



Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

July 14, 2023

TO: Select Board

RE: Follow-Up to Discussion About Housing Choice

Based upon direction from the Board, arrangements have been made with the state legislative delegation to be present at the Board's September 11th meeting to discuss concerns about the Housing Choice legislation approved by the state legislature and signed by former Governor Charlie Baker. The Board will have an opportunity to offer comment and pose questions to the delegation. Additionally, Alex Weisheit, Esq. from KP Law, will be in attendance to discuss whether there are opportunities to seek special legislation to respond to concerns about the impacts from this legislation.



Jeffrey M. Hull
Town Manager

cc: Susan L. Inman, Assistant Town Manager/Human Resources Director
Valerie Gingrich, Planning and Conservation Director



Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

July 14, 2023

TO: Select Board

RE: Town Manager Recruitment Process

At the Board's July 10th meeting the question was posed about the implications to operations if the Board appoints Susan Inman, Assistant Town Manager/Human Resources Director, to serve as the temporary Town Manager during the search process. Ms. Inman is currently involved in a number of areas including the following:

- Recruitment/onboarding of personnel to replace employees who have retired or taken other positions;
- Assisting with procurement of goods and services including involvement with procurement associated with the Town Hall/School Administration building project;
- Managing the insurance program including the workers compensation and police/fire injury claims;
- Conducting compensation/benefit studies to gather information used during collective bargaining in addition to participation in successor bargaining with unions;
- Assisting with responding to concerns/issues raised by residents on a variety of matters.

It is not unusual for assistant town manager/administrators to serve in a temporary capacity for a short time duration. If the Board decided to appoint the Assistant Town Manager/Human Resources Director as Temporary Town Manager, my recommendation would be to reassign some of the tasks to personnel within the Town Manager's Office. The learning curve would be less steep using existing office personnel as several of the current staff have some familiarity with aspects of the work currently being performed. After completing a more comprehensive review of projects on her docket, depending upon the level of priority, some work may need to be placed on hold. If there are tasks that another department can readily address those tasks may be delegated.


Jeffrey M. Hull
Town Manager

cc: Susan L. Inman, Assistant Town Manager/Human Resources Director



TOWN OF WILMINGTON
DEPARTMENT OF PUBLIC WORKS

Highway Water & Sewer Engineering
Tree Parks & Grounds Cemetery

Interoffice Memorandum

TO: Jeffrey M. Hull, Town Manager

FROM: Jamie M. Magaldi, PE, MCA, Public Works Director
Paul Alunni, PE, Town Engineer
Valerie Gingrich, Director of Planning and Conservation
Shelly Newhouse, Director of Public Health
Bryan Perry, Director of Finance / Town Accountant

SUBJECT: ARPA Funding Status Update

DATE: Updated July 6, 2023

The Town Manager's Office provided the Board of Selectmen with a proposal on the planned use of American Rescue Plan Act (ARPA) Funds in correspondence dated November 5, 2021. As stated in the memo, ARPA funding awarded to the Town of Wilmington in the amount of \$7,007,864 must be obligated by or before December 31, 2024 and expended by December 31, 2026. The following chart serves as a reminder to the current planned allocation of funding, followed by updates for each project.

| Project | Allocation Estimate | Expenditures to Date |
|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------|
| Replacement of Woburn Street water main from Lowell Street to the Woburn Street School | \$5,500,000 | \$ 227,057.53 |
| Stormwater improvements to existing catch basins <i>Removed from ARPA plan June 12, 2023</i> | \$ 0 <i>(reduced from \$206,000 June 12, 2023)</i> | N/A |
| Acquisition of drainage, utility, and Infrastructure Easements for Woburn Street / Lowell Street Intersection | \$ 300,000 | \$ 279,680.00 |
| Lubbers Brook Culvert Replacement / Middlesex Ave Sewer Project – MassWorks Grant Supplement | \$ 556,000 <i>(\$106,000 added June 12, 2023)</i> | \$ 52,416.93 |
| Water Supply Screening and Life Cycle Cost Analysis | \$ 44,000 | \$ 38,823.50 |
| Provide grant for façade and streetscape improvements | \$ 300,000 | \$ 0 |
| Branding and Marketing | \$ 50,000 | \$ 49,988.00 |
| Grant Administration | \$ 50,000 | \$ 2,027.03 |
| Middle School Playground | \$ 100,000 | \$ 1,250.62 |
| Finish Water Pump Replacement Sargent Plant | \$ 100,000 <i>(added June 12, 2023)</i> | \$ 51,653.69 |
| Total | \$7,000,000 | \$ 702,897.30 |

Water Supply System Improvements (Woburn Street Water Main)

This project consists of replacing approximately 11,000 of existing 10" water main on Woburn Street from just north of the intersection of Lowell Street to the area near the Woburn Street School.

May 2022 Status Update: The town's water resources consultant, Kleinfelder, has run an analysis and has determined the proposed water main replacement can likely be sized as a new 12" main, rather than a 16" main and still provide similar flow benefits in the event of a future full time upgrade to MWRA.

September 2022 Status Update: The Department of Public Works completed proposal evaluations and recommended the award of the design phase of this large project to Green International Affiliates (GIA) in August 2022. To date, no money has yet been expended on this project.

January 2023 Status Update: Green International Affiliates is currently engaged in design services on this project. To date, we have spent \$28,808.39 for design services on this project.

March 2023 Status Update: Design services continue. To date, we have spent \$68,447 for services related to the design of this project.

July 2023 Status Update: Design service continue. A Request for Determination of Applicability (RDA) has been filed with the Wilmington Conservation Commission, targeted for the August 2, 2023 meeting. To date, \$227,057.53 has been expended on this project.

Drainage System Improvements (Catch Basin Retrofits)

This project involves the retrofit of existing stormwater catch basins to include the implementation of best management practice (BMPs) to improve water quality at outfall discharge locations in sensitive locations (Ipswich River, Martins Brook, and Aberjona River watersheds).

May 2022 Status Update: One million dollars (\$1,000,000) to perform improvements at approximately 200 existing catch basins was originally allocated for this project. At the February 14, 2022 Board of Selectmen meeting, a memo was presented requesting funding for this project be reduced to \$550,000 to help accommodate an allocation of funds to supplement Mass Works grant funding to fund the Lubbers Brook Culvert Replacement Project (see update below).

September 2022 Update: Funding on this project has been reduced from \$550,000 to \$506,000 to fund a Water Supply Screening and Life Cycle Cost Analysis (see update below).

January 2023 Update: Funding on this project has been reduced from \$506,000 to \$206,000 to help supplement funding to advance the Woburn Street and Lowell Street Intersection project which includes improvements to drainage and utility infrastructure.

March 2023 Status Update: The Department of Public Works is in the process of preparing bid documents for this work in order to secure a contractor. No funds have been expended to date. It is anticipated that ARPA funds will be expended toward this endeavor in the 2023 and 2024 construction seasons.

July 2023 Status Update: On June 12, 2023, the remaining \$206,000 for this project was reallocated to two other projects that recently experienced an elevated priority status: the replacement of two finish water pumps at the Sargent Treatment Plant and the Middlesex Ave Sewer Force Main / MassWorks Grant Supplement for paving the permanent sewer trench along Middlesex Ave. Therefore, this project has been removed from the ARPA plan and no further updates will be provided.

Acquisition of drainage, utility, and infrastructure Easements for Woburn Street / Lowell Street Intersection

In December 2022, the Engineering Division received support from the Board of Selectmen to use ARPA funding to help offset acquiring easements for the Woburn Street / Lowell Street Intersection Project, currently on the TIP plan to start construction in May 2023. The cost of the easements was generated by a Certified Appraiser and a Certified Review Appraiser. The total cost of acquiring the easements is approximately \$371,060. Approximately \$71,000 of this will be funded by Planning Board Mitigation funding, while the remaining \$300,000 will be taken from ARPA funding. Acquisition of these easements will facilitate the major upgrades to stormwater quality and related infrastructure that are part of the Woburn Street and Lowell Street Intersection Project.

March 2023 Update: "Notice of Taking" certified mailings were sent to affected property owners on Friday March 10, 2023. No funding has been spent as of yet but the Engineering Division expects signed paperwork to be coming back from affected property owners soon and will issue payments in accordance with approved value assessments accordingly.

July 2023 Update: After an advertised bid process, the project has been awarded to MDR Construction. \$279,680 has been expended from ARPA on the easement acquisitions to date.

Lubbers Brook Culvert / Jefferson Road Force Main and Pump Station Installation

In November of 2020, the Town of Wilmington was awarded Mass Works grant funding for public infrastructure improvements related to the Princeton Wilmington Smart Growth Housing Project. This project includes a sewer extension with pump station, a culvert replacement, and Jefferson Road Corridor Improvements. As previously reported to the Board of Selectmen, after opening bids for the project it was apparent that the project was underfunded by a considerable amount.

May 2022 Status Update: The Town of Wilmington has since been awarded additional Mass Works Grant funding for this project from the Executive Office of Housing and Economic Development (EOHED) with the understanding that there is partial match funding provided by both Princeton Properties and the Town of Wilmington. To provide local match for Wilmington, \$450,000 was reallocated from the catch basin retrofit project to the Lubbers Brook Culvert Replacement Project. The Town of Wilmington is preparing preconstruction logistics for this project and it is anticipated the Lubbers Brook Culvert replacement portion of this project will begin in July 2022.

September 2022 Status Update: The installation of the Lubbers Brook Culvert began on July 18, 2022 and the roadway was reopened to two-way traffic on August 30, 2022. The culvert project continues and is expected to be on track to be completed in October 2022. As the MassWorks Grant funding expires prior to ARPA funding, MassWorks Grant Funds have been used to pay project invoices thus far. To date, no ARPA funding has been expended on this project. It is anticipated that ARPA funding earmarked to supplement the MassWorks Grant will be used in spring of 2023 for the sewer extension and pump station infrastructure improvements associated with the MassWorks Grant.

January 2023 Status Update: The Culvert Replacement Project is substantially complete with only minor spring-season (2023) work remaining related to sidewalks, curbing, drainage infrastructure, and paving. The Sewer Project commenced in November 2022 with force main installation along Middlesex Avenue. Remaining work includes completion of force main installation along Middlesex Avenue, Jefferson Road, and installation of the pumping station. The Town has currently expended \$2.3M of the MassWorks grant, leaving approximately \$1.5M in grant funding. The Town anticipates to supplement the grant funding using the ARPA allocation in May/June 2023.

March 2023 Status Update: Work continues on the Jefferson Ave force main and pump station, in between periods of inclement weather. MassWorks Grant Funds are close to fully expended on this project and use of ARPA funds is anticipated in the near term, although no ARPA funds have been spent to date.

July 2023 Status Update: On June 12, 2023, an additional \$106,000 was redirected to this project from the Stormwater Improvements to Existing Catch Basins project for the purposes of funding the permanent sewer trench grinding and paving along Middlesex Ave. This work is planned for July 2023 weather permitting. To date, \$52,416.93 of ARPA funding has been spent on this project.

Water Supply Screening and Life Cycle Cost Analysis

The DPW received a proposal from Kleinfelder, one of the Department's water distribution consultants, to perform a Water Supply Screening and Life Cycle Cost Analysis. This study will provide a long-term cost-benefit analysis of the Town's water supply infrastructure, including projected costs associated with challenges related to long term regulatory compliance and water supply demand, to determine what long term capital investments are necessary to continue with local supply compared to utilizing the Town's connection to the Mass Water Resources Authority (MWRA) more regularly. As the town's water treatment plants are approaching an age where large scale investments will be required to continue with generating reliable long-term local supply, this study is critical to the planning of the Department's Water Division. In August of 2022, the DPW recommended executing a contract with Kleinfelder to move forward with this proposal.

January 2023 Status Update: Kleinfelder has been working on this Life Cycle Cost Analysis and has submitted a draft for review to DPW staff. To date, \$13,034 has been expended on this project.

March 2023 Status Update: DPW has been working with Kleinfelder to finalize comments on the draft Life Cycle Cost Analysis and a final draft is expected soon for Town Manager review. To date, approximately \$32,908 has been expended on this project.

July 2023 Status Update: Kleinfelder has issued a final Life Cycle Cost Analysis to the Town of Wilmington. The town is in the process of implementing certain short-term recommendations from the plan and is still evaluating the long term analysis and recommendations. To date, \$38,823.50 has been expended on this project.

Support of Personnel to Conduct Contact Tracing

Funds were set aside for the potential for contact tracing associated with uncertainty surrounding COVID-19 patterns. As cases are still continuing as we head into the summer of 2022, there still exists potential for funding related to this need.

May 2022 Status Update: No funds have been expended to date.

September 2022 Status Update: No funds have been expended to date.

January 2023 Status Update: No funds have been expended to date.

March 2023 Status Update: Funding reallocated on January 23, 2023 to accommodate partial funding for Middle School Playground as contract tracing is no longer expected. No further updates will be provided.

Provide Grants for Façade and Streetscape Improvements.

The town's consultant funded through the Local Rapid Recovery Program (LRRP) has advised that providing grant funding to local businesses to improve signage, storefronts, and streetscapes will help stimulate additional business.

May 2022 Status Update: No funds have been expended to date. The Façade Improvement Grant Program will be initiated following completion of the Branding and Marketing project. The project is expected in 2023.

September 2022 Status Update: No funds have been expended to date. See May 2022 update.

January 2023 Status Update: No funds have been expended to date. See May 2022 update

March 2023 Status Update: No funds have been expended to date. The façade grant program is currently being drafted for release later this year.

July 2023 Status Update: No funds have been expended to date. The façade grant program is currently open for applications with a deadline of August 1, 2023.

Branding and Marketing

LRRP consultant BerryDunn has also recommended the town engage in branding and marketing efforts to help spark economic development.

May 2022 Status Update: The Town has issued a Request for Proposals (RFP) for these services. The deadline to submit RFPs is May 25, 2022. More information is available on the Town's purchasing page on the Town's website. <https://www.wilmingtonma.gov/purchasing-department>

September 2022 Status Update: Stirling Brandworks, Inc. out of Winchester, MA was selected as the Town's consultant for the Branding and Marketing project with a contract in the amount of \$48,320.00. Tom Stirling is leading the branding and marketing effort, which to date has consisted of a half-day workshop, numerous interviews, and meetings with the Wilmington Economic Development Committee. Branding messaging for the Town is currently under development and will be used for the marketing portion of the project. As of August 31, 2022, \$14,496.00 has been expended on this project.

January 2023 Status Update: Stirling Brandworks Inc. is wrapping up the project, which includes a logo, style guide, video, webpage, social media templates, signage templates, sticker templates, and training resources for local businesses to use the templates to participate in the shared marketing campaign. Stirling has also provided the Town with a go-to-market plan outlining recommendations for launching the campaign. As of January 4, 2023, a total of \$46,320 has been paid to Stirling Brandworks Inc.

March 2023 Status Update: No additional funds have been expended.

July 2023 Status Update: Stirling Brandworks Inc. and town staff worked to roll out the new brand with marketing on social media over a three-month period. A total of \$49,988 has been expended. This project is considered completed and no further updates will be provided.

Grant Administration

As stated in the November 5, 2021 memo to the Selectmen, funding has been set aside to help administer the ARPA grant to help satisfy Treasury guidelines.

May 2022 Status Update: To date, the town has spent \$1,300.43 in consulting fees payable to CliftonLarsenAllen, LLC (CLA) for grant administration. This was related to the Federal Compliance Report for the U.S. Treasury. This was completed, with the assistance of CLA ahead of the April 30, 2022 due date. CLA has also provided consultation to the town with respect to the planning of allowable projects and to better understand the compliance regulations associated with ARPA.

September 2022 Status Update: No additional funds have been expended.

January 2023 Status Update: No additional funds have been expended.

March 2023 Status Update: Total allocation reduced to \$50,000 from \$100,000 on January 23, 2023 to help accommodate funding for Middle School Playground. Through March '23, there had been an additional \$299.25 paid out, bringing the total at this point to \$1,599.68. This is expected to increase soon as the next reporting period is due by the end of April. Additional guidance is anticipated as the federal report is updated and entered.

July 2023 Status Update: An additional \$427.35 was expended. This was related to research on the applicability of a façade grant as covered under "Revenue Replacement" as well as additional assistance with mandatory federal reporting. This brings the total expended against "Grant Administration" to \$2,027.03 to date.

Middle School Playground

Funding allocation of up to \$100,000 for this project was added on January 23, 2023 by reallocating the full \$50,000 in funding for contact tracing and reducing funding allocated for Grant Administration from \$100,000 to \$50,000. The playground is intended to accommodate a potential plan to utilize a portion of the Wilmington Middle School to relocate pre-kindergarten and kindergarten students who were displaced from the Wildwood Early Childhood Center to the West Intermediate School in February of 2022.

March 2023 Status Update: The playground has been ordered and is expected to be delivered and installed late spring or early summer of 2023. No funds have been expended to date.

July 2023 Status Update: Wilmington DPW crews have prepared the pad subbase and the subcontractor has installed the playground rubberized base. Wilmington is awaiting final fabrication and delivery of the playground. The playground installer estimates the playground will be installed prior to the start of the 2023 fall school season. \$1,250.62 for gravel subbase has been spent to date on this project.

Finish Water Pump Replacement – Sargent Treatment Plant

The Department of Public Works recently learned that an ongoing FY23 Water Capital Project may require more funding than was originally allocated. The Water Capital Plan has earmarked \$100,000 to rebuild two of the finish water pumps at the Sargent Treatment Plant in FY23. As this project is progressing, it has become apparent that the condition of the existing pumps is beyond rebuilding and will need full replacement. On June 12, 2023, the Select Board approved the reallocation of \$100,000 from the Stormwater Improvements to Existing Catch Basins project to help fund the full replacement of the pumps

July 2023 Status Update: The contractor has been given the order to proceed with full pump replacement now that funding is available. The total amount spent on this project to date is \$51,653.69.



The Leader in Public Sector Law

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June 23, 2023

Mark R. Reich
mreich@k-plaw.com

BY CERTIFIED MAIL RETURN RECEIPT
REQUESTED AND FIRST-CLASS MAIL

Mr. Paul A. Scoff, Manager
Sprague Operating Resources LLC
185 International Drive
Portsmouth, NH 03801

Re: Notice of Claim - Contamination at Wildwood Early Childhood Center
Wilmington, Massachusetts, January 22, 2022

Dear Mr. Scoff:

Please be advised that this office represents the Town of Wilmington, Massachusetts (“Town”) with regard to the above-referenced incident. All further correspondence regarding this matter should therefore be directed to this office.

As you are aware, on January 22, 2022, an Atlantic Oil Company (“Atlantic”) employee caused an oil spill at the Town’s Wildwood Early Childhood Center (“School”). Atlantic was performing as a subcontractor for Sprague to fulfill Sprague’s obligations pursuant to its fuel delivery contract with the Town, and thus Sprague is responsible for the negligence of Atlantic. The Town requested 4,000 gallons of fuel to be gravity-dropped into the Town’s underground storage tank, but Atlantic pressure dropped over 5,000 gallons of fuel into the tank serving the School. Within minutes, Atlantic’s negligence caused the underground storage tank to rupture, resulting in the release of thousands of gallons of fuel, contaminating the School property.

As a result of the spill, the Town had to immediately find a new location for the School’s students in order to not disrupt their education. With the lasting effects of the oil spill, including the dangerous fumes prevalent throughout the property, the School was unsuitable for use, as it would have been dangerous for children to remain there for multiple hours each day. Additionally, the spill took place in January, a time when heat is a necessity for a building to operate in Massachusetts. The spill left the School without heat for a significant period of time. The spill also impacted the septic tank at the School, as the tank had to be removed in order to address the contaminated soil underneath it. The lack of a functional septic system at the School contributed to the defective and unusable state of the School. Further, numerous contractor employees were on the School grounds daily to undertake site cleanup. Not only did they bring machinery which could pose dangers to children in the area, there were also legitimate risks of having these employees on the School grounds during the day if the children were present. Unlike School employees who have to undergo extensive background checks in order to work at the School, there was minimal to no background information provided for cleanup employees. It would not be permissible to have these employees

Mr. Paul A. Scoff
June 23, 2023
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on the grounds and in close proximity to the children, thus necessitating relocation of programs from the School.

Upon moving students and staff to a new facility, the Town had to, and continues to, incur significant expenses in order to provide necessary accommodations. For instance, additional travel expenses and costs for new materials for teachers were required. Further, due to the significant influx of students and staff in other Town schools, the Town has had to upgrade those facilities in order to sufficiently manage these new accommodations. With students being the top priority, the Town took all steps necessary in order to not disrupt their education, which has had to continue at new locations for several months.

As Atlantic's negligent fuel delivery was in its course of dealings as a subcontractor to Sprague, Sprague is responsible for the resulting fuel oil release on the School property. MIIA Property and Casualty Group, Inc. ("MIIA"), the Town's insurance policy administrator, covered a portion of the costs of response actions pursuant to the Town's insurance policy, which was strictly limited to environmental clean-up costs. However, such clean-up costs far exceeded the amount covered under the insurance policy. The Town is seeking damages pursuant to G.L. c. 21E for response action costs associated with the clean-up through the demand letter dated May 22, 2023 which was sent under separate cover. In addition to response action costs, the Town, as aforementioned, suffered extensive damages which fall outside the scope of the insurance policy and G.L. c. 21E, including but not limited to costs incurred to relocate and continue operation of the School and its student programs and the loss of oil from the tank. Pursuant to this demand letter, the Town seeks reimbursement for all such costs resulting from your negligent delivery of fuel oil to the School.

The damages which the Town suffered as a result of Sprague's negligence include, but are not limited to, the following:

1. Additional Staff

In the aftermath of the oil spill, students at the School were forced to relocate to other schools in the district for the remainder of the school year. In order to address this relocation, the Town rehired two former principals to help coordinate the move of students and teachers to other schools and to provide coverage for the Boutwell Early Childhood Center.

2. Overtime and Staffing Costs

The Town's Public Buildings staff worked overtime to move furniture and materials from the School to other schools in the district. The overtime payment expenses were incurred by the Town as a direct result of the negligent oil delivery and the necessity of relocating from the School. Additionally, CARES, the Town's before and after school programs,

Mr. Paul A. Scoff

June 23, 2023

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required an increase in staffing to accommodate the moving of students to other facilities, imposing further costs on the Town.

3. Storage

The Town had to purchase storage boxes for teachers to pack up supplies and materials. Additionally, the Town had to rent storage pods to hold materials that were displaced from the schools accommodating new teachers and staff in order to fit materials from the School that were required for student programs.

4. New Materials

The Town had to purchase carts for displaced teachers to allow them to move their classroom materials into classrooms in the other schools. Further, the Town had to purchase new dry erase boards for a displaced teacher to accommodate relocated programming.

5. Upgrades

In order to accommodate the influx of displaced students and faculty, the Town has had to, and continues to, pay for upgrades to existing schools to which the students and faculty were transferred. These expenses include, but are not limited to, a plumbing project and bathroom renovations.

6. Travel Costs

Special education, counseling, speech therapy, physical therapy, art, music, physical education, and reading and library service staff were among those who were required to move to new locations during the remediation period as a direct result of the oil spill. The Town had to pay these staff members' additional travel expenses that would otherwise not have been required.

7. Loss of Oil

The Town lost oil being delivered as well as oil that was already in the tank due to the tank rupture. The Town is entitled to reimbursement for the several thousands of dollars' worth of oil lost due to the negligent delivery.

Pursuant to an assessment of said damages, the Town has determined that the costs it has already incurred as a result of the fuel oil spill which were not associated with the clean-up is approximately \$86,589.17. A further breakdown of these expenses is shown on the attached spreadsheets. However, this figure represents expenses already incurred, and does not include necessary costs associated with upgrades to schools accommodating displaced students and faculty. Accordingly, the Town reserves the right to amend this cost determination, which is expected to ultimately exceed \$86,589.17.

Mr. Paul A. Scoff

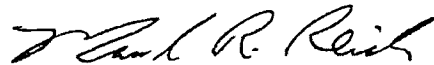
June 23, 2023

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It is the position of the Town that these costs are a direct result of Atlantic's negligence, which, as aforementioned, is attributed to Sprague. Therefore, the Town hereby demands reimbursement for these expenses it incurred and continues to incur while working to continue school operations following the oil spill. Please be aware that if Sprague refuses to make such reimbursement payments, the Town intends to pursue legal action in order to recover its damages.

I look forward to your prompt response to this demand letter.

Very truly yours,



Mark R. Reich

MRR/EMB/lmk

cc: Town Manager

858713v.6/WILM/0070

Costs as a Result of Wildwood Early Childhood Oil Leak

| ACTUAL | Period | Actual Days | Per Diem | Cost | Totals |
|---------------------|------------------|---------------------|-----------------|-------------|---------------|
| Dennis Shaw | 3/11-3/25 | 6.00 | \$ 524.23 | \$ 3,145.38 | |
| Dennis Shaw | 3/28-4/15 | 2.00 | \$ 524.23 | \$ 1,048.46 | \$ 4,193.84 |
| ACTUAL | Period | Actual Hours | Hourly | Cost | |
| Robert Appolloni | 3/10-3/11 | 14.00 | \$ 70.00 | \$ 980.00 | |
| Robert Appolloni | 3/14-3/18 | 35.00 | \$ 70.00 | \$ 2,450.00 | |
| Robert Appolloni | 3/21-3/25 | 36.75 | \$ 70.00 | \$ 2,572.50 | |
| Robert Appolloni | 3/28-4/1 | 32.25 | \$ 70.00 | \$ 2,257.50 | |
| Robert Appolloni | 4/4-4/8 | 36.50 | \$ 70.00 | \$ 2,555.00 | |
| Robert Appolloni | 4/11-4/14 | 21.25 | \$ 70.00 | \$ 1,487.50 | \$ 12,302.50 |
| ESTIMATED | Period | Hours/Day | Hourly | Cost | |
| Robert Appolloni | 4/18-4/22 | 7.00 | \$ 70.00 | \$ 2,450.00 | |
| Robert Appolloni | 4/25-4/29 | 7.00 | \$ 70.00 | \$ 2,450.00 | |
| Robert Appolloni | 5/2-5/6 | 7.00 | \$ 70.00 | \$ 2,450.00 | |
| Robert Appolloni | 5/9-5/13 | 7.00 | \$ 70.00 | \$ 2,450.00 | |
| Robert Appolloni | 5/16-5/20 | 7.00 | \$ 70.00 | \$ 2,450.00 | |
| Robert Appolloni | 5/23-5/27 | 7.00 | \$ 70.00 | \$ 2,450.00 | |
| Robert Appolloni | 5/31-6/3 | 7.00 | \$ 70.00 | \$ 1,960.00 | |
| Robert Appolloni | 6/6-6/10 | 7.00 | \$ 70.00 | \$ 2,450.00 | |
| Robert Appolloni | 6/13-6/17 | 7.00 | \$ 70.00 | \$ 2,450.00 | \$ 21,560.00 |
| ACTUAL | Work Date | Cost | | | |
| Public Buildings OT | 3/19/2022 | \$ 7,088.90 | | | \$ 7,088.90 |
| | <-- Saturday | | | | |
| ACTUAL | Cost | | | | |
| Storage Boxes | \$ 227.94 | | | | |
| Storage Boxes | \$ 64.87 | | | | |
| Storage Boxes | \$ 959.16 | | | | \$ 1,251.97 |
| ACTUAL | Units | Cost | | | |
| Carts for Teachers | 9 | \$ 1,112.79 | | | \$ 1,112.79 |
| ACTUAL | Units | Cost | | | |
| Dry Erase Board | 1 | \$ 138.29 | | | \$ 138.29 |

ACTUAL/ESTIMATED

| | | | | | | |
|----------------|--------------------------------------------------|----------|-----------|------------|----------|-----------|
| Travel Expense | Staff traveling between 3 buildings (HS, WO, SS) | Person | PE | <300 miles | Est Cost | \$ 50.00 |
| Travel Expense | Staff traveling between 3 buildings (HS, WO, SS) | Bishop | Art | <300 miles | | \$ 50.00 |
| Travel Expense | Staff traveling between 3 buildings (HS, WO, SS) | Collucci | Gen Tutor | <300 miles | | \$ 50.00 |
| Travel Expense | Staff traveling between 3 buildings (HS, WO, SS) | Murray | SPED Tchr | <300 miles | | \$ 50.00 |
| Travel Expense | Staff traveling between 3 buildings (HS, WO, SS) | Burgess | Speech | <300 miles | | \$ 50.00 |
| Travel Expense | Staff traveling between 3 buildings (HS, WO, SS) | Maio | Speech | <300 miles | | \$ 50.00 |
| Travel Expense | Staff traveling between 3 buildings (HS, WO, SS) | Warren | Adj Couns | <300 miles | | \$ 50.00 |
| Travel Expense | Staff traveling between 3 buildings (HS, WO, SS) | Fitch | PT | <300 miles | | - |
| Travel Expense | Staff traveling between 3 buildings (HS, WO, SS) | Ayers | Library | <300 miles | | - |
| Travel Expense | Staff traveling between 3 buildings (HS, WO, SS) | Peachey | Reading | <300 miles | | - |
| Travel Expense | Staff traveling between 3 buildings (HS, WO, SS) | Lacey | Music | <300 miles | | - |
| Travel Expense | Staff traveling between 3 buildings (HS, WO, SS) | Sub | | | | \$ 300.00 |

ACTUAL/ESTIMATED

| Storage PODS | Delivery | Units | Cost/Mos. | Est Months | Est Cost |
|--------------|---------------------------------------------------------|-------|-----------|------------|-------------|
| Storage PODS | DELIVERY CHARGE - Woburn Street | | \$ 129.00 | | \$ 129.00 |
| Storage PODS | DELIVERY CHARGE (includes \$12.95 lock) - Woburn Street | | \$ 141.95 | | \$ 141.95 |
| Storage PODS | DELIVERY CHARGE (includes \$12.95 lock) - High School | | \$ 141.95 | | \$ 141.95 |
| Storage PODS | DELIVERY CHARGE (includes \$24.95 lock) - Shawsheen | | \$ 98.95 | | \$ 98.95 |
| Storage PODS | Woburn Street (includes \$10.00 Protection option) | 1 | \$ 229.00 | 12 | \$ 2,748.00 |
| Storage PODS | Woburn Street (includes \$10.00 Protection option) | 1 | \$ 229.00 | 12 | \$ 2,748.00 |
| Storage PODS | High School (includes \$10.00 Protection option) | 1 | \$ 229.00 | 12 | \$ 2,748.00 |
| Storage PODS | Shawsheen (includes \$10.00 Protection option) | 1 | \$ 174.00 | 12 | \$ 2,088.00 |
| Storage PODS | PICK UP CHARGE - Woburn Street | | \$ 129.00 | | \$ 129.00 |
| Storage PODS | PICK UP CHARGE - Woburn Street | | \$ 129.00 | | \$ 129.00 |
| Storage PODS | PICK UP CHARGE - High School | | \$ 129.00 | | \$ 129.00 |
| Storage PODS | PICK UP CHARGE - Shawsheen | | \$ 74.00 | | \$ 74.00 |

ACTUAL/ESTIMATED

| CARES | Person | Extra Hrs/Day | Total Days | Hrly Rate | Cost |
|-------|------------|---------------|------------|-----------|-------------|
| CARES | Emery | 0.25 | 53 | \$ 14.25 | \$ 188.81 |
| CARES | Hersom | 0.50 | 53 | \$ 19.50 | \$ 516.75 |
| CARES | Judkins | 0.50 | 53 | \$ 18.32 | \$ 485.48 |
| CARES | Sinapoli | 1.20 | 53 | \$ 19.67 | \$ 1,251.01 |
| CARES | Spinale | 3.00 | 53 | \$ 16.00 | \$ 2,544.00 |
| CARES | Westerburg | 1.80 | 53 | \$ 17.28 | \$ 1,648.51 |

TOTAL ACTUAL/ESTIMATED COSTS

\$ 65,887.71

Total Cost of Spill at Wildwood School

| Vendor | Cost/Loss | Status |
|----------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------|
| Omni Environmental Group (ESTIMATE/QUOTE with \$26,975 Contingency) | \$1,445,019.00 | |
| Invoice #4504 - 2/28/22 | \$43,285.12 | PAID BY MIIA under Pollution |
| Invoice #4509 - 4/4/22 | \$154,707.06 | PAID BY MIIA under Pollution |
| Invoice #4514 - 5/2/22 | \$184,898.31 | PAID BY MIIA under Pollution |
| Invoice #4525- 5/24/22 (2 copies - one reflects payment of \$77,141.66, new total of \$525,849.11) | \$77,141.66 | PAID BY MIIA under Pollution |
| MIIA SUBTOTAL PAID TO OMNI? - POLLUTION COVERAGE EQUAL TO \$500,000 | \$460,032.15 | |
| Invoice #4525- 5/24/22 (2 copies - one reflects payment of \$77,141.66, new total of \$525,849.11) | \$525,849.11 | PAID BY TOWN |
| Invoice #4526 - 6/23/22 | \$386,612.93 | PAID BY TOWN |
| Invoice #4546 - 10/31/22 | \$20,610.50 | PAID BY TOWN |
| TOWN SUBTOTAL PAID TO OMNI | \$933,072.54 | |
| OMNI TOTAL | \$1,393,104.69 | |
| School and Buildings Dept Costs (See updated Spreadsheets) | \$65,887.71 | Preliminary Figure - See Update. LOSS NOT PAID BY INSURANCE |

| | | |
|---------------------------------------------------------------------------------------|--------------------|-------------------------------------|
| Sprague -- Oil Lost in leak | \$10,390.46 | LOSS NOT PAID BY INSURANCE |
| Sprague- Oil existing in tank at time of delivery | \$10,311.00 | LOSS NOT PAID BY INSURANCE |
| OIL LOSS SUBTOTAL | \$20,701.46 | |
| Oil Tank to be replace with above ground tank - (Original back estimate shown) | \$21,000 | PAID BY MIIA to TOWN Under Property |
| Petroleum Management Services - 1/28/22 | \$12,871.42 | PAID BY MIIA Under Pollution |
| Petroleum Management Services - 2/2/22 | \$6,407.81 | PAID BY MIIA Under Pollution |
| Petroleum Management Services - 2/28/22 | \$20,688.62 | PAID BY MIIA Under Pollution |

| | | |
|------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------|
| Petroleum Management Services - 3/1/22 | \$1,650.00 | PAID BY MIIA Under Pollution |
| Petroleum Management Services - 4/1/22 | \$1,500.00 | PAID BY MIIA Under Property |
| Petroleum Management Services - 5/1/22 | \$1,500.00 | \$1500 PAID BY MIIA under Property \$50 carried to next invoice |
| Petroleum Management Services - 6/1/22 | \$1,550.00 | PAID BY MIIA Under Property |
| Petroleum Management Services - 7/1/22 | \$1,550.00 | PAID BY MIIA Under Pollution |
| Petroleum Management Services - 7/20/22 | \$2,850.00 | PAID BY MIIA Under Pollution |
| Petroleum Management Services - 8/1/22 | \$1,550.00 | PAID BY MIIA Under Property |
| Petroleum Management Services - 9/1/22 | \$1,500.00 | PAID BY MIIA Under Property |
| Petroleum Management Services - 10/1/22 | \$1,550.00 | PAID BY MIIA Under Property |
| TEMP OIL TANK COST SUBTOTAL | \$55,167.85 | |
| Additional Costs TO BE Covered by MIIA | | |
| Septic Tank - DEE RAY, Inc - 8/24/22 - Loss not covered as it was determined to be maintenance | \$900 | LOSS NOT PAID BY INSURANCE |
| Septic Leaching Field – if damaged | Leaching field not damaged/not replaced | |
| Plumbing Lines | Septic tie in part of the work was done by Omni | |
| TOTAL PAID or INCURRED BY TOWN ON LOSS (original school figures included) | | |
| | \$1,020,561.71 | |
| MIIA PORTION OF LOSS UNDER POLLUTION COVERAGE | \$506,050.00 | |
| MIIA PORTION OF LOSS UNDER PROPERTY COVERAGE | \$30,150.00 | |
| MIIA Total for Indemnity | \$536,200.00 | |
| Legal MIIA Subrogation | \$46,452.12 | |
| TOTAL MIIA COVERAGE TO DATE | \$582,652.12 | |



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

June 20, 2023

Jeffrey Hull, Town Manager
Town of Wilmington
121 Glen Road
Wilmington, MA 01887

RE: Town of Wilmington
DWSRF No. 16644
PAC No. DW-23-66

Dear Mr. Hull:

The Massachusetts Department of Environmental Protection, Division of Municipal Services (Division), is pleased to inform you that the Project Approval Certificate for the above-referenced project has been signed and forwarded to the Massachusetts Clean Water Trust (Trust). Grant agreements will be executed with you by the Trust, pending an affirmative vote from the Board of Trustees.

The attached copy of your Project Approval Certificate allows you to proceed with your project without loss of potential eligibility in accordance with the provisions of 310 CMR 45.00, subject to the conditions of the certificate.

Please refer to the project schedule contained in Exhibit B of your Project Approval Certificate. The schedule is an important condition of the Division's approval. If your project falls behind schedule, you must request a revision to the schedule from the Division. Any such request must be in writing and be supported with adequate documentation, as there is a pressing demand by other municipalities for these limited funds.

We look forward to working with you. Should any issues or questions arise, particularly as they relate to scheduling, please contact Eric Wong of this office at Eric.C.Wong@mass.gov or 857-278-1627.

Sincerely,

Maria E. Pinaud, Director
Division of Municipal Services

Attachment: Project Approval Certificate

Ecc: Susan Perez, Executive Director, MCWT
Shahin Shahin, Green International Affiliates, Inc.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

PAC

DESCRIPTION TRANSMITTAL FORM

WILMINGTON

Local Government Unit

NEW 06/20/2023

Issued

DW-23-66

PAC Number

Project: ***Lead Service Line Inventory and Replacement Plan***

Project No. ***DWSRF-16644***

Project Description:

Town of Wilmington will implement planning stage efforts related to conducting a Town-wide Lead Service Line (LSL) Inventory and developing an LSL Replacement Program. The Town has already initiated the inventory but has not yet completed the effort. The Town plans to engage Green International Affiliates, Inc. (Green) to assist in completing the LSL Inventory and develop the LSL Replacement Program.

Contract/Transmittal Notes:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRINKING WATER STATE REVOLVING FUND PROGRAM**PROJECT APPROVAL CERTIFICATE****A. PROJECT DESCRIPTION**

1. Applicant: Town of Wilmington
2. Address: Town Hall 121 Glen Road Wilmington MA 01887
3. Project Contact/Telephone: Joseph Lobao - Telephone: 978-658-4481
4. Reviewer: Eric C. Wong - Telephone: 857-278-1627
5. Project Number / Description: DWSRF-16644 / Lead Service Line Inventory and Replacement Plan
6. EPA Group of Projects: NO

B. APPROVED FUNDING

Eligible Costs approved for funding from the Calendar Year 2023 IUP: \$214,795.00

C. CERTIFICATION

The Department of Environmental Protection (the "Department") hereby determines and certifies to the Massachusetts Clean Water Trust (the "Trust") in accordance with M.G.L. c. 21, s.27A, M.G.L. c. 29C, (the "Enabling Act"), and 310 CMR 45.00 (the "Regulations") (with all capitalized terms not otherwise defined herein having the meaning given such terms in the Regulations) as follows:

1. This Project Approval Certificate (the "Certificate") is issued by the Department in accordance with M.G.L. c. 21, s. 27A, the Enabling Act, and the Regulations, for the Water Pollution Abatement Project (the "Project") of the Applicant (the "Applicant") described above. The Department has approved the Project and hereby certifies to the Trust the total Costs of the Project determined by the Department to be eligible for financial assistance pursuant to Sections 18 of the Enabling Act ("Eligible Costs"). The Department's eligibility determination in Exhibit A complies with the applicable provisions of the Regulations.

2. To the extent the Department has designated the Project as an EPA "Group of Projects" member (as indicated on the face of this Certificate), the Department has determined that (i) the Project is eligible to receive direct assistance under the Safe Drinking Water Act and all Eligible Costs of the Project are costs that are eligible under the Safe Drinking Water Act; (ii) the Project complies, or, as applicable, the Applicant has complied or agreed to comply (such agreement to be incorporated in the Project Regulatory Agreement referred to in Paragraph 3 of this Certificate as a condition to this approval) with all federal cross cutter requirements applicable to the Project; and (iii) the potential environmental impact of the Project has been and shall continue to be reviewed under a state environmental review process conforming to the requirements of the Trust's Federal Capitalization Grants.

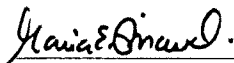
3. This Certificate and the Department's approval of the Project is conditioned upon; (i) the Applicant's compliance with the terms and conditions of the Applicant's certification contained in its Application for Drinking Water State Revolving Fund financial assistance; (ii) the Applicant's compliance with the Project schedule contained in Exhibit B and the Special Conditions contained in Exhibit C; (iii) the execution and delivery by the Applicant and the Department of a Project Regulatory Agreement for the Project (the "Project Regulatory Agreement") in form and substance satisfactory to the Department; and (iv) the Applicant's compliance with the executed Project Regulatory Agreement, as determined by the Department. The Project Regulatory Agreement shall be incorporated by reference in the Grant Agreement between the Trust and the Applicant, and failure by the Applicant to comply with the Project Regulatory Agreement shall constitute an event of default under the Grant Agreement.

4. The Project is included on the Department ' s Intended Use Plan Project Listing for the 2023 calendar year.

5. This Certificate is issued by the Department on the basis of information provided by the Applicant in its Application for financial assistance and the representations of the Applicant contained therein. The Applicant has agreed to promptly notify the Department of any material change in the information contained in the Application, which change may be grounds for modification or rescission of this Certificate. This Certificate is further subject to modification or rescission because of any change in law subsequent to the date of this Certificate and prior to the date any financial assistance is provided by the Trust in accordance with this Certificate.

6. The Department has determined that the Applicant has demonstrated adequate technical, financial, and managerial capability.

FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION



Date: 06/20/2023

Maria E. Pinaud
Division Director

Exhibit A

ELIGIBILITY DETERMINATION

| <u>ITEM</u> | <u>ELIGIBLE COST</u> | <u>INELIGIBLE COST</u> |
|--------------------------------------------------|-----------------------------|-------------------------------|
| <u>Planning</u> LSL Inventory and Replacement | \$214,795.00 | \$0.00 |
| Total: | \$214,795.00 | \$0.00 |

Exhibit B

PROJECT SCHEDULE

Project

Project Start

Project Completion

LSL Inventory and Replacement

09/04/2023

08/27/2024

Exhibit C

SPECIAL CONDITIONS

(1) The Applicant shall ensure that any prime contracts or subcontracts for services, construction, goods or equipment for the Project contains the applicable Affirmative Action and Minority/Women Business ('M/WBE') requirements in the Department's Regulations and the federal Disadvantaged Business Enterprise (DBE) rule. The Applicant shall comply with the Civil Rights Act of 1964, 42 USC s.2000(a) et seq., as amended, and all Executive Orders and regulations promulgated hereunder. The Applicant shall ensure that any prime contracts or subcontracts for services, construction, goods or equipment for the Project contain the M/WBE utilization goals of 4.2% MBE and 4.5% WBE.

(2) The Applicant shall submit an executed copy of the contract for engineering services to the Department within sixty (60) days of the date of contract execution. The Applicant understands that no payments for the Project will be processed until such contract has been submitted to the Department.

(3) Prior to receiving final payment for the Project, the Applicant shall certify to the Department that all work included in the Project Regulatory Agreement for the Project, as approved by the Department, has been completed and performed in accordance with the Project Regulatory Agreement.

(4) The Applicant shall establish accounts for the Project which shall be maintained in accordance with generally accepted government accounting standards.

(5) The Applicant understands and agrees that the Department's issuance of a Project Approval Certificate for this Project or entry into a Project Regulatory Agreement does not constitute the Department's sanction or approval of any changes or deviation from any applicable state regulatory or permit standards, criteria, or conditions, or from the terms or schedules of state enforcement actions or orders applicable to the Project.

(6) The Applicant agrees to provide any Project information and documentation requested by the Department. The Applicant shall maintain all Project records for seven (7) years after the issuance of final payment or until any litigation, appeal, claim, or audit that is begun before the end of the seven (7) year period is completed or resolved, whichever is longer.

(7) Any proposed change in Project-related contracts which substantially modifies the Project initially proposed shall be submitted to the Department for prior approval.

(8) The Applicant's implementation of the Project, including the procurement of related contracts, shall comply with all applicable requirements of state and local laws, ordinances, by-laws, rules and regulations.

From: Selectman Gary DePalma <gdepalma@wilmingtonma.gov>
Sent: Thursday, July 13, 2023 8:58 AM
To: Jeff Hull <jhull@wilmingtonma.gov>
Subject: Fw: [EXTERNAL] Fwd: Letter

Hi Jeff

This is the letter this residence would like to submit for Mondays meeting.

Gary

From: Gary DePalma <gbd87@comcast.net>
Sent: Monday, July 10, 2023 5:07 PM
To: Selectman Gary DePalma <gdepalma@wilmingtonma.gov>
Subject: [EXTERNAL] Fwd: Letter

> ----- Original Message -----

> From: Gary <gbd87@comcast.net>

> To: gbd87@comcast.net

> Date: 07/07/2023 3:59 PM EDT

> Subject: Letter

>

>

> Subject: 79 Nichols's st

> Mr pearson, my name is Hugh Vandemark Jr and I live at 81 Nichols's st. I'm writing to you because I believe that I'm not well represented at your conservation meetings due to the fact that you still hold them via zoom. I currently don't have an operational laptop and don't see the need for one. I'm retired and on a fixed income. I understand the need for zoom during the pandemic but the health crisis has passed. The entire neighborhood has the right to be heard on this issue. I'm not alone in this feeling. It's time to open the meetings to the public as have every other town department. I am the abutter most directly affected by the applicant's proposal and unless I and the rest of our neighborhood can voice our concerns in a public forum then we will be at a severe disadvantage. Be advised that myself and the entire Nichols's st community find this unacceptable. Please excuse my lack of technology as this is only the second email I've ever attempted. As soon as I figure out how I will cc Gary depalma, Jeff hull and my attorney. 😊 sincerely Hugh VanDeMark jr.