



# Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

May 5, 2023

TO: Select Board

RE: Special Environmental Counsel

At the Board's meeting on April 24<sup>th</sup>, I was directed to obtain information from KP Law relative to the transition of work currently handled by Brooks & DeRensis to KP Law. While the most prominent work that has been assigned to Brooks & DeRensis has been the Olin Superfund Site, the other legal matters tasked to the firm were representing the Town relative to New England Transrail/Wilmington Woburn Industrial's proposed redevelopment of the site and full closure of the Maple Meadow Landfill.

Mark Reich has indicated that his firm can represent the Town on these matters and will prepare to do so if directed by the Board. He does suggest that the Board carefully consider whether to change law firms particularly if the Board is not dissatisfied with the work of Dan Deutsch, Esq., from Brooks & DeRensis. It is not possible for Mark Reich to provide a specific estimate of the cost to transition these cases to KP Law at this time. These cases have lengthy histories and, in the case of the Olin site, extending back to the mid-1980s. In addition to the physical transfer of files, there would need to be communication between representatives from KP Law and Dan Deutsch to begin to understand the priority areas of focus on these cases. Extensive document review would be required by KP attorneys to become versed in the history and present circumstances. As previously noted, communications from EPA and Olin have been sent to KP Law however, Mark Reich has not engaged in a thorough review of each communication or environmental study that has been sent to him.

During periods in which an attorney from KP Law and Dan Deutsch are conferencing to transfer knowledge, the Town would be paying the hourly rates of both firms (\$360/hour for Brooks & DeRensis and \$300/hour for KP Law). It is unclear as to the number of hours that both firms would need to engage in discussions or the number of hours that it will take KP Law to review documentation related to the three matters to become knowledgeable about the status of each case. Attorney Reich has stated he can put a legal team together that is fully capable of representing the Town. A team approach with multiple attorneys

having knowledge of the cases may buffer the Town against knowledge loss if one attorney with the vast majority of the knowledge about the cases retires or leaves the firm. It is unclear the degree to which other attorneys at Brooks & DeRensis have significant knowledge about the environmental cases however, it is reasonable to believe that Attorney Dan Deutsch has the greatest level of historical and current knowledge about the cases. While such a circumstance is not insurmountable, with the lengthy history of the Olin Superfund Site the departure of a single attorney, particularly if that departure is on short notice, would take time for other attorneys from the firm to familiarize themselves with the case(s).

Attorney Reich also noted it is important for him to have a clear understanding of the scope of work that the Board expects from KP Law if they are to be engaged to represent the Town on these matters. Attorney Deutsch has been tasked with retaining knowledge about the requirements EPA is imposing on Olin, the environmental studies being prepared by Olin's consultants, communicating with the Town and Verdantas as needed when comment responses are prepared by Verdantas on the Town's behalf to be issued to EPA, recommending legal strategies as discussed in executive session related to the Superfund Site, filing reports with the federal Surface Transportation Board regarding changes to the status of the proposed redevelopment of the Olin site and representing the Town with respect to discussing with those parties interested in the redevelopment of the Olin site. Presumably, KP Law would be directed to take on a similar role if the Board decides to make a switch.



Jeffrey M. Hull  
Town Manager

## Jeff Hull

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**From:** Mark R. Reich <MReich@k-plaw.com>  
**Sent:** Thursday, May 4, 2023 3:37 PM  
**To:** Jeff Hull  
**Subject:** [EXTERNAL] Olin Superfund Site

Jeff –

You have indicated to me that the Select Board will be considering the Town's representation regarding the Olin Superfund Site and related matters. As I understand, Attorney Dan Deutsch has been representing the Town for many years in this matter and is currently monitoring the submissions being made by Olin and the EPA's responses as the matter proceeds to a Record of Decision.

As you are aware, this firm has not to date taken any role in this matter. While you have forwarded e-mails on this matter to me for my information, we have not undertaken any substantive role in the matter in the interest of avoiding unnecessary expense to the Town.

As you are aware, federal Superfund cases are complex and involve technical and legal matters pertaining to environmental review, administrative proceedings, and potential litigation. At this time, I am not aware of any active litigation and, as noted above, special counsel is currently monitoring the developments on behalf of the Town. The Town, through its Select Board, will at some point determine the course of action in this matter, including consideration of whether to pursue any actions related to damages incurred by the Town as a result of the Olin activities.

This particular matter has a very long history. We have similarly been involved in a number of long-standing Superfund matters, including the Shpack Landfill Site in Medway, the Blackburn/Union Privileges Superfund Site in Walpole, and the Beede Waste Oil Site in Plaistow, New Hampshire (involving over a dozen Massachusetts municipalities), among others. Our involvement in these particular matters is lengthy and extensive as many issues have arisen with the subject sites, including consideration of claims, institutional controls, development limitations, and administrative actions. We have been very active in these matters and have been able to fully represent our clients' interests.

These are complex long-term matters for which institutional knowledge is necessary. Thus, any representation in this matter would require significant review of all materials as well as an understanding of the Town's intentions with regard to this site and any potential actions to be taken. As we have discussed, this is specialized legal work, differing from standard Town Counsel services, and so would be charged at a rate of \$300 per hour. This charge would extend to the review of existing documents, meeting with the Board in executive session to review the matter, and proceeding with monitoring and any necessary action. We can certainly take on this matter and devote attorneys to review and consideration of the history and documents relative to the site. However, it is important for the Board to be aware that this may be a costly undertaking given the extensive site history.

Please let me know how you would like to proceed.

Thank you.

Mark

Mark R. Reich, Esq.  
**KP | LAW**  
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Boston, MA 02110  
O: (617) 556 0007  
F: (617) 654 1735  
mreich@k-plaw.com  
www.k-plaw.com

**Glenn Brand, Ed.D.**  
Superintendent of Schools

**Christine Elliott**  
Assistant Superintendent for  
Curriculum & Staff Development

**Paul Ruggiero**  
Assistant Superintendent of



WILMINGTON PUBLIC SCHOOLS

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**Alice Brown-LeGrand**  
Director of Student Support Services

**Andrea Stern Armstrong**  
Director of Human Resources

**Kenneth Lord**  
Director of Technology &  
Digital Learning

*A school and community partnership that provides an inclusive, respectful, and collaborative learning environment where all stakeholders are engaged in the development of the whole child.*

**To: Wilmington School Committee**  
**Cc: Jeff Hull, Town Manager**  
**From: Glenn Brand, Superintendent of Schools**  
**Date: May 10, 2023**  
**Re: Wildwood @ Middle School Scope of Work**

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### **Background**

Over the course of the last few months there has remained ongoing planning and collaboration between the Town Manager's office, our consultant Dore + Whittier, and members of our senior leadership team regarding the interim solution for the Wildwood relocation to Carter Lane, more specifically the Wilmington Middle School beginning in the fall of 2023.

At the recent town meeting residents learned that the overall financial cost of the interim solutions came in significantly lower than what was originally being carried (latter at just over a million dollars).

### **The Original Interim Plan**

The fundamental plan that was originally approved by the Wildwood School Building Committee on December 20, 2022, included the following key aspects:

- Construction of Age-Appropriate Restroom Facilities
- Appropriate Technology (Security & In-Classroom Equipment)
- Outdoor play Space
- Repurposing a current open foyer area to an office at the Middle School (needed if the existing conference room was to be constructed into a restroom)
- Other miscellaneous items (i.e. moving the library, furniture)

### **Revised Interim Plan**

The above project design was based upon the original designation of restroom construction at the middle school in what is currently a conference room, a room in the Library foyer, repurposing a staff bathroom to a student bathroom, and retrofitting a copy/storage area. However, following the approval of the plan, Dore + Whittier identified a better space in the same wing that already had adjacent plumbing (Room 155 - a current office space). This space held three primary benefits:

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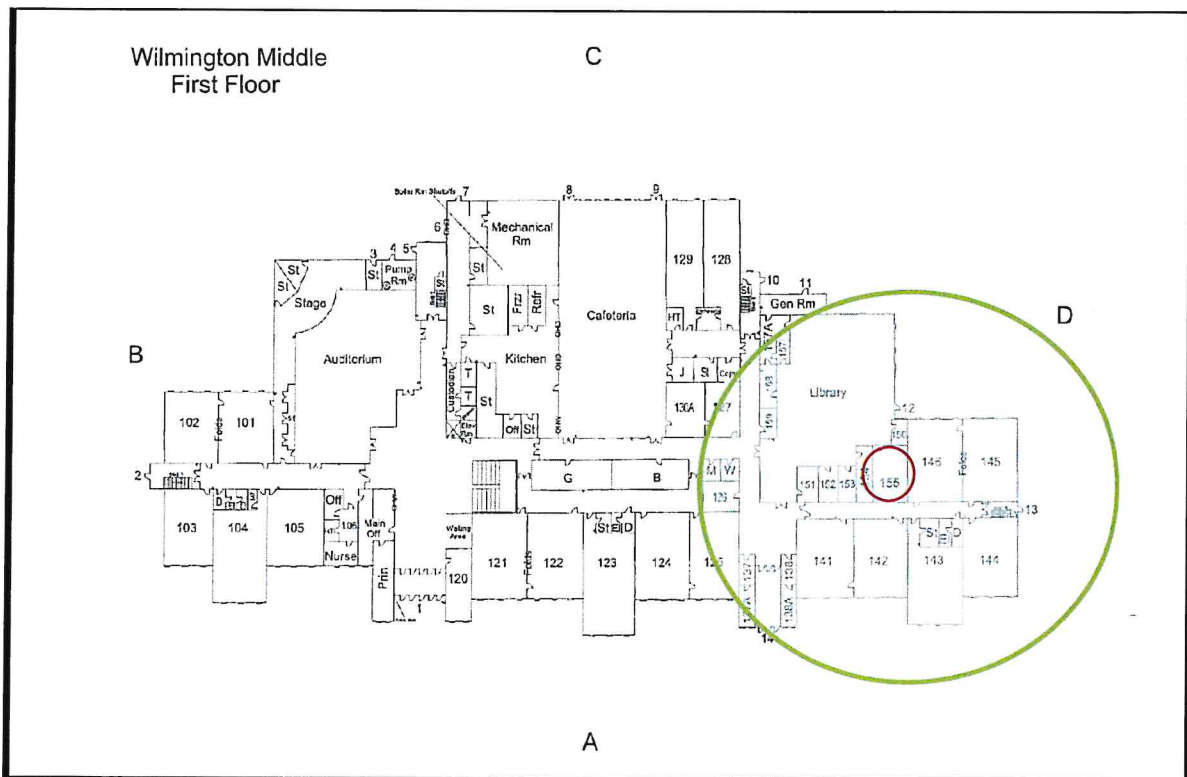
#### Notice of Non-Discrimination

All educational and non-academic programs, activities and employment opportunities at Wilmington Public Schools are offered without regard to race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age and/or disability, and any other class or characteristic protected by law.

1. It was even larger than the original spaces and can accommodate six (6) total bathroom stalls with three (3) in a boys bathroom and three (3) in a girls bathroom
2. There will be complete separation of these two (2) restrooms and access will be created directly in the Middle School hallway where the majority of the Wildwood classrooms are located
3. Plumbing is already adjacent to this area which will drastically reduce the overall cost of the project

The above revision of the plan was presented to the Wildwood Building Committee on 3/15/23, and the School Committee on 3/22/23. **NOTE-** the SC meeting included a copy of the memo dated 3/15/23 to the Wildwood Building Committee explaining the change in scope.

A graphic of the middle school space that highlights the location of the classrooms and restroom is located below:



### Overall Cost Differences Difference Between the Financial

The original interim plan included an overall cost not to exceed \$1,100,000.

The most current financial cost associated with the revised interim plan, as approved at Town meeting and presented by the Town Manager, is \$545,359.

There are three key factors that have resulted in the change to the overall cost:

1. Outdoor Play Space - funds for this aspect of the project were identified as part of town-available grant funding (*ARPA funding*), thus reducing the overall need to carry the costs of \$100,000
2. Restroom relocation
3. Filed subcontractor bids and General Contractor bids came in lower than expected (bids were finalized on 4/28/23)



**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 *JM*

**SUBJECT:** Traffic Signal Project Updates: Fire Department Traffic Signal and Shawsheen Ave / Hopkins Street

**DATE:** May 4, 2023

**CC:** Chief William Cavanaugh, Wilmington Fire Department  
Paul Alunni, Town Engineer

As requested, the following is a project summary of the two traffic signal projects currently underway: the Fire Department / Church Street Traffic Signal and the Shawsheen Ave / Hopkins Street Intersection Improvement Project.

**Fire Department / Church Street Traffic Signal**

Since the last update, sealed bids were opened for this project on November 22, 2022. The project was awarded to Coviello Electric. Since that time, the Town's engineering consultant for this project, Green International Affiliates, Inc (GIA), has been reviewing contractor shop drawings and the contractor has placed orders for project materials.

A preconstruction meeting was conducted on May 2, 2023 with Coviello Electric, GIA, Chief Cavanaugh and members of the Department of Public Works. Coviello Electric has stated that they are about 4 to 6 weeks from starting construction on this project (June 2023), as they are finalizing shop drawing review and getting ready to mobilize. Work during June 2023 will consist of setting up erosion controls, sawcutting conduit locations along Church Street and the Fire Station Apron, installing mast arm foundations, associated conduits, and cabinet hardware. The timeframe on delivery of the traffic signal mast arms is still approximately 4 to 5 months away, which puts final installation of the overhead signals into September / October of 2023. This delay was expected due to scarcity of materials and the fabrication time needed for custom traffic signal mast arms.

As a reminder, April 30, 2022 Town Meeting approved \$400,000 for the construction portion of this project as part of the Town's Capital Improvement Plan. A request to carry forward funding into FY24 will be made to accommodate the project's schedule.

**Shawsheen Ave / Hopkins Street Intersection Improvement Project**

Work in the Shawsheen Ave / Hopkins Street Intersection Project has advanced this spring with the contractor for the project, Dagle Electrical Corporation, beginning work on April 18, 2023. Signal mast

arm foundations have been installed and the crews are in the process of installing associated conduits and ancillary electrical equipment. During the month of May, Dagle will be resuming with civil site work, including the installation of new granite curbing at the intersection, sidewalk adjustments, and modifications to the existing accessible mini-bus student drop off location along Hopkins Street. During this time, the existing signals at the intersection will continue to be operational and minimal traffic impacts are anticipated.

Similar to the Fire Department Traffic Signal project, mast arm equipment is not expected to be delivered for a few months. It is anticipated that the mast arms will be delivered and installed during the summer of 2023 with the project being completed by the end of August 2023. The final project will include new signals, upgraded curbing and sidewalk in this location, and new pavement and traffic markings within the intersection.

The School Department participated in the preconstruction meeting for this project and will continue to be notified of any updates or changes to project schedule.





**Arbor Day Foundation®**

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*We inspire people to plant, nurture, and celebrate trees.*

Town Manager Jeffrey Hull  
121 Glen Road  
Wilmington, MA 01887

RCVD TOWN MANAGER  
'23 APR 24 PM 12:17

Dear Tree City USA Community Member,

On behalf of the Arbor Day Foundation, I'm thrilled to congratulate Town of Wilmington on earning recognition as a 2022 Tree City USA. Residents of Town of Wilmington should be proud to live in a community that makes the planting and care of trees a priority.

Founded in 1976, Tree City USA is a partnership between the Arbor Day Foundation, the U.S. Forest Service, and the National Association of State Foresters. Town of Wilmington is part of an incredible network of more than 3,600 Tree City USA communities nationwide, with a combined population of 155 million.

Over the last few years, the value and importance of trees has become increasingly clear. Cities and towns across the globe are facing issues with air quality, water resources, personal health and well-being, and energy use. Town of Wilmington has taken steps to create to a brighter, greener future.

We hope you are as excited as we are to share this accomplishment with your local media and your residents. Enclosed in this packet is a press release for you to distribute at your convenience.

We're excited to celebrate your commitment to the people and trees of Town of Wilmington. Thank you, again, for your efforts.

Best Regards,

Dan Lambe  
Arbor Day Foundation Chief Executive

April 25, 2023

Wilmington Board of Selectmen Chair  
 121 Glen Road  
 Wilmington, MA 01887

**RCVD TOWN MANAGER**  
 '23 MAY 2 PM2:49

Dear Board of Selectmen Chair:

In a letter sent on November 28, 2022, you received notification that National Grid would carry out late winter-spring mechanical control, cut surface (CST) or basal treatment; a summer selective foliage treatment; and, as necessary, summer and fall CST and basal treatments on rights-of-way, which pass through your municipality. Information on National Grid’s approved Yearly Operational Plan (YOP) and a link to maps showing the rights-of-way to be treated were included with that letter.

The current five-year Vegetation Management Plan (VMP), approved 2023 YOP, and 2023 maps are posted on National Grid’s website: [https://www9.nationalgridus.com/transmission/c3-8\\_standocs.asp](https://www9.nationalgridus.com/transmission/c3-8_standocs.asp)

Please let us know if there are any additional *sensitive areas* located on or near the rights-of-way. Please advise us as soon as possible so we can establish permanent GIS records and implement appropriate field protective actions. We particularly rely on this process to collect corrections to the public wells and to record the location of private wells.

National Grid’s YOP details specific information pertaining to the intended 2023 program. Please note that the YOP also lists the rights-of-way from the 2022 treatment program in case National Grid needs to request a “touch-up” retreatment of scattered locations from our contractor(s). If upon review of the previous year’s treatments, National Grid finds a site(s) within your municipality that need follow-up treatments, this letter serves as notification of that follow-up treatment. The individual landowner(s) will be also be notified about this work. *Please note that scheduled rights-of-way are subject to change based on workplan constraints*

Commonwealth of Massachusetts recommended herbicides for use in *sensitive areas* listed in Section 7 (pages 13-15) of the YOP will be selectively applied to target vegetation by experienced, Massachusetts’ licensed/certified applicators that walk along the rights-of-way using backpack equipment. Copies of the manufacturers’ herbicide labels and fact sheets are also included in the YOP, Appendices 8 and 9.

Potential Treatment Periods\*

January 23, 2023 – May 30, 2023	May 30, 2023 - Oct 15, 2023	Oct 15, 2023 – Dec 31, 2023
CST	Foliar	CST
Basal	CST	Basal
Dormant stem	Basal	Dormant Stem
	Cut stubble	

\* The exact treatment dates are dependent upon weather conditions and field crew progress.

In compliance with 333 CMR 11.06-11.07, no herbicide applications will occur before the conclusion of the 45-day YOP review period, the 21-day treatment notice and the 48-hour newspaper notice. At the end of these review periods, which can run concurrently, no application shall commence more than ten days before nor conclude more than ten days after the treatment periods listed above.

The work will be performed by one of the following vegetation management vendors:

Lewis Tree Service, Inc.	Stanley Tree	Vegetation Control Service, Inc.
300 Lucius Gordon Drive	662 Great Road	2342 Main Street
West Henrietta, NY 14586	North Smithfield, RI 02896	Athol, MA 01331
(585) 436-3208	(401) 765-4677	(978) 249-5348

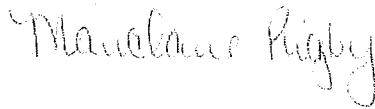
This informational 21-day notification follows Chapter 132B, section 6B of the Massachusetts General Laws, 333 CMR 11.05-11.07 Rights of Way Management and Chapter 85, Section 10 of the Acts of 2000. National Grid's vegetation management program is subject to federal and state regulations only. By statute, local permits or rulings are not applicable.

For inquiries concerning safety of the herbicides, please contact:

Director of Rights-of-Way Programs  
Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114-2151  
Telephone: (617) 626-1781

Please contact me if you have any questions about the application and monitoring of the vegetation control program. The best way to contact me is through email at [mariclaire.rigby@nationalgrid.com](mailto:mariclaire.rigby@nationalgrid.com) or please leave a message at 508-860-6282

Sincerely,



Mariclaire Rigby  
Lead Vegetation Strategy Specialist

cc: Board of Health  
Conservation Commission  
Massachusetts Pesticide Bureau  
Assigned vegetation management vendor

Municipality: Wilmington

ROW#(S): 1241