL APPROP	TRANSFERS/ADJUSTMENTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1	PERSONAL SERVICES	429,129	5,225.00	434,354.00	373,891.07	.00	60,462.93	86.1%
2	EXPENSES	80,453	.00	80,453.00	56,518.49	.00	23,934.51	70.3%
8	ENCUMBRANCES	2,250	.00	2,250.00	1,357.25	.00	892.75	60.3%
	TOTAL BOARD OF HEALTH	511,832	5,225.00	517,057.00	431,766.81	.00	85,290.19	83.5%
523	MENTAL HEALTH SERVICES							
2	EXPENSES	245,691	.00	245,691.00	242,784.00	.00	2,907.00	98.8%
	TOTAL MENTAL HEALTH SERVICES	245,691	.00	245,691.00	242,784.00	.00	2,907.00	98.8%
541	COUNCIL ON AGING							
1	PERSONAL SERVICES	350,756	3,864.00	354,620.11	302,252.04	.00	52,368.07	85.2%
2	EXPENSES	114,866	.00	114,865.58	71,977.13	3,036.52	39,851.93	65.3%
4	CAPITAL IMPROVEMENTS	10,500	.00	10,500.00	862.64	.00	9,637.36	8.2%
8	ENCUMBRANCES	710	.00	710.20	628.20	.00	82.00	88.5%
9	CONTINUED APPROPRIATIONS	18,059	.00	18,058.96	735.00	.00	17,323.96	4.1%
	TOTAL COUNCIL ON AGING	494,891	3,864.00	498,754.85	376,455.01	3,036.52	119,263.32	76.1%
542	YOUTH COMMISSION							
1	PERSONAL SERVICES	81,106	1,473.00	82,579.00	72,698.03	.00	9,880.97	88.0%
2	EXPENSES	17,090	.00	17,090.00	12,324.77	.00	4,765.23	72.1%
	TOTAL YOUTH COMMISSION	98,196	1,473.00	99,669.00	85,022.80	.00	14,646.20	85.3%
543	VETERANS SERVICES							
2	EXPENSES	68,000	.00	68,000.00	68,000.00	.00	.00	100.0%
	TOTAL VETERANS SERVICES	68,000	.00	68,000.00	68,000.00	.00	.00	100.0%
610	WELLESLEY FREE LIBRARY							



FOR 2018 13

610	WELLESLEY FREE LIBRARY	ORIGINAL APPROP	TRANSFRS/ADJUSTMNTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1	PERSONAL SERVICES	1,897,229	34,901.00	1,932,130.00	1,710,998.26	.00	221,131.74	88.6%
2	EXPENSES	536,977	4,406.00	541,383.00	508,464.17	2,685.00	30,233.83	94.4%
4	CAPITAL IMPROVEMENTS	100,612	.00	100,612.00	77,087.98	19,105.02	4,419.00	95.6%
9	CONTINUED APPROPRIATIONS	3,229	.00	3,228.65	1,228.65	.00	2,000.00	38.1%
	TOTAL WELLESLEY FREE LIBRARY	2,538,047	39,307.00	2,577,353.65	2,297,779.06	21,790.02	257,784.57	90.0%
630	RECREATION							
1	PERSONAL SERVICES	325,231	6,277.00	331,508.00	292,581.81	.00	38,926.19	88.3%
2	EXPENSES	26,500	.00	26,500.00	4,760.50	.00	21,739.50	18.0%
	TOTAL RECREATION	351,731	6,277.00	358,008.00	297,342.31	.00	60,665.69	83.1%
691	HISTORICAL COMMISSION							
2	EXPENSES	750	.00	750.00	433.94	.00	316.06	57.9%
	TOTAL HISTORICAL COMMISSION	750	.00	750.00	433.94	.00	316.06	57.9%
692	CELEBRATIONS							
2	EXPENSES	4,700	.00	4,700.00	4,700.00	.00	.00	100.0%
	TOTAL CELEBRATIONS	4,700	.00	4,700.00	4,700.00	.00	.00	100.0%
693	MEMORIAL DAY							
2	EXPENSES	2,500	.00	2,500.00	734.42	.00	1,765.58	29.4%
	TOTAL MEMORIAL DAY	2,500	.00	2,500.00	734.42	.00	1,765.58	29.4%
710	RETIREMENT OF DEBT PRINCIPAL							



FOR 2018 13

710	RETIREMENT OF DEBT PRINCIPAL	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
2	EXPENSES	11,860,739	.00	11,860,738.78	2,552,000.00	.00	9,308,738.78	21.5%
	TOTAL RETIREMENT OF DEBT PRINC	11,860,739	.00	11,860,738.78	2,552,000.00	.00	9,308,738.78	21.5%
751	INTEREST ON DEBT							
2	EXPENSES	4,879,869	.00	4,879,869.22	3,253,331.27	.00	1,626,537.95	66.7%
	TOTAL INTEREST ON DEBT	4,879,869	.00	4,879,869.22	3,253,331.27	.00	1,626,537.95	66.7%
810	STATE & COUNTY ASSESSMENTS							
2	EXPENSES	1,239,372	.00	1,239,372.00	1,121,656.06	.00	117,715.94	90.5%
	TOTAL STATE & COUNTY ASSESMEN	1,239,372	.00	1,239,372.00	1,121,656.06	.00	117,715.94	90.5%
910	CONTRIBUTORY PENSIONS							
2	EXPENSES	6,621,863	.00	6,621,863.00	6,621,863.00	.00	.00	100.0%
	TOTAL CONTRIBUTORY PENSIONS	6,621,863	.00	6,621,863.00	6,621,863.00	.00	.00	100.0%
911	NON-CONTRIBUTORY PENSIONS							
2	EXPENSES	18,714	.00	18,714.00	16,947.59	.00	1,766.41	90.6%
	TOTAL NON-CONTRIBUTORY PENSION	18,714	.00	18,714.00	16,947.59	.00	1,766.41	90.6%
912	WORKERS' COMPENSATION							
2	EXPENSES	517,860	.00	517,860.00	517,860.00	.00	.00	100.0%
	TOTAL WORKERS' COMPENSATION	517,860	.00	517,860.00	517,860.00	.00	.00	100.0%
913	UNEMPLOYMENT COMPENSATION							

*These go out in June*

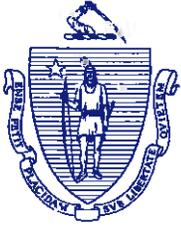


FOR 2018 13

913	UNEMPLOYMENT COMPENSATION	ORIGINAL APPROP	TRANSFRS/ADJUSTMNTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
2	EXPENSES	150,000	.00	150,000.00	150,000.00	.00	.00	100.0%
	TOTAL UNEMPLOYMENT COMPENSATIO	150,000	.00	150,000.00	150,000.00	.00	.00	100.0%
914	GROUP INSURANCE							
2	EXPENSES	17,576,288	.00	17,576,288.00	17,576,288.00	.00	.00	100.0%
	TOTAL GROUP INSURANCE	17,576,288	.00	17,576,288.00	17,576,288.00	.00	.00	100.0%
919	OTHER EMPLOYEE BENEFITS							
2	EXPENSES	3,432,000	.00	3,432,000.00	3,432,000.00	.00	.00	100.0%
	TOTAL OTHER EMPLOYEE BENEFITS	3,432,000	.00	3,432,000.00	3,432,000.00	.00	.00	100.0%
945	RISK MANAGEMENT							
2	EXPENSES	440,454	.00	440,454.00	366,607.16	.00	73,846.84	83.2%
8	ENCUMBRANCES	45,150	.00	45,150.00	.00	.00	45,150.00	.0%
	TOTAL RISK MANAGEMENT	485,604	.00	485,604.00	366,607.16	.00	118,996.84	75.5%
950	COMPENSATED ABSENCES							
1	PERSONAL SERVICES	90,000	30,000.00	120,000.00	135,988.53	.00	-15,988.53	113.3%
	TOTAL COMPENSATED ABSENCES	90,000	30,000.00	120,000.00	135,988.53	.00	-15,988.53	113.3%
	GRAND TOTAL	170,737,308	857,121.90	171,594,429.44	133,743,095.51	4,562,304.83	33,289,029.10	80.6%

\*\* END OF REPORT - Generated by Strother, Sheryl - FIN \*\*





THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES  
DEPARTMENT OF VETERANS' SERVICES  
600 WASHINGTON STREET, 7TH FLOOR  
BOSTON, MASSACHUSETTS 02111

TEL: (617) 210-5480 FAX: (617) 210-5755 TTY: (617) 210-5883  
WWW.MASS.GOV/VETERANS

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

MARYLOU SUDDERS  
SECRETARY, EOHHS

FRANCISCO A. UREÑA  
SECRETARY, DVS

May 14, 2018

Department of Veterans' Services  
Attn.: Blythe C. Robinson, Chair  
West Suburban Veterans' Services District Board  
525 Washington Street  
Wellesley, MA 02482

Dear Mrs. Robinson:

On May 1, 2018 Department of Veterans' Services (DVS) received West Suburban Veterans' Services District reapplication for continued operation of a veterans' services district for the Towns of Needham, Wellesley, Weston and Wayland. DVS has completed its sufficiency review of your reapplication for continued operations the West Suburban Veterans' Services District. The Towns of Needham, Wellesley, Weston and Wayland hereby are granted approval for a period of three years commencing on the date hereof to operate the West Suburban Veterans' Services District under the terms presented in your reapplication and in compliance with all applicable laws, regulations, and directives of DVS.

Although approval is granted for the West Suburban Veterans' Services District, the district does not fully comply with the staffing recommendations set forth in DVS's Directive, *A Guide for Establishing Veterans' Services Districts under Chapter 115*. Pursuant to the authority vested in the DVS Secretary under sections 2 and 14 of chapter 115 of the general laws, we recommend that a district with a population of 84,123 should employ a full-time Director, a full-time veterans' agent, and two full-time clerical staff member. Based on the 2015 per capita income and the 2018 case load data of the district, staffing recommendations are being adjusted proportional.

During the approval period, the West Suburban Veterans' Services District must demonstrate to DVS the district's ability to adhere to all legal requirements, meet DVS's uniform standards, and demonstrate that sufficient veterans' benefits and services are being provided adequately to veterans and their eligible dependents residing in the Towns of Needham, Wellesley, Weston and Wayland. If it is determined by DVS that the West Suburban Veterans' Services District is being operated under terms other than those presented in your application or is being operated not in compliance with any applicable law, regulation, or directive of DVS, the Secretary, at his discretion, revoke this approval and deem the district dissolved.

Department of Veterans' Services  
Attn.: Blythe C. Robinson, Chair  
West Suburban Veterans' Services District Board  
Page Two

This approval is effective for three year from the date hereof, and shall expire on June 30, 2021. If you wish to continue to operate the West Suburban Veterans' Services District after this expiration date, then you must make re-application for continued veterans' services district status not later than 30 days prior to the end of each constituent municipality's fiscal year, and every two years thereafter.

We look forward to serving our veterans and their eligible dependents with you. Please feel free to contact me if you have any additional questions concerning veterans' benefits.

Very truly yours,

A handwritten signature in black ink, appearing to read "Evan Makrinikolas", written in a cursive style.

Evan Makrinikolas  
Director of Benefits  
Department of Veterans' Services



Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000  
FAX: 617.854.1091 | [www.masshousing.com](http://www.masshousing.com)  
Videophone: 857.366.4157 or Relay: 711

May 29, 2018

Ellen F. Gibbs, Chair  
Board of Selectmen  
Town of Wellesley  
525 Washington Street, 3<sup>rd</sup> Floor  
Wellesley, MA 02428

**Re: Proposed 40B – The Crossings  
Wellesley, MA  
MH ID No. 994**

Dear Ms. Gibbs:

MassHousing is currently reviewing an application for Site Approval submitted by Riverview Crossing, LLC (the Applicant). The proposed development will consist of 64 rental units of housing on approximately 0.96 acres of land located at 136 and 140 Worcester Street in Wellesley, MA.

The Site Approval process is offered to project sponsors who intend to apply for a Comprehensive Permit under Chapter 40B. MassHousing's review involves an evaluation of the site, the design concept, the financial feasibility of the proposal, and the appropriateness of the proposal in relation to local housing needs and strategies. As part of our review, we are soliciting comments from the local community and we would appreciate your input. You also may wish to include in your response, issues or concerns raised by other city boards, officials or other interested parties. Pursuant to the Massachusetts General Laws Chapter 40B regulations (760 CMR 56.00) your comments may include information regarding municipal actions previously taken to meet affordable housing needs such as inclusionary zoning, multifamily districts adopted under G.L. c.40A and overlay districts adopted under G.L. c.40R. Your comments will be considered as part of our review.

We have been informed by the Applicant that the Town has received a copy of the application and plans for The Crossings. Please inform us of any issues that have been raised or are anticipated in the Town's review of this application. We request that you submit your comments to this office by Thursday, June 28<sup>th</sup> so we may process this application in a timely manner.

During the course of its review, MassHousing will conduct a site visit, which Local Boards, as defined in 760 CMR 56.02, may attend. The site visit for The Crossings has been tentatively scheduled for Wednesday, June 13<sup>th</sup> at 10:00 a.m. Please notify me promptly if any

representatives of your office or if other Local Boards plan to attend the scheduled site visit.

Please note that if and when an application is submitted for a comprehensive permit, assistance is available to the Wellesley Zoning Board of Appeals (ZBA) to review the permit application. The Massachusetts Housing Partnership's (MHP) *Ch. 40B Technical Assistance Program* administers grants to municipalities for up to \$15,000 to engage qualified third-party consultants to work with the town's ZBA in reviewing the Chapter 40B proposal. For more information about MHP's technical assistance grant visit MHP's web site, [www.mhp.net/40B](http://www.mhp.net/40B) or e-mail MHP at [pcrean@mhp.net](mailto:pcrean@mhp.net).

If you have any questions, please do not hesitate to contact me at (617) 854-1116.

Thank you for your assistance.

Sincerely,



Katherine Miller  
Planning and Programs

cc: Blythe C. Robinson, Executive Director  
Richard L. Seegel, Chairman, Zoning Board of Appeals  
Michael Zehner, AICP, Town Planner



# Local Government Workforce Skills Gap Report

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Preparing Future Local Government Finance Officials

## Introduction

The impact of local government does not require deep data analytics or a lengthy white paper to understand. It can be seen in the average day of a third grader. On a cold winter morning, she boards the school bus to travel streets cleared and salted by a DPW crew. After passing by the police station where officers are beginning their shift, she arrives at her public school and spends part of her afternoon with an intergenerational reading mentor from the town's Senior Center. After the final bell rings, her father takes her to the public library, then to the fire station where they drop off a donation for the toy drive. As she rides home in the backseat, they pass the nearby playground, the town hall, and a recycling truck making its rounds. They pull into their driveway just as the street lights come on. The third grader may not understand what it takes to craft a budget that funds the roads, builds her school, or polices the streets, but she can see that all the people, resources and services add up to her community.

The cities and towns of the Commonwealth of Massachusetts rely on a dedicated core of municipal finance officials to sustain and support them. The following report will address the current administrative and staffing climate within these municipalities as they face a dwindling number of these professionals. It will explore ways to encourage interest in public service in those who may not have previously considered a career in the field and in the next generation of local officials. It will emphasize a collaborative approach between state and local government, academia, professional associations and other partners. Each of these entities has an interest and commitment to addressing this important issue through practical steps, policy revisions and new initiatives. Developed through the Lieutenant Governor's Local Government Workforce Skills Gap Working Group, the recommendations contained within this report provide a roadmap designed to benefit the Commonwealth's residents, both now and in the future.

## Section I: Understanding the Challenges Ahead

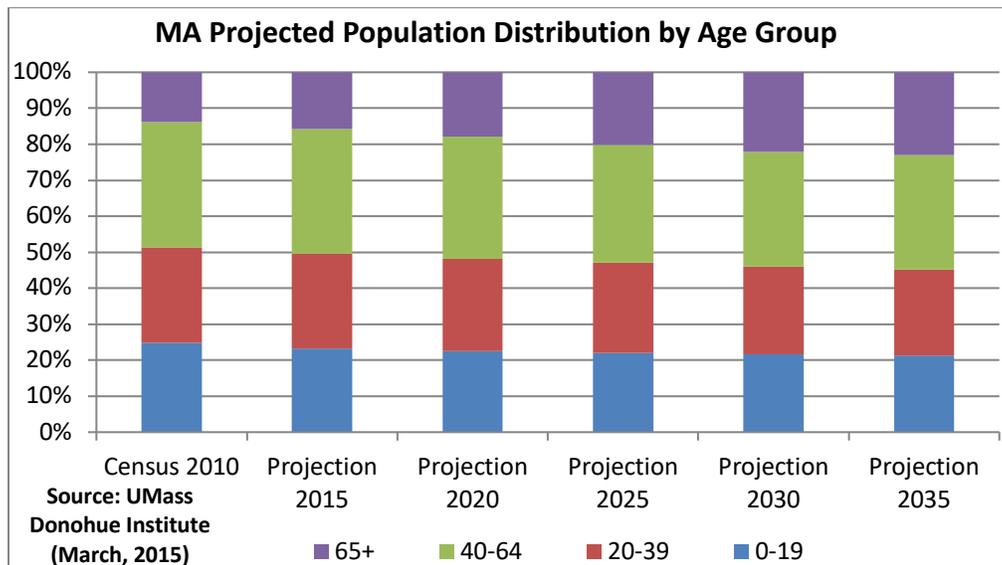
Massachusetts is home to 351 cities and towns, each with its own distinct characteristics and challenges. From the Blue Hills to the Berkshires, local governments have served as the backbone of the Commonwealth since its inception. Municipalities provide the services, programs and infrastructure residents rely on every day for education, public safety, recreation, waste management, public health, elder services, and many other responsibilities. The combined cost of delivery for these services totals over \$26B and results in some of the highest-rated public schools and quality of life of any state in the country.

An aging municipal workforce coupled with a limited pool of qualified replacements means cities and towns face the same challenge: identifying and attracting capable municipal finance employees. Professional and effective budgeting, collections, capital planning, and accounting lay at the foundation of good governance. Proper fiscal management is integral and necessary to plan, support and deliver core services to every resident, in every neighborhood, in every corner of the

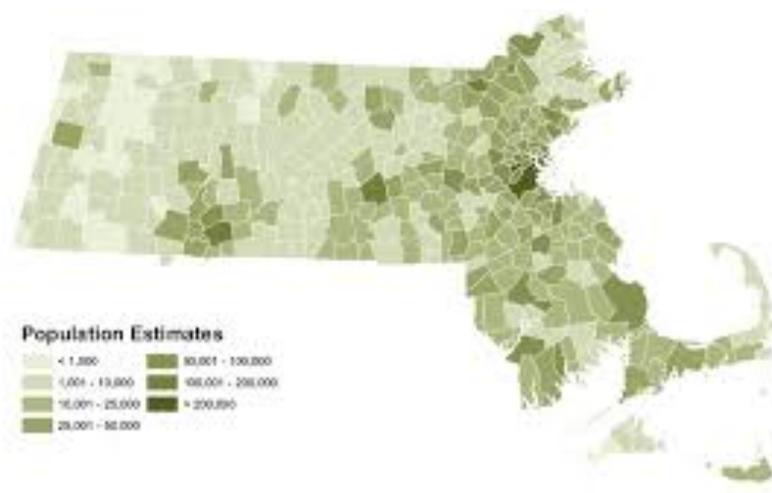
*A 2015 study by Accenture reports 64 percent of 70 public sector leaders across 18 states report difficulty attracting and retaining talent. Similarly, a recent Pew Research study found that state HR organizations were challenged to recruit and retain skilled workers.*

**“Winning the War for Talent in the Public Sector” - Government Executive 2/16/18**

Commonwealth. As time passes, this issue compounds as retirements increase and available, qualified finance professionals become scarce, particularly in certain regions of the state.



In order to understand the impact on local governments, it is important to acknowledge the population dynamics of the Commonwealth. Massachusetts is predominantly comprised of small towns and a few large population centers. Nearly 75% of municipalities have a population less than 20,000. The median population is 10,000. The median municipal budget is approximately \$30M. These budgets are crafted, reviewed and implemented by a relatively small collection of municipal finance professionals and that workforce is dwindling. In smaller communities, financial management duties are often limited to part-time employees. These same individuals may perform similar functions for multiple towns, thereby cobbling together the equivalent of a full-time salary.



Given this current structure and the lack of support staff, one can see the obvious ripple effects that occur when an employee retires or leaves local service. With no existing support staff, key financial positions remain unfilled or lack qualified professionals. Communities in Central and Western Massachusetts are particularly vulnerable as they already face recruitment challenges. With a limited existing career ladder, upward mobility is often limited for local officials who find the best path for advancement through transitioning from a smaller community into larger municipality where higher pay generally attracts more qualified candidates. The lack of opportunity will soon give way to a different problem, a statewide scarcity of qualified professionals.

A recent membership survey by the Massachusetts Municipal Associations (MMA) provided some hard data around the issue. It found that 33% of Treasurer/Collectors and 23% of Accountants/Auditors/ Comptrollers plan to retire within the next five years. Across all vacancies within municipal government, less than 10% of the survey respondents had identified qualified internal candidates ready to step into vacancies. As a result, cities and towns across Massachusetts may soon struggle to maintain the necessary fiscal management required to accurately account for and provide adequate internal controls on municipal funds, comply with existing mandates and statutes, collect and invest municipal revenues, maintain bond ratings, manage debt, and plan, support and deliver core services.

## Section II: Perception vs. Reality - Generating Interest in Local Government

The negative stereotypes of government employment are ubiquitous. It is portrayed as stagnant, redundant work for inadequate compensation in an environment that discourages growth and innovation. The term “bureaucrat” is far more pejorative than empowering. All too often, the realities and benefits of public service are overshadowed by this perception. When these commonly held views are filtered through a lens of political division and argument, it is understandable why many young people and experienced professionals prefer to avoid a career in government altogether.

A private corporation suffering from such a negative image might seek to rebrand. To combat this perception, every effort should be made to highlight the universal appeal and quality of life benefits of public service. Such a career allows an individual a seat at the public policy table to address the challenges in his or her own community. These noble pursuits, coupled with the more practical enticements of defined pension benefits and health insurance while both as an active employee and as a retiree, are both attractive and compelling. While not all may be drawn to benefits that require decades of service to attain, some might. Viewed on the whole, a steady, fulfilling career in a field that can directly and positively benefit those around you can rival many alternatives.

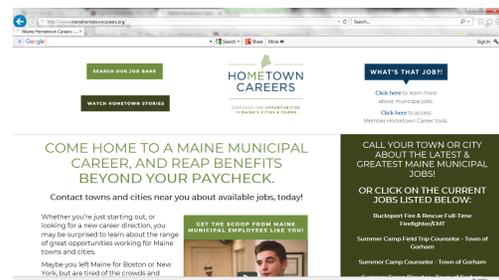
*Survey respondents listed pension benefits as less important to younger workers than to workers in general. State directors ranked pensions as the most important employee benefit for workers as a whole. But for those under 30, pensions were third most important. Pew’s earlier survey of state and local workers mirrored these results. Only 33 percent of workers younger than 30 said retirement plans were extremely important to them compared with 51 percent of workers 50 and older.*

**The Pew Charitable Trusts “Preparing for Retirement”**

While Massachusetts is home to many institutions of higher education providing associates, bachelors and advanced degrees, the competition for talent in the areas accounting and finance is fierce. Municipalities must attract new employees that are also deeply desired by banking, consulting, technology and finance service companies. To generate interest in public service and dispel the stereotypes, an alternate narrative must target two distinct demographics: mid-career professionals looking for changes to their current workstyle (Baby Boomers/Gen-Xers), and people with limited experience or those entering the workforce for the first time (Millennials). Recruiting the former will temporarily address the immediate need for skilled financial professionals, while engaging the latter will foster the next generation of public servants.

Efforts to reshape public opinion, at least at the local level, could take many forms. For example, statewide and local news outlets could feature opinion pieces and highlight the ongoing need for dedicated public servants. Association meetings with chief elected officials (mayors, selectmen, councilors) could feature surrogate speakers as advocates. An advertising campaign could develop a short video similar to the “Life Well Run” campaign by ICMA to be shown by community access channels. While these outlets may reach certain age groups, efforts must also be made to engage other demographics in more appropriate ways, particularly for those that rely more heavily on social media to receive information. If local government seeks to compete in the modern job market, it must learn from and reflect the Millennial recruitment efforts of its private sector and non-profit counterparts.

Other states have embraced online tools to highlight and promote public service employment. For example, the state of Maine’s municipal association has launched [www.mainehometowncareers.org](http://www.mainehometowncareers.org), a website designed to recruit Millennials into open municipal positions available across the Pine Tree State. The site provides first-hand accounts of current local officials, links to job postings, and detailed descriptions of those jobs. In Massachusetts, the MMA website currently features similar postings and efforts are underway to make this section more prominent and accessible. However, there currently exists no readily-available, modern website that serves as both a promotional tool and clearinghouse to inform and attract potential new hires outside the traditional platforms of government and the related associations.



Local government must also reexamine the way in which job openings are advertised. Currently, openings within a city or town can differ greatly due to a lack of available support and resources. For example, a small town with no full-time human resources staff might post an opening on that municipality’s website and end its recruitment efforts then. A different town may do the same, but also notify the related professional association (e.g., collectors/treasurers association, accountants/auditors). A city with dedicated human resources staff might utilize a job search engine and ask that the opening be posted on the MMA website. In the previously mentioned survey, very few of the 118 respondents indicated that they had ever used a professional recruiter to assist them in finding a qualified replacement. There exists no uniform approach or roadmap to effectively place potential applicants with available municipal finance positions.

To address this ongoing issue, leadership development programs and other job fair resources should be accessed more frequently. Many people attending these programs possess a natural inclination toward social justice and civic engagement. They also may be more willing to shift careers to something they see as honorable and fulfilling, particularly when the benefits of service are also tangible. In addition to engaging leadership forums, every effort should be made to allow cities and towns to leverage the immense reach of the Commonwealth’s centralized MassCareers job posting system. With thousands of job-seeking users, this system stands as an untapped resource to connect communities with qualified professionals nearby. Should any of these existing professionals find employment within a municipality, instructional trainings and guidance should exist to ease their transition to the structure and regulations of municipal finance.

### Inspiring the Next Generation

While addressing the immediate needs cities and towns have to fill municipal finance positions is apparent and important, the greater challenge lies in inspiring the next generation. Very few consider public service as a viable and attainable career path. The financial lure of private sector positions, the flexibility and immediate rewards of the gig economy and the wide-spread negative stereotypes of government careers often eliminate public service from even initial consideration. This problem is further exacerbated by careers paths that lack upward mobility in many areas, particularly in smaller communities. Potential candidates must often be willing to relocate to larger municipalities to take advantage of advancement opportunities. Those that do pursue municipal finance often must possess a drive and willingness to “stick it out”, which requires both foresight and patience.

*Without the program, I wouldn't have been introduced to governmental accounting until my master's program. I do think that this is a missed opportunity for governments as well as students. Academia has to begin introducing it earlier in the undergraduate programs.*

**Bayleigh Young - UMass Lowell Municipal Co-Op Student**

Should cities and towns seek to develop such individuals, their best hope may lie in promoting and expanding civics instruction at local schools. In early, secondary and high school curriculums, students must learn the importance of local government and its role in their day-to-day lives. Given the Commonwealth's rich history, educators have a wealth of teachable examples to choose from and they might also consider inviting state and local officials to participate in a “Local Government Day” to support their efforts. At the high school level, a public finance and governmental accounting component should be included in any business-related accounting offerings.

A more concerted effort must be made to include governmental and fund accounting courses at both two- and four-year public and private higher education institutions. Public policy and administration programs should also include municipal finance components. Professional associations and the Department of Revenue's Division of Local Services (DLS) could also assist in developing training programs for course credit for students interested in municipal finance. Ultimately, many of these courses may be best suited for online learning platforms. To develop such a curriculum, interested educational institutions should collaborate to develop such modules, as well as certificate and degree programs.

**Number and Percentage of Local Government and Business Degrees by Degree Type (2016 - Public and Private Institutions)**

	Associate's degree	Bachelor's Degree	Post-baccalaureate Certificate	Master's Degree	Post-Master's Certificate	Doctor's Degree
<b>Local Government and Business</b>	2,623	17,378	220	14,059	123	2,480
<b>% Local Government and Business</b>	19%	26%	14%	36%	15%	29%
<b>All Degrees</b>	13,777	67,057	1,585	38,550	845	8,475

Lastly, there is an overwhelming need for internship programs, fellowships and practicum opportunities in local government. Connecting high school, community college course, and two and four year college offerings and the many job openings within municipalities would be mutually beneficial. Current internship opportunities remain scarce, as many communities with the most dire needs lack the resources to attract existing professionals, let alone the means to offer temporary paid positions to individuals who may or may not make a long-term commitment. This is why the course credit approach may be the best to take.

Certain opportunities do exist for students to learn and develop real-life skills in a community, such as the University of Massachusetts at Lowell's Professional Co-Op Program. However, these opportunities are limited. The development of an "internship toolkit" offered by established academic institutions and available to municipalities across the state would provide a structured framework for communities to foster the development of potential future employees while providing students with important municipal experience and course credit. Developing and promoting a clear pathway that educates and inspires future public servants, provides them with the skills and tools to perform, then guides them to job placements would ultimately benefit not just the municipalities that employ these future leaders, but the Commonwealth as a whole.

### **Section III: The Role of Professional Associations**

Currently, there are multiple professional associations that represent municipal officials, including the Massachusetts Collectors/Treasurer's Association (MCTA), the Massachusetts Municipal Auditors and Accountants Association (MMAAA), the Massachusetts Government Finance Officers Association (MGFOA), the Massachusetts Municipal Managers Association (MMA), and the Massachusetts Municipal Personnel Association (MMPA). The primary role of these organizations is on-going professional development/continuing education. The Working Group explored what, if any, additional roles professional associations could play and/or what changes to their current roles and structures could be made to enhance their ability to help train the next generation of municipal officials.

The MCTA currently runs a robust certification program with two tracks – one for collectors and one for treasurers. To become a certified collector/treasurer, the individual must complete a three-year program, which is a one-week program offered annually at UMass Amherst. The program is open to anyone who works in a municipal collector/treasurer office; however, only collectors/treasurers and assistant collectors/treasurers can take the exam and become certified.

The MMAAA also runs a robust certification program with three tracks: beginner, intermediate, and exam preparation. The program and examination to become a Certified Governmental Accountant (CGA) is based upon the individuals' level of education and experience. A one-week education program is offered annually at UMass Amherst that is open to anyone who has accounting responsibilities in a municipality; however, the individual must be a member of the association which limits the audience eligible to participate.

The purpose of the MGFOA is to enhance and promote the professional management of governmental financial resources by identifying, developing, and advancing fiscal strategies, policies, and practices for the public benefit.

The MMMA is a professional association dedicated to serving appointed chief and assistant municipal managers and administrators in Massachusetts cities and towns. The MMMA exists under its parent organization, the Massachusetts Municipal Association (MMA). Included in its mission statement is “[T]o provide professional development through education and specialized training opportunities.” One of those is an annual “Boot Camp” for new or aspiring managers/administrators, which focuses on core issues such as finance, human resources, and labor.

The MMPA is committed to maintaining a standard of excellence in the field of municipal personnel administration. The Association is an affiliate group of the MMA and provides professional guidance to more than 200 cities and towns throughout Massachusetts in areas including municipal compensation and benefits, Civil Service procedures, collective bargaining, affirmative action, and training. They also run an annual “Boot Camp” for new or aspiring human resources professionals.

While not a professional association, the state’s Division of Local Services (DLS), which is part of the Department of Revenue (DOR), supports local officials in all communities to achieve sound and effective fiscal management through guidance, training and oversight. Its bureaus are responsible for ensuring the fairness and equity of local property taxation, the accuracy and quality of local accounting and treasury management, interpreting state laws that affect local governance, distributing local aid, and maintaining a comprehensive databank on local finances. Another key part of DLS’ mission is to provide various training and seminars to local officials including “What’s New in Municipal Finance Law”, “New Officials Finance Forum”, and “Assessment Administration: Law, Procedures, and Valuation”, better known as “Course 101”. In fact, DLS teaches some of the classes at both the MCTA’s and MMAA’s annual schools held at UMass Amherst.

#### Increased Accessibility to Programs

A key question that was explored was whether the MCTA’s and MMAA’s certification programs should be available to anyone who expresses interest in the field rather than to just current members. Doing so would help in three areas:

1. interested college students who want to prepare for the profession;
2. the municipal employee who aspires to advance their career; and
3. the mid-career person who wants to leave the private sector and enter into a career in local government

Both associations are open to exploring how to open up their programs to a larger audience, as they recognize the importance of their programs and how beneficial they can be as part of the effort to prepare the next generation of municipal finance officials. Initial thoughts include exposing college students to the associations’ programs on a for-credit basis and collaborating with community colleges and universities to create a student member status. The MCTA is in favor of permitting non-office holding individuals to attend and take classes at the annual education week at UMass Amherst, along with other educational opportunities the Association offers, and may perhaps develop a discounted “student” membership classification for college students.

In addition, DLS is well-positioned to play a larger role in this effort. The concept of joint DLS-Professional Association “training teams” was discussed. All three entities have expertise, experience, and willingness to develop a program where a team is available to help new employees who cannot wait for the associations’ annual schools to get trained (e.g., the newly elected collector/treasurer and

the new local finance officer hired just after the schools hold their training). Also, DLS could provide a program where college students spend a portion of the summer learning about municipal finance and earn class credits.

Another outcome from this part of the Working Group was the recognition that the professional associations need to start working collaboratively with institutions of higher education, whether they are public or private, 2-year or 4-year.

#### **Section IV: Removing Statutory Hurdles and Considering Alternative Delivery Models**

While some aspects of this issue such as fostering and training the next generation of municipal finance professionals may take years to develop, there are certain steps that can be taken to immediately address and ameliorate the matter. Removing existing bureaucratic hurdles and encouraging innovative partnerships are two ways to improve current fiscal management operations in cities and towns across the state. The former will modernize and update policies and statutes to reflect the current employment landscape and the latter will ensure sustainable and accountable service models and financial structures in communities that may need it most.

##### Update Existing Laws to Empower Communities

Current pension laws restrict the ability of retired managers/administrators and finance officials to work for municipalities. Such an obstacle reduces an already dwindling pool of qualified people who can provide highly in-demand municipal finance services (interim town manager/administrator, interim town accountant, etc.) by limiting the amount of compensated time they can perform these services. In the current system, a retiree collecting a public pension can only work up to 960 hours per year and earn the difference between the current salary of the position they retired from and their pension. An example from the Public Employee Retirement Administration Commission (PERAC) illustrates these circumstances.

- Employee retired from his position as an accountant in July and is receiving a pension of \$30,000 a year. The employee then goes back to work part-time for his community's town manager after retirement.
- The current salary of the position Employee retired from is \$50,000 per year. Until December of the calendar year following his retirement, Employee is limited to the total salary (\$50,000) minus Employee X's pension total (\$30,000), or \$20,000 per year (or at 960 hours per year, whichever comes first).
- The following year, once Employee has been retired a full calendar year, s/he can earn the total salary (\$50,000) minus the pension total (\$30,000) plus \$15,000. This would raise Employee's potential total earnings to \$35,000 per year, while still prohibiting him/her from exceeding 960 hours of total service hours.

Similar regulatory barriers also exist should a retired public employee decide to form his or own company or seek work at an existing one. According to PERAC, "for persons who retire after July 1, 2009, earnings as a consultant or an independent contractor are limited. A retiree may not avoid the limitations by forming a company if the primary reason for the formation is to avoid the limitations." For example, a retired town accountant cannot go to work full-time for a Certified Public Accounting

(CPA) firm that provides municipal accounting services, because s/he would be restricted to 960 total hours. While former municipal employees are subject to these rigid standards, it should be noted that such restrictions do not apply to public education employees, such as school superintendents and principals.

Hourly and wage caps exist for certain retired educational professionals. However, pursuant to M.G.L. c. 32, § 91(e), the earnings limitations for potential returning retirees in Massachusetts public schools are eased in the event of a “critical shortage” in a position as determined by the Department of Elementary and Secondary Education (DESE). To that end, DESE adopted regulation 603 CMR 7.14(13)(b), allowing the Commissioner to deem that a district has a “critical shortage” upon the request of a superintendent and demonstration that the district has made a good-faith effort to hire non-retirees and has been unable to find them. On a related note, the Massachusetts Teachers’ Retirement System (MTRS) website states, “there are no restrictions on employment in the private sector, public employment in another state or employment with the federal government.”

While removing these existing statutory hurdles would not provide a long-term solution to a lack of municipal finance professionals, it would allow for increased hiring flexibility in all municipalities. Should concerns exist about making such modification permanent, these measures could incorporate a sunset provision, thus allowing for at least a temporary, but immediate, positive impact on the current employment climate in cities and towns. Should the aforementioned suggestions prove helpful, it may also allow for the reconsideration other pension-related hurdles that hinder attracting mid-career employees from private sector. For example, a mid-career professional leaving the private sector for a public sector position may be deterred by the requirement to contribute to a defined-benefit system they may never access if they are already above the age of 55.

Long-term solutions through legislative reform do exist, particularly as they relate to current regulations on shared municipal services. Currently, the Ethics Commission’s ruling regarding shared employees has deemed that a shared municipal employee is barred by G.L. c. 268A, § 17 from acting on matters in which the other participating municipalities also have a direct and substantial interest. This effectively eliminates the ability of municipalities to share a town administrator (or any other official) whose duties would likely include discussing, recommending and implementing regional or joint solutions for delivery of municipal services. Such a limitation was recently addressed through special legislation for towns of Lee and Lenox, who are now sharing a town administrator, by amending Section 17 of M.G.L. Chapter 268A. The legislation stated, “a municipal employee of the town of Lee, the town of Lenox, or the town of Stockbridge shall not be prohibited from receiving or requesting compensation from, or from acting as an agent or attorney for, the town of Lee, the town of Lenox, or the town of Stockbridge; provided that the employee is acting within the scope of the employee's official duties pursuant to an inter-municipal agreement entered into pursuant to section 4A of chapter 40 of the General Laws.”

Amending the existing statute to allow for inter-municipal employee agreements would make what has been widely considered a local success in Western Massachusetts a viable option for municipalities across the state. As part of a recent supplemental budget bill filed by Governor Baker, such a change to general laws was proposed.

### Supporting Alternative Delivery Models

Alternative delivery models warrant consideration in any municipality where the existing structure of

their own part-time or full-time staff is no longer feasible. Contracting out to professional accounting service firms or exploring regionalization is not a panacea for all communities, but they are certainly viable options. Municipalities regularly pursue alternative delivery models due to a lack of qualified applicants for existing jobs or an immediate need that does not allow for a new employee's learning curve. These approaches can be either interim or permanent in nature and include a variety of services, such as auditor/accountant/comptroller, treasurer or treasury personnel positions (e.g., administration), accounts payable/payroll positions (e.g., clerical), school business manager, and human resources responsibilities. Outside professionals can also be hired to perform special projects such as chart of accounts redesign, financial system implementations, year-end support, state reporting, financial reconciliations (i.e., cash, accounts receivable, etc.) and specialized financial analysis. Collection firms currently exist that provide some services for municipalities and private banks have the potential to perform certain cash management functions.

For municipal finance needs, CPA firms can offer a wider pool of well-trained employees with readily available skillsets. Also, unlike when a municipal employee leaves service, there is no gap in service, since the CPA firms have multiple employees in these areas of expertise. Communities determine a level of service and pay for that service without the costs associated with employment benefits (i.e., active/retiree health insurance, pension, etc.). Although the hourly rate of a consultant may be higher than the traditional employee, the total consultant/outsourced costs over the long-term may be lower than an employee who retires with the full benefits package. Such an approach is also utilized for legal services in many communities where municipal legal duties are handled by outside counsel.

With the ability to work remotely, private firms also offer the opportunity for statewide support. For example, a small town in western Massachusetts has a 20 hour per week town accountant role. Typically, the town accountant in such an area performs multiple duties ranging from processing accounts payable to end-of-year reporting. In this instance, permanent outsourcing would most efficiently work with multiple consultants. A junior consultant could be used for the accounts payable processing, while a more senior consultant could be used for the financial reporting, budgeting and decision-making tasks. Many of these tasks could be performed remotely, but a senior consultant would need to be onsite for periodic meetings with management, governance and as determined by individual contracts.

Of course, any local decision to pursue a private services model entails the associated fees commensurate with such services. Local officials may receive feedback from residents who prefer a more community-centric approach, even if greater efficiency means overall spending does not increase. In addition, as part of a finance team, a dedicated municipal employee familiar with finance is a valuable asset to a town manager or town administrator. This employee may, in turn, be more accessible to discuss financial issues as needed. Local accounting office employees also often acquire other tasks, such as purchasing, fiscal oversight and advisory duties for municipal departments, or special projects at no additional cost.

Additionally, there is a finite number of public accounting firms and they too face recruitment challenges, particularly when compared with the compensation offered to professionals performing annual audits. On a related note, CPA firms who provide "managerial\decision making duties" to a municipality cannot audit it, as CPA firms can only perform certain duties without compromising independence. Finally, because these entities operate on a for-profit basis, should demand for these services increase, it can be assumed that the cost of such services would follow suit. Therefore,

communities considering any outside contract should perform a cost analysis when considering permanently outsourcing a position.

Another alternative model is the regionalization of service delivery. The Franklin Regional Council of Governments (FRCOG) has provided a successful accounting services model to its towns that could be replicated in other areas of the state. Whereas full-time employment opportunities may be scarce in smaller communities, combining the local needs of several towns allows an organization to offer full-time, benefited work that can then help attract a pool of more qualified candidates. One organization serving several towns allows for the development of similar procedures, policies and charts of accounts streamlines services and increases efficiency. For example, FRCOG utilizes its accounting software package for its operations, thereby eliminating individual expenditures for that software for its municipal clients.



Such shared service models also remove programmatic and operations gaps that may occur at the local level due to a single employee's vacation and sick leave and, in the event of hazardous weather or other issues, work can be done off-site. One field of potential collaboration is in local assessment duties. These responsibilities are currently contracted out to private firms in many communities, but pursuing the regionalization of these services could prove both more efficient and cost-effective.

Should communities pursue regionalization, they should be aware of all related outcomes and circumstances. For example, this model is still susceptible to retirements or resignations that would impact all members and leave them without service, at least temporarily. Municipalities should also make every effort to calculate the total costs of any employee (office space, benefit costs, etc.) performing regionalized services because these costs are pooled and divided equally, not based upon municipally-specific duties and workload.

## Conclusion

Both state and local governments face significant challenges in the coming years as they seek to identify, attract and retain professionals for the positions necessary to provide critical services, programs and infrastructure. A concerted and joint effort between state and local government, academia, professional associations and other partners is vital. Formal and informal partnerships must be strengthened where they exist and established where they do not. Each of these entities has an interest and commitment to addressing this important issue through practical steps, policy revisions and new initiatives. A roadmap to success will require specific guidance and direction. To that end, the following "Action Plan" provides clear and concrete recommendations and opportunities for collaboration across these constituencies.

## Action Plan

The following represents 10 recommendations and action items as developed by the Local Government Workforce Skills Gap Working Group. They provide a set of recommendations with a suggested timeframe for implementations and key stakeholders.

### *Short-Term Actions*

1. Promotion of local government – develop an overall strategy to promote careers in public service, including the use of a brief (1 min 15 sec) video highlighting the virtues and benefits of a career in public service. This should be developed as part of a broader campaign appealing to both millennials and mid-career finance professionals who may want to switch from the private sector to the public sector and should be broadcast on multiple platforms including social media. [Human Resources Division, Massachusetts Municipal Association]
2. Recruitment – better utilize modern technologies to make potential job candidates aware of job openings in a comprehensive fashion rather than having 351 separate systems. Included is the use of the Executive Office of Labor and Workforce Development’s existing Jobquest website to connect active jobseekers with available positions in local government and enhanced recruitment tools on the MMA website. [Human Resources Division, Executive Office of Labor and Workforce Development and Massachusetts Municipal Association]
3. Including external candidates in training – the two major professional associations that represent municipal accountants, collectors and treasurers should expand its reach by encouraging non-members to attend their annual professional development programs. Additionally, to enhance awareness and build a pipeline of future members, the associations should collaborate with community colleges and universities to create a student member status. [Massachusetts Collectors & Treasurers Association and Massachusetts Municipal Auditors & Accountants Association]
4. Mentorship programs – develop a joint team of experts that can assist newly appointed or elected municipal finance officials. Existing resources such as the DLS New Officials Finance Forum provide one-day seminars on policies, practices and procedures in local government. More long-term programs that formally support and foster the next generation through mentorship, professional development and career guidance are needed. [Division of Local Services, Massachusetts Municipal Association, Massachusetts Collectors & Treasurers Association, Massachusetts Municipal Auditors & Accountants Association, Massachusetts Government Finance Officers Association]
5. Course credits – a stronger relationship should be developed between public and private colleges/universities that offer finance/accounting programs and/or Masters in Public Administration programs, the Massachusetts Municipal Association, and the professional associations that represent municipal accountants, collectors and treasurers that include providing work-based learning opportunities (internships, co-ops, apprenticeships) for course credit. This collaboration should result in formalized programs and real-life opportunities in geographically diverse settings as well as an “internship toolkit” available to interested cities and towns. [Community College Executive Office, Massachusetts Municipal Auditors &

Accountants Association, Massachusetts Collectors & Treasurers Association, Executive Office of Education, and Division of Local Services]

6. Regional services – evaluate and explore avenues for direct services for Regional Planning Agencies (RPA’s), such as restructuring to the Council of Government (COG) model. The Franklin Regional COG (FRCOG) has developed a successful regional financial management model that could be employed in other parts of the state. [Massachusetts Association of Regional Planning Agencies]

*Medium-Term Actions*

7. Civics education – a comprehensive strategy should be implemented that develops the future local leaders of Massachusetts, including:
  - a. In collaboration with local municipalities, continue to advocate for local support of current efforts to embed civics as a component of the social studies/history curriculum required of all students in the Commonwealth. The roles, responsibilities, and structure of Massachusetts local government should serve as a foundational focal point of the civics component. [Executive Office of Education, Department of Elementary and Secondary Education]
  - b. A statewide Local Government Day, highlighting the key services provided by municipalities and bringing together young students with their local leaders. [Executive]
  - c. High School Business and Financial Services Innovation Pathway Program, as well as Business Technology vocational programs, should include review of local finance as components of the subject framework. To increase access for high school students’ exposure to the possibility of a career in local government finance, professional associations should collaborate with DESE and EOE to develop strategies to partner with additional communities to establish Innovation Pathway and/or Business Technology programs. [Executive Office of Education]
8. Outsourcing services – CPA firms should consider expanding their accounting services program, so that municipalities have another viable service delivery option to consider. [MA Society of CPAs]
9. Legislative changes – consideration should be given to filing legislation that addresses three issues [Executive]:
  - a. Addressing the Ethics Commission’s opinion that a shared municipal employee is barred by G.L. c. 268A, § 17 from acting on matters in which the other participating municipalities also have a direct and substantial interest. This effectively eliminates the ability of municipalities to share a town administrator, or other official, whose duties would likely include discussing, recommending and implementing regional or joint solutions for delivery of municipal services.

- b. Expanding the “critical shortage” exception to the 960 hours of work for retirees that DESE now applies to utilizing experienced teachers and school administrators, to also apply for municipalities’ employment of town managers/administrators and finance professionals. This could be sunsetted after a period of 5 years.
- c. Addressing PERAC’s ruling that, for persons who retire after July 1, 2009, earnings as a consultant or an independent contractor are limited. They have rules that a retiree may not avoid the limitations by forming a company, if the primary reason for the formation is to avoid the limitations. This also applies to a retired municipal employee who goes to work for a private company, not just in the case of the former employee forming a company.

### *Long-Term Actions*

- 10. Higher-education curriculum – an introduction to public finance/accounting should be a component of finance/accounting classes in state-funded institutions of higher education, both 2-year and 4-year programs. Private colleges and universities should also consider the same as part of their curriculum. [Executive Office of Education, Massachusetts Community College Executive Office, Private Education Institutions]
  - a. To address a lack of centralized demand, community colleges should work together to develop online public finance/accounting classes, as well as certificate or degree programs. [MA Community College Executive Office]

**The Local Government Workforce Skills Gap Report is the product of a collaborative effort of a working group convened by Lieutenant Governor Karyn Polito. The following group members provided professional insights and suggestions that made this report possible.**

John Q. Adams – Town of Duxbury (MA Municipal Auditors/Accountants Assoc.)  
    Ronald Arigo – Human Resource Department  
    Sean Cronin – Division of Local Services  
Linda Dunlavy – Franklin Regional Council of Governments (FRCOG)  
Denise Casey – Town of Wilmington (MA Municipal Personnel Association)  
    John Cook – Springfield Technical Community College  
    Chris Giuliani – University of Massachusetts  
William Hart – Massachusetts Community Colleges Executive Office  
Jennifer James - Executive Office of Labor & Workforce Development  
    Robert LePage - Executive Office of Education  
    Bernard Lynch – Suffolk University  
    Kristen McCormack – Boston University  
Katie McCue – Massachusetts Municipal Association (MMA)  
TJ Plante – City of Springfield (MA Municipal Mayors Assoc.)  
Sandy Pooler – Town of Arlington (MA Municipal Managers Assoc.)  
    Kevin Sullivan – Babson College  
Chris Sweet - Town of North Attleboro (MA Collectors/Treasurers Assoc.)  
    Marc Waldman – Town of Wellesley (MA GFOA)  
    Hannah York – CliftonLarsonAllen LLP

June 20th, 1793

June 20th, 2018

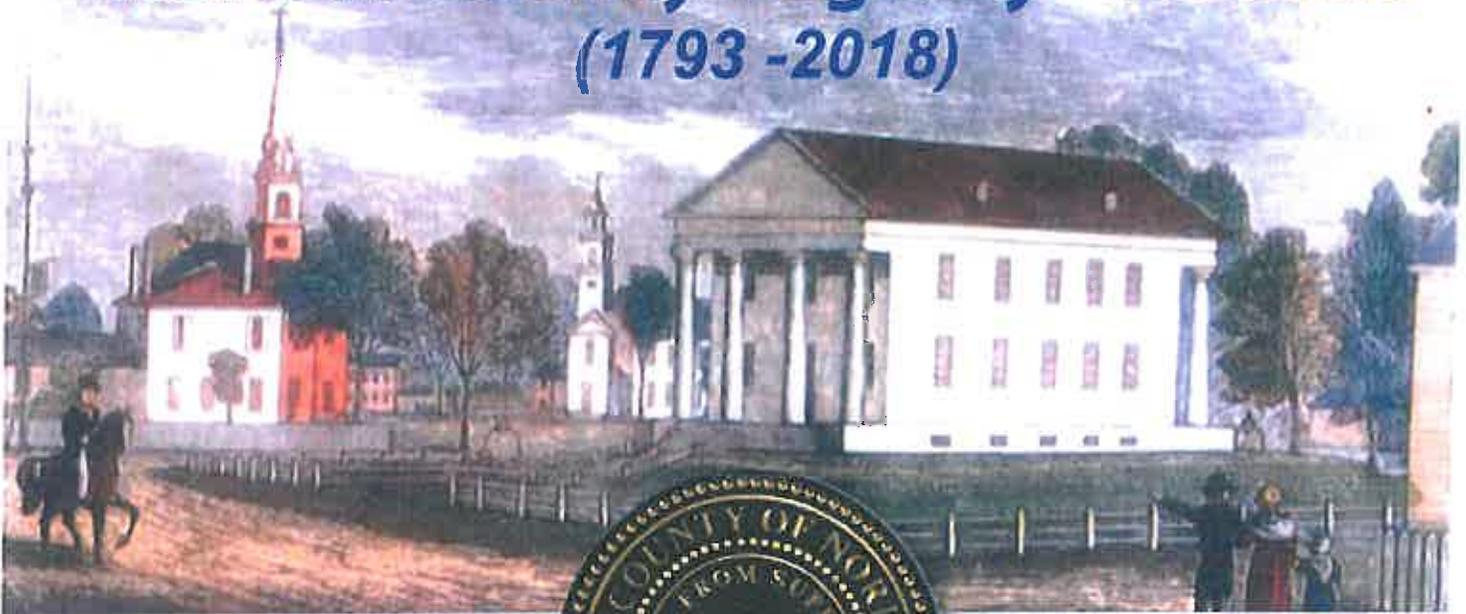
The Register of Deeds, the Honorable William P. O'Donnell  
Respectfully requests the honor of your presence at the  
Celebration of the 225<sup>th</sup> Anniversary of the  
Norfolk County Registry of Deeds  
649 High Street  
Dedham, Massachusetts 02026  
Open House  
June 20, 2018  
4:00 pm – 6:30 pm

Refreshments &  
Entertainment provided by Singing Trooper Dan Clark

4:00-6:30 Open House/Notable Land Records Display  
5:15-5:45 Program and entertainment

Kindly R.S.V.P. to Kristin Sirois (781) 461-6116  
Or [ksirois@norfolkdeeds.org](mailto:ksirois@norfolkdeeds.org)

# Norfolk County Registry of Deeds (1793 - 2018)



## 225th Birthday Celebration Wednesday, June 20

### Norfolk Registry of Deeds

649 High Street, Dedham, MA

**4:00 PM to 6:30 PM**

Music, exhibits, pageantry,  
historical heroes and refreshments

**Free admission.**

For further info, please call 781-461-6116  
or email [ksirois@norfolkdeeds.org](mailto:ksirois@norfolkdeeds.org).

Hosted by Register of Deeds William P. O'Donnell

# OPINION

## A remarkable group of people

By William P. O'Donnell

This year marks a historic milestone for the Norfolk County Registry of Deeds; it is our 225th anniversary. It was back in 1793, John Hancock, then Governor of Massachusetts, signed into law an act creating Norfolk County. If you are today a Norfolk County resident, you proudly believe that it was probably the second most important document that John Hancock, the most prominent signer of the Declaration of Independence, ever signed in his life!

Throughout the years, one of many things that have made Norfolk County a destination place to live, to work and to grow a family is its history.

Norfolk County is known as the County of Presidents because four United States Presidents were born here in Norfolk County—John Adams, John Quincy Adams, John F. Kennedy and George H.W. Bush.

This got me thinking: What about celebrating as part of our 225th anniversary the notable land records of people who have lived or who have owned property in Norfolk County?

After all, the Norfolk County Registry of Deeds is proud of its mission of providing secure, accurate, accessible information of more than 6,000,000 land records.

So as part of our 225th anniversary celebration to be held on Wednesday evening, June 20, at our open house from 4-6:30 p.m. at the Registry of Deeds in Dedham Center, people will be able to browse our notable land records' exhibit, which highlights a truly remarkable person from each of the communities that comprise Norfolk County.

These are people from various centuries. They are an eclectic group of people who made contributions

*Norfolk County is known as the County of Presidents because four United States Presidents were born here in Norfolk County—John Adams, John Quincy Adams, John F. Kennedy and George H.W. Bush.*

in the arts, business, finance, military, education, environment, politics and the law.

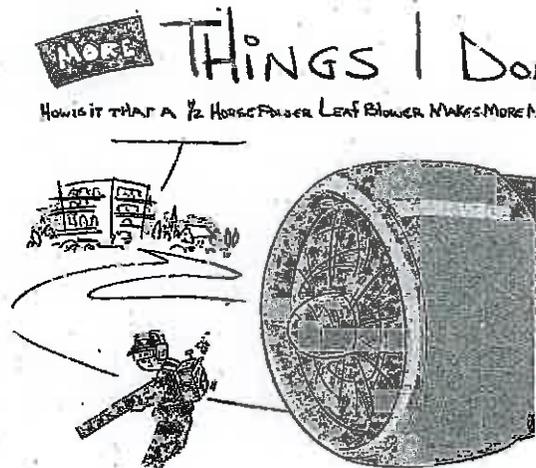
And they have interesting stories to tell to boot, from the young woman who disguised herself as a man to fight in the Revolutionary War, to the U.S. Navy Cross recipient who commanded a submarine in WWII that sunk the largest and most heavily armored carrier ever built, to the woman, born blind and deaf, who later became one of the greatest advocates for the disabled in our country's history and also the girl next door, whose parents owned a local department store, and went on to be nominated for an Oscar and a Tony as well as having her name on the Hollywood Walk of Fame. You can also browse the land record lists of those Norfolk County residents who won Nobel Prizes and others who became Governors of the Commonwealth.

So who are these remarkable people and where did they live?

Well, these land records will be unveiled officially at our 225th Celebration. If you can't make the event and you would like to know their names, we intend to devote a future column detailing the list as well placing it on our website at <http://norfolkdeeds.org>.

In the meantime, if you have questions about the event or would like to attend, which is free admission, please contact [registerodonnell@norfolkdeeds.org](mailto:registerodonnell@norfolkdeeds.org) or call us at 781-461-6116.

### ANOTHER VIEW



## Taking the first steps toward

Sen. Cynthia Stone Creem

For as long as the internet has existed, there has been a power imbalance between consumers and their internet service providers. This imbalance has been fed by three main factors.

First, consumers have only limited information on how ISPs manage web traffic. Second, the limited number of ISP choices that most consumers have, especially outside urban areas. And, finally, while well intentioned, lengthy privacy policies, as required by a California state law in 2003, are often too long and technical to be useful to the average internet customer. In this way, consumers have either had too little information or too much, but both have resulted in a lack of meaningful understanding or privacy protection. But times are changing. Consumers are learning more about how the internet works and where they fit into an ecosystem that sometimes treats them as a customer and sometimes treats them as a product to be sold. There are many companies, social media sites for example, which sell consumer data to advertisers. As consumers become more aware of how these companies work, some are fleeing their services, whereas others are not concerned about the implications for their privacy. However, nowhere are the dual roles of customer and product more confusingly mixed than in the relationship of ISPs and their customers. Customers pay for internet access, whether fixed-line residential internet

or cellular mobile internet. Should we let a company that we already pay for services around and sell our information without our express consent?

The answer is: we shouldn't. We don't have to. I am the chair of the Massachusetts Senate Committee on Net Neutral and Consumer Protection. We have proposed strong legislation that would even the playing field and protect consumers' privacy by prohibiting internet service providers from collecting, using, or disseminating consumer personal data without their consent.

Since the beginning of President Trump's administration, federal government has retreated from key Obama-era privacy and net neutrality protections. Congress acted to prevent implementation of strong privacy regulations that would be applied to ISPs. My committee proposal includes a substantial requirement that ISPs obtain opt-in consent to share customer's data for any reason other than providing internet service. Because these rules had not been put into place, the public backlash over their invalidation was generally limited to public policy circles.

However, the public outcry surrounding the repeal of the FCC's 2015 Net Neutrality Rules has been immense. Under that regulatory framework, ISPs were forbidden from engaging in three different practices. The first practice, "blocking," means preventing a customer from being able to access selected websites altogether. The second, "throttling" involves s-



May 25, 2018

To: Board of Selectmen — *Office*  
✓ Diane Campbell, Chair Board of COA  
✓ K.C. Kato, Town Clerk

I hereby submit my resignation to the Board of the Council on Aging effective June 30, 2018.

In response to a recent inquiry from the BOS, I stated that my intention was to remain on the Board subject to the expectation of coherent and effective board functioning. Events since then do not give me confidence that my continued participation on the Board will serve the COA well. I don't wish to spend my last year on the Board working on a recovery process.

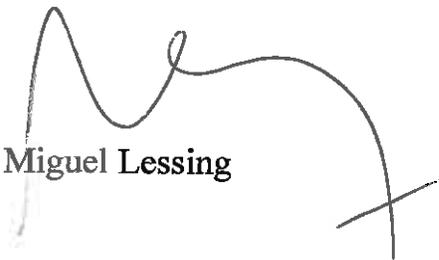
I recognize the good intentions of Tom Ulfelder and Ellen Gibbs to assist the COA by funding an independent facilitator to help overcome the Board's confusion and lack of process, but as the Board's membership will remain mostly unchanged, the process will not be swift.

The last three years have set the stage for a Board better suited to meet the opportunities and challenges the COA faces. However, the current operating style has not made the best use of the enhanced talent.

I am a firm believer of the importance of the Town government's role in supporting the growing 60+ population. I hope the Board of Selectmen increases its understanding of the current predicament of the COA, and as a result, develops a deeper and more active role in bringing about a more coherent, well-functioning Council on Aging.

Sincerely,

Miguel Lessing

A handwritten signature in black ink, appearing to read 'Miguel Lessing', with a large, sweeping flourish extending to the right.



## Jop, Meghan

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**From:** noreply@civicplus.com  
**Sent:** Sunday, May 27, 2018 4:40 PM  
**To:** DL: Board of Selectmen  
**Subject:** Online Form Submittal: Volunteer Form

### Volunteer Form

#### Town of Wellesley Volunteer Form

---

*Wellesley's Town Government relies heavily on volunteers --- those who are recruited, those who are recommended, and those who offer their own services. The appointment of members to various special committees and boards is the responsibility of the Town Moderator and several elected boards. This form will help those making appointments identify individuals who are willing to serve. Besides the committees listed below, there are numerous other opportunities and this form will help in making appointments to those as well.*

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*For information on the activities and responsibilities of various boards and committees look at the Town's website ([www.wellesleyma.gov](http://www.wellesleyma.gov)), or contact a member of a board or committee in which you are interested. For additional information look at the Town Report, available at the Town's website, the Town Clerk's office, and the Wellesley Free Library.*

---

Name	Claire Fitzgerald-OShea
Email Address	<a href="mailto:Cfoshea@verizon.net">Cfoshea@verizon.net</a>
Address	21 Boulevard Rd
City	Wellesley
State	Ma
Zip Code	02481
Home Phone Number	781-237-3146
Work Phone Number	617-953-3007 (cell)
Committees of Interest	Council on Aging
Background/Experience	I am a retired RN, MSN and was employed as a Nurse Director, OR, Brigham & Women's Hospital. I managed a large diverse staff and interacted closely with other hospital staff and

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managers to support the hospitals mission. Currently, I am the serving as President for the Leo J. Martin golf course, Ladies Inner League (1 year term). I have served on the leagues Board of Directors as Nominating Chair and Vice President. I have lived in Wellesley for 40 years.

---

Local Government Experience

I believe that my work experience has been an opportunity to interact with broad segments of society. I did not feel able to commit to service because of my work schedules variability. I have been a resident of Wellesley for 40 years.

---

Particular area of interest, if any

I am interested in supporting the mission of the Council on Aging.

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Email not displaying correctly? [View it in your browser.](#)

The Honorable Selectwoman, Ellen F. Gibbs, Chair  
The Honorable Charwoman of the Planning Board, Catherine Johnson, Chair

6/30/2018

I am writing to ask that the Town under its leadership implement a new policy.

In the mid 1990s, I had the privilege of bringing a sweeping change to the former USSR in introducing the Dewey library cataloging system. Prior to its transition to the market economy the entire USSR used its own print cataloging system, which was not compatible to the rest of the world. In my United Nations office I determined that the first step to the country's development and integration was to introduce systems compatible to the rest of the world. In order to do that, I asked the UN to send me the most qualified information technology expert they could find. At that time the Internet existed but was not used widely and very few people had an email service or a cell phone. Universities were not giving courses in information technology.

The UN found the most qualified person in the world at that time to help me make that transition. The person they selected was the Dean of the School of Library of the University of Costa Rica, Dr. Dinera Sequera, an authority in the field at that time. She came and not only changed the library system but also trained over 100 future IT officials. The program received a commendation from the UN Secretary General. The first question that comes to mind is why Costa Rica?

The answer is simple. The Government of Costa Rica in the mid 1990s, realizing that the Internet was the future and provided access to the Internet to everyone in Costa Rica. It regarded public access to the Internet as a right. At that time Costa Rica had an average life expectancy below that of the US. In 2008 the two countries had the same average life expectancy of 78. Now life expectancy in Costa Rica is age 80 compared to the US, age 79. In 2008, only 2 percent of the global population had access to cell phones but by 2018, there are almost 8 billion cell phones, more than one cell phone per person.

In our lifetime there is no other discovery that has swept the entire world so fast and impacted so many sectors as the Internet: healthcare, education, agriculture, communication, commerce and recreation. And at this moment in time, we in Wellesley can do for the town what Costa Rica did for the entire country two decades ago - provide free access to the Internet. If we succeeded here, there is no doubt that town-by-town the entire country will provide free access to the Internet.

There will be a cost associated with this activity but the providers could be persuaded to cover that cost. If you agree to the concept, given the opportunity to coordinate this activity, I am certain we could get the funds and also make our town Internet/WIFI friendly.

Internet access is the past, the present and the future. You are the bridge to that future and I, therefore, request respectfully that you consider this proposal as an addendum to the Unified Plan. I take this opportunity to thank the Selectwoman Gibbs and her colleagues for proclaiming Rachel Carson Day in Wellesley.

Thank you and best wishes,



*Efiku Kebede-Francis, PhD, MS, MEd*  
11 Oak Street, #4, Wellesley, 02482  
617-304-2040



**CLERK'S NOTICE**

DOCKET NUMBER

**1782CV00944****Trial Court of Massachusetts  
The Superior Court**

CASE NAME:

Town of Wellesley Department of Public Works, Water Division vs.  
The Massachusetts Department of Environmental Protection

Walter F. Timilty, Clerk of Courts

TO:

J Raymond Miyares, Esq.  
Miyares and Harrington LLP  
40 Grove St  
Suite 190  
Wellesley, MA 02482

COURT NAME &amp; ADDRESS

Norfolk County Superior Court  
650 High Street  
Dedham, MA 02026

You are hereby notified that on 05/22/2018 the following entry was made on the above referenced docket:

Endorsement on Motion for judgment on the pleadings MRCP 12(c) (#14.0): After hearing, motion DENIED  
See Memorandum and Order of this date. (dated 5/17/18) notice sent dl

Judge: Krupp, Hon. Peter B

DATE ISSUED

05/22/2018

ASSOCIATE JUSTICE/ ASSISTANT CLERK

**Hon. Peter B Krupp**

SESSION PHONE#

Dictated

**COMMONWEALTH OF MASSACHUSETTS**

NORFOLK, ss.

**SUPERIOR COURT**  
Civil No. 17-944

**TOWN OF WELLESLEY**  
**DEPARTMENT OF PUBLIC WORKS, WATER DIVISION**  
**Plaintiff**

**vs.**

**THE MASSACHUSETTS DEPARTMENT**  
**OF ENVIRONMENTAL PROTECTION**  
**Defendant**

**CONSOLIDATED WITH**  
**Civil No. 18-1**

**TOWN OF HAMILTON**  
**Plaintiff**

**vs.**

**THE MASSACHUSETTS DEPARTMENT**  
**OF ENVIRONMENTAL PROTECTION**  
**Defendant**

RECEIVED & FILED  
CLERK OF SUPERIOR COURTS  
NORFOLK COUNTY  
5/22/18

**CONSOLIDATED WITH**  
**Civil No. 17-1446**

**TOWN OF NEEDHAM**  
**DEPARTMENT OF PUBLIC WORKS, WATER AND SEWER DIVISION**  
**Plaintiff**

**vs.**

**THE MASSACHUSETTS DEPARTMENT**  
**OF ENVIRONMENTAL PROTECTION**  
**Defendant**

**MEMORANDUM AND ORDER ON**  
**CROSS-MOTIONS FOR JUDGMENT ON THE PLEADINGS**  
**AND FOR SUMMARY JUDGMENT**

The municipal plaintiffs in these consolidated actions seek declaratory and mandamus relief to compel the Massachusetts Department of Environmental Protection ("DEP") to

promulgate a current renewal registration statement form under the Massachusetts Water Management Act (“the WMA”), G.L. c. 21G, or to deem the registration renewal statements filed by each of the municipalities as accepted; rather than to construe each municipality’s prior renewal registration statement as having been extended by four years under the Permit Extension Act (“the PEA”), St. 2010, c. 240, § 173, as amended by St. 2012, c. 238, §§ 74-75. Because of the particularly broad language of the PEA, plaintiffs’ motions for judgment on the pleadings must be denied, and summary judgment must be entered for defendant.

### **BACKGROUND**

The relevant factual background is neither disputed, nor complicated.

All three of the plaintiff towns, Wellesley, Needham and Hamilton (together, the “Towns”), have historically drawn water to provide for their residents. In 1987, after the WMA was enacted, each of the Towns filed a registration statement with DEP<sup>1</sup> on the appropriate form under G.L. c. 21G, § 5, para. 1, alerting DEP to its historical water usage and claiming its grandfathered rights to continue to draw water under the WMA.<sup>2</sup> Thereafter, each of the Towns filed renewal registration statements on the forms promulgated by DEP under G.L. c. 21G, § 5, para. 5, to extend their grandfathered rights for ten-year intervals.

Each of the Towns were scheduled to file their next decennial registration statement in 2017 and asked DEP to provide it with DEP’s currently approved form for that purpose. DEP informed the Towns that it had not promulgated a renewal registration statement in or for 2017 because each of the renewal registration statements in existence between mid-July 2008 and mid-

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<sup>1</sup> At the time, DEP was known as the Department of Environmental Quality Engineering.

<sup>2</sup> The WMA defines “water” to include “water beneath or on the surface of the ground.” G.L. c. 21G, § 2.

July 2012, including those of each of the Towns, was extended by four years by the PEA. DEP takes the position that, as a result of the PEA, each of the Towns' next renewal registration statement under the WMA is not due until 2021. These consolidated actions followed.

### DISCUSSION

This case is so much inside baseball. Zealously guarding their statutorily grandfathered rights to pump groundwater from their wells, the Towns are loathe even to be relieved for four years of the burden of filing a renewal registration statement to claim their grandfathered rights to withdraw water for a decade if the four-year deferral comes with any suggestion that DEP has any approval or permitting power over their grandfathered rights. This case turns, however, not on the narrow scope of DEP's review of a renewal registration statement by a grandfathered municipality, but on the extraordinarily broad language of the PEA.

I begin with the PEA. The PEA was approved in 2010 as part of legislation designed to stimulate job growth and ease limitations on business operations. The PEA, as amended, states in relevant part that "[n]otwithstanding any general or special law to the contrary, an approval in effect or existence during the tolling period shall be extended for a period of 4 years, in addition to the lawful term of approval." The tolling period was originally structured as the two-year period between August 15, 2008 and August 15, 2010. St. 2010, c. 240, § 173(a). It was later doubled to four years, from August 15, 2008 through August 15, 2012.<sup>3</sup> St. 2012, c. 238, § 74.

The PEA broadly defines the term "approval" to include "any permit, certificate, order, excluding enforcement orders, license, certification, determination, exemption, variance, waiver, building permit, or other approval or determination of rights from any . . . state governmental

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<sup>3</sup> As originally enacted, the PEA extended for two years any approvals in effect or existence during the tolling period. St. 2010, c. 240, § 173(b)(1). In 2012, the length of the extension was doubled to four years. St. 2012, c. 238, § 75.

entity, concerning the use or development of real property.” St. 2010, c. 240, § 173(a) (emphasis added). See, e.g., Kaplan v. Ramsdell, 2015 WL 7196465 at \* 8 (Land Ct. Nov. 16, 2015) (PEA “defines the kind of ‘approval’ to which it applies very broadly”).

The question in this case is whether the required filing of a renewal registration statement to reconfirm grandfathered rights to withdraw water under the WMA, and DEP’s determination that the renewal registration statement complies with applicable regulatory requirements, constitutes an “approval” by DEP as that term is broadly defined under the PEA. Plaintiffs vigorously argue that it does not. DEP, which is charged with enforcing the WMA, contends that it does. To answer this question requires a brief review of the requirements of the WMA.

The WMA provides for two different procedures – permits and registrations. See generally Water Dep’t of Fairhaven v. Department of Env’tl Protection (“Fairhaven”), 455 Mass. 740, 746-748 (2010). This case involves only the latter, as all three of the Towns had withdrawn more than 100,000 gallons of water per day on average during the five years prior to January 1986, and they each filed a compliant registration statement with DEP prior to January 1, 1988. See G.L. c. 21G, §§ 4, 5, and applicable definitions in G.L. c. 21G, § 2. Because each of the Towns filed an initial registration statement, each was entitled to its grandfathered level of water withdrawal for a period of ten years. Thereafter, each of the Towns was entitled to, and did, file renewal registration statements “to continue existing withdrawals specified in the registration statement.” G.L. c. 21G, § 5, para. 5. Each renewal was good “for a period of 10 years.” Id.

DEP has a role to oversee and review the filing of the renewal registration statements. As the SJC said in Fairhaven:

Because the registrant’s entitlement to existing withdrawals is grandfathered, the registrant is not required to obtain permission to continue existing withdrawals; it is simply required to provide information in the registration statement specified by the

department's regulations. . . . [T]he only decision the department needs to make is to ensure that the form, contents, and filing of the registration statement or renewal satisfies the regulatory requirements. (Emphasis added).

455 Mass. at 747 (emphasis added). The WMA provides certain requirements for the contents of registration statements, G.L. c. 21G, § 6, as do DEP's applicable regulations. 310 C.M.R. §§ 36.06, 36.07, 36.10.

Plaintiffs argue DEP does not approve anything, pointing to § 5 of the WMA, which states that "upon the filing of a renewal registration statement," each registrant entitled to withdraw water under the grandfathering provisions of the WMA "shall be entitled . . . to continue existing withdrawals specified in the registration statement for a period of ten years." G.L. c. 21G, § 5, para. 5. This view of the renewal registration process as self-executing ignores DEP's role and decision-making recognized both in its own regulations and by the Supreme Judicial Court. DEP has a proper role in monitoring and reviewing the registration renewal process, collecting the applicable fee, and reviewing and determining the compliance and completeness of the information supplied on a registrant's renewal registration statement.<sup>4</sup> See 310 C.M.R. § 36.10(3). As the SJC recognized, "the [ ] decision the department needs to make is to ensure that the form, contents, and filing of the registration statement or renewal satisfies the regulatory requirements." Fairhaven, 455 Mass. at 747 (emphasis added).

Against this regulatory structure, the question is whether DEP, which is charged with construing the WMA, was reasonable in applying the PEA to the Towns' renewal registration

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<sup>4</sup> The language of DEP's regulations is still more active, characterizing registration statements as "[r]equests to renew a registration statement," 310 C.M.R. § 36.10(2), specifying the terms under which DEP will "accept any request to renew a registration statement," 310 C.M.R. § 36.10(3), and making clear that it has to the power to "den[y] a request for renewal." 310 C.M.R. § 36.10(4).

statements which were existing between August 15, 2008 and August 15, 2012. It was. The broad language of the PEA covers the decision -- such as it is -- that DEP must make in reviewing the renewal registration statements. This is so for several reasons.

First, it is a basic principle of statutory construction that the words of a statute are generally to be construed in light of their ordinary meaning. Dorrian v. LVNV Funding, LLC, 479 Mass. 265, 271 (2018); Millis Public Schools v. M.P., 478 Mass. 767, 775 (2018). The definition of “approval” in the PEA is very broad, applying, among other situations, to “any . . . determination . . . or other approval or determination of rights” by DEP. As the parties and the courts have recognized, the term “any” is expansive. Doe v. Williston Northampton School, 766 F. Supp. 2d 310, 312 (D. Mass. 2011) (“any’ means without limitation or ‘indiscriminately of whatever kind,” quoting Merriam-Webster (2011)); Cabot CSC Corp. v. Aeero Technologies LLC, 91 Mass. App. Ct. 1120, 2017 WL 1842570 (May 8, 2017) (Rule 1:28 decision) (“the word ‘any’ means ‘all’ or ‘every’ and imports no limitation,” quoting Zion v. Kurtz, 50 N.Y.2d 92, 104 (1980)). Similarly, the terms “approval” and “determination” broadly apply to encompass any decision, no matter how perfunctory. See, e.g., Webster’s II New College Dictionary at 56 (“approve” means “[t]o regard favorably” or “[t]o confirm or agree to officially”), 309 (“determine” means “decide or settle”); Black’s Law Dictionary at 102 (6th ed. 1990) (“approve” means “[t]o be satisfied with; to confirm, ratify, sanction, or consent to some act or thing done by another. To sanction officially; to ratify; to confirm; to pronounce good; think or judge well of; admit the propriety or excellence of; be pleased with.”). See Commonwealth v. Bell, 442 Mass. 118, 124 (2004) (courts look to dictionary definitions for plain meaning of statutory terms).

Second, applying the plain meaning of these terms is consistent with the broad remedial purposes of the PEA to stimulate job growth and lessen the regulatory burden on businesses and other employers in the Commonwealth.

Third, although in receiving renewal registration statements DEP does not have to issue a permit or license, it does have a decision to make under the existing statutory and regulatory structure. It must determine if a renewal registration statement is compliant in form and content, and meets the regulatory requirements. DEP's construction of its role under the WMA is entitled to deference. Provencal v. Commonwealth Health Ins. Connector Auth., 456 Mass. 506, 514 (2010). Accord Fairhaven, 455 Mass. at 748 (DEP has "broad authority . . . to issue regulations to carry out the [WMA]'s purpose of water management"). The narrow decision DEP must make with respect to the renewal registration statements, see, supra, at 4-5, does constitute an "approval" or "determination" under the PEA.<sup>5</sup>

Although it is hardly the core of their concern, plaintiffs also argue that any "approval" required by DEP under the WMA does not "concern[ ] the use or development of real property" as that phrase is used in the PEA. St. 2010, c. 240, § 173(a). I disagree. In this regard, DEP has the better of the argument. Any grandfathering of historic levels of groundwater withdrawal under the WMA "concern[s]" the authorization of the "use . . . of real property" for wells and/or pumping facilities. Registrants must specify in their renewal registration statements the particular real estate from which they plan to withdraw water, and are thereafter only authorized to withdraw water from those locations, G.L. c. 21G, § 6; 310 C.M.R. § 36.06, and obviously to

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<sup>5</sup> Nothing in this opinion alters or expands DEP's role in regulating, reviewing or monitoring the filing of renewed registration statements under the WMA.

withdraw water the Towns must use buildings or structures on the real estate (e.g., pumps, associated housing, etc.).

**ORDER**

Plaintiffs' Motion for Judgment on the Pleadings (Docket #14.0 in Civil No. 17-944; Docket #14.0 in Civil No. 18-1; and Docket #8.0 in Civil No. 17-1446) is **DENIED**.  
Defendant's Cross-Motion for Summary Judgment (Docket #14.2 in Civil No. 17-944; Docket #14.2 in Civil No. 18-1; and Docket #8.2 in Civil No. 17-1446) is **ALLOWED**.

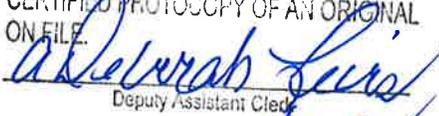
It is hereby DECLARED and ADJUDGED that the Permit Extension Act, St. 2010, c. 240, § 173, as amended by St. 2012, c. 238, §§ 74-75, extended until December 31, 2021 the term of the Massachusetts Water Management Act renewal registration statements that were existing between August 15, 2008 and August 15, 2012.

Final judgment shall enter accordingly.

Dated: May 17, 2018

  
Peter B. Krupp  
Justice of the Superior Court

I ATTEST THAT THIS DOCUMENT IS A  
CERTIFIED PHOTOCOPY OF AN ORIGINAL  
ON FILE.

  
Deborah Lewis  
Deputy Assistant Clerk  
5/22/18

18  
Commonwealth of Massachusetts  
County of Norfolk  
The Superior Court

Civil Action No.17-944

TOWN OF WELLESLEY DEPARTMENT  
OF PUBLIC WORKS, WATER DIVISION,  
Plaintiff

vs.

THE MASSACHUSETTS DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,  
Defendant

JUDGMENT

This action came on for hearing on Plaintiff's Motion For Judgment On The Pleadings and Defendant's Cross-Motion For Summary Judgment and the Motions having been heard and Defendant's Cross-Motion For Summary Judgment having been allowed,

IT IS ORDERED, ADJUDGED and DECLARED:

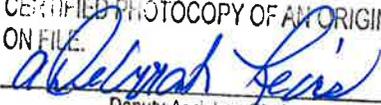
that the Permit Extension Act, St.2010, c.240, section 173, as amended by St.2012, c.238, sections 74-75, extended until December 31, 2021 the term of the Massachusetts Water Management Act renewal registration statements that were existing between August 15, 2008 and August 15, 2012.

Dated at Dedham, Massachusetts this 21<sup>st</sup> day of May 2018.

  
Peter B. Krupp  
Associate Justice of the Superior Court

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ON FILE.

  
Deputy Assistant Clerk  
5/22/18

## Jop, Meghan

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**From:** Jop, Meghan  
**Sent:** Thursday, May 31, 2018 2:26 PM  
**To:** Marjorie Freiman  
**Cc:** Robinson, Blythe  
**Subject:** RE: Question re parking at Roche Brothers

Marjorie,

It is definitely not happening at Town Hall. Town Hall staff have parking stickers and the parking folks stay right on top of cars that are hear for long periods of time. I will certainly put a copy of the email in FNM.

Meghan

---

**From:** Marjorie Freiman  
**Sent:** Thursday, May 31, 2018 2:21 PM  
**To:** Jop, Meghan <mjop@wellesleyma.gov>; Robinson, Blythe <brobins@wellesleyma.gov>  
**Subject:** Re: Question re parking at Roche Brothers

Thank you, Meghan. Do you think folks are also using TH, or do you see cars other than staffs' pretty much moving throughout the day?

Get [Outlook for iOS](#)

---

**From:** Jop, Meghan  
**Sent:** Thursday, May 31, 2018 12:58:25 PM  
**To:** Marjorie Freiman; Robinson, Blythe  
**Subject:** FW: Question re parking at Roche Brothers

Marjorie and Blythe,

Below is a follow up to Peg Metzger's question on the parking at Linden Square. Federal has noticed there is an issue and will be installing signage. Once the signage is up, they will hire security to enforce it. Federal also sent along the employee parking map, which I have attached.

Meghan

---

**From:** David Webster [<mailto:DWebster@federalrealty.com>]  
**Sent:** Wednesday, May 30, 2018 2:41 PM  
**To:** Tom Mallett <[TMallett@federalrealty.com](mailto:TMallett@federalrealty.com)>; Jop, Meghan <[mjop@wellesleyma.gov](mailto:mjop@wellesleyma.gov)>  
**Subject:** RE: Question re parking at Roche Brothers

Meghan,

Just to add to Tom's response, as soon as we have the new signage installed, we'll have a security guard on site to monitor both employee and commuter parking. As soon as those measures are in place, we'll let you know.

David Webster  
(617) 684-1509



INTEGRITY EXCELLENCE ACCOUNTABILITY INNOVATION

---

**From:** Tom Mallett  
**Sent:** Tuesday, May 29, 2018 10:49 AM  
**To:** David Webster <[DWebster@federalrealty.com](mailto:DWebster@federalrealty.com)>; [mjop@wellesleyma.gov](mailto:mjop@wellesleyma.gov)  
**Subject:** RE: Question re parking at Roche Brothers

David

I do believe there is some truth it. We are in the middle of setting it up monitoring and employee parking enforcement. We are also adding additional signage. Attached is the employee parking map.

---

**From:** David Webster  
**Sent:** Tuesday, May 29, 2018 10:43 AM  
**To:** Bryan Furze <[BFurze@federalrealty.com](mailto:BFurze@federalrealty.com)>; Tom Mallett <[TMallett@federalrealty.com](mailto:TMallett@federalrealty.com)>  
**Subject:** FW: Question re parking at Roche Brothers

Please read the question from Town of Wellesley below.  
Are we doing any parking monitoring?

David Webster  
(617) 684-1509



INTEGRITY EXCELLENCE ACCOUNTABILITY INNOVATION

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**From:** Jop, Meghan [<mailto:mjop@wellesleyma.gov>]  
**Sent:** Tuesday, May 29, 2018 10:40 AM  
**To:** David Webster <[DWebster@federalrealty.com](mailto:DWebster@federalrealty.com)>  
**Subject:** FW: Question re parking at Roche Brothers

David,

See the email thread below. Residents are inquiring as to whether commuters are parking at Linden Square rather than paying for parking at Tailby. Do you think there may be any truth to this? Has Federal done any monitoring recently to determine if they believe folks are parking all day? Additionally, if not – can we look at employee parking on the north side. Where are current employees parking?

The Board has asked me to follow up on this. Any information would be appreciated. Thanks.

Meghan C. Jop, AICP  
Assistant Executive Director  
Town of Wellesley  
[mjop@wellesleyma.gov](mailto:mjop@wellesleyma.gov)  
(P) 781-431-1019 ext. 2205  
Direct dial 781-489-4300

Think Green... please don't print this e-mail unless it's absolutely necessary.

When responding, please be advised, the Town of Wellesley and the Secretary of State have determined that email could be considered a public record.

**From:** Marjorie Freiman [<mailto:mrfblue26@gmail.com>]

**Sent:** Monday, May 28, 2018 5:42 PM

**To:** Ellen Gibbs <[egibbs@wellesleyma.gov](mailto:egibbs@wellesleyma.gov)>; Robinson, Blythe <[brobinson@wellesleyma.gov](mailto:brobinson@wellesleyma.gov)>

**Subject:** Fwd: Question re parking at Roche Brothers

What do you both think of this? I agree with Peg. Unless it is 9:30 on a weekday morning you can't ever park there. We might want to consider talking to Federal Realty.

Marjorie

----- Forwarded message -----

**From:** Peg Metzger <[pegmetzger@verizon.net](mailto:pegmetzger@verizon.net)>

**Date:** Mon, May 28, 2018 at 5:31 PM

**Subject:** Question re parking at Roche Brothers

**To:** Marjorie Freiman <[mrfblue26@gmail.com](mailto:mrfblue26@gmail.com)>

Hi Marjorie,

Hope you had a good weekend. I've been meaning to write with a question.

Several times over the past two weeks I've been at Roche Brothers during the middle of the day and found an absolutely packed parking lot – with cars circling to find spaces. It was way more crowded than usual and someone speculated that people have started parking all day at Roche Brothers and walking up to the train station instead of paying for parking at the Tailby lot.

Do you know if that is true? I thought it might be something that the BOS would want to stay on top of given that there is likely to be less parking on a temporary basis if you are going to move forward with developing the Tailby lot.

Thanks,  
Peg

Unless expressly stated otherwise, this message is confidential and may be privileged. It is intended for the addressee(s) only. Access to this email by anyone else is unauthorized. If you are not an addressee, any disclosure or copying of the contents of this email or any action taken (or not taken) in reliance on it is unauthorized and may be unlawful. If you are not an addressee, please inform the sender immediately. No discussion, offer or agreement regarding any potential lease or other contract is binding on Federal Realty Investment Trust, nor should it be relied on by any third party, unless it is documented in a final lease or other written (not electronic) agreement signed by our authorized representative.