

FEB 10 2004

CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

TO: Deirdre Reade, School Committee Office
FROM: *MS* Catherine A. Lester Salchert, Assistant City Solicitor
DATE: February 9, 2004
RE: Grant Agreement L-3978
Community Preservation Committee, Memorial-Spaulding School
Outdoor Garden/Classroom ("Kayla's Garden")
File -03-308

Attached please find five (5) originals of the above-referenced agreement for Anne Larner's signature. Please have Ms. Larner sign all five (5) agreements where indicated and then return all five (5) agreements to my attention in the Law Department. Thank you.

CALS/

Attachment

cc: Michael Cronin, Director of Operations, School Department
Jennifer Goldson, Community Preservation Planner

GRANT AGREEMENT

This Agreement dated February 6, 2004 is entered into by and between the Memorial-Spaulding Parent Teacher Organization, which has a business address at 250 Brookline Street, Newton Centre, Massachusetts 02459 (hereinafter "PTO") and the City of Newton, a municipal corporation acting by and through its Superintendent of Schools, but without personal liability to him (hereinafter the "City"); collectively, the "parties".

WHEREAS, the Memorial-Spaulding School was awarded a grant of funds by the Community Preservation Committee for the creation of an outdoor classroom; and

WHEREAS, the Memorial-Spaulding Parent Teacher Organization ("PTO") has spear-headed the project by providing volunteers and donating time and certain items; and,

WHEREAS, the PTO made some expenditures for items included in the approved budget for this project with the expectation of reimbursement; and

WHEREAS, the Superintendent and Director of Operations approved such reimbursement.

NOW THEREFORE, the parties agree as follows:

1. Incorporation of Attached Documents

The following documents, copies of which are attached hereto, are hereby incorporated as part of this Agreement:

--Board Order #119-03 adopted by the Board of Aldermen of the City of Newton on June 16, 2003 authorizing the expenditure of Community Preservation Committee Unreserved Funds in the amount of \$23,718.00 under the direction and control of the School Committee for funding a portion of the costs for creating an outdoor classroom at Memorial-Spaulding School.

--Community Preservation Committee Recommendation, revised 4/7/03 and 6/11/03 outlining the approved purposes for expending the funds.

--The application budget which includes all items approved for reimbursement.

2. Scope of Agreement

This Agreement is with respect to reimbursement of approved expenditures for items that are not required to be bid, such as hoses, bird feeders, educational boulders and the like. In order to receive reimbursement, the PTO shall provide an invoice on PTO letterhead along with copies of itemized receipts.

3. Term of Agreement

This Agreement shall be in effect from as of the date stated above through December 31, 2004, unless extended by the parties hereto.

4. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

5. Non-assignability

Neither party may assign this Agreement, in whole or in part, without the written consent of the other party.

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