

11/10/92
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TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: November 6, 1992

TO: Board of Selectmen

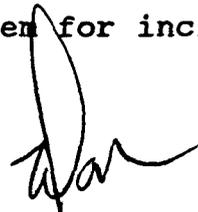
FROM: Don P. Johnson, Town Manager

SUBJECT: FY93 Classification Hearing Information

Attached you will find preliminary information regarding valuation, etc. as it relates to your FY93 Tax Classification Hearing. This information has been compiled by Staff in order to provide the Board with a "framework" for your decision making. We cannot overstate the preliminary "draft" status of the numbers at this time. We have not had an opportunity to verify them and the State has not certified anything as of this writing.

We will be attempting to determine any relevant corrections or adjustments prior to your meeting and will present any appropriate changes at that time. The above disclaimers notwithstanding, the ratios have been quite stable for many years so I would not expect our refinement of the numbers to cause any dramatic shift in the ratios such that your decision would be influenced.

As you are aware, the Board of Assessors will be making the presentation this year. They are preparing their own materials (I have offered to prepare any visuals they may need); however, we did not received anything from them for inclusion in your packets.



TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 11-04-92

TO: The Board of Selectmen
FROM: John Murray *JM*
SUBJECT: PRELIMINARY CLASSIFICATION INFORMATION

Attached is preliminary classification documentation. Several auditing documents run by Roy Wetherby have indicated areas that need further review, and at this time that review has not been concluded. Due to the fact that some alleged that "town staff" had purposely provided "misleading" preliminary numbers last year, I will stress that these numbers are currently being reviewed and are subject to change. Staff will provide final numbers as soon as possible, but in reality we feel that the revised numbers will not be available until late Tuesday.

TOWN OF ACTON
VALUATION BY CLASS

PRELIMINARY

CLASS	FISCAL YEAR 1988	FISCAL YEAR 1989	FISCAL YEAR 1990	FISCAL YEAR 1991	FISCAL YEAR 1992	FISCAL YEAR 1993
RESIDENTIAL	754,957,700	1,369,874,250	1,376,116,650	1,436,321,950	1,148,902,050	1,157,289,900
COMMERCIAL	126,978,755	236,458,867	247,043,780	245,576,170	198,021,457	194,466,463
INDUSTRIAL	64,897,500	100,956,700	103,237,700	103,888,800	85,507,000	82,109,700
SUB-TOTAL	946,833,955	1,707,289,817	1,726,398,130	1,785,786,920	1,430,430,507	1,433,866,063
PERSONAL	15,305,681	18,329,760	18,278,882	18,669,473	20,231,356	20,718,154
TOTAL	962,139,636	1,725,619,577	1,744,677,012	1,804,456,393	1,450,661,863	1,454,584,217

PERCENT CHANGE BY CLASS

PRELIMINARY

CLASS	CHANGE 1988-1989	CHANGE 1989-1990	CHANGE 1990-1991	CHANGE 1991-1992	CHANGE 1992-1993
RESIDENTIAL	81.45%	0.46%	4.38%	-20.15%	0.91%
COMMERCIAL	86.22%	4.48%	-0.59%	-19.36%	-1.80%
INDUSTRIAL	55.56%	2.26%	0.63%	-17.69%	-3.97%
SUB-TOTAL	80.32%	1.12%	3.44%	-19.90%	0.24%
PERSONAL	19.76%	-0.28%	2.14%	8.37%	2.41%
TOTAL	79.35%	1.10%	3.43%	-19.61%	0.27%

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See page #2

TOWN OF ACTON
VALUATION COMPARISON

CLASS	FISCAL YEAR 1991		FISCAL YEAR 1992		PER CENT CHANGE		FISCAL YEAR 1993		PER CENT CHANGE	
	Parcel count	Value	Parcel count	Value	Parcel	Value	Parcel count	Value	Parcel	Value
101	4,156	1,064,389,100	4,151	885,800,700	-0.12%	-16.78%	4,214	913,224,100	1.52%	3.10%
102	1,429	175,874,150	1,449	137,478,250	1.40%	-21.83%	1,476	127,770,600	1.86%	-7.06%
Misc.	0	0	11	2,893,400			12	2,668,100	9.09%	-6.75%
104	78	18,358,600	85	16,563,300	8.97%	-9.83%	84	16,361,100	-1.16%	-1.22%
105	28	48,739,800	15	3,232,300	-46.43%	-93.37%	14	3,133,900	-6.67%	-3.04%
111-125	46	44,956,300	44	32,301,100	-4.35%	-28.15%	42	32,293,200	-4.55%	-0.02%
130-132 & 106	815	65,948,000	815	43,703,600	0.00%	-33.73%	761	33,385,800	-6.63%	-23.61%
012-43	101	18,086,000	159	24,938,400	57.43%	37.89%	175	28,433,100	10.06%	14.01%
Total Residential	6,653	1,436,321,950	6,729	1,146,902,050	1.14%	-20.15%	6,778	1,157,269,900	0.73%	0.91%
300-393	345	230,262,200	326	154,163,700	-5.51%	-33.05%	320	152,501,000	-1.84%	-1.08%
ch 61	40	638,876	40	252,891	0.00%	-60.42%	39	345,690	-2.50%	36.70%
ch 61a	9	170,300	11	189,500	22.22%	11.27%	11	114,900	0.00%	-39.37%
ch 61b	2	307,594	2	343,566	0.00%	11.69%	2	213,373	0.00%	-37.89%
400-442		14,197,200		43,071,800		203.38%		41,291,500		-4.13%
Total Commercial	396	245,576,170	379	198,021,457	-4.29%	-19.36%	372	194,466,463	-1.85%	-1.80%
400-442	147	92,307,100	120	62,613,400	-18.37%	-32.17%	104	59,241,200	-13.33%	-5.39%
012-043		11,581,700		22,893,600		97.67%		22,868,500		-0.11%
Total Industrial	147	103,888,800	120	85,507,000	-18.37%	-17.69%	104	82,109,700	-13.33%	-3.97%
Total Real Estate	7,196	1,785,786,920	7,228	1,430,430,507	0.44%	-19.90%	7,254	1,433,866,063	0.36%	0.24%
501	232	1,976,581	259	1,783,838	11.64%	-9.75%	248	1,689,416	-4.25%	-5.29%
502	187	3,446,262	174	3,161,530	-6.95%	-8.26%	154	2,996,865	-11.49%	-5.21%
504	6	13,246,600	2	10,198,488	-66.67%	-23.01%	2	10,944,373	0.00%	7.31%
505			3	4,802,900			3	4,802,900	0.00%	0.00%
506			1	284,600			1	284,600	0.00%	0.00%
Total Personal	425	18,669,473	439	20,231,356	3.29%	8.37%	408	20,718,154	-7.06%	2.41%
Total Real and Personal	7,621	1,804,456,393	7,667	1,450,661,863	0.60%	-19.61%	7,662	1,454,584,217	-0.07%	0.27%
Exempt			354	100,533,500			358	100,364,100	1.13%	-0.17%
GRAND TOTAL			8,021	1,551,195,363			8,020	1,554,948,317	-0.01%	0.24%
Average Single Family Home		256,102		213,395				216,712		
Per Cent Change								1.55%		
Average Residential Condo		123,075		94,879				86,565		
Per Cent Change								-8.76%		
Average Commercial Unit		620,142		522,484				522,750		
Per Cent Change								0.05%		
Average Industrial Unit		706,727		712,558				789,516		
Per Cent Change								10.80%		

* Reason for loss parcels / unknown at this time.

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APPLICABLE TAX RATES

	NO SHIFT	5% SHIFT	10% SHIFT	15% SHIFT	20% SHIFT	25% SHIFT	30% SHIFT	40% SHIFT	50% SHIFT
RESIDENTIAL TAX RATE	\$17.27	\$17.05	\$16.82	\$16.60	\$16.38	\$16.16	\$15.94	\$15.49	\$15.05
COMMERCIAL TAX RATE	\$17.27	\$18.13	\$18.99	\$19.86	\$20.72	\$21.58	\$22.45	\$24.17	\$25.90
INDUSTRIAL TAX RATE	\$17.27	\$18.13	\$18.99	\$19.86	\$20.72	\$21.58	\$22.45	\$24.17	\$25.90
PERSONAL PROPERTY TAX RATE	\$17.27	\$18.13	\$18.99	\$19.86	\$20.72	\$21.58	\$22.45	\$24.17	\$25.90

RESIDENTIAL FACTORS

	NO SHIFT	5% SHIFT	10% SHIFT	15% SHIFT	20% SHIFT	25% SHIFT	30% SHIFT	40% SHIFT	50% SHIFT
	100.0000%	98.7156%	97.4311%	96.1467%	94.8622%	93.5778%	92.2933%	89.7245%	87.1556% MRF

PERCENTAGE CHANGE IN THE AVERAGE TAX BILL FROM FY92 TO FY93

	NO SHIFT	5% SHIFT	10% SHIFT	15% SHIFT	20% SHIFT	25% SHIFT	30% SHIFT	40% SHIFT	50% SHIFT
AVERAGE SINGLE FAMILY HOME	7.51%	6.13%	4.75%	3.37%	1.99%	0.61%	-0.77%	-3.54%	-6.30%
AVERAGE CONDOMINIUM	-3.41%	-4.65%	-5.89%	-7.13%	-8.37%	-9.61%	-10.85%	-13.34%	-15.82%
AVERAGE RESIDENTIAL	6.05%	4.69%	3.33%	1.97%	0.60%	-0.76%	-2.12%	-4.84%	-7.57%
AVERAGE COMMERCIAL & INDUSTRIAL	-4.19%	0.60%	5.39%	10.18%	14.97%	19.76%	24.55%	34.13%	43.71%
AVERAGE COMMERCIAL	-6.26%	-1.57%	3.11%	7.79%	12.48%	17.16%	21.85%	31.22%	40.59%
AVERAGE INDUSTRIAL	3.81%	9.00%	14.19%	19.38%	24.57%	29.76%	34.95%	45.33%	55.71%

1) Looking for loss parents
 2) affects all other % inc

02 November 1992

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TAX CLASSIFICATION HEARING

Board of Selectmen
Town Hall
Acton, MA 01720

Dear Board Member:

Upon reflection, it seems to me that both the proponents and opponents of a split tax rate could address this matter in a more positive manner and achieve a common goal.

One of the negative aspects of a split tax rate is that it does not produce additional tax revenue for the Town. In addition, the use of a split tax rate is a divisive act that only reinforces the belief that the Acton town government is "anti-business". Even if not true, as long as this perception exists it will contribute to the breach between town government and business.

While businesses believe that they are taxed unfairly because of the split tax rate, most Selectmen have indicated that a shift of the tax burden to commercial and industrial properties is justified as a means of providing tax relief to the owners of residential properties.

Perhaps there is a way to resolve these contradictory opinions. What if the Town could raise additional tax dollars from business properties without the use of a split tax rate and yet their owners could see a justification for increased taxation?

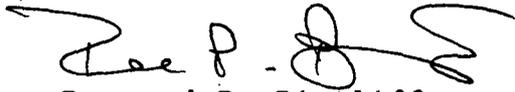
The market value of commercial and industrial property in Acton has been declining at a greater rate than residential property. All property owners view declining property values with dismay, and this is especially true for owners of business property because declining values and declining rents go hand in hand. Although the present economic conditions are a major force in driving down property values, the perception that Acton is "anti-business" must certainly have some negative effect on property values. If the Board of Selectmen took action to reverse this perception, there could well be an upward movement in the value of business properties. Rising values for commercial properties would translate directly into increased tax revenue from those properties, which in turn would reduce the amount of taxes paid by residential property owners.

While owners of business property view a split tax rate as unfair, they could not object to paying higher taxes which result from genuine increases in property values.

Any favorable action taken by the Selectmen which causes the commercial/industrial tax base to increase will result in a direct benefit to the owners of residential property.

As a first step, reversion to a single tax rate for all classes of property would be a major move toward dispelling the belief that town government in Acton views business in a negative light. Such action could result in increased property values for businesses.

Sincerely,



Raymond P. Bintliff
2 Powder Horn Lane
Acton, MA 01720

..... F O C U S ON MUNICIPAL
FINANCE

11/10/92
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Multiple Tax Rates: Shifting the Property Tax Burden

This Focus examines how communities shifted the property tax from the residential class (residential and open space) to the business class (commercial, industrial and personal property) by adopting multiple tax rates in FY91.

Classification & Adoption of Multiple Rates

Communities must classify real and personal property into different categories, record the value in each category, and vote on whether to tax these categories at the same or different rates. The categories are residential, open space, commercial and industrial, and personal property.

Adopting different rates shifts the property tax among the different classes. It does not increase the size of a community's levy. This local option enables communities to retain, within certain limits, the relative shares of the property tax paid by residential (residential and open space property) and business property (commercial, industrial and personal property) that existed prior to the implementation of full and fair cash valuation.

The Minimum Residential Factor

The Classification Act requires the calculation of a minimum residential factor (MRF) for each community. The MRF defines the allowable shift that can be implemented through adoption of multiple tax rates. The MRF is used to ensure that any shift off the residential class is not so large that it creates a disproportionate burden for business property taxpayers.

Suppose the MRF calculated for a community is 92%. This means that the residential class cannot pay less than 92% of its share of the levy, based on the value of the residential class as a share of the community's total value. If the actual residential share of value is 86.3%, then the residential share of the levy cannot be less than $86.3\% \times 92\%$, or 79.4%. Communities can select any residential factor equal to or greater than their MRF.

Because of the rapid appreciation in real estate values in the 1980's, the Classification Law was amended by Chapter 200 of the Acts of 1988, to ensure that the residential class would not pay an increasingly higher percentage of the levy under the law's original limits. Now, communities are able to maintain relative shares of the levy paid by residential and business taxpayers since the community first adopted a classified tax system.

Existing classification limits are used to calculate the MRF, unless these limits would result in the residential class bearing a higher percentage of the levy than it paid in the previous year. In these cases, the MRF is calculated by decreasing the percentage share of the levy that can be paid by the residential class from 65% to 50% and increasing the maximum share that can be paid by the business class from 150% to 175%.

By law, using these expanded limits cannot result in an MRF that allows the residential class to pay a lower share of the levy than it paid in any year since the community was first certified as assessing at full and fair

cash value. In this case, DOR determines the MRF by adjusting the share of the levy paid by the residential class to the lowest percentage imposed on this class in any year since the community was first certified.

Amount of Communities' Shift

The FY91 statewide levy was \$4.8 billion. If all property were taxed at the same rate, the residential class would have paid \$3.6 billion and the business class would have paid \$1.1 billion in property taxes. With shifting, the residential class paid property taxes of \$3.2 billion and the business class paid property taxes of \$1.6 billion.

Statewide in FY91, the 105 communities that adopted multiple rates shifted a total of \$450 million, or 86% of their allowable shift from residential to business taxpayers. Under the law, these communities could have shifted another \$71 million. Those communities that chose not to shift at all could have shifted a total of \$126 million. Thus, eligible communities could have shifted an additional \$197 million to business taxpayers. Seventy percent of the potential statewide shift of \$647 million was implemented.

In contrast statewide in FY90 communities that adopted multiple tax rates shifted a total of \$402.8 million from residential to business taxpayers, representing 83.2% of the potential shift. These communities could have shifted another \$81.6 million. Those communities that chose not to shift at all could have shifted a total of \$109.8 million in FY90.

Continued on page 6

Community	Res % Of Value	Res % Of Levy	Min. Res. Factor	Res. Factor Chosen	Dollar Shift to CIP 000's	Actual Res Tax Rate	Tax Rate If no Shift	Community	Res % Of Value	Res % Of Levy	Min. Res. Factor	Res. Factor Chosen	Dollar Shift to CIP 000's	Actual Res Tax Rate	Tax Rate If no Shift	Community	Res % Of Value	Res % Of Levy	Min. Res. Factor	Res. Factor Chosen	Dollar Shift to CIP 000's	Actual Res Tax Rate	Tax Rate If no Shift
METHUEN	81.3	78.2	88.5	96.1	879	12.14	12.63	PRINCETON	96.7	96.7	98.3			12.71		TYNGSBOROUGH	78.6	78.6	86.4				12.24
MIDDLEBOROUGH	74.0	66.2	82.5	89.5	848	9.44	10.55	PROVINCETOWN	70.5	70.5	79.1			11.69		TYRINGHAM	94.8	94.8	97.2				5.70
MIDDLEFIELD	92.1	92.1	85.7			12.20		QUINCY	76.8	59.6	77.6	77.6	11,921	10.72	13.81	UPTON	93.9	93.9	96.8				7.20
MIDDLETON	72.0	72.0	80.6			9.42		RANDOLPH	81.8	79.5	88.9	97.1	475	10.89	11.21	UXBRIDGE	84.5	86.5	92.2				10.19
MILFORD	76.7	65.1	84.8	84.8	2,087	9.43	11.11	RAYNHAM	75.3	73.5	83.6	97.5	124	9.71	9.95	WAKEFIELD	77.4	68.3	85.4	88.2	2,065	10.95	12.41
MILLBURY	82.1	82.1	89.1			10.46		READING	89.0	89.0	93.8			12.88		WALES	94.1	94.1	96.9				11.98
MILLS	89.4	86.4	92.3			11.29		REHOBOTH	89.0	89.0	93.8			10.44		WALPOLE	89.7	80.1	89.5	96.9	447	10.16	10.49
MILLVILLE	93.6	93.6	96.3			11.29		REVERE	84.0	72.0	85.7	85.7	3,529	11.22	13.13	WALTHAM	57.8	38.6	65.0	66.8	10,078	7.10	10.62
MILTON	95.9	93.9	97.7	98.3	396	12.33	12.54	RICHMOND	94.4	94.4	95.6			11.92		WARE	86.2	86.2	92.0				10.15
MONROE	46.8	46.8	43.1			16.20		ROCHESTER	84.1	84.1	90.6			10.42		WAREHAM	82.2	82.2	89.2				8.85
MONSON	87.9	87.9	93.1			10.77		ROCKLAND	73.7	73.7	82.2			10.78		WARREN	87.4	82.2	89.2	94.0	99	9.55	10.16
MONTAGUE	80.8	78.2	89.4	85.6	484	10.88	11.78	ROCKPORT	90.6	90.6	92.8			9.75		WARWICK	92.5	92.5	96.0				14.69
MONTFERRY	94.4	94.4	95.4			7.62		ROME	14.7	8.6	50.0	58.0	94	4.52	7.79	WASHINGTON	88.3	88.3	93.4				8.15
MONTGOMERY	94.3	94.3	97.0			13.76		ROMLEY	86.2	86.2	92.0			10.98		WATERDOWN	77.8	66.7	78.7	85.7	3,285	10.55	12.31
MT WASHINGTON	94.2	94.2	96.9			4.55		ROYALSTON	92.6	92.6	96.0			6.30		WAYLAND	92.6	92.6	96.0				14.06
NAMANT	96.3	96.3	98.1			8.79		RUSSELL	81.4	71.0	82.9	87.2	96	13.37	15.33	WEBSTER	84.3	74.7	86.0	88.6	659	8.43	9.51
NANTUCKET	82.7	78.2	89.4	89.4	1,692	2.44	4.97	RUTLAND	94.6	94.6	97.1			9.71		WELLESLEY	86.0	86.0	91.8				9.57
NATICK	75.0	75.0	84.1			11.29		SALEM	70.5	49.3	68.6	69.9	6,938	9.21	13.18	WELLFLEET	91.1	91.1	95.1				6.39
NEEDHAM	77.5	74.0	85.5	95.4	1,207	10.37	10.87	SALISBURY	77.8	77.8	85.7			9.08		WENDELL	91.7	91.7	95.5				17.25
NEW ASHFORD	58.1	45.5	63.9	78.3	20	6.04	7.71	SANDSFIELD	91.5	91.5	93.1			9.95		WENNAH	92.7	92.7	96.1				11.77
NEW BEDFORD	75.0	58.8	75.0	78.4	6,402	9.77	12.47	SANDWICH	79.1	79.1	86.8			10.78		W BOYLSTON	77.9	77.9	85.8				10.54
NEW BRAINTREE	85.9	80.6	85.6			10.92		SAUGUS	76.4	58.7	76.9	76.9	3,609	8.36	10.88	W BRIDGEWATER	62.9	55.4	70.5	88.2	436	9.42	10.68
NEW HARBOR	90.1	90.1	94.7			6.15		SAVOT	96.7	96.7	98.3			13.78		W BROOKFIELD	84.6	84.6	89.6				8.21
NEW SALEM	94.1	94.1	97.0			7.80		SCITUATE	93.9	93.9	96.8			11.09		W NEWBURY	72.9	65.3	87.9	82.8	2,410	11.60	13.09
NEWBURY	94.0	94.0	96.8			6.72		SEEKONK	71.6	66.8	90.9	93.3	545	10.49	11.25	W SPRINGFIELD	64.0	53.0	71.9				10.84
NEWBURYPORT	77.4	77.4	85.4			11.99		SHARON	92.3	92.3	95.9			14.03		W STOCKBRIDGE	86.7	86.7	92.3				15.00
NEWTON	82.9	72.6	87.2	87.6	11,196	10.79	12.32	SHEFFIELD	84.5	84.5	92.2			10.94		W TISBURY	86.3	86.3	92.3				7.43
NORFOLK	92.8	92.8	94.7			10.39		SHELBURNE	78.8	78.8	79.8			10.57		WESTBOROUGH	49.0	46.0	47.9				10.90
N ADAMS	75.5	61.6	81.6	81.6	814	11.40	13.97	SHERBORN	96.6	96.6	98.3			12.55		WESTFIELD	80.9	70.4	83.4	87.0	2,393	11.77	13.52
N ANDOVER	79.4	77.7	87.0	97.9	316	9.15	9.34	SHIRLEY	84.7	84.7	91.0			8.26		WESTFORD	79.5	79.5	87.1				9.70
N ATTLEBORO	73.7	73.7	82.2			10.70		SHREWSBURY	82.4	82.4	89.3			10.39		WESTHAMPTON	93.3	93.3	96.4				13.80
N BROOKFIELD	83.6	83.6	89.2			9.78		SHUTESBURY	55.2	55.2	62.5			13.70		WESTMINSTER	78.9	78.9	86.2				8.94
N READING	81.5	81.5	88.7			13.27		SOMERSET	55.9	34.1	55.0	61.4	4,475	6.63	15.67	WESTON	95.6	95.6	97.7				9.98
NORTHAMPTON	74.9	74.9	82.2			10.75		SOMERVILLE	79.7	64.5	80.9	80.9	6,111	8.84	10.92	WESTPORT	88.1	88.1	93.1				7.13
NORTHBOROUGH	73.7	73.7	82.2			13.33		SOUTH HADLEY	88.6	88.6	93.6			11.98		WESTWOOD	75.0	63.2	83.3	84.3	2,211	10.73	12.73
NORTHBRIDGE	88.3	88.3	93.3			10.00		SOUTHAMPTON	90.3	90.3	94.6			10.34		WEYMOUTH	86.2	81.0	92.0	94.0	1,836	10.73	11.42
NORTHFIELD	78.6	78.6	89.9			13.08		SOUTHBOROUGH	75.6	75.6	83.6			10.48		WHATELY	75.7	75.7	83.6				12.15
NORTON	83.2	83.2	89.9			11.24		SOUTHBRIDGE	80.9	80.9	87.7			9.73		WILTHAM	86.6	86.6	92.1				14.04
NORVELL	62.6	78.6	86.4			11.36		SOUTHWICK	86.0	86.0	91.8			12.43		WILBRANAM	89.4	89.4	92.1				12.40
NORWOOD	62.2	54.6	69.6	87.8	1,796	9.30	10.59	SPENCER	87.1	87.1	92.6			7.86		WILLIAMSBURG	89.6	89.6	94.2				11.50
OAK BLUFFS	88.4	88.4	93.3			6.94		SPRINGFIELD	69.0	54.4	77.5	78.9	11,870	11.89	15.07	WILLIAMSTOWN	80.9	80.9	88.2				9.88
OAKHAM	93.2	93.2	96.3			8.58		STERLING	84.5	84.5	90.8			10.10		WILMINGTON	58.2	42.3	62.1	72.7	3,304	8.76	12.05
ORANGE	82.8	82.8	89.7			12.74		STOCKBRIDGE	90.3	90.3	94.6			8.11		WINCHENDON	84.5	84.5	92.2				10.20
ORLEANS	86.7	86.7	92.3			7.36		STONEHAM	85.6	83.4	91.6	97.5	387	11.92	12.23	WINCHESTER	91.8	91.8	95.5				11.59
OTIS	92.2	92.2	95.8			6.62		STOUGHTON	73.9	70.5	82.3	95.4	716	11.71	12.27	WINDSOR	94.5	94.5	97.1				8.93
OXFORD	84.5	84.5	90.8			11.28		STOW	86.6	86.6	92.3			12.53		WINTHROP	92.5	92.5	96.0				10.27
PALMER	78.0	78.0	87.9			10.45		STURBRIDGE	74.2	74.2	85.8			11.84		WOBURN	49.7	40.6	62.4	70.0	5,435	7.15	10.21
PAXTON	95.5	95.5	97.9			10.73		SLUDBURY	88.8	80.4	90.8	90.6	1,747	11.63	12.84	WORCESTER	74.4	56.7	74.4	78.1	15,900	9.68	12.73
PEABODY	72.4	62.4	81.0	86.2	3,276	8.71	10.11	SUNDERLAND	85.4	85.4	91.4			8.72		WORTHINGTON	93.5	93.5	96.5				9.67
PELHAM	96.9	96.9	98.4			12.57		SUTTON	87.9	87.9	93.1			9.94		WRENTHAM	86.2	86.2	92.0				11.39
PEMBROKE	79.8	79.8	87.4			11.14		SWAMPSCOTT	92.2	88.3	95.8	95.8	613	12.49	13.04	YARMOUTH	84.4	84.4	90.7				6.98
PEPPERELL	86.8	86.8	92.4			9.79		SWANSEA	81.3	71.9	88.5	88.5	933	9.08	10.26								
PERU	87.0	87.0	93.1			13.57		TALUNTON	80.4	65.7	81.7	81.7	3,462	7.68	9.40								
PETERSHAM	95.3	95.3	95.9			10.76		TEMPLETON	86.0	86.0	91.9			6.03									
PHILLIPSTON	93.9	93.9	96.7			7.21		TEWKSBUURY	72.6	62.9	81.1	86.6	2,125	10.96	12.65								
PITTSFIELD	71.2	63.1	79.8	88.7	2,359	11.21	12.65	TISBURY	83.9	83.1	90.4	99.0	52	8.58	8.66								
PLAINFIELD	74.8	74.8	86.2			9.59		TOLLAND	89.9	89.9	94.3			11.50									
PLAINVILLE	64.3	64.3	80.3			10.11		TOPSFIELD	89.9	89.9	92.0			12.44									
PLYMOUTH	64.3	64.3	72.9			14.98		TONSEND	86.8	86.8	92.4			12.44									
PLYMPTON	83.4	83.4	90.1			10.78		TRURO	90.1	90.1	94.5			4.95									

Table 1

Division of Local Services

FOCUS continued from page 3

67.8% of the potential shift of \$109.8 million was accomplished.

The dollar shift from residential to business taxpayers per community ranges from \$20,000 to \$152 million.

Chart 1 on page 6 shows the statewide actual and potential shift from residential/open space to business taxpayers.

Table 1 provides, by community:

- Residential/open space share of assessed value
- Residential/open space share of the levy
- Minimum Residential Factor (lowest residential factor allowed by law)
- Residential factor chosen
- Actual dollars shifted from resi-

dential/open space classes to the commercial/industrial/personal property classes

• Actual residential tax rate for those communities that adopted multiple rates; the actual rate for those communities that did not adopt multiple rates

• Tax rate if no shift shows what the rate would have been if the community had not adopted multiple rates.

Those communities for which there are no figures in the "Residential Factor Chosen" column selected a factor of 1-- they chose not to shift any of the levy from the residential/open space classes to the commercial/industrial/personal property class. Each category is paying 100%

of its share of the levy and there is a single rate.

For the purposes of this report, the categories of property are combined into two classes: residential/open space (R) and commercial/industrial/personal (CIP). These are the groups for which different tax rates can be set.

Data reflects 351 communities' FY91 values.

For assistance in understanding classification and adoption of multiple tax rates, contact the Property Tax Bureau, (617) 727-2300. For data on valuation and levies, contact the Municipal Data Bank, (617) 727-2300. ■

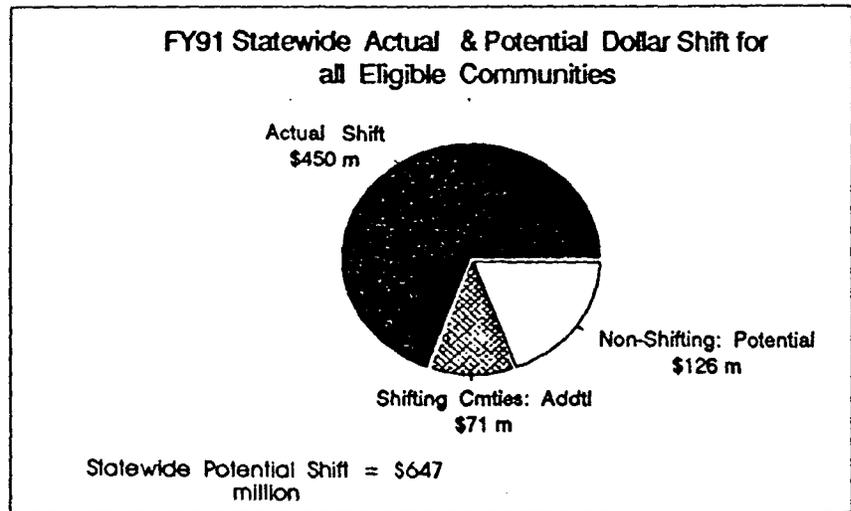


Chart 1

DATA BANK HIGHLIGHT

The Municipal Data Bank is a clearinghouse for a wide variety of municipal financial and socio-economic data. This information can be obtained on printouts or diskettes by calling (617) 727-2300 ext. 476 or

via computer modem on the *Online Data Access System* at (617) 227-6533.

The "Municipal Demographic Profile" is a one-page report that shows

a community's figures in areas such as population, income, age, labor force, registered voters, housing units, rent, births, and school children. The report includes 1990 data from the 1990 census. ■

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: November 20, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Strawberry Hill Apartments

I was requested by the Town's Deputy Electrical Inspector, Don MacLeod, to accompany him to the condominium complex at 4 Strawberry Hill Road. The well pit for this property was flooded and Mr. MacLeod was very concerned about the wiring located in the pit. This well supplies water for all 34 units.

The wiring located in the pit was in such disrepair that I have ordered the owner, Mr. Karamarous, not to turn on the power to the well. It is our opinion that a serious accident could happen if it is turned on. Mr. Karamarous was very upset and appears reluctant to comply with our order. I informed him that only a licensed electrician could turn the power on and if Mr. Karamarous turns the power on, as he has threatened to do, we will turn off the power at the meter.

This problem could result in serious hardship to the residents. I have informed the Board of Health of my actions.

(931)

CC: BOS - FYI ...

THIS COULD CAUSE PROBLEMS OVER THE
WEEKEND THAT MIGHT COME TO YOU IN THE
FORM OF PHONE CALLS.

Don

11/13/92

Chairman of the Selectman:-

Dear Nancy

We will soon see the realization of a Senior Citizen Center in Acton, and for that we are pleased.

Many people have worked toward this goal, but one person has dedicated many hours assisting the elderly in this town. It is for that reason that I would like to see Carol Lake's name prominently displayed either on or in

the building as an expression of gratitude from our town.

Sincerely,
Evelyn C. Koesler

November 17, 1992/#17

cc: BOS

MMA Action



NOV 18 1992

SENATE DELAYS CONSIDERATION OF OVERRIDE OF GOVERNOR'S VETO OF SECTION 367, "THE MARA BILL"

CALL SENATORS TODAY: OPPOSE OVERRIDE ATTEMPT

The Senate has postponed action on the Governor's veto of Section 367 of the FY '93 budget to Monday, November 23rd. Section 367, the so-called "Mara Bill," is a poorly-drafted attempt to reform Chapter 32B, the law governing municipal health care coverage. The section imposes onerous mandates on municipalities, and was vetoed by the Governor earlier this year.

Senator Ed Burke has made a motion to "lay on the table" consideration of the override of the Governor's veto. If his motion prevails, the issue cannot be considered again this legislative session. Senator Burke's motion has been postponed twice. MMA has worked to get the postponements because we are very concerned that if action is considered on this issue, the motion to table will fail, and the Governor's veto will be overridden.

There continues to be heavy union pressure to override the Governor's veto.

It is crucial that Senators hear from local officials again on this issue. Your efforts at the end of September resulted in the Senate not taking action at that time.

Please contact your Senator(s) today, as well as Senate President Bulger's office (722-1500), and tell them:

- Please oppose any effort to override the Governor's veto of Section 367.
- While the proponents claim the bill is a local option provision, it is actually a mandate on all municipalities entering into contracts with health carriers and reaching agreements with unions. The language does not include the usual local option language which characterizes Chapter 32B health insurance options for local governments. In addition, acceptance by a municipality is irrevocable. Under MGL Chapter 4, Section 4B, any provision of Chapter 32B accepted by a municipality cannot be revoked.
- The language reinstates mandated equal dollar contributions if a primary carrier is offered.
- Section 367 eliminates the minimum 10% employee HMO contribution if a primary carrier is offered. Such a requirement is a strict and costly state-imposed mandate.
- The state's Group Insurance Commission also opposes Section 367.
- A similar bill sits in third reading in the House. MMA has offered to work with the proponents of the bill, and union and retiree representatives to achieve a consensus. All parties should craft a strong solution, not add to the problem.
- In short, municipal health care woes will be made worse by Section 367.

A fact sheet on Section 367 is on the back of this Alert. Please contact Marie Johnson or David Baier if you have any further questions or get feedback from your calls to senators. Thanks for your efforts!

(over)

Massachusetts Municipal Association, Sixty Temple Place, Boston, Massachusetts 02111; (617) 426-7272

**MMA CONCERNS WITH SECTION 367,
THE SO-CALLED "MARA BILL"**

LOCAL ACCEPTANCE: HUGE PROBLEM

The proponents of Section 367 state that it is a local option provision. **IT IS NOT!** Section 367 applies to any municipality that has entered into contracts with health carriers and reached agreement with unions regarding health coverage. No affirmative action or vote by the selectmen, mayor, town meeting or city council is required to accept the terms of this section. Any municipality entering into agreements with unions and health care providers might be deemed to have accepted the bill. Thus, the language can be interpreted to mandate the provisions on all municipalities. In addition, acceptance by a municipality is irrevocable. Under MGL Chapter 4, Section 4B, any provision of Chapter 32B accepted by a municipality cannot be revoked.

RETURN TO EQUAL DOLLAR CONTRIBUTION: MANDATED

The language reinstates mandated equal dollar contributions if a primary carrier (indemnity insurance) is offered, and it also eliminates the minimum 10% HMO employee contribution for those municipalities offering a primary carrier. A return to equal dollar contributions will once again exacerbate the problem of adverse selection and increase the phenomenon of double dipping.

INDEMNITY INSURANCE: NOT CLARIFIED

The proponents state that their aim is to make it clear that municipalities do not have to offer indemnity insurance. However, there is no explicit language stating that indemnity insurance is not required.

ANTI-ROLLBACK AMENDMENT: REINSTATED

Section 367 does not permit any changes in any aspect of health coverage except where agreed to in a union contract. This requirement has been interpreted by our legal experts as a return to the anti-rollback amendment. The legislature repealed this restrictive provision in the spring of 1991.

SUPERCEDENCE OF EXISTING CONTRACTS: NOT CLEAR

The language does not include a provision that any agreement reached pursuant to this new section would supercede existing public collective bargaining agreements. The language does not address issues of prior practice and conditions of employment. Because these issues are not addressed, it is anticipated that if the section were enacted into law, there would be numerous lawsuits seeking to interpret the language.

PROPOSAL DOES NOT REFLECT REALITY: DOESN'T HELP

A number of municipalities have been cancelled by Blue Cross Blue Shield. In some of these communities, the employer has worked together with unions and reached agreement on employer-employee contribution shares for health care of 80%-20% respectively, or similar shares in the cost. Such arrangements would not be allowed under the requirements of Section 367, because higher employer contributions would be required.

Section 367 does not recognize innovations. Municipalities are a leading force in developing innovations in the provision of health care coverage. This language does not recognize health and welfare trust funds as an option for health coverage, nor does it recognize self-insured trusts as an alternative. Additionally, the definition of health carrier does not include third-party administrators that are not health carriers. All of these alternatives should be recognized in the language.

**A SIMILAR BILL SITS IN THIRD READING IN THE HOUSE:
LET'S WORK TOGETHER ON CONSENSUS LANGUAGE!**

A version of the Mara bill, H. 5671 is on the House calendar in third reading. MMA is eager to work with the proponents of the bill and union and retiree representatives to achieve a consensus. The language needs to be clarified, it must be clear that it is a local option provision, the onerous mandates must be removed, and the language must be cleaned up. Section 367 is rife with ambiguities, and we anticipate that if passed, the legislation will be tied up in the courts for years, and will create even greater problems for municipal employers and employees trying to work together to contain health care costs.

Post-it brand
Fax Transmittal Memo 7672
 To **JOHN MURRAY**
 Company **ACTON**
 Location
 Fax # **264 9430** Telephone #
 Comments

2 No. of Pages Today's Date **11-20** Time
 From **BOB MORONEY**
 Company **EX. DIR. NESWC**
 Location Dept. Charge
 Fax # Telephone #
 Original Deposition Delivery Return Call for pickup

TOWN OF NORTH ANDOVER, MASSACHUSETTS
 OFFICE OF
TOWN MANAGER
 120 MAIN STREET, 01845

James P. Gordon
 Town Manager

Post-It brand fax transmittal memo 7671 # of pages = 2

To LINDA	From B. MORONEY
Cd NESWC	Co.
Dept.	Phone # FAX TO ADMIN
Fax # 1-630-4204	Fax # COMM



NOTE TO BOS: 11/20/92
 THIS CAME IN 11/20 AND
 STAFF IS IN THE PROCESS OF
 PREPARING COMMENTS/EXPLANATION.
 THIS IS A COMPLICATED ISSUE
 AND THE COMMENTS ARE LENGTHY.
 I AM SENDING THIS LETTER TO
 GIVE YOU THE PROBLEM. EXPLANATION
 WILL BE IN YOUR PACKETS NEXT
 WEEK -

November 20, 1992

Mr. Robert W. Moroney, PE
 Chairman, Executive Committee
 Northeast Solid Waste Committee
 109-123 Main Street
 North Andover, MA 01845

BY FAX

Dear Bob:

At the Board of Selectmen's meeting on Monday, November 23, 1992, I will recommend that the Board of Selectmen rescind their vote of November 9, 1992, relating to the substitution of Guarantor and the approval of the refunding bond issue. I will be making that recommendation reluctantly but after observing, first hand, the attitude of the Executive Committee with respect to North Andover's concerns and what appears to me to be a very flawed process dealing with the refunding issue, as well as other significant issues facing Northeast Solid Waste Committee, I feel I have no alternative. If the Executive Committee has a serious intention of dealing with North Andover's concerns, I suggest they appoint a subcommittee to meet with representatives of North Andover to deal with the issues. If you or other members of the Executive Committee would care to attend the Selectmen's meeting on Monday evening, please feel free to do so.

While I told you yesterday that North Andover would make an advance payment on their FY '93 charges, I am now advising you that I am withdrawing that offer, and I have instructed the Treasurer not to disperse any advance payments to NESWC. Furthermore, in connection with NESWC's request of November 10, 1992, to reduce member communities GAT, please be advised that North Andover is opposed to such a move and will object to any adjustments to the existing service contracts that would reflect a reduction in GAT beyond that which is provided for in the Service Agreements.

It is apparent from yesterday's discussion with respect to the arbitration settlement that many communities have a concern

Mr. Robert Moroney, Chairman, Executive Committee
Northeast Solid Waste Committee
November 20, 1992
Page 2.

over the present plan for funding the current portion of the settlement. In order to evaluate the basis upon which the current settlement should be allocated to the member communities, I request NESWC provide the member communities with an analysis reflecting the impact to the members under various allocation alternatives.

If you have any questions in connection with this, please feel free to give me a call.

Sincerely,



James P. Gordon,
Town Manager

CC: Board of Selectmen
North Andover Industrial Development Finance Authority
North Andover Advisory Board
Robert E. Hale, Esq.
John Giorgio, Esq.

JG:map

11-20-92 NESWC OFFICIALS
PLEASE ADVISE WHAT COURSE OF ACTION
YOU WOULD LIKE TO PURSUE.

Bob Moroney
ROBERT W MORONEY

Middlesex County Selectmen's Association



NOV 18 1992

ORGANIZED 1926

1992 FALL - WINTER MEETING

"A Town Based Registry" An Opportunity or A New Problem

WHERE: Ramada Inn, Route 38 and 128, Woburn, MA

WHEN: December 9, 1992

TIME: 6:30 PM Social Hour and Cash Bar
 7:00 PM Buffet Dinner
 8:00 PM Presentation and Panel Discussion

PRESENTATION: David Delorey: Selectman, Town of Billerica

PANELISTS: Jerold A. Gnazzo, Registrar
 Senator Robert A. Havern, III
 Geoffrey Beckwith, Executive Director, MMA

*Welcome Extended to Town Administrators / Managers
as well as other Town officials*

— RESERVATIONS —
REGISTRATION DEADLINE DECEMBER 4, 1992

RESERVATION - CLIP & MAIL (Advance Reservations will guarantee you a seat!)

Price: \$20.00 per person — Make Checks Payable to: MCSA

Additional Charge for Late Registration

Mail to: Nancy D. Cirone, Treasurer MCSA, 5 Colonial Hill Drive, No. Reading, MA 01864
(508) 664-2625

Please list names and titles of attendees

Names:

Titles:

	/
	/
	/
	/
	/

Middlesex County Selectmen's Association
December 9, 1992 Meeting Topic

"A Town Based Registry" An Opportunity or A New Problem

About the Panelists

The Honorable Jerold A. Gnazzo Registrar of Motor Vehicles

A 1966 graduate of Rollins College. After a successful career serving the public, he and his wife Jane established the MAACO Auto Painting and Collision Repair Center in Somerville. In 1988 he was named "man of the year" for his contributions to the collision repair industry. In 1991 he was appointed by Governor Weld as Registrar of Motor Vehicles.

Geoffrey Beckwith Executive Director, MMA

A Magna Cum Laude graduate of Boston College, he has served as a lecturer in Political Science, Assistant to Massachusetts Commissioner of Commerce and Development, Administrative Assistant to the Reading Board of Selectmen, Legislative Assistant and served in the House of Representatives from 1985 through 1990. He was appointed Executive Director of MMA in February, 1990, a position he currently holds.

The Honorable Robert A. Havern, III State Senator

An attorney residing in Arlington in his 1st term as State Senator for the 4th Middlesex District, he is a graduate of Harvard University and Suffolk Law School. Previous public service has also included Representative of the 25th Middlesex District for two terms and an Arlington Selectman from 1978-1986. He is currently Chairman of the Transportation Committee and Public Service Committee.

— Please use Registration Form on the reverse side.—

Foot Sel.

Acton Recycling Task Force

NOV 13 1992

Meeting Minutes

Date: Wednesday, October 7, 1992

Location: Room 126, Town Hall

Members present: Nancy Tavernier, Chairman Dick Howe, Highway Dept.
 Maya Spies, Vice Chair/Clerk Peggy Mikkola
 Rosemary Lundberg

The meeting convened at 9:15 am.
 Minutes of the September 15, 1992 meeting were accepted as written.

Last meeting: The talk given by Dr. Nurse, a local expert on plastics technology, was well done and the facts he provided on plastics recycling and incineration were extremely informative. He has offered to write an article for the Beacon series on recycling which discusses plastic versus paper bags. In addition, he spoke with Rosemary regarding possible polystyrene lunch tray recycling in the schools. And he loaned members four short videotapes on recycling targeted to different groups, as follows.

Videotapes: Working Together For a Healthier Planet (adult)
 Meeting the Solid Waste Challenge (business)
 The Resource Revolution (high school)
 The Rotten Truth (elem. school)

To contact him: Dr. Richard H. Nurse Phone: 508/635-9863
 Polymer Technology Services FAX: 508/263-9350
 P. O. Box 2471, Acton, MA 01720

NESWC update: NESWC's Executive Director and Treasurer have both resigned, as a result of their hasty proposal in August that GAT rates be lowered, an offer that pitted towns against one another. It is anticipated that the 23 NESWC towns will be given another opportunity to lower their GAT rates after a thorough review of all the financial ramifications. To date, Acton is 800 tons over the current GAT, but anticipates resolving this problem by the end of the year.

Grant application: A grant application (prepared by Robert DeSaro) was sent by the Town to the state before the September 15 deadline, requesting recycling containers for newspaper, cans, plastics, and glass.

Recycling RFP: Technically speaking, Acton no longer needs to replace its recycling contract with BFI. This is because the state has changed the rules. Massachusetts towns no longer need to request bids for solid waste or recycling services which annually exceed \$10,000. A new state mandate permits towns to contract for these services with any provider of choice, regardless of cost. But, since Acton is already reviewing bids submitted in response to the RFP, the Town has decided it's in our best interest to continue with the bidding process as is. Dick reported that BFI and Newark Paper Co. each submitted a proposal, and WMI is expected to do so. The Town is interested in establishing the most sophisticated recycling program possible, perhaps including crushing and baling equipment. A decision should be made by the end of October, barring any unexpected factors.

Recycling brochure: Maya provided a second draft of the public education brochure, but it cannot be finalized until a new recycling program is in place, perhaps in November. January or February '93 were discussed as possible times for production and distribution of a brochure. Dick will review the draft and correct it, as needed.

Recycling articles in the Beacon: E.V. Tear has resigned from the Task Force and will no longer be writing articles on recycling for the Beacon. Rosemary offered to ask Kent Quirk if he was still available to write articles; he had expressed interest when the Task Force first convened. [Later note: Kent Quirk agreed to do so. His first project will be to interview Dick Howe concerning the leaf composting program. He will then write an article for Nancy's review, to be published on November 19.]

Other issues:

~~Nancy said that she would write a Letter to the Editor on Question 37 on upcoming ballot referendum which proposes that packaging throughout the state be reduced in size by 25% to be made reusable/recyclable.~~

Nancy recommended two excellent books on recycling available at the Acton Memorial Library: "Garbology" and "Recycling."

The meeting was adjourned at 10:35 am.

Our next meeting is scheduled for Friday, November 13, 1992 at 9:00 am.

Respectfully submitted,

Maya Spies

Maya Spies, Clerk

cc Town Clerk
Board of Selectmen



DON

CC: BOS - FYI

ENGINEERING DEPARTMENT

472 MAIN STREET

ACTON, MA 01720

November 10, 1992

John J. Millerick
22 Putnam Road
Acton, MA 01720

re: Isaac Davis Trail Easement

Dear Mr. Millerick:

You have asked if the Town of Acton has ever obtained any legal rights to the easement on your lot. The easement in question is shown as "Easement D" on Plan 615 of 1986 as recorded in the Middlesex South District Registry of Deeds (copy enclosed). It is my understanding that to be effective with respect to your property, the rights to this easement would have had to have been conveyed to the Town by deed and accepted by vote of the Town Meeting.

Apparently at the time this plan was signed by the Acton Planning Board, this easement was reserved for the "Isaac Davis Trail". The "Isaac Davis Trail" commemorates the route taken by Captain Isaac Davis and the Acton Minutemen to the North Bridge in Concord on the morning of April 19, 1775. Captain Davis was the first to die in the ensuing fight and his remains are interred beneath the monument on the Acton Common.

In celebration of this historic event, interested townspeople retrace the route taken by the Acton Minutemen every April 19th. The original route actually followed what is now Minuteman Road to Woodbury Lane then went "cross country" to Meeting House Hill at the corner of Main Street and Nagog Hill Road. The old road in this location was abandoned long ago and the route now followed detours up Woodbury Lane to the monument on the Common for ceremonies, then north on Main Street until the original route is resumed.

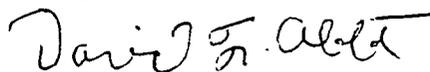
To answer your original question, I searched the records of the Planning Board and the proceedings of the Town Meetings from 1986 to the present, and I can find no record that the Town of Acton was ever deeded any specific legal rights in this easement. I have also checked your deed recorded at said Registry in Book 18117, page 466 and find that it does not make any specific reference to "Easement D".

There is always the possibility that I have overlooked something in the record. Except in that event, you can reasonably continue the full use and enjoyment of your property and assume that "Easement D" as shown on the plan of your lot

represents a potential easement that could be legally granted to the Town at some time in the future if there is any such interest between the parties involved.

Please call me at 508-264-9628 if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "David F. Abbt".

David F. Abbt
Engineering Administrator

DFA/dmj

cc: Don P. Johnson, Town Manager ✓
Roland Bartl, Town Planner

PALMER & DODGE

NOV 13 1992

One Beacon Street
Boston, Massachusetts 02108

Acheson H. Callaghan, Esq.
(617) 573-0178

Telephone: (617) 573-0100
Facsimile: (617) 227-4420

November 11, 1992

cc: BOS

BY FAX

Tom Tidman
Acton Conservation Commission
472 Main Street
Acton, MA 01720

PRIVILEGED & CONFIDENTIAL

Dear Tom:

(Co-Operative Bank of Concord)

I enclose a letter from Lou Levine which supplements a discussion I had with him yesterday. The gist of both is that the Bank did additional testing, that the testing demonstrates that they have very limited options, and that he wants to know what the Commission is prepared to do in light of this further information. The letter suggests "reconsideration" of the October 28 vote, and an opportunity to present the additional information. There might be other alternatives, including a new petition seeking the same wetland crossing permit, but I do not see any advantage in this, and it would have the disadvantage of further expenditure of time and legal costs. The new tests do not quite establish that no use can be made of the lot without a wetland crossing, but they come close, assuming that the assertion that at most a one bedroom dwelling could be built on the land is accurate.

Very truly yours,



Acheson H. Callaghan

AHC/dcb
Enclosure

cc Don Johnson
Rebecca S.K. Webber, Esq.

D'AGOSTINE, LEVINE & GORDON, P.C.

ATTORNEYS AT LAW

808 MAIN STREET

ACTON, MASSACHUSETTS 01720-2222

PHONE 508-277-7777

FAX 508-264-4868

JULIAN J. D'AGOSTINE
LOUIS N. LEVINE
STANLEY L. GORDON
F. ALEX PARRA
CATHY S. NETHURN

BOSTON OFFICE:
ONE BOSTON PLACE

CABLE "DALYN"

November 10, 1992

Acheson H. Callaghan, Jr., Esquire
Palmer & Dodge
One Beacon Street
Boston, Massachusetts 02108

Re: The Co-Operative Bank of Concord vs. Andrew Sheehan, et als,
As They Are the Members of and Constitute the Conservation
Commission of the Town of Acton, Middlesex County,
Massachusetts - Middlesex Superior Court Civil Action No.
91-8096

Dear Mike:

As I indicated during our telephone conversation of this morning, subsequent to the Conservation Commission's last meeting, the Co-operative Bank of Concord did further testing of the lot to determine septic suitability. Ian Rubin informed me yesterday that ledge was encountered, reducing the potential area wherein a septic system could be installed. This finding, together with percolation testing which was done, presently limits the area in the front of the lot to most likely just supporting a one-bedroom residence, and further testing may eliminate this possibility.

Suffice it to say, the Conservation Commission's last minute discussions concerning the septic suitability of the front portion of the lot not only were inconsistent with the Commission's prior direction, but left the bank with little opportunity to disprove the broad ranging theories presented by the Conservation Commission at its last meeting. In view of the Conservation Commission's denial, opening the hearing provided no real opportunity for the septic issues to be fairly addressed.

If the Conservation Commission was, in fact, dealing in good faith prior to its last minute inquiry into septic suitability, it will forthwith and voluntarily reconsider its denial. Particularly, I would request that the Conservation Commission immediately reopen the process so that the bank may provide the data and information that it has now had an opportunity to obtain.

D'AGOSTINE, LEVINE & GORDON, P.C.

Acheson H. Callaghan, Jr., Esquire
Palmer & Dodge
November 10, 1992

Kindly advise at your earliest opportunity what the Conservation Commission's intentions with respect to this matter are.

Thanking you for your anticipated cooperation in this matter, I remain

Very truly yours,

D'AGOSTINE, LEVINE & GORDON, P.C.

By: Louis N. Levine
Louis N. Levine

LNL/dlj

cc: The Co-Operative Bank of Concord

s:\letter\callaghan.wp.iii



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770

Serving 101 cities and towns in metropolitan Boston

November 18, 1992

CC: BOS

TO: Chief Elected Officials
FR: Marjorie A. Davis, President *MD*

On Friday, November 13, 1992, I was advised that the Metropolitan Planning Organization for the Boston region would be meeting at 10 A.M. on November 18, 1992 to discuss proposed amendments to the 1993 Transportation Improvement Program. These amendments were designed to use flexible funding categories in the Intermodal Surface Transportation Efficiency Act (ISTEA) to reprogram money for the MBTA capital program to assist in relieving the "T's" budget crisis. Another set of amendments were proposed by the Massachusetts Highway Department. At the last minute, both the MBTA and MHD decided not to ask for their amendments to be acted on. Instead, the attached policy statement was offered for a vote.

As one of the two MPO members representing local elected officials, MAPC was opposed to any amendments to the TIP being voted on without local elected officials being consulted. On November 18, our Executive Committee passed the attached resolution confirming that position. We also passed a resolution indicating that we were generally in favor of using flexible funds for the types of uses being proposed in the joint policy statement. However, I abstained from the vote on the policy because we had not consulted with you and your representatives and there was not sufficient time to do so.

The policy calls for a 30 day period to review the proposed amendments. I have asked Richard Easler, Chairman of our MetroPlan 2000 Committee to co-host a meeting of local officials with me during the next 30 days to allow you to discuss these in detail with representatives of the "T" and MHD.

I appreciate your consideration and look forward to meeting with you.

MAD/lab
(Exec/TIP)

cc: MAPC Representatives
Local TIP Coordinators

Marjorie A. Davis, *President*

Edmund P. Tarallo, *Vice-President*

Richard A. Easler, *Secretary*

Marylou Batt, *Treasurer*

David C. Soule, *Executive Director*



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770

Serving 101 cities and towns in metropolitan Boston

November 17, 1992

Proposed Resolution

Whereas, the transportation needs in the Boston metropolitan area substantially exceed the availability of state and federal funds for the next five years; and

Whereas, there are a number of proposals to transfer federal ISTEA funds between highways and transit; and

Whereas, there is a federally required transportation improvement program process that mandates the involvement of local governments; and

Whereas, the MAPC is responsible for soliciting local input to the transportation planning and program process; and

Whereas, the MAPC and the MBTA Advisory Board represent local governments in the planning process; and

Whereas, the Joint Regional Transportation Committee is responsible for public input and advising MPO members; and

Whereas, funding transfer amendments that have been proposed have not yet complied with the adopted procedures,

Now, therefore be it resolved that:

The Executive Committee of the Metropolitan Area Planning Council cannot today endorse or approve any changes or amendments to the TIP, nor can it authorize, direct or allow the President of MAPC to vote in support of such actions and it is the position of the MAPC Executive Committee that a proposal to circumvent the adopted and federally mandated process is contrary to the MPO procedures and to federal law and it is therefore inappropriate to take TIP amendment action.

The Executive Committee of the Metropolitan Area Planning Council further recommends that the appropriate state agencies provide the SubSignatory Committee of the MPO with the proposed amendments, including the impact of the amendments and that the SSC follow the adopted amendment procedures. It is also recommended that the MPO take action by December 8 to meet the MBTA Advisory Board schedule.

Marjorie A. Davis, *President*

Edmund P. Tarallo, *Vice-President*

Richard A. Easler, *Secretary*

Marylou Batt, *Treasurer*

David C. Soule, *Executive Director*

MEMORANDUM

TO: Richard L. Taylor
Secretary

FROM: James Kerasiotes
Commissioner

John J. Haley, Jr.
General Manager

DATE: November 17, 1992

RE: Proposed Actions on ISTEA Utilization

The purpose of this memo is to set forth a policy which achieves the shared objective of the EOTC, the MBTA and the Massachusetts Highway Department to ensure a balanced transportation investment pattern for the Commonwealth of Massachusetts. Specifically, we propose that you notify the MPO at the November 19, 1992 meeting of the following policy objectives:

1. To achieve the policy goal of 80% federal funding for the Old Colony Project, a transfer of \$80 million from "flexible" ISTEA categories to the Old Colony Project is recommended.

Achievement of this goal would enable the MBTA to fund the Roxbury Replacement Trackless Trolley Project and other infrastructure reinvestment needs.

2. To ensure consistent standards of safety and productivity for all bridges that are owned by either the MHD or MBTA, the state should proceed with a financially integrated bridge program. This

should result in the availability of approximately \$45 million in Bridge funds to the MBTA FY93-95.

3. To enable the MBTA to meet its capital obligations as well as plan-out its five-year capital strategy, we recommend the establishment of a policy minimum threshold of \$120 million of ISTEA transfers to transit for the combined FY96-97 allocations.
4. The MHD and the MBTA will initiate a new joint-planning effort to address local and regional access and congestion issues such as those presently affecting suburbs west of Boston.

We recommend that the MPO vote on the above-noted policy guidance and request that the MHD and the MBTA report back with a proposed joint amendment to the Metropolitan Boston TIP within thirty days and present an impact analysis of the proposed amendment recognizing that the analysis presented may require certain changes among these policy objectives. The recommendations of MHD and the MBTA will be developed so as to ensure that an optimal mix of funds is available to the state's bridge and road rehabilitation needs while addressing the stated shared objective.

It is further expected that the flexibility recommendations made will identify specific ISTEA categories from which the funding will be allocated to satisfy these shared objectives.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

NOV 13 1992

11/20

November 9, 1992

David Kronenberg
Manager of Environmental Affairs
Polyfibron Division
W.R. Grace & Co. - Conn.
55 Hayden Avenue
Lexington, MA 02173

CC: BOS - COVER LTR. ONLY
FULL DOC IN RF / RETAIN

NOTE TO BOS: I DECIDED TO ADD
PAGES 1 & 2 OF THE RF DOCUMENT TO
GIVE YOU A FLAVOR OF THIS MATERIAL.
IT READS OUT
LIKE THE DELAY TACTICS
WE HAVE EXPERIENCED
ALL ALONG.

Re: Additional comments on the October 7, 1992 Submittal

Dear Mr. Kronenberg:

In a letter dated October 30, 1992, the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection (the Government Parties) informed you that the 30% Design submitted by Camp Dresser and McKee (CDM), dated October 7, 1992, had several deficiencies and was therefore not a complete 30% Design Submittal. These deficiencies were discussed at the technical meeting held on October 30, 1992. At that meeting and in the October 30, 1992, the Government Parties also informed you that additional comments would be submitted on the limited technical information provided in the deliverable. This letter transmits those comments as follows:

- Attachment A - Comments from U.S. EPA including:
 - Appendix 1 - Brief description of each of the components of a typical 30 Percent Design
 - Appendix 2 - Example of a Table of Contents for a typical 30 Percent Design Report
 - Appendix 3 - Example list of Technical Specifications for a typical 30 Percent Design

- Attachment B - Comments from MADEP
- Attachment C - Comments from ACES



Please be advised that these comments must be incorporated into the next deliverable and submitted no later than November 30, 1992 to receive approval from the Government Parties of the final design. If you have any questions, please contact me at (617) 573-9634 or Michael Leblanc at (508) 792-7653.

Sincerely,



Lynne A. Jennings
Remedial Project Manager
Waste Management Division
U.S. EPA

cc: Richard Boynton, EPA
Gretchen Muench, EPA
Bill Pencola, Ebasco
Michael Leblanc, MADEP
Charles Tuttle, MADEP
Mark Stoller, W.R. Grace
Bruce Conklin, CDM
William Cheeseman, Foley, Hoag & Elliot
Don Johnson, Town of Acton
Doug Halley, Town of Acton (3)
Paul Reiter, GZA (2)
Steven D. Anderson, Anderson & Kreiger
B. Leach, Town of Concord
Robert Eisengrein, ACES
John Swallow, Pine & Swallow Associates, Inc.

ATTACHMENT A

**COMMENTS FROM
U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)
INCLUDING:**

- Appendix 1 - Brief description of each of the components of a typical 30 Percent Design**
- Appendix 2 - Example of a Table of Contents for a typical 30 Percent Design Report**
- Appendix 3 - Example list of Technical Specifications for a typical 30 Percent Design**

I. DESIGN REPORT

General Comments

1) The 30% Design Submittal dated October 1992, which consists of a Design Report (with technical appendices, technical specifications, and drawings) does not meet the requirements of EPA's project checklist for the 30% Design per correspondence to W.R. Grace dated October 30, 1992. In addition, certain elements of the design are not supported by an appropriate level of detail. The purpose of the 30%, or Preliminary Design is to establish the design basis, that is, the technical foundation and outline, for the remaining design effort. Subsequent submittals at the 60% and 100% stage of design are expected to furnish specific details to fill in the conceptual framework that has been established during the Preliminary Design. The review of this design submittal is complicated by the somewhat fragmented approach used in providing technical documentation as the basis of design for the various remedial components. An alternate approach that would improve the clarity and direction of the design submittal would be to assemble the information presented (along with the information that is currently outstanding, except the VFL bench test results) into a Basis of Design Report as outlined in the EPA RD/RA Guidance document. A Preliminary Design often consists of the following components:

- Site Background
- Project Objectives
- Project Delivery Strategy
- Design Rationale
- Process Schematic Diagram
- Site Layout of Work Areas
- List of Other Drawings
- List of Technical Specifications
- Materials Handling Plan
- Outline of Contents of Construction and Chemical Quality Control Plans
- Environmental Control Plans
- Outline of Long-Term Operation and Maintenance Manual, for All Appropriate Design Components
- Site Security Plan
- Construction Schedule

These Preliminary Design components when combined can present the technical approach and logical sequence of activities which will comprise the remedial action. The format for this information can follow that listed above or can be submitted in some other format which conveys the same information.

The above information provides a coherent plan for completion of design and also provides reviewers with sufficient information to determine if the proposed design philosophy and approach is technically appropriate and implementing the remedial action is in conformance with the ROD, Consent Decree, and pertinent regulatory requirements and guidelines. Currently, the W.R. Grace 30% Design Report lacks or provides incomplete details for many of the above typical pre-design components. A brief description of these components is provided in Appendix 1 of this Attachment. Appendix 2 of this Attachment contains an example of a table of contents for a typical 30 Percent Design Submittal.

- 2) Information expected to be provided by the Design Investigation pertaining to the layout and site grading plan, the Blowdown Pit investigation, and the active gas collection systems must be included in the 30% Design. In addition, the schedule and plan for incorporating the results of the VFL Pilot test must also be presented.
- 3) A significant amount of contradiction occurs between the Appendices and the Design Report. Three different landfill cap designs are presented, one in each of the following components of the Design Report: Section 2 - Industrial Landfill Closure, Landfill Gas Settlement Report, and the Landfill Cover/Gas Vent Design Discussion Document. Conflicts between the Design Report and the Drawings also exist. A unified, consistent approach must be developed and extraneous, conflicting information eliminated.
- 4) All omissions discussed at the technical meeting on October 30, 1992 and identified in the October 30, 1992 letter from the Government Parties must be included in the 30 Percent Design Submittal.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Nov. 20, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Information From Coordinating Committee

The attached material was distributed at the Coordinating Committee meeting on Nov. 19. Nancy Tavernier has asked that it be shared with the Board.

Some of the analysis prepared by the Fincom is flawed; however, a substantial effort has been made to understand and compare where we are and what we are facing. I urge Board members to look at the comparative material that the Fincom obtained from DOR. This is the same source staff has used for our statistical comparisons and graph preparation since it became available several years ago.

I wholeheartedly endorse the Fincom effort and would welcome the opportunity to discuss the statistics and comparisons with anyone, anytime. This material says exactly what we have been saying for many years. Any way you stack it, Acton's Municipal side is funded at a substantially lower level than other comparable communities.



Den Johnson

92fnch03
11/18/92

Expanded Finance Committee Meeting

With Acton FINCOM and Past Acton FINCOM Chairpersons

Acton / Boxborough Regional High School

7:30 PM

November 18, 1992

Expanded FINCOM Meeting 11/18/92
Purpose, Agenda and Handout

Purpose of Meeting

To discuss key changes in Acton affecting finances, to focus on challenges in the future, and to discuss the role of the Finance Committee.

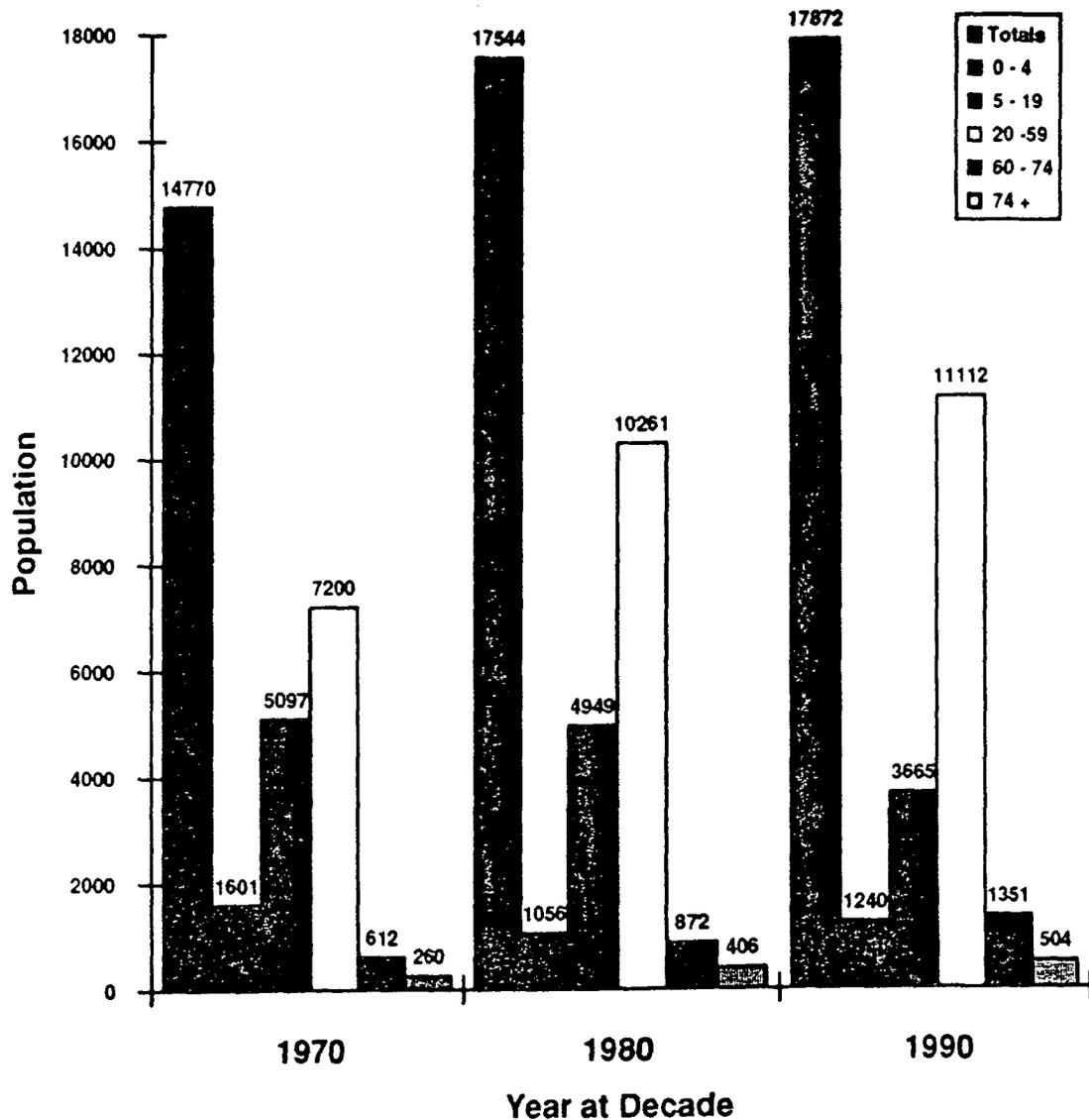
Agenda

1. Welcome and introductions
2. Acton strengths (list)
3. Major changes in Acton affecting finances (list)
4. Financial overview (see attached charts)
5. Break
6. Challenges for Acton in the 1990's
7. Role or changing role of the Finance Committee

Handout Content

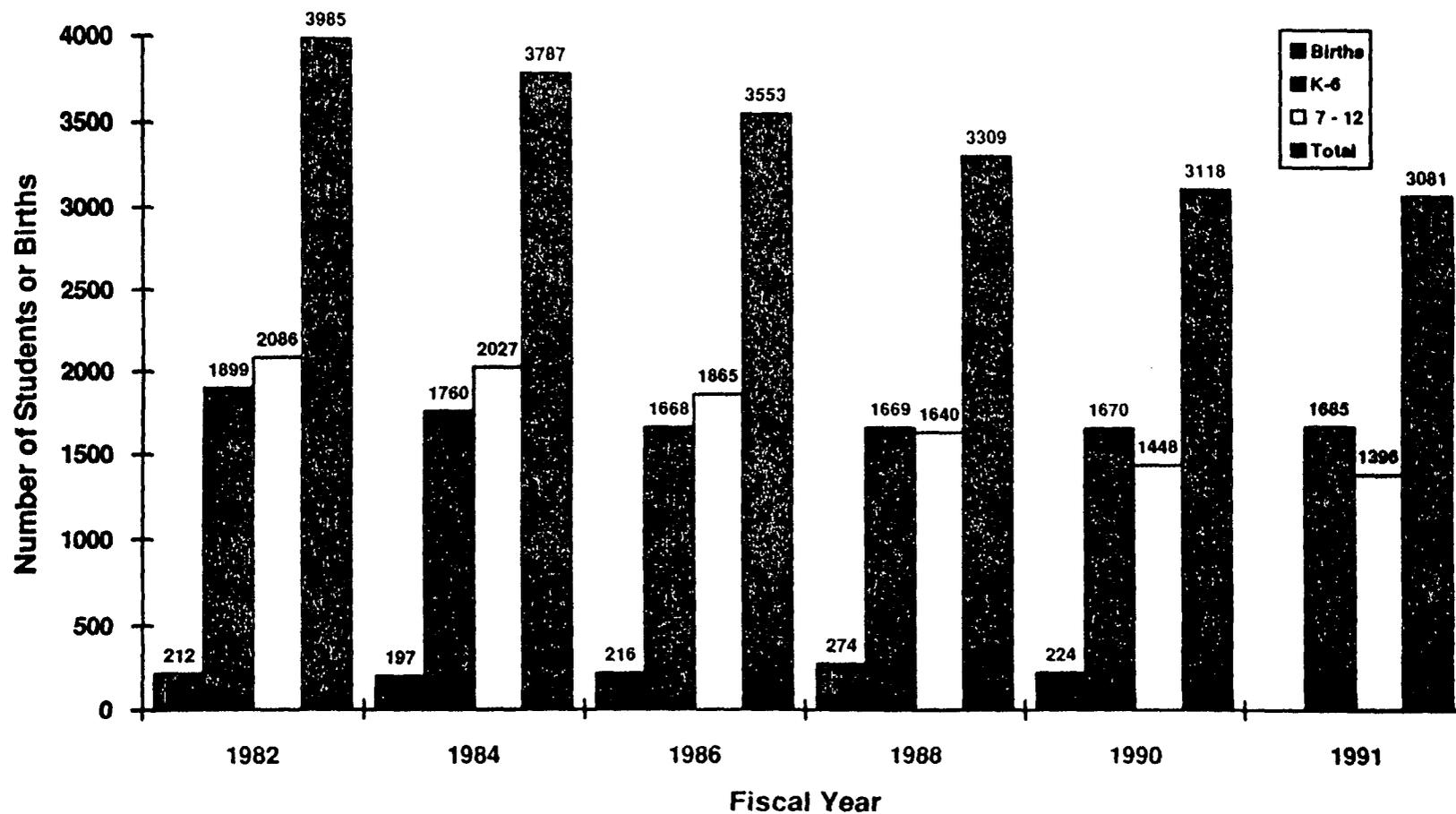
1. Summary Charts
 - Acton Population Trend
 - Acton Student Population Trend
 - Acton Consolidated Budget Trend - Revenues
 - Acton Consolidated Budget Trend - Expenses
 - Acton Town Government Major Expenses Trends
2. Financial and Demographic Data from the State
3. Acton, Regional and Minuteman Students and Staff
4. Preliminary 3 year budget FY'93, FY'94, FY'95

Acton Population Trend

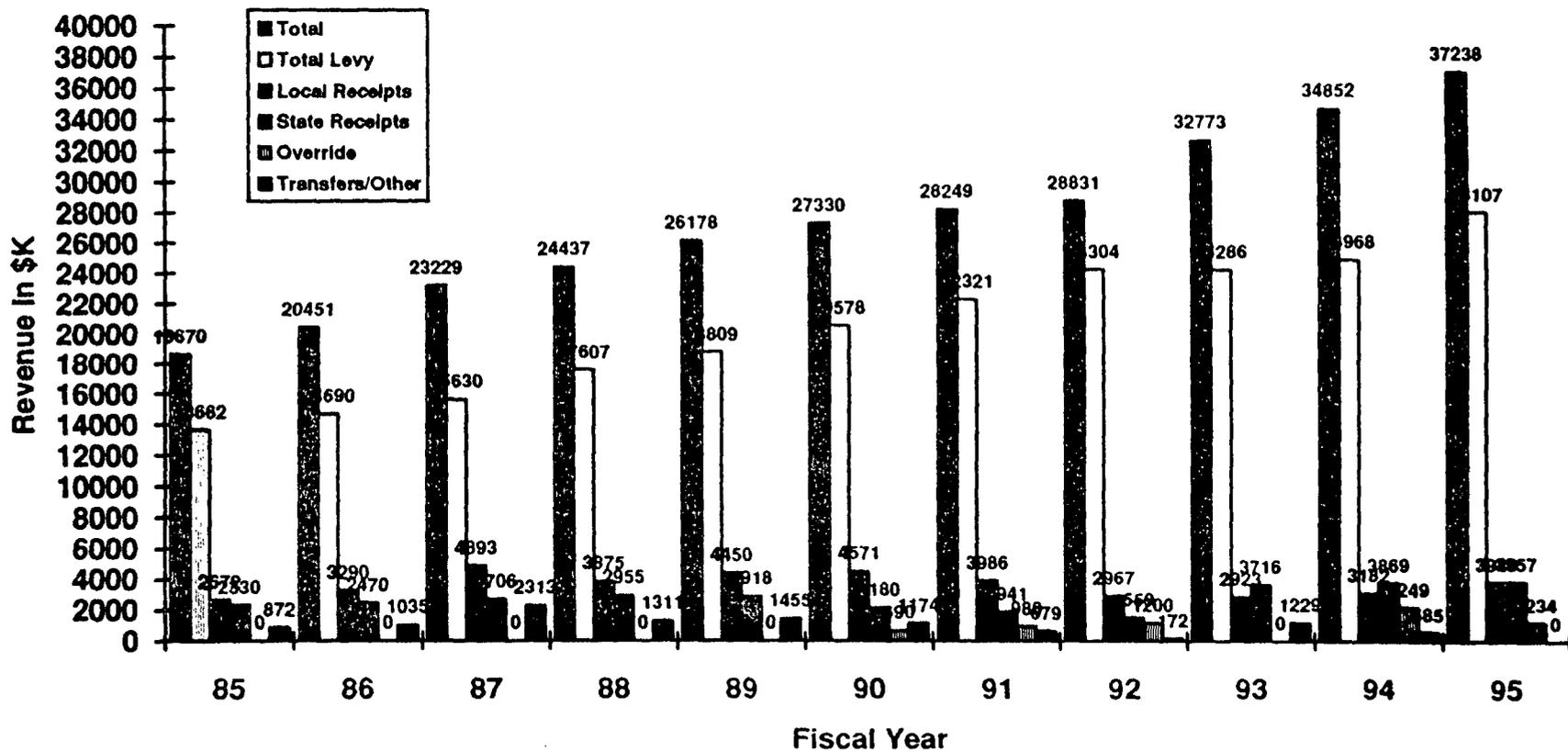


- . Stable population with 18% of under 20 age group shifted to over 20 age group in 20 years
- . Largest group 20 - 59 increased 55% in 20 years.
- . Fastest growing group 60 - 74 increased 121% in 20 years.
- . 5 - 19 age group decreased 28% in 20 years.

Acton Student Population Trend

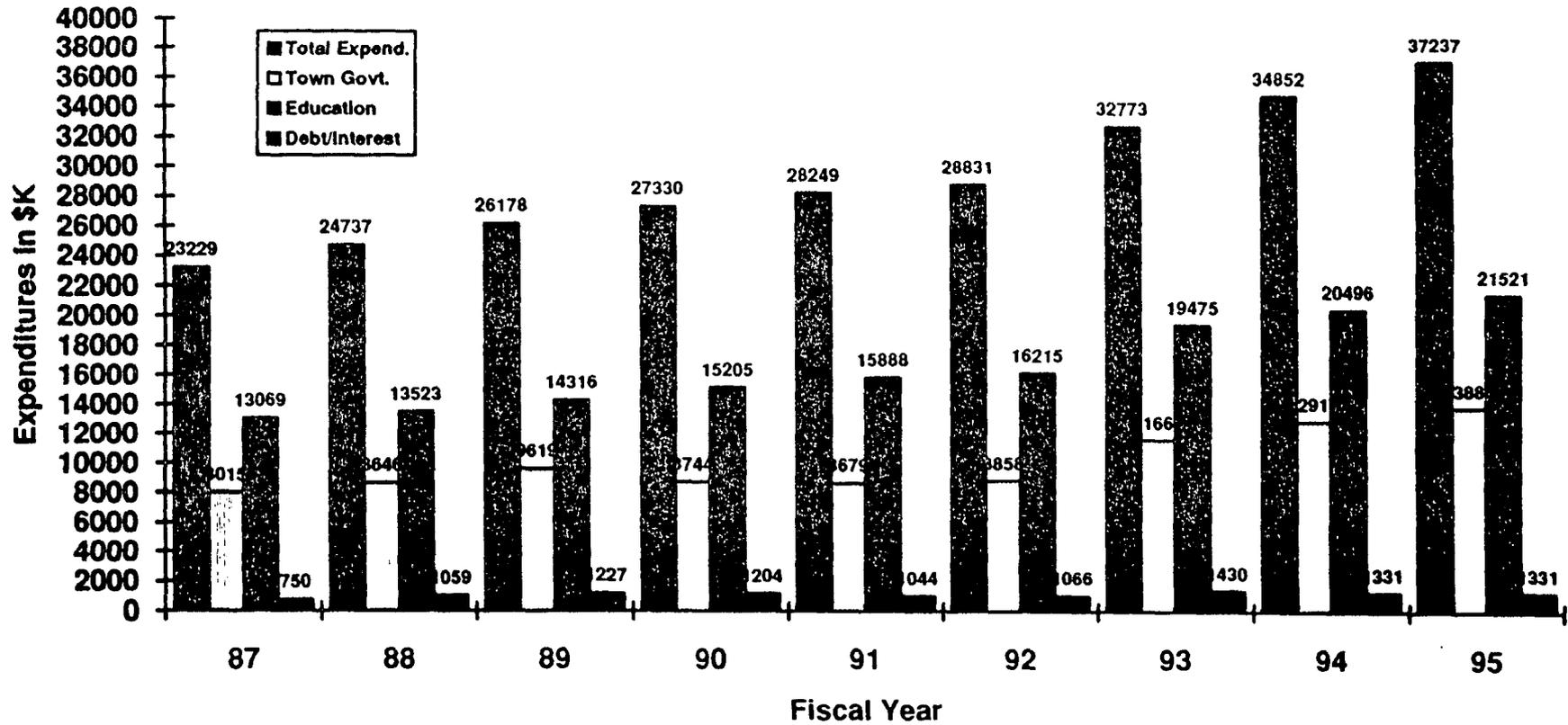


Acton Consolidated Budget Trend - Revenue



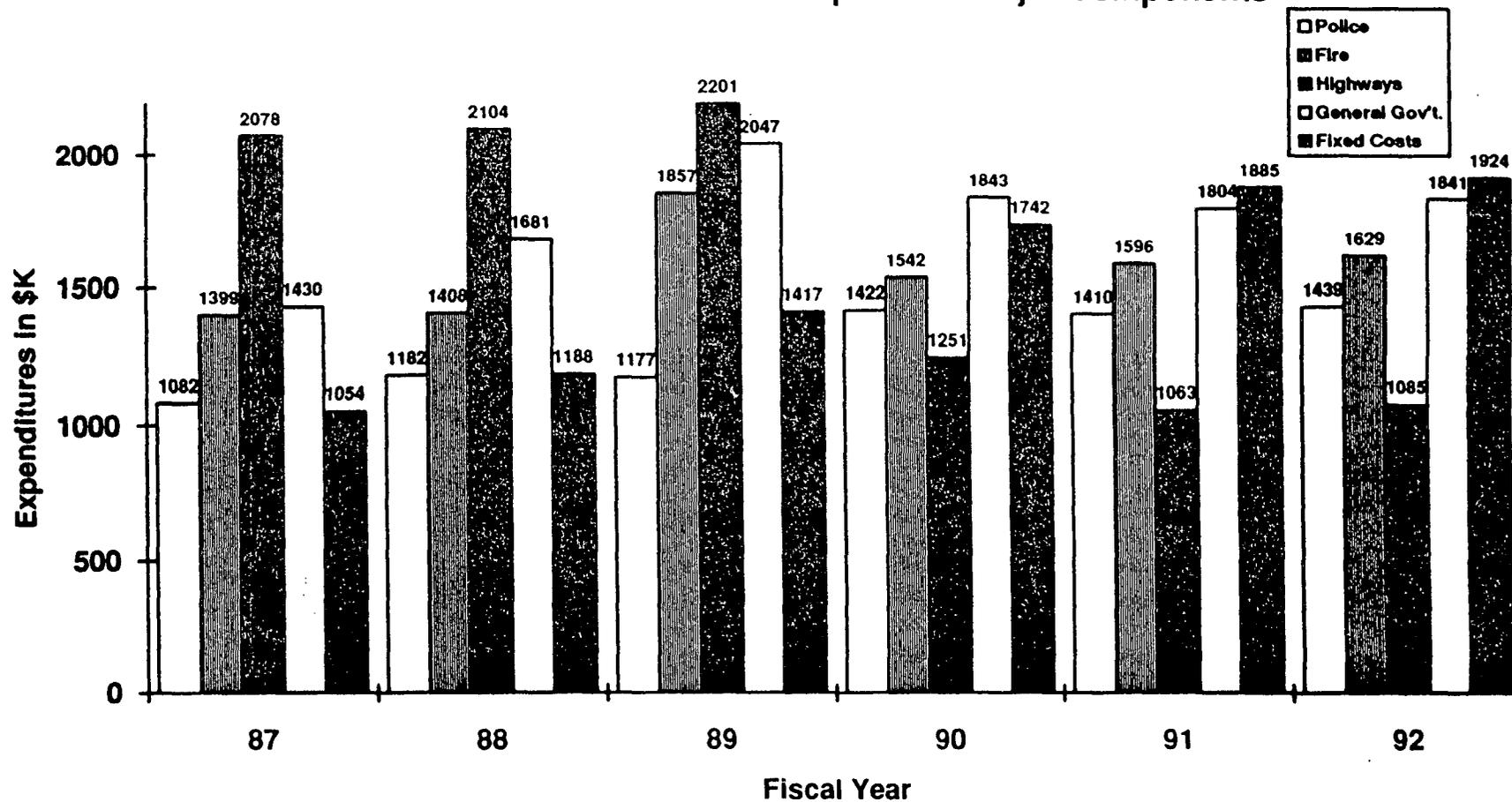
. Revenue figures are from State recap schedule and are beginning of year budget estimates.

Acton Consolidated Budget Trend - Expenditures



- . Used actuals from State Schedule "A" for FY'87 -FY'91.
- . FY'92 and beyond are projected budget figures

Acton Town Government Expenses - Major Components



Total Town Gov't.

Gov't Expense \$8015K

\$8646K

\$9618K

\$8744K

\$8679K

\$8858K

**COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES**

**Financial and Demographic Data
for
ACTON**

Municipal Data Management and Technical Assistance Bureau

Mitchell Adams
Commissioner

Leslie Kirwan
Deputy Commissioner

TABLE OF CONTENTS

Community Profiles and Trends

At A Glance: Community Profile

Demographic Profile: Trends in population, employment, income, housing, enrollment, voter registration and household structure

Property Tax Trends: Trends in revenue sources, excess and override capacity, assessed values, levies by class and tax rates

Levy Limit Components: Calculation of Proposition 2 1/2 levy limits and ceilings, FY88 through FY92

Trends in Cherry Sheet State Aid: Estimated Cherry Sheet receipts by program, FY89 through FY93

General Fund Expenditures by Function: FY87 through FY91

Estimated vs Actual Receipts: Excess or deficiency in local receipts by program, FY89 through FY91

Comparisons to Other Communities

Comparison Criteria: Kind of Community, population and school structure

FY91 General Fund Expenditures by Function: in dollars, dollars per capita, and percentage of the budget

Trends in School vs Total General Fund Expenditures: FY86 through FY91.

Notes on Data

Where to Obtain Further Information

This booklet was prepared by John Sanguinet and Elise Sandel of the Municipal Data Bank.

**MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES**

**ACTON
"AT A GLANCE"**

GENERAL INFORMATION

COUNTY: MIDDLESEX KIND OF COMMUNITY: ECONOMICALLY DEVELOPED SUBURB LOCAL SCHOOL STRUCTURE: LOCAL ELEMENTARY
MEMBER OF ACTON BOXBOROUGH, MINUTEMAN REGIONAL SCHOOLS
FORM OF GOVERNMENT: Selectman, Town Manager, Open Town Meeting

1990 POPULATION 17,872 1991 LABOR FORCE 9,828 1989 PER CAPITA INCOME 25,792
POPULATION PER SQUARE MILE 891 1991 AVERAGE UNEMPLOYMENT RATE 4.8 1990 EQUALIZED VALUE PER CAPITA 101,488

FY92 TAX RATES, LEVIES, ASSESSED VALUES AND REVENUE SOURCES

	TAX RATE	TAX LEVY	ASSESSED VALUE	REVENUE SOURCES	% OF TOTAL
RESIDENTIAL	16.31	18,705,972	1,146,902,050	TAX LEVY	24,304,265 84.3
OPEN SPACE				STATE AID	1,559,376 5.4
COMMERCIAL	18.43	3,649,535	198,021,457	LOCAL RECEIPTS	2,795,011 9.7
INDUSTRIAL	18.43	1,575,894	85,507,000	OTHER AVAILABLE	172,157 0.6
PERSONAL PROPERTY	18.43	372,864	20,231,356		
UNCLASSIFIED					
TOTAL		24,304,265	1,450,661,863	TOTAL	28,830,809

FY92 PROPOSITION 2 1/2 LEVY CAPACITY FY93 CHERRY SHEET EST. STATE AID

NEW GROWTH	286,817	RESOLUTION AID	518,415
OVERRIDE	1,200,000	EDUCATION	382,359
DEBT EXCLUSION	936,155	GENERAL GOVERNMENT	817,240
LEVY LIMIT	24,311,156	TOTAL RECEIPTS	1,718,014
EXCESS CAPACITY	6,891	TOTAL ASSESSMENTS	73,017
CEILING	36,266,547	NET STATE AID	1,644,997
OVERRIDE CAPACITY	12,891,546		

FY91 SCHEDULE A - ACTUAL REVENUES AND EXPENDITURES

	GENERAL FUND	SPECIAL REVENUE	CAPITAL PROJECTS	ENTERPRISE FUND	TRUST FUNDS	TOTAL, ALL FUNDS
REVENUES	26,710,765	820,359		935,336	234,249	28,700,709
EXPENDITURES	25,611,387	744,879	8,565	1,202,341	65,378	27,632,550
POLICE	1,409,848					1,409,848
FIRE	1,596,004					1,596,004
EDUCATION	15,888,128	506,759	262			16,395,149
PUBLIC WORKS	1,216,583	129,078				1,345,661
ALL OTHER	5,500,824	109,042	8,303	1,202,341	65,378	6,885,888

RESERVES

7/1/91 FREE CASH 1,416,211
FY92 OVERLAY RESERVE 500,000
FY91 STABILIZATION FUND 245,145

FY92 AVERAGE TAX BILL

NUMBER OF SINGLE FAMILY PARCELS 4,151
ASSESSED VALUE OF SINGLE FAMILY 885,800,700
AVERAGE SINGLE FAMILY TAX BILL 3,480

REVALUATION

MOST RECENT FY92
NEXT SCHEDULED FY95

DIVISION OF LOCAL SERVICES FIELD REPRESENTATIVES

BUREAU OF ACCOUNTS: PAUL WATSON

BUREAU OF LOCAL ASSESSMENT: DICK KAIRO

10/26/92

**DIVISION OF LOCAL SERVICES
MUNICIPAL DATA BANK**

DEMOGRAPHIC PROFILE OF ACTON

Population

1970	14,770	1984	17,672
1976	18,743	1986	17,350
1980	17,544	1988	17,410
1982	17,420	1990	17,872

X CHG 80 TO 90 1.9

Age of Population

Age Groups	1970	1980	1990	% Chg 80-90
0 - 4 Years	1,601	1,056	1,240	17.4
5 - 19	5,097	4,949	3,665	-25.9
20 - 59	7,200	10,261	11,112	8.3
60 - 74	612	872	1,351	54.9
75 +	260	406	504	24.1

Labor Force & Unemployment Rates

CY	Labor Force	% Unemp	State Average % Unemployed
82	9,653	4.8	7.9
85	10,029	2.4	3.9
88	10,110	1.6	3.3
89	10,161	2.0	4.2
90	10,037	2.9	6.0
91	9,828	4.8	9.0

Public School Attending Children & Birth

CY	Births	K-6	% of Total	7-12	% of Total	Total
82	212	1,899	47.7	2,086	52.3	3,985
84	197	1,760	46.5	2,027	53.5	3,787
86	216	1,668	47.2	1,865	52.8	3,533
88	274	1,669	50.4	1,640	49.6	3,309
90	224	1,670	53.6	1,448	46.4	3,118
91		1,685	54.7	1,396	45.3	3,081

X Chg 82-91 -11.3 -33.1 -22.7

Income Per Capita

CY	Total	State Average
1979	10,522	7,457
1981	13,204	9,728
1983	15,774	11,440
1985	18,772	12,510
1987	21,832	14,389
1989	25,792	17,224

Number of Registered Voters

	Democrats	Republicans	Unenrolled	Total
1982	1,974	1,732	6,296	10,002
1984	1,964	1,523	6,306	9,793
1986	1,802	1,563	6,020	9,385
1988	1,870	1,513	6,225	9,608
1990	1,985	1,653	6,728	10,366

1990 Renter Occupied Units

Rent Per Month	Units
Less Than 299	123
300 to 499	136
500 to 699	786
700 to 999	665
1000 Plus	176
No Cash Specified	34
Total Rented Units	1,920
Total Housing Units	6,891

Household Type - 1990

Type	Persons
Family Householders	15,540
Householder/Spouse	9,042
Children	5,999
Other	499
Non-Family Households	2,191
Single Person	1,343
Multiple Person	848
Group Quarters	141
Institutionalized	117
Non Institutionalized	24

SOURCES: Population, Income Per Capita, Rent and Household Data - U.S. CENSUS BUREAU; Labor Force and Unemployment Rates - MASS DEPT OF EMPLOYMENT AND TRAINING; School Attending Children - MASS DEPT OF EDUCATION; Births - MASS DEPT OF PUBLIC HEALTH; Registered Voters - SECRETARY OF THE COMMONWEALTH
NOTES: 1970, 1980, & 1990 population counts and 1979 & 1989 Income Per Capita are actuals; other years are estimates
School Attending Children are January 1 Headcounts; Births occurred during entire year.

PROPERTY TAX TRENDS - ACTON

	REVENUES BY SOURCE								
	Tax Levy	Pct of Total	State Aid	Pct of Total	Local Receipts	Pct of Total	Other Local	Pct of Total	Total Revenues
FY85	13,662,021	73.17	2,334,936	12.51	1,801,173	9.65	872,269	4.67	18,670,399
FY86	14,690,226	71.83	2,470,367	12.08	2,254,588	11.02	1,035,410	5.06	20,450,591
FY87	15,629,613	67.29	2,706,468	11.65	2,579,457	11.10	2,313,427	9.96	23,228,965
FY88	17,607,155	72.05	2,955,012	12.09	2,564,176	10.49	1,310,906	5.36	24,437,269
FY89	18,809,253	71.85	2,918,448	11.15	2,995,027	11.44	1,455,270	5.56	26,177,998
FY90	20,578,047	75.29	2,180,178	7.98	3,398,491	12.43	1,173,720	4.29	27,330,436
FY91	22,321,377	79.02	1,941,147	6.87	3,307,412	11.71	678,854	2.40	28,248,790
FY92	24,304,265	84.30	1,559,376	5.41	2,795,010	9.69	172,157	0.60	28,830,808

PROPOSITION 2 1/2 LEVY LIMITS: EXCESS CAPACITY AND OVERRIDE CAPACITY

	Limit Before Debt Exclusion	Limit with Debt Exclusion	Excess Capacity	Excess as % of Limit	Levy Ceiling	Override Capacity
FY87	15,382,069	15,985,545	355,931	2.23	23,038,925	7,656,856
FY88	16,477,371	17,644,861	37,706	0.21	24,053,500	7,576,129
FY89	17,866,871	18,895,727	86,474	0.46	43,140,500	25,273,629
FY90	19,509,757	20,580,206	2,159	0.01	43,616,925	24,107,168
FY91	21,354,326	22,326,281	4,903	0.02	44,099,762	22,745,436
FY92	23,375,001	24,311,156	6,890	0.03	36,266,547	12,891,546

ASSESSED VALUES BY PROPERTY CLASS

	Residential	Open Space	Commercial	Industrial	Personal Property	Total All Classes	Res/Op Space Pct. of Total
FY85	490,323,550	3,019,800	84,383,700	37,607,950	14,251,231	629,586,231	78.36
FY86	705,778,700	3,552,900	123,425,400	48,764,800	14,223,666	895,745,466	79.19
FY87	728,795,600		125,634,575	51,923,800	15,203,436	921,557,411	79.08
FY88	754,957,700		126,978,755	64,897,500	15,305,681	962,139,636	78.47
FY89	1369874250		236,458,867	100,956,700	18,329,760	1725619577	79.38
FY90	1376116650		247,043,780	103,237,700	18,278,882	1744677012	78.88
FY91	1395856050		245,576,170	103,888,800	18,669,473	1763990493	79.13
FY92	1146902050		198,021,457	85,507,000	20,231,356	1450661863	79.06

TAX LEVY BY PROPERTY CLASS

	Residential	Open Space	Commercial	Industrial	Personal Prop	Res/Op Space Pct of Total	Tax Rates Per \$1,000		
							Fiscal Year	Res/Op Space	Com/Ind Single Prp Rate
FY85	10,640,023	65,537	1,831,121	816,087	309,254	78.36	FY85		21.70
FY86	11,574,767	58,261	2,024,181	799,751	233,266	79.19	FY86		16.40
FY87	12,360,367		2,130,769	880,619	257,857	79.08	FY87		16.96
FY88	13,815,736		2,323,704	1,187,620	280,094	78.47	FY88		18.30
FY89	14,931,631		2,577,394	1,100,435	199,791	79.38	FY89		10.90
FY90	15,797,819		3,204,157	1,338,992	237,077	76.77	FY90	11.48	12.97
FY91	17,196,946		3,418,420	1,446,132	259,879	77.04	FY91	12.32	13.92
FY92	18,705,972		3,649,535	1,575,894	372,863	76.97	FY92	16.31	18.43

LEVY LIMIT COMPONENTS

TOWN OF ACTON

LINE	REVENUE DESCRIPTION	FY88	FY89	FY90	FY91	FY92
1.	Levy Limit Base	15,382,069	16,477,371	17,866,871	19,509,757	21,354,326
2.	Annual 2.5% Increase	384,552	411,934	446,672	487,744	533,858
3.	Certified New Growth	710,750	977,566	506,214	368,825	286,817
4.	Override			690,000	988,000	1,200,000
5.	Ceiling (2.5% Full & Fair Cash Value)	24,053,500	43,140,500	43,616,925	44,099,762	36,266,547
6.	Limit Before Exclusion (Sum of lines 1 thru 4, or line 5, whichever is smaller)	16,477,371	17,866,871	19,509,757	21,354,326	23,375,001
7.	Override Capacity (5 minus 6)	7,576,129	25,273,629	24,107,168	22,745,436	12,891,546
8.	Override Capacity as % of Limit (line 7 as % of line 6)	45.98	141.46	123.56	106.51	55.15
9.	Debt/Capital Exclusion, Other	1,167,490	1,028,856	1,070,449	971,955	936,155
10.	<u>Maximum Levy Limit (6 + 9)</u>	<u>17,644,861</u>	<u>18,895,727</u>	<u>20,580,206</u>	<u>22,326,281</u>	<u>24,311,156</u>
11.	Actual Tax Levy	17,607,155	18,809,253	20,578,047	22,321,377	24,304,265
12.	Excess Levy Capacity (line 10 minus line 11)	37,706	86,474	2,159	4,904	6,891
13.	Excess Capacity % of Limit (line 12 % of line 10)	.21	0.46	.01	.02	.03
14.	Total Operating Budget	24,437,249	26,177,998	27,330,436	28,248,791	28,830,809
15.	Excess Capacity % of Budget (line 12 % of line 14)	.15	0.33	.01	.02	.02

New growth reflects only the amount certified when the levy limit was set, and may include retroactive years as well as current year .

**MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES**

**TRENDS IN CHERRY SHEET STATE AID, ESTIMATED RECEIPTS
FY89 to FY93**

ACTON

	FY89	FY90	FY91	FY92	FY93	CHANGE 89-93	CHANGE 92-93
RESOLUTION AID							
Chapter 70	1,131,469	501,091	481,047	481,047	481,047	-650,422	
Additional Assistance	656,924	656,924	630,647	37,368	37,368	-619,556	
Other*							
Subtotal, Resolution Aid	1,788,393	1,158,015	1,111,694	518,415	518,415	-1,269,978	
Change from Previous Year	-199,261	-630,378	-46,321	-593,279			
Percent Change	-10.0	-35.2	-4.0	-53.4			
EDUCATION							
Racial Equality**							
School Lunch Programs**	7,299	7,549	7,637	7,613	7,796	497	183
Equal Education Opportunity**							
Per Pupil Aid**					180,000	180,000	180,000
School Transportation	218,884	143,963	114,982	131,103	141,636	-77,248	10,533
School Construction	104,193	104,196	95,724	52,927	52,927	-51,266	
Retired Teachers Pensions							
Other*	35,495	13,619	3,676			-35,495	
Subtotal, Education Aid	365,871	269,327	222,019	191,643	382,359	16,488	190,716
Change from Previous Year	18,515	-96,544	-47,308	-30,376	190,716		
Percent Change	5.3	-26.4	-17.6	-13.7	99.5		
GENERAL GOVERNMENT							
Public Libraries**	14,092	14,160	13,566	13,675	13,694	-398	19
Regional Public Libraries							
Police Career Incentives							
Urban Renewal Projects							
Veterans' Benefits			11,293	7,060	6,600	6,600	-460
Highway Fund	77,317	75,183		246,849	134,939	57,622	-111,910
Lottery	561,997	561,997	561,997	561,997	604,239	42,242	42,242
Local Share of Racing Taxes							
Exemptions: Vets, Blind, SvSp	9,148	9,541	9,166	8,601	8,462	-686	-139
Exemptions: Elderly	10,474	8,805	11,412	11,136	12,366	1,892	1,230
State Owned Land					36,940	36,940	36,940
Other*	82,232	61,311				-82,232	
Subtotal, General Government	755,260	730,997	607,434	849,318	817,240	61,980	-32,078
Change from Previous Year	161,133	-24,263	-123,563	241,884	-32,078		
Percent Change	27.1	-3.2	-16.9	39.8	-3.8		
TOTAL RECEIPTS	2,909,524	2,158,339	1,941,167	1,559,376	1,718,014	-1,191,510	158,638
Change from Previous Year	-19,613	-751,185	-217,192	-381,771	158,638		
Percent Change	-0.7	-25.8	-10.1	-19.7	10.2		

- * "Other" refers to programs that were discontinued, consolidated into other cherry sheet programs, or shifted to off-cherry sheet payments. They may include offset amounts.
Offset accounts: may be expended for specific purposes only.
Note: FY90 Chapter 70 does not include \$ 630,378 in previously withheld Chapter 70 that was paid during the summer of 1990 as part of a \$210 Million SJC decision.

**GENERAL FUND EXPENDITURES BY FUNCTION
FY87 THRU FY91**

TOWN OF ACTON

	FY87	FY88	PCT CHG 87-88	FY89	PCT CHG 88-89	FY90	PCT CHG 89-90	FY91	PCT 90-91
GENERAL GOVERNMENT	1,430,484	1,681,005	17.5	2,047,450	21.8	1,843,334	-10.0	1,803,515	-2.2
POLICE	1,081,753	1,182,375	9.3	1,176,894	-0.5	1,422,078	20.8	1,409,848	-0.9
FIRE	1,399,072	1,407,886	0.6	1,856,813	31.9	1,542,249	-16.9	1,596,004	3.5
OTHER PUBLIC SAFETY	115,993	146,786	26.5	126,446	-13.9	118,459	-6.3	181,063	52.8
EDUCATION	13,069,233	13,522,693	3.5	14,316,091	5.9	15,205,434	6.2	15,888,128	4.5
HIGHWAYS	2,087,445	2,103,811	0.8	2,201,294	4.6	1,251,327	-43.2	1,063,036	-15.0
OTHER PUBLIC WORKS	62,300	64,306	3.2	72,175	12.2	132,715	83.9	153,547	15.7
HEALTH AND WELFARE	189,937	277,614	46.2	265,297	-4.4	197,902	-25.4	171,096	-13.5
CULTURE AND RECREATION	330,149	344,628	4.4	408,289	18.5	444,401	8.8	383,920	-13.6
DEBT SERVICE	750,420	1,058,743	41.1	1,227,281	15.9	1,203,856	-1.9	1,044,159	-13.3
FIXED COSTS	1,053,743	1,188,094	12.7	1,417,429	19.3	1,741,688	22.9	1,885,267	8.2
INTERGOVERNMENTAL	260,914	247,218	-5.2	46,170	-81.3	49,205	6.6	31,804	-3
OTHER EXPENDITURES	2,549	2,741	7.5			212			
TOTAL EXPENDITURES	21,833,992	23,227,900	6.4	25,161,629	8.3	25,152,860		25,611,387	1.8

FUNCTIONAL PERCENTAGES OF THE TOTAL

	FY87	FY88	FY89	FY90	FY91
GENERAL GOVERNMENT	6.6	7.2	8.1	7.3	7.0
POLICE	5.0	5.1	4.7	5.7	5.5
FIRE	6.4	6.1	7.4	6.1	6.2
OTHER PUBLIC SAFETY	0.5	0.6	0.5	0.5	0.7
EDUCATION	59.9	58.2	56.9	60.5	62.0
HIGHWAY	9.6	9.1	8.7	5.0	4.2
OTHER PUBLIC WORKS	0.3	0.3	0.3	0.5	0.6
HEALTH AND WELFARE	0.9	1.2	1.1	0.8	0.7
CULTURE AND RECREATION	1.5	1.5	1.6	1.8	1.5
DEBT SERVICE	3.4	4.6	4.9	4.8	4.1
FIXED COSTS	4.8	5.1	5.6	6.9	7.4
INTERGOVERNMENTAL	1.2	1.1	0.2	0.2	0.1
OTHER EXPENDITURES	0.0	0.0	0.0	0.0	

**MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES
MUNICIPAL DATA BANK**

Estimated Vs. Actual Local Receipts

ACTON

	FY89 Estimated	FY89 Actual	Actual Minus Est.	FY90 Estimated	FY90 Actual	Actual Minus Est.	FY91 Estimated	FY91 Actual	Actual Minus Est.
MOTOR VEHICLE EXCISE	1,095,572	1,458,501	362,929	1,458,501	1,177,284	-281,217	1,089,086	1,204,056	114,970
OTHER EXCISE									
PENALTIES & INTRERST	59,932	119,484	59,552	119,484	128,166	8,682	128,166	241,529	113,363
PAYMENTS IN LIEU OF TAXES	8,186	10,026	1,840	10,026	11,199	1,173	11,198	10,647	-551
WATER CHARGES									
SEWER CHARGES									
HOSPITAL CHARGES									
TRASH DISP CHARGES	224,786	0	-224,786						
OTHER CHARGES	51,006	51,823	817	51,823	72,046	20,223	72,046	81,335	9,289
FEEs	76,614	127,721	51,107	127,721	182,887	55,166	182,887	136,637	-46,250
RENTALS	29,233	27,449	-1,784	27,450	22,166	-5,284	22,166	24,480	2,314
DEPT REVENUE - SCHOOL	28,865	30,092	1,227	30,092	100	-29,992	100	16,073	15,973
DEPT REVENUE - LIBRARIES	17,075	22,286	5,211	22,286	24,144	1,858	24,144	22,241	-1,903
DEPT REVENUE - CEMETERIES	18,322	21,036	2,714	21,036	27,050	6,014	27,050	22,777	-4,273
DEPT REVENUE - RECREATION									
OTHER DEPT REVENUE	93,560	72,396	-21,164	72,396	31,714	-40,682	31,714	52,499	20,785
CENSES AND PERMITS	301,722	205,566	-96,156	205,565	231,566	26,001	231,566	235,266	3,700
SPECIAL ASSESSMENTS	1,331	0	-1,331						
FINES AND FORFEITS	75,423	89,270	13,847	89,270	226,085	136,815	226,085	200,696	-25,389
INVESTMENT INCOME	335,042	234,460	-100,582	234,460	245,936	11,476	245,936	312,726	66,790
ALL OTHER									
TOTALS	2,416,669	2,470,110	53,441	2,470,110	2,380,343	-89,767	2,292,144	2,569,295	277,151

TOTAL LOCAL RECEIPTS: ACTUAL AS PERCENT OF ESTIMATE

FY	Total Estimated	Total Actual	Actual Minus Est.	Actual as % of Estimate
84	1,430,937	1,602,634	171,697	112.0
85	1,602,265	2,047,180	444,915	127.8
86	2,047,180	2,316,114	268,934	113.1
87	2,340,644	2,067,586	-273,058	88.3
88	2,303,396	2,426,873	123,476	105.4
89	2,416,669	2,470,110	53,441	102.2
90	2,470,110	2,380,343	-89,767	96.4
91	2,292,144	2,569,295	277,150	112.1

.DATE 26 OCT 92 14:46:10 RID 9048 18 AUG 92 ELISE

* COMMUNITY COMPARISON CRITERIA - ACTON

JUR	K	FY90	1990	1989	1990**	LAND	PUBLIC	OPERATING	NEXT
*CDE MUNICIPALITY	C O CDE	CHY SCH	POPULA-	INCOME	EQV/CAP	SQUARE	ROAD MIL-	BUDGET FY92	CERT
	T C	CDE STR	TION	PER CAP		MILES	EAGE 87	(*FY91)	YR
002 ACTON	T 2	0360	3	17,872	25,792	101,488	20.06	28,830,810	95
273 SOMERSET	T 2	0354	1	17,655	15,030	78,519	7.12	27,274,782	95
342 WILMINGTON	T 2	0360	1	17,651	17,273	101,240	17.08	33,048,341	95
141 HUDSON	T 2	0360	1	17,233	18,327	64,294	11.66	24,652,543	95
050 CANTON	T 2	0362	1	18,530	22,035	99,778	19.01	32,422,391	95
067 CONCORD	T 2	0360	3	17,076	31,655	130,039	24.96	29,577,359	93

CRITERIA FOR SELECTION 1) SAME KOC
2) CLOSEST TO ACTON IN POPULATION

..... END REPORT

**MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES
EXPENDITURES BY FUNCTION**

(Excluding Capital Outlay and Construction Expenditures)

MUNICIPALITY	GENERAL GOVERNMENT	POLICE	FIRE	OTHER PUBLIC SAFETY	EDUCATION	PUBLIC WORKS HIGHWAY	OTHER PUBLIC WORKS
MUNICIPALITY	HEALTH & WELFARE	CULTURE & RECREATION	DEBT SERVICE	FIXED COSTS	INTER- GOVERNMENTAL	OTHER EXPENDITURE	TOTAL EXPENDITURES
ACTON	1,692,014	1,374,180	1,534,185	180,062	15,817,894	1,002,310	153,547
CANTON	1,255,411	1,726,679	1,791,868	276,914	13,083,597	1,018,942	649,301
CONCORD	1,803,693	1,657,503	1,580,567	220,359	15,638,763	915,542	79,485
HUDSON	998,817	1,450,679	1,390,193	169,776	12,137,938	1,622,197	753,652
SOMERSET	711,837	1,380,356	1,135,481	79,976	13,670,550	733,513	1,904,624
WILMINGTON	2,813,272	2,019,079	1,542,329	192,030	13,711,063	2,313,717	1,413,116
ACTON	171,096	383,920	1,044,159	1,885,267	31,804	0	25,270,438
CANTON	256,780	719,051	1,002,610	4,037,557	31,804	241,571	26,092,084
CONCORD	242,567	1,169,464	1,244,131	2,318,510	368,124	509,850	27,748,558
HUDSON	215,550	472,146	1,696,450	2,455,329	168,425	0	23,531,152
SOMERSET	194,913	477,158	1,919,117	1,172,461	276,304	39,370	23,695,659
WILMINGTON	244,734	632,657	2,819,706	3,561,548	1,011,155	84,846	32,359,262

**MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES
EXPENDITURES BY FUNCTION PER CAPITA**

(Excluding Capital Outlay and Construction Expenditures)

MUNICIPALITY	GENERAL GOVERNMENT	POLICE	FIRE	OTHER PUBLIC SAFETY	EDUCATION	PUBLIC WORKS HIGHWAY	OTHER PUBLIC WORKS
	*****	*****	*****	*****	*****	*****	*****
ACTON	94.67	76.89	85.84	10.08	885.07	56.08	8.59
CANTON	67.75	93.18	96.70	14.94	706.08	54.99	35.04
CONCORD	105.63	97.07	92.56	12.90	915.83	53.62	4.65
HUDSON	57.96	84.18	80.67	9.85	704.34	94.13	43.73
SOMERSET	40.32	78.18	64.31	4.53	774.32	41.55	107.88
WILMINGTON	159.38	114.39	87.38	10.88	776.79	131.08	80.06
GROUP AVERAGE	87.49	90.63	84.65	10.56	792.89	71.75	46.73

MUNICIPALITY	HEALTH & WELFARE	CULTURE & RECREATION	DEBT SERVICE	FIXED COSTS	INTER- GOVERNMENTAL	OTHER EXPENDITURE	TOTAL EXPENDITURES
	*****	*****	*****	*****	*****	*****	*****
ACTON	9.57	21.48	58.42	105.49	1.78	.00	1,413.97
CANTON	13.86	38.80	54.11	217.89	1.72	13.04	1,408.10
CONCORD	14.21	68.49	72.86	135.78	21.56	29.86	1,625.00
HUDSON	12.51	27.40	98.44	142.48	9.77	.00	1,365.47
SOMERSET	11.04	27.03	108.70	66.41	15.65	2.23	1,342.15
WILMINGTON	13.87	35.84	159.75	201.78	57.29	4.81	1,833.77
GROUP AVERAGE	12.50	36.36	91.74	145.55	17.80	8.26	1496.77

**MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES
EXPENDITURES BY FUNCTION AS PERCENTAGE OF TOTAL**

(Excluding Capital Outlay and Construction Expenditures)

MUNICIPALITY	GENERAL GOVERNMENT	POLICE	FIRE	OTHER PUBLIC SAFETY	EDUCATION	PUBLIC WORKS HIGHWAY	OTHER PUBLIC WORKS
	*****	*****	*****	*****	*****	*****	*****
ACTON	6.70	5.44	6.07	0.71	62.59	3.97	.61
CANTON	4.81	6.62	6.87	1.06	50.14	3.91	2.49
CONCORD	6.50	5.97	5.70	0.79	56.36	3.30	.29
HUDSON	4.24	6.16	5.91	0.72	51.58	6.89	3.20
SOMERSET	3.00	5.83	4.79	0.34	57.69	3.10	8.04
WILMINGTON	8.69	6.24	4.77	0.59	42.37	7.15	4.37
GROUP AVERAGE	5.8	6.1	5.7	0.7	53.0	4.8	3.1

MUNICIPALITY	HEALTH & WELFARE	CULTURE & RECREATION	DEBT SERVICE	FIXED COSTS	INTER- GOVERNMENTAL	OTHER EXPENDITURE	TOTAL EXPENDITURES
	*****	*****	*****	*****	*****	*****	*****
ACTON	.68	1.52	4.13	7.46	.13	.00	100.00
CANTON	.98	2.76	3.84	15.47	.12	.93	100.00
CONCORD	.87	4.21	4.48	8.36	1.33	1.84	100.00
HUDSON	.92	2.01	7.21	10.43	.72	.00	100.00
SOMERSET	.82	2.01	8.10	4.95	1.17	.17	100.00
WILMINGTON	.76	1.96	8.71	11.01	3.12	.26	100.00
GROUP AVERAGE	0.8	2.4	6.1	9.7	1.2	0.6	100.0

* School vs Total General Fund Operating Expenditures FY86 thru FY91 to date

* JDC Municipality	Popula- tion	FY	School Expenditures	Non-School Expenditures	Total Expenditures	Total Per Capita	School % of Total	DOE Inte- grated Oper- ating Cost	Net Avg Mbrship Pupils	Cost Per Pupil

002 ACTON										
002	17,350	86	11,529,955	7,296,784	18,826,739	1,085	61.2	13,329,102	3,665.7	3,456
002	17,350	87	12,705,255	7,723,836	20,429,091	1,177	62.2	14,379,575	3,525.4	4,079
002	17,410	88	13,368,115	8,641,812	22,009,927	1,264	60.7	15,119,185	3,429.3	4,409
002	17,410	89	14,034,203	9,494,642	23,528,845	1,351	59.6	15,896,664	3,317.6	4,792
002	17,872	90	15,145,323	9,718,341	24,863,664	1,391	60.9	17,288,972	3,259.5	5,304
002	17,872	91	15,817,894	9,479,249	25,297,143	1,415	62.5	18,041,877	3,173.1	5,686
050 CANTON										
050	18,340	86	9,806,062	9,564,312	19,370,374	1,056	50.6	10,694,892	2,871.9	3,724
050	18,340	87	10,409,210	10,824,869	21,234,079	1,158	49.0	11,569,979	2,502.0	4,624
050	18,520	88	10,898,254	12,465,247	23,363,501	1,262	46.6	12,300,317	2,692.6	4,568
050	18,520	89	11,750,598	14,355,119	26,105,717	1,410	45.0	13,142,305	2,487.7	5,283
050	18,530	90	12,802,196	12,588,449	25,390,645	1,370	50.4	14,163,493	2,502.7	5,659
050	18,530	91	13,083,597	13,569,959	26,653,556	1,438	49.1	14,281,508	2,520.6	5,666
067 CONCORD										
067	16,470	86	12,074,149	8,624,943	20,699,092	1,257	58.3	13,030,102	2,480.9	5,252
067	16,470	87	12,322,036	9,539,033	21,861,069	1,327	56.4	13,421,931	2,412.8	5,563
067	16,780	88	12,999,267	10,222,639	23,221,906	1,384	56.0	14,255,968	2,206.5	6,461
067	16,780	89	13,590,952	10,853,178	24,444,130	1,457	55.6	15,337,028	2,196.4	6,983
067	17,076	90	15,033,290	11,567,199	26,600,489	1,558	56.5	16,019,505	2,231.3	7,179
067	17,076	91	15,811,588	11,936,970	27,748,558	1,625	57.0	16,951,149	2,174.3	7,796
141 HUDSON										
141	17,550	86	8,670,077	21,586,248	30,256,325	1,724	28.7	10,232,520	2,753.7	3,716
141	17,550	87	9,566,958	25,515,440	35,082,398	1,999	27.3	10,904,746	2,627.6	4,150
141	17,840	88	10,832,942	31,223,643	42,056,585	2,357	25.8	12,357,939	2,730.0	4,527
141	17,840	89	11,773,421	11,407,256	23,180,677	1,299	50.8	12,745,880	2,652.5	4,805
141	17,233	90	12,264,636	11,497,291	23,761,927	1,379	51.6	13,600,412	2,573.2	5,285
141	17,233	91	12,137,938	11,393,214	23,531,152	1,365	51.6	13,536,030	2,667.4	5,075
273 SOMERSET										
273	18,230	86	11,211,260	8,442,828	19,654,088	1,078	57.0	12,126,849	3,173.2	
273	18,230	87	11,928,832	9,317,471	21,246,303	1,165	56.1	12,101,529	3,075.4	3,935
273	17,690	88	12,404,008	9,799,015	22,203,023	1,255	55.9	12,504,246	2,966.6	4,215
273	17,690	89	13,095,296	10,321,809	23,417,105	1,324	55.9	14,182,519	2,839.7	4,994
273	17,655	90	13,600,953	11,456,113	25,057,066	1,419	54.3	14,909,865	2,698.7	5,525
273	17,655	91	13,670,550	10,025,109	23,695,659	1,342	57.7	14,912,159	2,849.1	5,234
342 WILMINGTON										
342	17,530	86	12,575,858	9,953,464	22,529,322	1,285	55.8	11,556,251	3,380.5	3,419
342	17,530	87	10,950,606	13,618,386	24,568,992	1,402	44.6	12,944,103	3,256.3	3,975
342	18,070	88	12,216,009	13,791,870	26,007,879	1,439	47.0	14,414,089	3,124.4	4,613
342	18,070	89	13,164,032	16,351,703	29,515,735	1,633	44.6	15,790,447	3,048.9	5,179
342	17,651	90	13,300,881	20,229,871	33,530,752	1,900	39.7	20,156,474	3,028.1	6,656
342	17,651	91	13,711,063	18,648,199	32,359,262	1,833	42.4	16,696,247	3,095.3	5,394

..... END REPORT

ACTON PUBLIC SCHOOLS
NUMBER OF STUDENTS

GRADE						Choice	Choice		
	86-87	87-88*	88-89*	89-90*	90-91*	91-92*	92-93*	92-93*	
Pre-School***		10	16	17	19	12	0	26	0
K		246	245	239	256	296	7	300	11
1		223	261	271	260	270	0	329	8
2		210	206	245	255	270	2	283	5
3		219	219	209	243	268	2	274	6
4		254	227	212	212	252	5	288	18
5		243	254	228	216	218	5	263	18
6		223	251	251	226	226	10	221	9
SPED Out-of-Dis****		15	10	11	6	12	0	16	0
TOTAL	1410	1643	1689	1683	1693	1824	31	2000	75

NUMBER OF CERTIFIED STAFF***

+390

CLASSROOM	67.50	69.00	68.50	70.00	73.00 (a)	77.00
ART	2.70	2.70	2.70	2.50	2.60	2.60
MUSIC	4.50	4.10	3.90	3.50	3.60	3.60
PHYS. ED.	3.70	3.70	3.70	3.50	3.50	3.50
LIBRARY	1.00	1.00	1.00	1.00	1.00	1.00
CURRICULUM SPEC.	3.00	3.00	2.00	2.00	2.00	2.00
READING	3.00	3.00	3.00	2.80	2.80	2.80
COUNSELING	4.00	3.80	3.80	3.80	3.80	3.80
PUPIL SERVICES	12.80	12.80	12.90	13.30	13.00	13.00
PRINCIPALS	4.00	4.00	4.00	4.00	4.00	4.00
GENERIC SPEC.	0.50	0.50	0.50	0.50	0.50	0.50
COMPUTER SVS	0.80	0.80	0.70	0.60	0.60	0.60
TOTALS	107.50	108.40	106.70	107.50	110.40 (a)	114.40

Classroom Teacher
Av. Class Size 22.20 22.20 22.30 21.90 22.50 23.3(b)

Class Size range in
required subjects 17 to 27 17 to 26 17 to 26 15 to 25 18 to 26

Below class of 20 3 10 7 4 5
Above class of 27*** 0 0 1 0 0

Av. Prof. Instruct.
Elementary Salary \$34,820 \$36,336 \$39,117 \$41,824 \$41,428

* Data from Oct. 1 of school year

** Projection based on Oct. 1, 1991 data

*** Does not include staff paid with federal,
state or other alternative funds.

**** Added 4/92; all SPED students

a) 2.0 FTE of total funded with Choice monies

b) Includes 36 anticipated new school choice students.

6-Apr-92

ACTON-BOXBOROUGH SCHOOL DISTRICT - SENIOR HIGH

NUMBER OF STUDENTS

GRADE	NUMBER OF STUDENTS					Choice		Choice	
	87-88*	88-89*	89-90*	90-91*	91-92*	91-92*	92-93*	92-93*	
9	268	287	262	256	296	23	314	46	
10	312	276	285	265	270	11	313	38	
11	366	301	265	274	262	13	283	23	
12	370	376	310	273	281	12	279	18	
SPED UNGRADED	8	10	9	10	12	4	9	2	
SPED Out-of-Dist.****	22	21	24	28	17	0	20	0	
POST GRADUATE	0	1	3	1	2	0	2	0	
TOTAL	1346	1272	1158	1107	1140	63	1220	127	

NUMBER OF CERTIFIED STAFF***

CLASSROOM	66.90	62.90	58.40	53.88	54.30 (a)	54.30
MEDIA CENTER	2.00	2.00	2.00	1.60	1.60	1.60
ART	2.10	2.10	2.10	2.10	2.40 (b)	2.40
MUSIC	0.90	1.43	1.23	1.03	0.87	0.87
PHYS. ED.	6.00	5.00	5.00	3.15	3.00 (c)	3.00
READING	1.00	1.00	1.00	1.00	1.00	1.00
COUNSELING	5.50	5.30	5.20	5.00	5.00	5.00
PUPIL SVS.	5.75	4.70	4.60	4.70	5.10	5.10
PRINC. & ASST	3.00	3.00	3.00	2.70	2.70	2.70
COMPUTER SVS.	0.50	0.50	0.50	0.50	0.50	0.50
TOTALS	93.65	87.93	83.03	75.66	76.47 (d)	76.47

OTHER EMPLOYEES

CUSTODIANS	9.00	9.00	9.00	9.00	9.00	9.00
CLERICAL	6.85	7.00	6.40	5.69	5.88	5.88
AIDES-CLASS	4.80	5.10	5.86	5.67	5.40	5.40
AIDES-NON-CLASS	2.00	2.00	2.00	1.70	4.00 (e)	4.00
NURSE	1.00	1.00	1.00	1.00	1.00	1.00
TOTALS	23.65	24.10	24.26	23.06	25.28 (e)	25.28

CLASS SIZE AVER. 21.00 22.50 21.90 21.48 21.50 21.50 (g)
in Eng, Math, Sci, Soc. Stud.

CLASS SIZE RANGE 5 to 32 7 to 33 6 to 34 6 to 32 7 to 34
in required subjects
Below class of 20 99 53 67 50 47
Above class of 25 71 58 60 40 67

Av. Prof. Instruct. Secondary Salary \$34,282 \$36,175 \$38,602 \$42,203 \$41,862

* Data from Oct. 1 of school year a) 1.2 FTE of this total funded by choice

** Projection based on Oct. 1, 1991b) .2 FTE of this total funded by choice

*** Does not include staff paid with c) .2 FTE of this total funded by choice
state or other alternative fund d) 1.6 FTE of this total funded by choice

**** Added 4/92 e) .3 FTE of this total funded by choice

6-Apr-92 f) includes 100 anticipated new school choice students

g) does not include 100 anticipated new school choice students

ACTON-BOXBOROUGH SCHOOL DISTRICT - JUNIOR HIGH

NUMBER OF STUDENTS

GRADE						Choice	Choice	
	87-88*	88-89*	89-90*	90-91*	91-92*	91-92*	92-93*	92-93*
7	279	263	299	295	292	11	303	36
8	267	275	269	291	307	14	307	27
SPED Out-of-Dist.****	3	4	1	1	9	0	5	0
TOTAL	549	542	569	587	608	25	615	63

NUMBER OF CERTIFIED STAFF

+66

CLASSROOM	30.80	30.20	29.00	28.80	29.25 (a)	29.25
MEDIA CENTER	1.00	1.00	1.00	1.00	1.00	1.00
ART	1.70	1.90	1.90	1.90	2.00	2.00
MUSIC	1.60	1.72	2.12	1.42	1.73	1.73
PHYS. ED.	2.80	2.40	2.30	2.20	2.20	2.20
READING	1.00	1.00	1.00	1.00	1.00	1.00
COUNSELING	2.30	2.30	2.20	2.00	2.00	2.00
PUPIL SVS.	3.00	4.00	4.70	4.40	4.60	4.60
PRINC. & ASST	2.00	2.00	2.00	1.80	1.80	1.80
COMPUTER SERVICES	0.50	0.50	0.50	0.50	0.50	0.50
TOTALS	46.70	47.02	46.72	45.02	46.08 (a)	46.08

OTHER EMPLOYEES

CUSTODIANS	5.00	5.00	5.00	5.00	5.00	5.00
CLERICAL	3.00	3.00	3.00	3.00	3.00	3.00
AIDES-CLASS	2.13	2.13	2.50	2.50	3.55 (b)	3.55
AIDES-NON-CLASS	0.00	0.00	0.00	0.00	0.00	0.00
NURSE	1.00	1.00	1.00	1.00	1.00	1.00
VOL COORD.	0.50	0.50	0.00	0.00	0.00	0.00
TOTALS	11.63	11.63	11.50	11.50	12.55 (b)	12.55

CLASS SIZE AVER. 22.00 21.30 23.60 24.70 24.60 24.60 (d)
in Eng, Math, Sci, Soc. Stud.

CLASS SIZE RANGE 5 to 29 9 to 27 10 to 37 7 to 36 8 to 35
in required subjects

Below class of 20*** 17 10 16 6 4
Above class of 25*** 5 4 10 16 16

Av. Prof. Instruct.
Secondary Salary \$34,282 \$36,175 \$38,602 \$42,203 \$41,862

- * Data from Oct. 1 of school year
- ** Projection based on Oct. 1, 1991
- *** Does not include team classes
- **** Added 4/92
- a) .4 FTE of this total funded by choice monies
- b) .65 FTE of this total funded by choice monies
- c) includes 50 anticipated new school choice students
- d) does not include 50 anticipated new school choice students

MINUTEMAN VOCATIONAL TECHNICAL SENIOR HIGH SCHOOL

<u>GRADE</u>	<u>9/28/84</u>	<u>9/30/85</u>	<u>9/30/86</u>	<u>9/30/87</u>	<u>9/30/88</u>	<u>9/29/89</u>	<u>9/28/90</u>	<u>9/30/91</u>	<u>9/30/92</u>
9	12	19	18	10	7	20	8	9	13
10	15	15	19	14	9	8	17	9	10
11	16	15	15	15	12	11	8	15	9
12	16	17	12	11	15	12	11	8	13
PG	<u>2</u>	<u>3</u>	<u>6</u>	<u>2</u>	<u>7</u>	<u>10</u>	<u>10</u>	<u>14</u>	<u>6</u>
ACTON TOTAL	61	69	70	52	50	61	54	55	51
9	5	4	8	3	2	2	3	4	4
10	5	4	8	8	3	0	4	2	3
11	2	6	3	6	5	2	0	2	2
12	3	2	5	2	3	4	2	0	2
PG	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>4</u>
BOXBOROUGH TOTAL	<u>15</u>	<u>16</u>	<u>24</u>	<u>19</u>	<u>14</u>	<u>10</u>	<u>11</u>	<u>9</u>	<u>15</u>
GRAND TOTAL	<u>76</u>	<u>85</u>	<u>94</u>	<u>71</u>	<u>64</u>	<u>71</u>	<u>65</u>	<u>64</u>	<u>66</u>

COORDINATING COMMITTEE'S FY94 & FY95 DRAFT FINANCIAL PLAN

	1993	1994 2x	1995 5x INC.
TOWN GOV'T			
(town growth)	\$9,900	\$10,465	\$10,988
(infrastructure & capital maintenance)		\$0	\$368
(town self-funding tax collection program)		\$0	\$420
SCHOOLS	\$18,873	\$19,564	\$20,857
(school growth)		\$300	\$0
MINUTEMAN	\$602	\$632	\$664
NESWC Arbitration and Stabilization Awards	\$200	\$100	\$100
MBTA ASSESSMENT		?	?
ENTERPRISE FUNDS (does not include merriam)	\$1,762	\$2,010	\$2,110
TOTAL OPERATING EXPENSES	\$31,343	\$33,521	\$35,907
DEBT & INTEREST	\$1,430	\$1,331	\$1,331
TOTAL EXPENDITURES	\$32,773	\$34,852	\$37,238
			2.5 x inc
CHERRY SHEETS	\$1,350	\$1,309	\$1,342
REGIONAL INCOME	\$1,921	\$1,906	\$1,954
Additional School Aid		\$350	\$350
SCHOOL CHOICE	\$445	\$304	\$311
MOTOR VEHICLE	\$950	\$950	\$974
FEES	\$1,000	\$1,000	\$1,025
ENTERPRISE FUNDS (does not include merriam)	\$973	\$1,182	\$1,241
Collection Program		\$50	\$70
DEFERRAL	\$619	\$0	\$0
NON-PROPERTY TAX REV.	\$7,258	\$7,051	\$7,896
TOTAL LEVY & TRANSFER	\$25,515	\$25,553	\$28,107
TOTAL REVENUE	\$32,773	\$32,603	\$36,003
LESS TOTAL EXPENSE	(\$32,773)	(\$34,852)	(\$37,238)
TOTAL OVER/(SHORT)	\$0	(\$2,249)	(\$1,234)
BEGINNING LEVY	\$23,375	\$24,209	\$27,313
2 1/2x INCREASE	\$584	\$605	\$683
NEW GROWTH	\$250	\$250	\$250
OVERRIDE	\$0	\$0	\$0
DEBT EXCLUSIONS	\$727	\$553	\$511
OVERLAY	(\$650)	(\$650)	(\$650)
SUB-TOTAL	\$24,286	\$24,968	\$28,107
RESERVE CONTRIBUTION	\$263	\$528	\$0
Extra Reserve Fund needs	\$342		
E & D CONTRIBUTION	\$0	\$57	\$0
OTHER	\$624	\$0	\$0
TOTAL REVENUE	\$25,515	\$25,553	\$28,107

(a) Enterprise fund income increased 5x and (b) FY94 override of shortfall

ACTON FINCOM MEMO

To: Coordinating Committee 92FIN018
From: Art Harrigan
Date: November 19, 1992.
Subject: FY'94 Budget and Potential Override - Taxpayer's Perspective.
Copies: Acton Finance Committee.

I hope the following factors, analysis, and rationale can be helpful in the decision making process to fix the Acton consolidated budget and override for FY'94. This information is provided from the taxpayer's point of view to offset and balance the Town and Schools perspective. This viewpoint suggests that the override selected for FY'94 should be "zero" or "\$600,000", at the most. This analysis has not been presented or endorsed by the Finance Committee or any other Board or Committee in Acton.

Acton Demographic Data - from State records

. FY'89 yearly per capita income	\$25,792.
. FY'90 population	17,872
. FY'92 number of single family parcels	4,151
. FY'92 average single family tax bill	\$3,480.
. Assumption that 2 1/2 people in a single family home	10,000
. Assumption that income per single family home is 2.5 x the yearly per capita income = 2.5 x 25,792. =	\$65,000. approx.
. Assumption that workers get a 5% salary increase	\$3,250.
. Assumption that there are several taxpayers categories as shown in Table 1.	

Categories of Homeowners Analysis - gross estimates except for unemployment rate

Table 1 was constructed knowing only that the current unemployment rate is approximately 6%. The average salary (single family home) is assumed as \$65,000, with some getting an annual pay increase while others do not.

Override analysis (FY'94)

Table 2 shows the taxpayer's FY'94 projected tax increase for various overrides. The increases are shown with the allowable 2 1/2% added and also with a 2 1/2% tax shift added. These increases are then shown as a percentage of the assumed taxpayer's 5% salary increase of \$3,250., and the assumed taxpayers salary of \$65,000.

Conclusions

1. A taxpayer gets a 5% salary increase. He/she is then asked to pay about 18% of that raise for the tax increase and a \$2.2 million override, or with a 4% raise the proportion going for a tax increase would be 22%.
2. At the current rate of tax levy on single family residences, the tax will double in about 6 1/2 years, which is a compounded increase of 11% per year. This seems to be far in excess of the recent inflation rate of 2% to 4%.
3. If a taxpayer would be willing to increase his taxes by 5% of his/her annual salary raise, then the override would need to be limited as follows: (1) \$600,000 with another 2 1/2% added, and (2) \$zero with another 2 1/2% added plus another 2 1/2% for the shift added.
4. Table 1 only applies to about 15% to 20% of the population. Another 15% is in the affluent category.
5. Any amount of override is likely to be unacceptable to 65% to 70% of the Acton population (due to no recent salary increase, a salary decrease, or an unemployed status), as shown in Table 1.

RELATED TO WHAT?

Table 1. Categories of Homeowners / Workers

	<u>Estimate Now</u>	<u>Estimate 1993</u>
. Those with salaries much higher than \$65,000	15%	15%
. Those getting a 5% annual salary increase	20%	15%
. Those with no salary increase	40%	37%
. Those with a salary decrease or lesser paying job	19%	25%
. Those without a job - no income	6%	8%

Table 2. Taxpayers Projected Tax Increases for Various Override Amounts

FY'94 Override Amount	Override %	Added 2 1/2% Allow.	Inc'r. tax on \$250K Home	% of 5% \$3,250 Sal. Incr.	Added 2 1/2% Shift	Incr. tax on \$250K Home	% of 5% \$3,250 Sal. Incr.	% of \$65K Salary
0	0	2.5%	\$104.	3%	5.0%	\$208.	6%	0.3%
\$0.5M	2.06%	4.56%	\$190.	6%	7.06%	\$294.	9%	0.3%
\$1.0M	4.13%	6.63%	\$275.	8%	9.13%	\$381.	12%	0.6%
\$1.5M	6.19%	8.69%	\$362.	11%	11.19%	\$466.	14%	0.7%
\$2.0M	8.25%	10.63%	\$443.	14%	13.13%	\$547.	17%	0.8%
\$2.5M	10.31%	12.81%	\$534.	16%	15.31%	\$638.	20%	1.0%
\$3.0M	12.37%	14.87%	\$620.	19%	17.37%	\$724.	22%	1.1%



FAX TRANSMISSION COVER SHEET

DATE: 11/18/92

PLEASE DELIVER THE ATTACHED TO:

NAME: BILL RYAN

FIRM: ABRS

FAX NO: 263-8409

THIS MESSAGE IS BEING SENT FROM:

NAME: DON JOHNSON

FIRM: TOWN OF ACTON

DEPARTMENT: T. MGR.

FAX NO: 508-264-9630

WE ARE TRANSMITTING 2 PAGES, INCLUDING THIS COVER SHEET

MESSAGE: REVISED PLAN. NOTE: YOUR REVISED # @ 19,554.

NOTE: TOWN'S REVISED # DELETING COLLECTION PROGRAM,
RETAINING 2 IN FINANCE; ADJUSTED COLLECTION PROGRAM
REVENUE (#0 BOTH YEARS); ADJUSTED OVERLAY (ONLY #750 IN
'94 BUT BACK TO 950 IN '95); ADJUSTED FREE CASH (NEGATIVE
#2100 IN '95).

REVENUE (NO BOTH YEARS); ADJUSTED OVERLAY (ONLY 1750 IN
94 BUT BUDGET 950 IN '95); ADJUSTED FREE CASH (NEARLY
12100 IN '95).

COORDINATING COMMITTEE'S FY94 & FY95 DRAFT FINANCIAL PLAN

	1993	1994 2%	1995 5% INC.
TOWN GOV'T	\$9,906	\$10,465	\$10,908
(town growth)		\$88	\$460
(infrastructure & capital maintenance)		\$0	\$430
(town self-funding tax collection program)		\$0	\$0
SCHOOLS	\$16,873	\$19,554	\$20,847
(school growth)		\$300	\$0
MINUTEMAN	\$602	\$632	\$664
NESWC Arbitration and Stabilization Awards	\$200	\$100	\$100
MBTA ASSESSMENT		?	?
ENTERPRISE FUNDS (does not include merriam)	\$1,762	\$2,010	\$2,110
TOTAL OPERATING EXPENSES	\$31,343	\$33,149	\$35,589
DEBT & INTEREST	\$1,430	\$1,331	\$1,331
TOTAL EXPENDITURES	\$32,773	\$34,480	\$36,920
			2.5 % inc
CHERRY SHEETS	\$1,350	\$1,309	\$1,342
REGIONAL INCOME	\$1,921	\$1,906	\$1,954
Additional School Aid		\$350	\$350
SCHOOL CHOICE	\$445	\$304	\$311
MOTOR VEHICLE	\$950	\$950	\$974
FEES	\$1,000	\$1,000	\$1,005
ENTERPRISE FUNDS (does not include merriam)	\$973	\$1,182	\$1,241
Collection Program		\$0	\$0
DEFERRAL	\$619	\$0	\$0
NON-PROPERTY TAX REV.	\$7,258	\$7,001	\$7,196
TOTAL LEVY & TRANSFER	\$25,515	\$25,453	\$25,479
TOTAL REVENUE	\$32,773	\$32,453	\$32,676
LESS TOTAL EXPENSE	(\$32,773)	(\$34,480)	(\$36,920)
TOTAL OVER/(SHORT)	\$0	(\$2,027)	(\$4,244)
BEGINNING LEVY	\$23,375	\$24,209	\$27,091
2 1/2% INCREASE	\$584	\$605	\$677
NEW GROWTH	\$250	\$250	\$250
OVERRIDE	\$0	\$0	\$0
DEBT EXCLUSIONS	\$727	\$553	\$511
OVERLAY	(\$650)	(\$750)	(\$350)
SUB-TOTAL	\$24,286	\$24,868	\$27,579
RESERVE CONTRIBUTION	\$263	\$508	(\$2,100)
Extra Reserve Fund needs	\$342		
E & D CONTRIBUTION	\$0	\$57	\$0
OTHER	\$624	\$0	\$0
TOTAL REVENUE	\$25,515	\$25,453	\$25,479

(a) enterprise fund income increased 5% and (b) FY94 override shortfall

DRAFT

Revision #7

To: The Coordinating Committee
From: Staff
Re: FY94 Draft Plan
Date: November 19, 1992

This plan, like all plans, was constructed from the bottom up. The first step was setting the foundation, which means to determine the assumptions on which the plan is to be constructed. As you are aware, if one were to change all or any of the following assumptions, then the numbers in the financial plan would also have to be modified.

ASSUMPTIONS FOR FY94

1. Staff will create a plan which optimizes service to the community and minimizes the cost to the taxpayer.
2. Special Ed. Tuition and SPED Transportation will be increased by 15%. (?) (\$247,065) (Budgeted amounts for these line items will be based on actual costs. Please note that C.A.S.E. West SPED Transportation System will have to replace part of its fleet in FY '94.)
3. The NESWC enterprise fund would increase by 35%. (?) (Budgeted amount for this line item will be based on actual cost. This projected increase is approximately \$350,000 which will come out of appropriated funds.)
4. The Regional Schools' legal costs will be budgeted at \$45,000. Any unspent balance in this year's FY93 legal account will go into the Regional Schools' E & D account and will be ear-marked as a contingency for FY'94 legal costs related to the pending McNulty litigation. This legal contingency will be in addition to the 1% held in the E & D account. (See #6)
5. Expense categories will be increased by the following amounts:

		<u>FY94 Prop. Change \$*</u>	
		<u>Town</u>	<u>Schools</u>
Utilities	2.5%		\$1,112
Health Insurance	10% (?)		\$219,976
Worker's Comp. & 111F (Police & Fire Ins.)	20%		\$16,720
Pension Expense	5% (?)		\$15,300
Unemployment Ins.	0%		-0-
(Will need to be increased if Prop. 2 1/2 override fails)			
Life Insurance	0%		-0-
Contingency Funds	0%		-0-
Salaries	2%		\$285,634
Debt and Interest	at actual level of 6/30/93		<\$108,224>
All Other Expenses	2.5%		<\$65,590>**

* (Increases do not include school growth of \$300K or Town Tax Collection System of \$450K.)

** (Includes reduction in Regional Schools legal services account.)

6. Any excess monies above 1.0% in the Regional School's E & D account (as of 6/30/92 minus any extraordinary costs or emergencies in FY'93) will be used as revenue to offset the assessments for Acton and Boxborough. See #4 for separate legal contingency for FY'94.
7. Any excess monies above 1% in the Free Cash account (as of 6/30/92 minus any extraordinary costs or emergencies in FY'93) will be used as revenue to offset the property tax rate. The 1% calculation will be based on the total of the operating budgets for the local schools and town government plus the Minuteman assessment and the appropriated funds for the transfer station.
8. The remaining balances in the E & D account and Free Cash will be used only for Emergencies such as but not limited to, damage due to fire, burglary, and acts of God which are not covered by insurance, failures of major pieces of equipment, major fluctuations in energy prices, unplanned decreases in State Aid, etc. It will not be used for minor fluctuations in the operating budgets.
9. A portion of School Choice Funds will continue to be allocated for educational costs and viewed as a self-funding program consistent with #7 under Format Changes. The remaining balance of school choice funds will be pooled revenues.
10. All Educational State Aid (i.e., Chapter 70, Regional School Aid, Transportation, etc.) and the Town's General Revenue Sharing State Aid will be funded at the FY93 Cherry Sheet level. (Actual Construction Aid amounts will be used for the Town and the schools and Transportation Aid will be reduced by 5% below FY92 levels.)

FORMAT CHANGES PREVIOUSLY AGREED TO

1. Both the Schools and the Town would operate with a bottom line budget.
2. All revenues will be pooled as of this date with the exception of:
 1. Revolving Accounts, Grants, Trust Accounts
 2. Enterprise Funds
 3. New Self-sufficient Programs as of this date (6/30/90)
3. The allocation split for the Town and the Schools will remain at 67% for Schools and 33% for the Town for FY'92. In FY'93 the allocation split for the respective groups will be calculated by expenditures authorized by the FY'93 Financial Plan. If these calculated percentages are different from the one third - two third split, then the Schools and the Town will move halfway to the calculated allocation. In FY'94 the split between the Town and the Schools will be based upon the actual calculation of the budgeted numbers and thereafter.
4. The Cherry Sheet number will be adjusted from a gross number to a net number (revenues - minus ear-marked funds and State and County Assessments).
5. The Total Levy and Transfer line will be adjusted from a gross number to a net number (levy-overlay), and the expenditure line Assessments/Overlay will be eliminated.
6. Regional debt will be re-classed from the Schools' expenditure line to the Debt and Interest Line.

7. A new expenditure and a new revenue line called Self-Funding Projects will be added. These lines will reflect new programs (i.e., School Choice and Traffic Unit) as of 6/30/90, which are totally self-sufficient. The Self-Funding line will not be used in calculating the allocation split.

8. Deferral Compromise

- 1) The Local and Regional Schools will accept Deferral for both years FY'92 & FY'93).
- 2) An accelerated amortization will be adopted by written agreement between the three (3) parties. This will consist of a four (4) year pay-back period with the first year of amortization beginning in FY'94 and continuing in 1/4 installments for the following three (3) years.
- 3) No formal amortization votes...other than one that is supportive of the written agreement...will be taken by the Selectmen (via placement of an Article before Town Meeting) or the Regional School Committee.
- 4) Deferral amortization will be built into the budgets for the years FY'94-FY'97.
- 5) The Selectmen, Regional School Committee, Fincom and Staff shall adopt and support this compromise.

/es

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 11/20/92

TO: The Board of Selectmen
FROM: John Murray
SUBJECT: Arlington Street Bridge

At approximately 11AM today, the bridge reopened to thru traffic.

SOUTH ACTON REVITALIZATION COMMITTEE
MEETING MINUTES
APRIL 30, 1992



cc: BOS

Present: Betsy Eldridge, Anne Forbes, Sam Manka, Sandra Whaley

1. Minutes

Minutes from the January 23 meeting were read and approved.

2. Porazzo property update

It was reported that the bank that holds the mortgage, Progressive Consumers Federal Credit Union, may be under FBI-RICO investigation for its lending practices.

3. Planning Committee update

The three members of the South Acton Village Planning Committee reported on its progress to date.

4. Election of officers

It was agreed that this would still be postponed, as the present status of SARC is unclear.

5. Development of Great Hill: update on status of New View plans

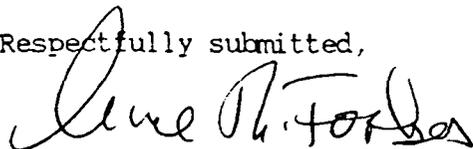
Sandy reported that New View is now working behind the scenes with a real estate agent who represents the owner. The owner has supposedly agreed to a purchase by Kevin Sweeney, et al. largely because in New View he has a guaranteed group of buyers for his buildings. What role SARC might take at this point, given our current suspension of any direct planning efforts, was discussed. It was agreed that we might be most useful in interpreting the desirability of New View to the Selectmen and Planning Board, and should probably be most active during the permitting process.

6. Final plans for Clean-up Day.

Jobs were distributed among SARC members for the May 2 Clean-up Day. Sandy will open up the Tavern at 8:30 and bring basic coffee supplies including donuts, sugar, milk. Anne will bring prizes, cooler with ice, and poster and display supplies. Betsy will bring napkins, poster board, and continue to seek business donations of juice, etc. Garbage bags are still needed. We will settle up any expenses with each other on Saturday.

The flyers have been distributed, and the use of the town truck has been arranged through highway dept/municipal properties. It does not look like the high school group will be participating.

Respectfully submitted,



Anne Forbes
Acting secretary

~~BB~~ CC: BOS

SOUTH ACTON REVITALIZATION COMMITTEE
MEETING MINUTES
OCTOBER 8, 1992

Present: Roger Andrews, Betsy Eldridge, Anne Forbes, Sam Manka, Sandra Whaley

1. Minutes

No minutes were available from the April 30 meeting. Anne agreed to prepare those from her notes.

2. Preparation for Selectmen's Oversight Meeting

Issues raised for discussion at the upcoming Oct. 22 Selectmen's meeting included the following:

Sewers - what is the status of funding, plans, etc.?

General communication - need for more information to flow in both directions: ask to be kept informed on anything to do with SA concerns, e.g. copies of any memos on bridge, sewers, parking, use of \$150,000 Great Hill contribution, etc.,

SA bridge - SARC's desire to be involved in all bridge design planning, as well as in any potential detour--both areas of strong concern to SA residents. Need for business people to be asked preferences for detour: Roger will talk to some of them about any general concerns.

Traffic planning - RR parking now spilling over onto Maple Street: rumors of possible single traffic light at School and Main.

3. Board of Health septic study

Sandy suggested we look into the Board of Health report presented to the Selectmen in July, as it appeared they had taken the position that sewers are not presently needed in South Acton. Anne agreed to look into this.

4. Train Whistles

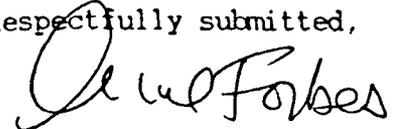
The need for an update on the status of the effort to stop the whistles at Acton crossings was raised. Anne will find out where things stand.

5. Election of officers

It was agreed that this should be postponed until sometime during the winter.

Next meeting: November 19, 7:30 p.m., Town Hall.

Respectfully submitted,



Anne Forbes
Acting secretary

cc: BOS
TOO LITTLE, TOO LATE.
don

NOV 18 1992

November 16, 1992

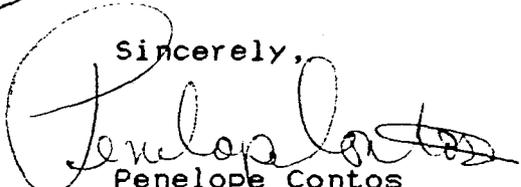
Board of Selectmen
Town Hall
472 Main Street
Acton, MA 01720

Dear Board Members:

In light of the significant job losses in the region, Cablevision feels that it is important that we communicate with our viewers the results of an intensive research project on career reframing.

In a continuing effort to enhance local programming production and to provide timely and effective reporting on issues of relevance to the subscribers we serve in your community, we are pleased to announce the debut of a new local origination series which will deal with the emotions of job loss, assessing the direction of various industries toward the year 2000, self-assessment of job skills and self-marketing to re-enter the job market. This program has been produced in conjunction with the Massachusetts Department of Employment and Training.

The first part of the series will air Tuesday and Thursday, November 17 and 19 on your local origination channel at 7:00 pm.

Sincerely,

Penelope Contos
General Manager

PC/cma

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: George W. Robinson C.O.P. DATE: November 17, 1992
FROM: J.Cogan/T.Fenniman J/Y Unit TIME: 6:10 PM **Town Manager**
SUBJ: D.A.R.E. Graduation - Conant School **Information**

On November 16, 1992 the D.A.R.E. Graduation Ceremony was held for the sixth grade classes at the Conant School. 49 diplomas were conferred to the students who completed 8 weeks and 14 lessons of instruction in the Drug Abuse Resistance Education curriculum.

Dignitaries in attendance and who provided words of encouragement were Principal Joan Little, Lieutenant John McNiff representing the Acton Police Department, Mr. Charles Gibs representing the Acton Rotary Club, and Mr. Mac Reid-Interim Assistant Superintendent of School for the Acton Boxborough Regional School District.

The support for the D.A.R.E. program appears ever increasing and was certainly evident in last night's program. The assembly hall was filled to capacity and was standing room only. Families and community members were treated to a night of student prepared essays and skits, speeches from local community group representatives, and even a taped message of congratulations from President George Bush.

We received numerous comments from parents and students as to the Acton Police Department's commitment to the youth of the community and to their support of the program. It was an evening enjoyed by all involved and true to the program, a success due to the cooperation and participation of the Parents, Police, and the Community.

CC: BOS ← 11/20
PERS. FILES - BOTH

COPY

October 16, 1992

**Town Manager
Information**

Dear Todd and Jim,

I will say no to drugs and won't use it. Never! Because Todd Feniman and Jim Cogan taught us about drugs and helped me to understand why they're not good.

I came from Tokyo Japan two years ago. They did not teach about drugs in school. But policemen are always in the school neighborhood to keep children walking safely. Children walk to school and to other places on their own in Japan from the day they enter elementary school. We greet policemen every day and know that they are helpful and friendly.

I was glad when I met Jim and Todd at school, the American policemen. Until I came to know them, I saw American policemen in police cars. Jim and Todd were friendly and spoke to children like Japanese policemen on streets.

They taught us how to say no to drugs and what will happen if you use drugs like: You will die. You will hurt someone or make someone sick, lose friends, ruin someone's future. They are more likely lose money or you have to lie to your teacher or parents to cover that you didn't use drugs.

I trust Jim and Todd, and I know what they taught us is very important.

This is why I do not use drugs all my life. When I go back to Japan, I will teach my friends what I learned from Jim and Todd.

CC: BOS
PERS. FILES (BOTH)

11/20

Sincerely yours,

Aya Narui

Aya Narui

Conant School



environmental engineers, scientists,
planners, & management consultants

NOV 13 1992

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

November 11, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I, 90 Canal Street
Boston, MA 02114

and
Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, MA 01605

CC: BOS - COVER LTR. ONLY -
FULL REPORT IN RF / RETAIN

Subject: W.R. Grace & Co., Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. (CDM) hereby submits, for your review, the Draft VFL Pilot Scale Test Workplan, dated November 11, 1992.

This version of the Draft Workplan incorporates EPA comments dated September 25, 1992, and DEP comments dated October 1, 1992, resulting from the Government Parties' review of the September 2, 1992 version of the Draft Workplan.

Very truly yours,

CAMP DRESSER & McKEE INC.

Bruce R. Conklin, P.E.
Associate

BRC:paa

#798-118-RT-PROC

Enc.

DISTRIBUTION:

Lynne Jennings (6)
Edmond Benoit (2)

cc: D. Halley, Acton (3)
P. Reiter, GZA (2)
D. Kronenberg, Grace (1)
J. Swallow, Pine & Swallow (1)
B. Leach, Concord Board of Health (1)
W. Cheeseman, FHE (1)
D. Johnson, Acton (1)

C. Tuttle, DEP Boston (2)
J. Ayres, GZA (1)
S. Anderson (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP (1)
R. Eisengrein, ACES Tag Mgr. (1)

472 Main Street, Acton, Massachusetts, 01720

508-264-9629

November 17, 1992

Ms. Ginger Dean
Blood Services-Northeast Region
American Red Cross
290 Park Avenue
Worcester, Ma., 01609

cc: BOS- FYI

Dear Ms. Dean:

There were a few problems that occurred with the Blood Drive that was held here at Town Hall on Thursday, November 12, and I like to see what can be done to avoid these problems in the future.

We received several complaints about the Red Cross truck and several of your volunteer's cars blocking the handicap parking spots and walkway at the main entrance.

The walls near the elevator on the second floor were gouged by the crew moving supplies into the Hearing Room.

Two heavy duty extension cords that were in the Hearing Room were apparently taken by your people when they packed up.

The Hearing Room was left in really bad shape, with most of the furniture pushed off to the side after your crew left. This is directly in conflict with the conditions set in my letter to you of October 26, 1992 (copy enclosed).

The Town of Acton has been very supportive for the last few years of having Blood Drives held at Town Hall, and we are willing to accept the disruption that accompanies such a widely attended, but important, event. However, if there is a repeat of these problems at the next Blood Drive, I will have to re-evaluate our support of the program. Please call me as soon as possible so that we can attempt to work out a solution to these problems.

Sincerely,



Dean A. Charter,
Municipal Properties Director

cc.: Town Manager

DAC/184

472 Main Street, Acton, Massachusetts, 01720

508-264-9629

October 26, 1992

**Ms. Ginger Dean
Blood Services-Northeast Region
American Red Cross
290 Park Avenue
Worcester, Ma., 01609**

Dear Ms. Dean:

This is to confirm the dates that you have reserved Room 204, Acton Town Hall, for blood drives. At present, we have you listed for:

Thursday, November 12, 1992, 1:00 PM-7:00 PM
Thursday, February 18, 1993, 1:00 PM-7:00 PM
Thursday, April 15, 1993, 1:00 PM-7:00 PM
Friday, August 6, 1993, 1:00 PM-7:00 PM

As has been the case in the past, the following conditions must be observed:

All Blood Drive signs and posters on trees and utility poles around town must be removed within 24 hours of the end of the event.

The room must be returned to its original condition after the event.

All carpeting in the room must be completely covered with plastic during the event.

All biological waste must be hauled away by the Red Cross; all other trash will be disposed of by Town Staff.

Posters and signs may not be adhered to painted surfaces.

This office should be contacted on week prior to the event to verify if there are any other special conditions that should be observed.

As a non-profit, community service organization, the Red Cross is exempt from room fees during normal hours of operation.

Sincerely,

**Dean A. Charter
Municipal Properties Director**

DAC/164

From: ACTPD::RSR
To: JTM
CC: RSR
Subj: CONCORD AUTO AUCTION

"Sgt. Robert Rhodes" 6-NOV-1992 08:22:56.99

ON NOVEMBER 4, 1992 I COUNTED 803 FORD VEHICLES IN THE LOWER PARKING LOT.
THE TWO UPPER LOTS THEIR WAS A TOTAL OF 524 VEHICLES. ALSO IN THE
OYEE'S LOT THEIR WHERE A TOTAL OF 77 VEHICLES. TOTAL 1404 VEHICLES.

Town Manager
Information

11/12/92

GARRY-

HOW DOES THIS COMPARE
W/OUR LIMITS?

Don

CC: BOS-FYI

Don

less than half of
what is allowed

Garry

File

NOVEMBER 13, 1992

11/17

TO: Board of Selectmen
FROM: NANCY TAVERNIER, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA
ROOM 204
7:30 P.M.
NOVEMBER 17, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

- 1. 7:35 CONTINUED CLASSIFICATION HEARING - (All Members will be present for the vote)
- 2. 7:45 HISTORICAL COMMISSION OVERVIEW MEETING
- 3. 8:00 AUTO DEALERS OF CONCORD/ 77 HOSMER STREET - Enclosed please find information regarding application for a Class II license at 77 Hosmer Street along with staff comment for Board action.
- 4. 8:15 ELIOTT MENTAL HEALTH

III. CONSENT AGENDA

- 5. MINUTES - Enclosed please find minutes for Board approval from October 20, 1992.
- 6. CHRISTMAS TREE SALES - Enclosed please find a request to sell Christmas Trees along with staff comment, for Board action.
- 7. PHILLIPS COFFEE SPECIAL PERMIT - Enclosed please find the final copy of the Special Use Permit for Board review and signature.
- 8. ACCEPTANCE OF GIFT - Enclosed please a request to accept a gift to be used to by the Acton Commission on Disability for Board action.

IV. SELECTMEN'S CONCERNS

- 9. HEARTHSTONE FARM SUBDIVISION - Enclosed please find correspondence from the Planning Board for Board discussion.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

IX. FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

December 1 - Pledge and Stock Transfer - Last National

December 15

December 29

763 acs

13 November 1992

11/17/92
①

Board of Selectmen
Town Hall
Acton, MA 01720

Dear Board Member:

At each year's tax classification hearing, an attempt is made to illustrate the effects of a tax-shift. Usually, the "Average Property Value" approach is employed to depict the impact on tax bills by property class. The desire to use Average Property Values as the means of expressing impact is understandable. But this approach seems to create as much confusion as understanding. A number of factors can contribute to the confusion. Average Property Values depend on the accuracy of the "Parcel Counts" used in the calculation. Further, parcel counts are open to interpretation. In the case of many commercial/industrial properties, a single property (such as a shopping mall) is frequently composed of several tax parcels not just one parcel. As a result, the calculated average C/I property value will indicate a much lower, and misleading, value. A more accurate Average Value could be obtained if the properties composed of multiple tax parcels were treated as single tax parcels, which in reality they are.

My letter to Don Johnson, dated 25 November 1991, offered some suggestions regarding methods for comparing the impact of tax-shifting.

One thing is certain, however, in order to provide residential property owners with \$1 of property tax savings it is necessary to place an additional \$4 tax burden on the owners of commercial/industrial property. This 4 to 1 ratio applies regardless of the degree of tax-shift and is determined by the ratio of Acton's total residential value to total C/I value. The magnitude of the tax-shift determines how many dollars are "shifted", but the ratio of 4 to 1 remains unchanged. Perhaps more emphasis should be given to this ratio as a means of understanding the consequences of a tax-shift.

The tax-shift percentage is probably the best method for showing the effect of a split tax rate. It is a clean and indisputable number. For example, a 10% shift means just that, taxes on commercial/industrial properties are increased by 10% and those additional tax dollars are used to reduce the tax bills of residential property owners. This simple approach, when coupled with the 4 to 1 ratio described above, would seem to provide a simple and easily understood explanation of the effects of tax-shifting.

Sincerely,



Raymond P. Bintliff
2 Powder Horn Lane
Acton, MA 01720

11/17/92 - (1)

Town of Acton

Classification Hearing FY 1993

November 10, 1992

Board of Assessors

Property Classification - Simplified Rules

- Cities and towns may shift the tax burden among the major classes of property
- This shift does not change the total tax levy
- The share of the industrial, commercial and personal property may be increased as much as 150% providing that the residential and open space classes raise at least 65% of what they would have raised without the shift
- Two other options are available which shift the burden only within the residential class:

The residential exemption

The open space discount

Definitions

Residential	Single & multi-family dwellings, condos, apartment buildings, vacant residential land
Commercial	Business property, retail trade, service, medical, etc. Vacant commercially zoned land: land in A/H, forestry and recreational programs
Industrial	Property used for manufacturing, milling, processing or fabricating; vacant industrially zoned land
Personal property	Machinery used in the conduct of business

Property Values by Class (%)

Year	Residential	CIP
1987	79.1	20.9
1988	78.5	21.5
1989	79.4	20.6
1990	78.9	21.1
1991	79.1	20.9
1992	79.1	20.0
1993	79.6	20.4

Assessed Values (\$Mil)

Type	1990	1991	1992	1993
Residential	1,376.1	1,395.9	1,146.9	1,157.3
Open Space	0.0	0.0	0.0	0.0
Commercial	247.0	245.6	198.0	194.5
Industrial	103.2	103.9	85.5	82.1
Pers. Prop.	18.3	18.7	20.2	20.8
Totals	1,744.6	1,764.1	1,450.6	1454.7

Parcel Counts

Type	1992	1993
Residential	6729	6778
Open Space	0	0
Commercial	379	372
Industrial	120	104
Personal Property	439	439
Exempt	354	358
Totals	8021	8051

Average Property Taxes

Year	Sing Fam. \$300K	Condo \$100K	Com. Ind \$500K	Per. Prop. \$40K
1989	3,270.00	1,090.00	5,450.00	436.00
1990	3,444.00	1,148.00	6,485.00	518.80
1991	3,696.00	1,232.00	6,960.00	556.80
1992	4,893.00	1,631.00	9,215.00	737.20
1993 ¹	5,001.00	1,667.00	9,410.00	752.80

¹Assumes 10% differential

Effect of Rate Shift on Tax Rate

Nominal Rate of \$17.11

Shift	Residential	CIP	Diff.
None	\$17.11	17.11	0.00
5 %	16.89	17.97	1.08
10%	16.67	18.82	2.05
15 %	16.45	19.68	3.23
20 %	16.23	20.53	4.30
25 %	16.01	21.39	5.38
30 %	15.79	22.24	6.45
40 %	15.35	23.96	8.61
50 %	14.91	25.67	10.76

**% Change of Tax Bill for Average Properties
1992 vs. 1993**

% Shift	Residential	CIP
None	4.19%	-7.16%
5 %	3.56	-2.25
10 %	2.21	2.13
15 %	0.87	6.77
20 %	-0.48	11.41
25 %	-1.83	16.05
30 %	-3.18	20.69
40 %	-5.87	29.98
50 %	-8.57	39.26

Residential Exemption Option

- Graduated property tax reducing tax on lower valued properties at expense of higher valued. Based on average residential assessment.
- Only applicable to principal residence
- Does not include vacant land, investment properties, and apartments
- Maximum allowable is 20%

Examples for Residential Exemption

Total Residential Value is \$1,157,289,900

Number of Residential Parcels is 6,778

Average Residential Assessments \$170,742

Assume 10% Exemption = \$17,742

Shifted Residential Rate about \$18.59

Value	Taxes at 17.11	Less Exempt.	Taxes at 18.59	Diff.
150,000	2,566	132,258	2,459	-93
250,000	4,277	232,258	4,318	+51
350,000	5,988	332,258	6,177	+189

Non-Qualifying Properties

Value	Taxes at 17.11	Taxes at 18.59	Diff.
150,000	2,566	2,788	+222
250,000	4,277	4,648	+371
350,000	5,988	6507	+519

Open Space Discount

Land maintained in open or natural condition which
contributes to benefit and enjoyment of public

Cannot include land held for income, land under 61, 61A, or
61B, or under conservation restriction

Uniform tax rate of \$17.11

Allowed discount 25%

Estimated residential rate \$17.22

Estimated open space rate \$12.83

Type	Base Rate	Adj. Rate	Diff
\$300K Single Fam.	5,133	5,166	+33
\$100K Condo	1,711	1,722	+11
\$100 Open Res.	1,711	1,283	-428
\$400 Open Comm.	6,844	5,132	-1712

Summary

- Classification does not change total tax dollars
- No significant change in % of property values in last several years
- Shift of tax burden from Residential to Commercial and Industrial would:
 1. Reduce taxes for home and apartment owners
 2. Increase taxes on land held in A/H, Forestry and Recreational
 3. Increase personal property taxes for small unincorporated businesses
- Abatement process available for elderly and others with financial hardships

11/17/92-①

APPLICABLE TAX RATES

	NO SHIFT	5% SHIFT	10% SHIFT	15% SHIFT	20% SHIFT	25% SHIFT	30% SHIFT	40% SHIFT	50% SHIFT
RESIDENTIAL TAX RATE	\$17.11	\$16.89	\$16.67	\$16.45	\$16.23	\$16.01	\$15.79	\$15.35	\$14.91
COMMERCIAL TAX RATE	\$17.11	\$17.97	\$18.82	\$19.68	\$20.53	\$21.39	\$22.24	\$23.96	\$25.67
INDUSTRIAL TAX RATE	\$17.11	\$17.97	\$18.82	\$19.68	\$20.53	\$21.39	\$22.24	\$23.96	\$25.67
PERSONAL PROPERTY TAX RATE	\$17.11	\$17.97	\$18.82	\$19.68	\$20.53	\$21.39	\$22.24	\$23.96	\$25.67

RESIDENTIAL FACTORS

	NO SHIFT	5% SHIFT	10% SHIFT	15% SHIFT	20% SHIFT	25% SHIFT	30% SHIFT	40% SHIFT	50% SHIFT
	100.0000%	98.7152%	97.4303%	96.1455%	94.8606%	93.5758%	92.2909%	89.7212%	87.1515% NRF

PERCENTAGE CHANGE IN THE AVERAGE TAX BILL FROM FY92 TO FY93

	NO SHIFT	5% SHIFT	10% SHIFT	15% SHIFT	20% SHIFT	25% SHIFT	30% SHIFT	40% SHIFT	50% SHIFT
AVERAGE SINGLE FAMILY HOME	6.54%	5.17%	3.80%	2.43%	1.06%	-0.30%	-1.67%	-4.41%	-7.15%
AVERAGE CONDOMINIUM	-4.28%	-5.51%	-6.74%	-7.97%	-9.20%	-10.43%	-11.66%	-14.12%	-16.58%
AVERAGE RESIDENTIAL	5.09%	3.74%	2.39%	1.04%	-0.31%	-1.66%	-3.01%	-5.71%	-8.41%
AVERAGE COMMERCIAL & INDUSTRIAL	-6.39%	-1.71%	2.98%	7.66%	12.34%	17.02%	21.70%	31.06%	40.42%
AVERAGE COMMERCIAL	-7.95%	-3.35%	1.25%	5.85%	10.45%	15.06%	19.66%	28.86%	38.07%
AVERAGE INDUSTRIAL	-3.08%	1.76%	6.61%	11.46%	16.30%	21.15%	25.99%	35.68%	45.38%

Percentage Change given Constant Value FY92-FY93

	NO SHIFT	5% SHIFT	10% SHIFT	15% SHIFT	20% SHIFT	25% SHIFT	30% SHIFT	40% SHIFT	50% SHIFT
\$300,000 Single Family	4.91%	3.56%	2.21%	0.87%	-0.48%	-1.83%	-3.18%	-5.87%	-8.57%
\$125,000 CONDOMINIUM	4.91%	3.56%	2.21%	0.87%	-0.48%	-1.83%	-3.18%	-5.87%	-8.57%
\$450,000 COMMERCIAL	-7.16%	-2.52%	2.13%	6.77%	11.41%	16.05%	20.69%	29.98%	39.26%
\$550,000 INDUSTRIAL	-7.16%	-2.52%	2.13%	6.77%	11.41%	16.05%	20.69%	29.98%	39.26%

ACTON CHAMBER OF COMMERCE
TAX CLASSIFICATION HEARING
NOVEMBER 10, 1992



November 13, 1992

TO: Honorable Board of Selectmen
 Town of Acton, Massachusetts

Honorable Board:

Herewith our notes from the hearing on November 10, 1992. We have also included additional comments and summary etc.

It now seems quite evident that the Assessor's data is different, making comparisons useless. Frankly, it is flawed, in our opinion, due to arbitrary assumptions.

As always, these comments and opinions are respectfully submitted.

For the Acton Chamber of Commerce,

A handwritten signature in cursive script that reads 'William A. Lawrence'.

William A. Lawrence
Chairman
Public Affairs Committee

MANAGING COMPARISONS FOR SPLIT TAX RATE DECISIONS

This year's presentation by the Assessor's is different in format as well as interpretation of average values.

We have average values inconsistent with the values arrived at in prior years. Parcel Count, in itself an inaccurate divisor due to occasional multi-parcel single family units, or multiple C.I. parcels for one business tend to distort any hoped for accuracy in coming up with a true average value.

This year, not only has an arbitrary \$300,000 been selected for Single family house it has been carried through 5 Fiscal Years without change for comparisons. The average S.F. House by old (Prior) standards is \$216,712, over stated by 38%!! The Condo is at \$ 86,565, over stated by 15+%!! The CI is \$499,392 (Close) and the Personal Property \$50,779 understated by 26%!! Making any judgement or decisions on data that overstates the case for impact on Residential impact or understates the CIP Class is not fair or proper. Further by not recognizing that all values were fluid in the 5 Year comparison of Tax Dollars paid is highly misleading. What is going on here? Who is allowing such distortion ?

I think that we have gone far enough with this. Let us agree that any average value is a poor benchmark to begin with. Let us agree that a Dollar of CIP Property is the same as a Dollar of Residential Property and that it is folly to compare any thing else. Based on that a Tax Shift takes nearly four Dollars from the Businessman when it is voted to give One Dollar to a Resident.

Any one wishing to have more discussion on these figures please do call me at 897-5555. Thanks for your concern and patience. Lets dump T.C. and get the Partnership going !

William A. Lawrence II, Chair

---SUMMARY FOR UNIFORM TAX RATES---

- * No new Revenue whatsoever is created.
- * Not Ad Valorem (to the Value). Biased.
- * No use of Dump/Transfer Station for individual Business.
- * Special Fees for Business. Licenses, Registrations, Permits.
- * No Impact on School Population. In fact C.I.P. Levy share pays for about half of the Muni/Govt. expense !!!
- * There is no discernable difference in levels of service required or used between Classes of Property.
- * Enabling Legislation was created to relieve bad assessing practice, at time of first Fair Market Revaluation.
- * It was not meant to equalize or tilt levy shares. To do so ignores **Ad Valorem**, distorts or ignores changes in value.
- * Tends to penalize business competitiveness throughout the state and in each town.
- * Has shifted more than \$1,200,000 to Business in Acton in the last three years !! (FY '90, '91, '92).
- * The time to change back to Uniform Rates is now. A No Override year.
- * Split Rates in the '90's are not meant to be a reaction to lower State Aid, Inflation, end of Building Booms, or Override passage incentive.
- * Without the C.I.P. Levy Share, Acton Residential Classes would have a nearly 30% increase in Taxes in addition to regular increases from other sources.
- * Given the FY'93 Ratios between Classes, placement of \$100 in a Residential Class owners's pocket by a Tax Shift of any magnitude will extract \$ 388 from the pocket of a C.I.P. Class Business. This translates to nearly \$4 for one and is probably the most accurate manner in which to figure impact. Given the Ratios of prior years being quite similar, this has been the effect since FY'90 for intents and purposes.

Madelaine Claire Robbins

232 NAGOG HILL ROAD
ACTON, MASSACHUSETTS 01720

Telephone (508) 263-4076

November 12, 1992

Honorable Board of Selectmen
Acton Town Hall
Main Street
Acton, MA 01720

Dear Honorable Board of Selectmen:

My name is Madelaine Robbins. I am a newly appointed member of The Acton Chamber's Public Affairs Committee and an Acton resident of over 20 years standing. I am a wife and the mother of a 23-year-old daughter, who went K-12 through the Acton schools, and a 7-year-old son, who is now growing happily through our superb school system as well. I am also a social worker, with a private practice here in this town, as well as an MBA trained in organizational and interorganizational or systems development. My purpose in describing myself, as fully as I have, is to let you know that, though I have been asked by The Chamber to make a brief statement to you, I do not speak as an advocate for business per se. Rather, I speak, primarily, as an advocate for the development of a better partnership between business and the community in which I live.

And yet, I feel that I cannot say it any better than it has already been said by Rosabeth Kanter in When Giants Learn To Dance (1989). From her *Preface*, p.13:

The fate of America lies in the success of its businesses. As one of the most fundamental social institutions, business impacts on the lives of most of us.... Even those who are not touched directly by corporate changes are affected indirectly. Cheering for American companies...is not just a matter of national pride; it is the best hope we have for ensuring that our standard of living can be maintained, let alone improved, for ourselves and our children. And the social generosity Americans are coming to expect from businesses....rests on a foundation of healthy businesses.

In other words, my own words, we have to take care of those we depend upon to take care of us. The community has to take care of business—and business has to take care of the community. Our strength will lie in the strength of that partnership.

The Acton Chamber is only 3 years old and, in this short time, has already helped our community in a variety of ways: from school scholarships; to landscaping contributions through the "Acton Looks Good" contest; to volunteer activities with The Community Supper and The United Way; to direct participation on The Master Plan Coordinating Committee and The Local Advisory Council Against Drugs. Business, in general, has made separate and significant contributions to both our schools and The United Way as well, in addition, of course, to its support through the tax revenues made available for our use. But good as it is, it is not enough. The Chamber knows this and, judging by the meetings that I have had with The Chamber, I am delighted to report here that I have found them ready, willing and able to do a whole lot more.

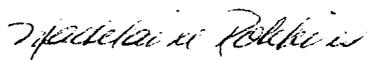
Plans are underway for a stepped up alliance between business and the schools toward increased financial contributions, internship programs, perhaps even to bring the expertise of business directly into our schools—all of which, as you know, is highly consistent with the current conventional wisdom on renewing America's competitiveness. The Chamber would also like to take a more proactive stance in decision making processes on matters of concern to business and the community alike, e.g., on environmental issues. Above all, the Chamber would like to get out from under a positioning that stereotypes them as adversarial to the community. They want to do their part. They want to help. And, they want you to know that's how they feel. But the extent to which business can continue to contribute as it already has—and more—will rest, as Kanter has said, on a foundation of healthy business.

Now, given my newcomer status on the specifics of Tax Classification, I will not pretend to know nearly as much as any of you about all that must be taken into account in deciding this issue. Accordingly, I will not presume to say, nor to know, how you should vote. Surely, the considerations on this matter are numerous and complex, and some of them may indeed favor Tax Classification. Again, you are all in a position to know far more and far better than I. However, before you do cast your votes, I would like to ask that you include, among all of the other important and legitimate considerations, the following two questions:

- 1) Is it a yea or nay on Tax Classification that will best serve the health and wealth of our businesses, providing the resources with which business can contribute, again in social generosity, to the health and wealth of our community?
- 2) Is it a yea or nay on Tax Classification that will best serve the improvement of relations between business and the community, providing the incentive and goodwill for that strategic partnership so important to us all?

In the simplest of terms, "It takes a friend to have a friend," and it is in this spirit that I hope you will be able to decide and cast your votes. Thank you for your consideration.

Sincerely,



Madelaine Robbins

1. Acton Looks Good. Acton businesses compete to spruce up their property; hopefully this draws other businesses into this loop. Vacant store fronts and empty industrial buildings detract from the appearance of a community.

2. ACOC made its first scholarship gift to ABRHS. Through its current raffle "CHAMBER BUCKS" the Chamber anticipates a 3 to 4 times greater enhancement toward next year's Chamber Scholarship Fund.

3. 10%(approximately \$20,000) of Acton/Boxboro United Way effort comes from business The Chamber's Executive Director serves on its board. (introduce Chris, briefly - i.e. point him out to the selectmen).

4. Business/Chamber members serve as volunteers at Community Supper during United Way/s "First Day of Caring"

Chris went to jail) and ACOC members bailed him out which earned several hundred dollars

In addition, Chris is on the local advisory Council Against Drugs and meets regularly at the ABRHS

5. Of the \$63,750.00 given in 1992 scholarships at the ABRHS graduation. Approximately 32%(approximately \$20,000) was given by businesses.

6. Included in our involvement with schools, we are looking at the Master Plan's "action recommendation" to foster internships for "students in business." One of our meetings was with the ABHS teacher internship director Art Goodall who discussed the benefits to business and the community. Meetings have continued; both internship programs success has become a Chamber goal. Members have also discussed the Junior Achievement involvement.

7. Currently all Chamber Directors are studying the executive summary of the master plan to see where we may take leadership, and be helpful in early policy formation and discussion.

8. Our involvement on the master plan coordinating committee was written about in our news letter. Improved cooperation and communication with the planning, building, engineering and town clerk departments have been achieved.

Summary:

The ACOC's mission is to help Acton businesses and the town of Acton. As Madelyn said, "a partnership." We have taken steps to start this partnership, as I have shown. We hope you approve and will support our effort by through a tax classification policy that is different from present. We are deeply concerned.

Presented to Acton's Board of Selectmen
November 10, 1992
Taxation Classification

Richard L. Pansire
President, Acton, Chamber of Commerce

Tax Classification Hearing- November 10, 1992

William A. Lawrence II, Chairman Public Affairs Committee
Acton Chamber of Commerce

Before I get into prepared remarks, I would like to mention that we will respond to the Assessor's Data hopefully by November 13, in writing, due to the rather late time of its receipt (7:30 this evening). I think we understand the delay and would further like to note that last year's last minute change in average C.I. Values between 3:30PM and 8:PM appears to be a simple error of inconsistent use of the Parcel Count in preparation. At the time it was extremely disconcerting and not properly explained to those of us who discovered it.

I am here to state our opposition to split tax rates. Others here have hopefully shed some light on that which we do for the Town, as well as ourselves, is not at cross purposes and also is what the Town should expect from us. I will, in deference to Mr. Hunter, try to keep the remarks full of new information. We feel that Split Tax Rates send a message to the Business Community that in terms of Dollars and Sense is indeed at cross purposes with what you really wish from us, for Acton Residents, and for Acton. Here are some reasons why:

* We note that in the FY '92 there were 53 parcels of Chapter 61, 61A, 61B land in the town. They are adversely affected by split rates and this seems to us to be not at all in sync. with the Town's policy for preservation of open space. Throughout FY '90-'92 the owners of these properties have had incentive to encumber their properties; but is it not counter-productive for them to be thinking that they may someday have to repay their tax breaks at extra split rates if the Town is indeed not the Buyer? Might not this be a message you would not like to deliver? Open Space discounts you have wisely averted. They allow easy, full market price, later development. Chapter 61 is a pro Acton, non-development incentive. Why send a different message?

* The Personal Property Tax is paid only by Business and then to varying degrees of severity. The small, unincorporated individuals and partnerships pay on all of their business assets and are thus hit with both a Real Estate Tax and an Asset Tax and then again on both with a tax shift. This is particularly difficult to swallow because this tax is already biased toward one class to begin with, and is not paid by other classes at all. We see no Residents paying this Tax, or what appears as a biased Surtax upon Tax. There are 439 accounts now paying, 259 of this are "smalls".

* While we try to understand your concern about business development (I think I should, here, take back my use of the word "Hostile" last year; might you think about taking back the word "Sprawl" ?). We are concerned that as heavy Taxpayers of 20% of the Town's Levy, we are not anywhere near 20% of the Voters and thus become concerned that we are excluded from your deliberations and concerns. We hope there is room in your meetings for Taxpayer, non-voter, business-citizen concerns . Is there? For 20% of the freight ?

* Is there a concern over Acton's, by some, perceived role as " the shopping center of the valley" ? Certainly we have, to the benefit of our residents, considerable choice and home value enhancement in the proximity of shopping. Actonians are also mobile and go elsewhere to shop. Acton's

Effective Tax Rates (Real Estate Levy as a % of Total R.E. Value)for FY 1989 -1993 are 1.09, 1.179, 1.262, 1.674, 1.711 percent respectively. Of the seven bordering Towns this was second highest (Carlisle 1.448%) in FY 1991. The lowest was Westford at .97% a near 30% difference. Split Tax Rates on top of this exacerbate the cost differentials in such places as bottom line sensitive places like supermarkets (even in different towns with the same chain). In fact we actually see such competition, sending Actonians to Westford and Littleton. Surely you do not mean to penalize either Business or Resident. Absorption of an uncontrollable increased cost by business is not a healthy thing for either the Shopper or the need for healthy Acton Business that Madelaine Robbins has so aptly stated tonight, and which Acton needs and ought to expect. We feel that to "export"the status quo to outsiders by Spliting Tax Rates is hurting both Business and Resident right in the pocket book and sends such a message to both. Hardly what you'd intend,we hope.

* We repeat once again that the time for Acton to Split Tax Rates would have been about 1980 had assessing practice within the town been faulty. And even then, the enabling legislation would have, as it does today, negated the Fair Market Valuations for which good Assessing Practice produces. And which is supposed to produce fair values for Ad Valorem

Property Taxation that all had come to expect.

* We have not previously brought to your attention that Split Rates favor Investor owned Apartments which might suggest that they are wrongly classified. No such luck. They are Residential and local Real Estate Agents tell us that Tax reductions from Split Rates are not often passed on to the dwellers by reason of complexity, short term leases, and a healthy demand. Rather they seem to inure to the Investor-Owner, something that does not happen to the Investor-Owner on the C.I. side even with uniform rates let alone Split Rates. (The are exceptions but they only make a worse case. Vacant C.I. space hurts the Investor-owner and vacant apartment space gets a further bonus or lopsided advantage Vacant or Leased without pass through.

* We have chosen to leave Massachusetts's deplorable economic problems out tonight. To do so is to neither dismisses them nor say that times are not tough for us. Yet we will not sit about wringing our hands. This Hearing is not to be a wailing wall but rather our chance to tell you that we are forging ahead to try to be an enlightened Business Partner with both Government and Citizen. We believe that you expect that from us. In return, we ask for a message that says the Playing Field is level for Partnership that enhances Acton. Tonight you've seen we're ready. Let the Strategic Partnership begin.--Thank you

TOWN OF ACTON
NOTICE OF HEARING

11/17/92
③

Notice is hereby given that the Board of Selectmen will hold a public hearing in its office at the Town Hall on Tuesday, November 17, 1992 at 8:00 P.M. on the application of Auto Dealers Exchange of Concord, Inc. d/b/a Concord Auto Auction, David M. Hockett, President, for a Class II Dealer's License at 77 Hosmer Street, Acton, MA.

NANCY E. TAVERNIER
F. DORE' HUNTER
NORMAN D. LAKE
ANNE B. FANTON
WILLIAM C. MULLIN
BOARD OF SELECTMEN

11/17/92 - (3)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: November 2, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Class II License, Concord Auto Auction

BOS
HEARING FILE

There does not appear to be any changes to the operation based on information supplied to me by your office. If there were changes, I may have had comments because the use is nonconforming but, based on the application, I do not have any comments or recommendations.

(919)

11/17 Police Chief - No Change, No Comment

October 27, 1992

TO: Building Commissioner, Police Dept.

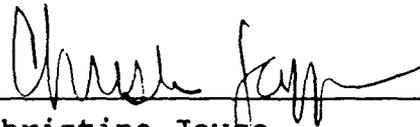
FROM: Don P. Johnson, Town Manager

SUBJECT: CLASS II LICENSE

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Enclosed please find a copies of a Class II License Application for Auto Dealers Exchange of Concord, Inc. d/b/a Concord Auto Auction at 77 Hosmer Street.

Please send your comments and recommendations. The hearing is set for November 17, 1992 at 8:00 P.M.



Christine Joyce
Town Manager's Office

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a... Class 2... license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Auto Dealers Exchange of Concord, Inc. d/b/a Concord Auto Auction

Business address of concern. No. 77 Hosmer St., Acton City Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? Corporation

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers. President David M. Hockett 1919 South Post Road, Indianapolis, IN 46239 Secretary Larry S. Wechter Indianapolis, IN 46239 Assistant Secretary Jerry Willie 1919 South Post Road Treasurer Larry S. Wechter Indianapolis, IN 46239

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? No* If so, is your principal business the sale of new motor vehicles? No Is your principal business the buying and selling of second hand motor vehicles? yes, on occasion Is your principal business that of a motor vehicle junk dealer? No

*The principal business of Concord Auto Auction is to own and operate a vehicle auction where dealers and wholesalers may buy and sell vehicles. On occasion, the company will buy vehicles and later resell them.

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.
77 Hosmer Street, Acton, Massachusetts

8. Are you a recognized agent of a motor vehicle manufacturer? No
(Yes or No)

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1? No
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? No
(Yes or No)

If so, in what city — town

Did you receive a license? For what year?
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No
(Yes or No)

Sign your name in full. *Jay Williams*
(Duly authorized to represent the concern herein mentioned)

Residence... 1919 South Post Road
Indianapolis, IN

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Nancy E. Tavernier
Chairman

October 27, 1992

Mr. Jeffrey P. Steele
Bingham, Dana & Gould
150 Federal Street
Boston, MA 02110-1726

RE: AUTO DEALERS EXCHANGE OF CONCORD, Inc.

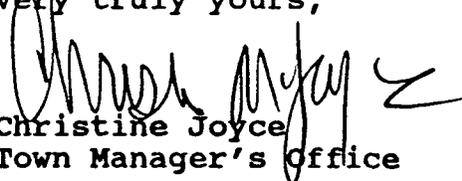
Dear Mr. Steele:

Enclosed please find the correspondence that has been filed in conjunction with your application filed October 27, 1992 for a Class II License at 77 Homser Street on behalf of Mr. Hockett.

Your hearing is scheduled for November 17, 1992 at 8:00 P.M. in room 204 of the Acton Town Hall. You should check with my office prior to the hearing date to see if any comments received from staff can be addressed and clarified prior to the public hearing.

Regarding your assumptions in the third paragraph of your letter of October 26, the Registry is notified after the hearing if granted by your client. You are provided a completed, signed original of form 53 to obtain his necessary permits and plates directly from the Registry. The fee is \$100.00 per year due when the license is granted, and yearly on or before December 31st after original granting.

Very truly yours,


Christine Joyce
Town Manager's Office

cc: Jane E. Pike
Mr. Hockett
File

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Nancy E. Tavernier
Chairman

October 26, 1992

Assabet Valley Beacon
20 MAIN ST.
Acton, MA 01720

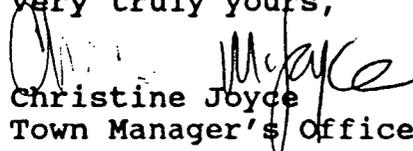
Dear Legals

Enclosed please find copy of advertisement to appear in your newspaper on Thursday, November 5, 1992 only.

Please send bill to:

Auto Dealers Exchange
of Concord, Inc.
c/o David M. Hockett
1919 South Post Road
Indianapolis, IN 46239

Very truly yours,


Christine Joyce
Town Manager's Office

enc.

cc: David M. Hockett
Jeffrey P. Steele, Bingham, Dana & Gould
150 Federal Street
Boston, MA

761acs

BINGHAM, DANA & GOULD

150 FEDERAL STREET
BOSTON, MASSACHUSETTS 02110-1726

TELEPHONE: (617) 951-8000
TELEX: 275147 BDGBSN UR
CABLE ADDRESS: BLDGHAM BSN
TELECOPY: (617) 951-8736

WASHINGTON OFFICE
(202) 822-9320

HARTFORD OFFICE
(203) 244-3770

LONDON OFFICE
011-44-71-799-2646

October 26, 1992

VIA FEDERAL EXPRESS

Acton Town Managers Office
472 Main Street
Acton, MA 01720

Re: Auto Dealers Exchange of Concord, Inc.
Application for a License to Buy, Sell, Exchange or
Assemble Second Hand Motor Vehicles or Parts Thereof

Dear Town Manager:

Enclosed for processing are duplicate original Applications for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof on behalf of Auto Dealers Exchange of Concord, Inc.

The d/b/a Certificate for "Concord Auto Auction" will be filed with the Acton Town Clerk's office after the closing, wherein the purchase of the name "Concord Auto Auction" has taken place, later this week.

It is my understanding that once the application process is complete and a license is granted, the requisite filing with the Motor Vehicles Registrar is forwarded by your office. The Application fee and fees for publication are not collected until the license decision has been made whereupon notification of licensing and request for payment of fees is directed to the Applicant.

If there are any questions with respect to this application please call Jeffrey P. Steele, Esq. at (617)951-8581.

Very truly yours,



Jane E. Pike
Legal Assistant

4572A/Enclosures
cc: Gerald J. Kehoe, Esq.
Jeffrey P. Steele, Esq.

11/17

**SELECTMEN'S MEETING
OCTOBER 20, 1992**

11/17/92 (5)

The Board of Selectmen held their regular meeting on Tuesday, October 20, 1992, present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

Norman Lake introduced Pack 32 Weeblos to the Board and the viewing audience.

PUBLIC HEARINGS AND APPOINTMENTS

**WALDEN COMMUNICATIONS
AMENDED SITE PLAN**

Lloyd Simon, partner of Walden Communications outlined the proposed modifications to the site plan required to split off the 4 acre parcel to the abutters. This would reduce the parcel owned by them to 18.3 and have little effect on the tower locations. DORE' HUNTER - Moved to approve the modifications as drafted and presented by the Building Commissioner. ANNE FANTON - Second. UNANIMOUS VOTE.

**PHILLIPS COFFEE EMPORIUM
SPECIAL PERMIT - 8/17/92-337**

The petitioners came before the Board for permission to have four seats in the coffee shop located on Spruce Street. Questions were asked regarding the trigger number for restrooms. It was decided that 30-40 was the trigger number that required them. WILLIAM MULLIN - MOVED to approve the special permit to allow a 4 seat restaurant. DORE' HUNTER - Second. UNANIMOUS VOTE.

PRISON ADVISORY OVERVIEW MEETING

Jean Schoch and Hal Gordinier, members of the committee, discussed the recent major reorganization of the prisons and explained what is discussed at the quarterly meetings with prison officials, attended by them and neighboring communities. The major change is that the Governor has privatized health services for the prison system and it appears to be working out well in Concord, especially since they are somewhat of a clearing center. They have 6 work crews out working in the communities. They have them throughout the state and more specifically one of the six is assigned to the School Dept. The prison population at Concord was 1,265 in June. The Board asked what impact Fort Devens Federal Prison would have. The Committee felt little or none since it is a Federal Prison, but perhaps they might take an overload when the house was too full, but could not

anticipate any advantages or disadvantages to having the Federal Prison at Devens. Dore' said that the original reason for the formation of this committee was to be a channel to the community. Nancy asked that they keep tabs on the sewer issue as it might impact Acton in a positive way.

CONSENT CALENDAR

The Board approved the Consent Calendar with number 6 pulled. NORM LAKE - Moved to accept with Number 6 held for discussion. DORE' HUNTER - Second. UNANIMOUS VOTE.

The Board discussed VCC's recommendation to increase the membership of the COA. It was decided that to increase the number would make the committee unmanageable and Anne felt that not everyone would be able to express themselves with a committee with membership higher than nine. NANCY TAVERNIER - Moved to appoint Margaret Beddoe to a one year term as a full Member of the COA. DORE' HUNTER - Second. Motion Passed with Norm Lake abstaining. DORE' HUNTER - Moved to appoint the balance of the list with the exception of C. Poirer. WILLIAM MULLIN - Second. UNANIMOUS VOTE. Staff was asked to have VCC hold her sheet for future openings. Bill wanted to be sure she was not discouraged from future committee openings.

SOUTH ACTON REVITALIZATION COMMITTEE

The members of SARC updated the Board on what they have been working on. They as an advisory board to the Board of Selectmen have been working with the South Acton Village Committee and by working with them have avoided working on overlapping issues.

They had their 4th annual cleanup day recently. They find by holding these each year it raises awareness and gives residents and businesses a way to express ways to improve South Acton. Betsy Eldridge wanted to improve communications with the board. She wanted SARC to be more involved with what is discussed for South Acton so they may comment on issues such as the bridge and sewers. Anne wanted to be sure we presented a coordinated communication on issues especially in regard to the Bridge. She has found that coordinated communications are better received and given attention more promptly.

SARC wanted to be included in planning with regard to the detour when the bridge was under construction. Nancy updated them on the whistle issue. It appears that we will put a Home Rule article on the Spring warrant to prohibit the use in Acton.

Dore' asked, given the organization of the Village Committee, if they still feel there is a continued need for them to continue as a committee. Betsy said that yes, they did want to see it continue since it gives the residents a sense of connection and an outlet as well as a way to be aware of what is going on in South Acton. Dore' asked if the charge or purpose

should be changed. Sandy Whaley said she felt it would be addressed better at a later time after the Village Committee report is finished.

SELECTMEN'S CONCERNS

Nancy suggested that we contact VCC to put out a notice to attract people interested in doing projects such as assisting in reading and writing grants and other projects as they arise. She also notified the Board that the Recycling Taskforce had applied for recycling containers and had received one 40yd. open container, and thanked the volunteer who helped her prepare the grant application.

Tax Classification Hearing - The Board asked for an update on the issue for the 10th. Don informed the Board that things were moving ahead. The Board of Assessors will be making the presentation as the Assessor has tendered her resignation effective the end of the month.

COORDINATING COMMITTEE UPDATE - Nancy said the presentation made by John, Don and Roy on efficiency of the proposed software was made and was a wonderful presentation. She asked that it be made to the Finance Committee and to have Cable film it. Bill Mullin also said they did a great job, and he felt the arguments were persuasive. Dore' urged the numbers be further defined so they would be more doable. Bill wanted to be sure we are getting the right package at the right price and thought an outside independent should look at it. Don said he was currently contacting A.D Little seeking that information.

Legal Services - Bill Mullin mentioned the letter to Koplemen and Paige. Don explained that it was not an intentional error. Staff had faxed the notice, however, it never appeared in the Globe as we thought. Don said that in addition to placing the Ad we had sent the notice to the top 10 firms in Mass., and that it was not a legal requirement that it be published. Dore' mentioned that he had told staff not to bother sending to Kopleman since in a conversation with John Georgio it was stated that they didn't bid on work in town's where principals reside. Dore' asked that when we repeated the exercise we be sure that Kopleman & Paige be notified.

Capital Requests - Anne asked about the list and asked for more clarification and expanded justification on the requests.

Kelly's Corner - The Board discussed the recent addition to the muffler shop and they thought the board may want to comment on future Board of Appeals decision on non-conforming uses. Anne wanted to see if Planning Board should review side lines, cubic feet vs. sq. feet for possible amendments to thresholds for site plan review. Dore' felt the whole issue was a monument to a failure in planning. Garry is talking

to the BOA to see if they would have granted the variance if they knew what visual impact it would have. The Town Manager is going to inquire of the BOA what steps could take place to avoid this type situation in the future. Don felt that the cubic feet issue needed to be addressed in future bylaws, it was an issue that he has had concern with for years. Bill wanted to know if the submissions were false or misleading, and if there would be an opportunity to correct the situation. Anne wanted the comments made by board and committee members on variances to be considered as unbiased by the BOA at future hearings.

Newspaper Headlines - Nancy wanted to clarify that there is not an override in the amount of 3-4 million being considered at this time. Darren Garnick reminded the Board that he did not prepare the headline, just the story.

TOWN MANAGER'S CONCERNS

AC CHEVROLET - Don outlined the bond release issue and the interest aspect of the release. The site was tied to the development of the Federal Investment site. They had a right of way and AC was not at fault for not completing the landscaping on time since the adjacent property had been tied up in court. The board discussed whether or not the interest would be kept by the Town. Anne felt that if it was of no fault of AC that the interest should be returned, but referred the issue back to the members who were on the Board at the time of the decision for their views. Bill asked for clarification on Garry Rhodes memo. DORE' HUNTER - Moved to release the Bond, the Town to retain the interest accrued. BILL MULLIN - Second. UNANIMOUS VOTE.

AC CHEVROLET SIDE WALK - The Board reviewed the agreement regarding the sidewalk construction which said they would construct a sidewalk when either of the abutting properties had constructed one. NORM LAKE - Moved to require the sidewalk be constructed. DORE' HUNTER - Second. BILL MULLIN - Abstained. Motion Passed.

ENERGY PROJECT - Don updated the Board on the status of the school energy project. They have proceeded with the Boston Edison Program vs. the Co-generation. Bill wanted to know if the bond would be returned. It was thought that the bond could be used to finance a similar energy project. Bill was sure that that was not the case. He remembered that he was on the Finance Committee and one of the stipulations of them granting permission was that if the project did not proceed the monies would be returned.

Don said the Town has been approached by Mr. Patterson and others for endorsement of energy programs in Acton. This endorsement would allow them to explore ways to secure grants for projects. Nancy was concerned that it should be community wide and that she didn't feel we would have the staff to support such a project. Dore' asked about their past experience, and why the

Board should even endorse them over any one else. Don said he wanted to get the Board's feelings, maybe we could get money, and he really didn't have any specifics but had said he would bring it before the Board at Mr. Patterson's request. Anne was not satisfied with the letter presented and felt it was too long and made no sense. Dore' did not see why we should give them an endorsement without looking at other organizations. Nancy agreed with Anne and Anne further stated that she would have little faith in the project if it were written like the information they have submitted thus far. Dore' felt we had to let others make similar proposals. Nancy wanted to know what the town had to do, how much money would this proposal involve, what jobs and what benefits would be attained. Basically, what was in it for the Town to endorse this proposal. It was felt they would look at a resubmittal of the materials if it were prepared in a coherent manner. DORE' HUNTER - Moved to take no action on the seven pieces of paper presented to them. NORM LAKE - Second.
UNANIMOUS VOTE.

The Board adjourned at 10:30 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(301)



TOWN OF ACTON
MASSACHUSETTS

11/17/92
6

License or Permit Application

..... 19....

To the Licensing Authorities of Acton:

The undersigned hereby makes application for the following described license, in accordance with the provisions of the General Laws, and amendments thereto:

CHECK THE APPROPRIATE BOX INDICATING THE LICENSE OR PERMIT FOR WHICH APPLICATION IS BEING MADE:

- Auction
- Entertainment
- Flea Market
- One-Day Liquor
- One-Day Beer and Wine
- Other... Christmas Tree

Name of Organization/Applicant... Carmen Spinnelli

Location of Event... 99-105 Great Rd Acton

Name of Owner of Premises... Village East Realty Trust

DESCRIPTION OF EVENT (i.e; fee or donation to be charged?, name of operators of event?, purpose of event?, parking availability?, etc.): To sell Christmas Trees

Day and Date of Event: Hours of Event:

DESCRIPTION OF APPLICANT

Name of person making application... Carmen Spinnelli

Occupation... Self employed

Residential Address... 12 Harrington Ave Concord MA 01742

Business Address.....

Telephone: Home... 978-369-2351 Business... 897-7405

Date of naturalization, if not born in U.S. Have you ever been arrested for any law violation?..... n.d.

Male or Female... Male If so, when.....

Date of birth... 2-17-30 where.....

Place of birth... Concord State briefly.....

Father's name.....

Mother's maiden name.....

References: (Names and addresses)

1. Leo Bertakami 6 Proctor St Acton

2. Bill Lawrence 90 Colledge Dr Concord

3. Ed Denehy 30 Main St Acton

Height.....ft.in. Remarks:.....

Weight.....

Complexion.....

Hair.....

Eyes.....

Signature of Applicant... Carmen Spinnelli

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Don Johnson, T.M.
FROM: Chief Robinson *JWR*
SUBJ: Christmas Tree Sales

DATE: November 13, 1992
TIME: 10:30 AM

It is my understanding that Mr. Spinelli wishes to sell Christmas Trees this season from 77 Great Road.

Obviously this will create the need for vehicles to enter and exit the property but should have no more effect on safety than the established stores and shops along this route presently do.

Additionally, this activity has been going on for years at a farm stand 1/4 westerly on Great Road with little impact.

11/17/92 (7)

**RESTAURANT SPECIAL USE PERMIT #8/17/92-337
PHILLIPS COFFEE EMPORIUM
5 SPRUCE STREET (LAKE)**

Decision of the Board of Selectmen (hereinafter the Board) on the Petition of Phillips Coffee Emporium (hereinafter the Petitioner) for the property located at 5 Spruce Street, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map F2A, parcel 97.

This Decision is in response to an application submitted to the Board on August 17, 1992 by the Petitioner for a Special Permit under Section 10.3 of the Acton Zoning Bylaw (hereinafter the Bylaw) to establish a restaurant.

After causing notice of the time and place of the public hearing and the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on October 20, 1992 at 7:45 p.m. in the Acton Town Hall, Acton, Massachusetts. Board members Nancy Tavernier, F. Dore' Hunter, Anne Fanton, Norman Lake and William Mullin were present through the hearing.

The record of the proceedings and submissions on which this permit is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation, prior to the close of the hearing, were the following exhibits:

Exhibit I

A properly executed application for a Restaurant Special Permit; a plan showing the layout of the restaurant.

Exhibit II

Interdepartmental Communication (IDC) from the Building Commissioner to the Board dated October 16, 1992; IDC from the Health Officer to the Site Plan Coordinator dated August 27, 1992; a note from Tom Tidman, Conservation Officer to Garry Rhodes, Building Commissioner, undated; IDC from the Town Planner to Don P. Johnson, Town Manager, dated August 20, 1992; IDC from the Municipal Properties Director to the Town Manager dated August 20, 1992; IDC from the Engineering Department to the Town Manager dated August 25, 1992.

Exhibit III

Interdepartmental Communication (IDC) from the Building Commissioner to the Board dated October 16, 1992; IDC from the Health Officer to the Site Plan Coordinator dated August 17, 1992. Note from Tom Tidman to Garry Rhodes, undated; IDC from the Town Planner to Don P. Johnson, Town Manager dated August 20, 1992; IDC from the Municipal Properties Director to the Town Manager dated August 20, 1992; IDC from the Engineering Department to the Town Manager dated August 25, 1992.

1.0 Findings and Conclusions

Based upon its review of the exhibits and record of the proceedings, the Board found that:

- 1.1 The restaurant use is appropriate for the site in question.
- 1.2 The restaurant shall be limited to four (4) seats.
- 1.3 The parking is adequate for the intended use.
- 1.4 The use, as proposed, is consistent with the Master Plan, is in harmony with the purpose and intent of this Bylaw, and will not be detrimental or injurious to the neighborhood.

Therefore the Board voted to GRANT the requested Special Permit with the benefit of the following limitations:

2.0 Limitations

- 2.1 The restaurant shall be run according to the submitted documents.
- 2.2 This decision applies only to the requested Special Permit, other permits or approvals required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 2.3 Effective Date of Special Permit - No special permit or any modification, extension or renewal thereof shall take effect until a copy of the decision has been recorded in the Middlesex County South District Registry of Deeds. Such decision shall bear the certification of the Town Clerk that 20 days has elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed, it has been dismissed or denied.

Appeals

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

Witness our hand this day of November, 1992.

Nancy Tavernier, Chairman

RESTAURANT SPECIAL USE PERMIT #8/17/92-337
PHILLIPS COFFEE EMPORIUM
5 SPRUCE STREET (LAKE)

PAGE 3

I, Christine Joyce, hereby certify that this is a true copy of the decision of the Board of Selectmen.

Christine Joyce
Recording Secretary

Date filed with Town Clerk

Cornelia O. Huber, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the decision of Phillips Coffee Emporium has passed and there have been no appeals made to this office.

Date

Cornelia O. Huber, Town Clerk

cc: Petitioner - Certified Mail #
Building Commissioner
Planning Board
Engineering
Conservation
Board of Health
Town Clerk
Planning Boards - Littleton, Westford, Maynard, Carlisle, Concord,
Boxboro, Stow, Sudbury

(924)

11/17/92 (8)
ED Kelly

NOV - 6 1992

661 Pleasant St. 17.111

ACTON MA

(508) 263-1790

DEAR BOARD OF Selectman

Enclosed Please Find a check
in the amount of \$800.⁰⁰ TO
the Town of ACTON.

I would like this \$800 to
be put in a GIFT ACCOUNT FOR
the ACTON COMMISSION on Disability
to use in whatever way they
think necessary.

I would like this account
separate from their regular account
so they may use it in years to
come also. Also I will be
adding to it every year.

Also AS former Deputy State
TREASURER OF MA. I AM AWARE

11/17/92 (9)

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

DRAFT

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Selectmen

DATE: November 2, 1992

FROM: Planning Board

SUBJECT: Hearthstone Farm Subdivision/PCRC

The Planning Department has received the application for approval of the definitive subdivision plan of Hearthstone Farm on the northerly portion of the former "Bowen Land" (north of Strawberry Hill Road). The subdivision as shown will be subject to a Special Permit as well (PCRC). The plan proposes 9 lots. In addition, 2 lots had been split off previously as ANR lots. There are two issues, on which the Planning Board will appreciate your input:

1. Common Land (see attachment 1).

The plan shows 31+ acres of common land. The common land connects in the rear with existing Town of Acton conservation land (Spring Hill/Nashoba Brook conservation area) and it shows access from the proposed subdivision road off Strawberry Hill Road. If added to the Spring Hill Area as municipal or conservation land, it would not only expand the existing public land but also provide access to it from Strawberry Hill Road which is currently not available. Current public access points to the Spring Hill/Nashoba Brook conservation area are at:

- Mill Dam Road and Wheeler Lane. Both access points are relatively close together off north Main Street.
- Davis Road (off Great Road) about 2 miles south of the above.
- Spring Hill Road (off Pope Road near the Concord/Carlisle town lines), on the opposite side of the Wheeler Lane access point and over 2.5 miles from the Davis Road access point.

The potential new access point over the proposed Hearthstone Farm subdivision would be located about half way between the Davis Road and Spring Hill Road access points and make the public land accessible from this side.

The former "Bowen Land" also contains one of the highest elevations in Acton - 335 feet. Only the water tank site off Ethan Allen Drive (430 ft.), Nagog Hill (380 ft.), and Great Hill (360 ft.) are higher. The Hill on this land is the only rise above 300 feet north of Great Road and East of Main Street.

Thus it bears a significant scenic value. While the top of the hill is currently shown as part of a proposed private lot, the Planning Board will seek to have it be part of the Common Land.

We find that the proposed common land would be a valuable addition to Acton's public open space lands. Acton's Master Plan places great importance on preserving scenic values and vistas, and on improved access to and connectivity within and between conservation lands. We therefore recommend that the proposed common land be deeded to the Town rather than to remain in private ownership. Please let us know if you would support the acquisition of this common land, and give us any other recommendations you may have, so that we can consider them during the review of the upcoming Special Permit application.

2. Sidewalk v. One-Way Traffic (see attachment 2)

As with most other subdivision and special permit applications, the Planning Board is considering the appropriateness of a sidewalk along the frontage on the existing public way. In the case of Hearthstone Farm the public way is Strawberry Hill Road. The general policy of the Board is to require the construction of a sidewalk and it may well be most appropriate to apply this policy here as well. While the sidewalk construction would disrupt the appearance of Strawberry Hill Road - designated a Scenic Road under the Acton Scenic Road Bylaw, the disruption is likely to be only temporary in nature depending, of course, on the sensitivity of the design.

However, the Master Plan with its recommendation to make Strawberry Hill Road a one-way roadway lays out an alternative approach to improving pedestrian and vehicular safety along Strawberry Hill Road which would not only cover the subdivision frontage but the entire length of the Road from Esterbrook to Pope, and accomplish it without any disruption at all. This recommendation would declare the portion between Esterbrook Road and Pope Road a one-way street eastbound from Esterbrook to Pope. While this is not equivalent to a sidewalk, it would increase safety by making vehicular traffic more predictable and by eliminating the squeeze of two-way traffic which doesn't allow for pedestrians given the current width. Two-way traffic would be retained between Esterbrook Road and Great Road and a sidewalk in that area is probably still appropriate. In fact, if the proponent of Hearthstone Farm would not have to build a sidewalk along the project frontage, he could donate the money to build sidewalk somewhere else in Town, possibly along the remaining two-way portion of Strawberry Hill Road.

We believe that the timing for consideration of the one-way proposal is right. The new development currently proposed off Strawberry Hill Road would add approximately 100 daily trips to the current 200 daily trips generated on Strawberry Hill Road between Esterbrook and Pope Roads. We recommend that you hold a public hearing as soon as possible to consider an amendment to the Acton traffic rules to establish the said portion of Strawberry Hill Road as a one-way street. We would like to have the benefit of knowing the outcome of this process, before we must make a final decision regarding the sidewalk.

Attachment 2 is an assessment of the impacts of a one-way measure prepared by the Acton Planning Department. We conclude from this assessment that a one-way restriction on Strawberry Hill Road will improve vehicular and pedestrian safety on Strawberry Hill Road, and that the impact on Pope Road itself will be acceptable. With regards to the intersection of Pope Road with Great Road, a level of service analysis should be conducted prior to implementation.

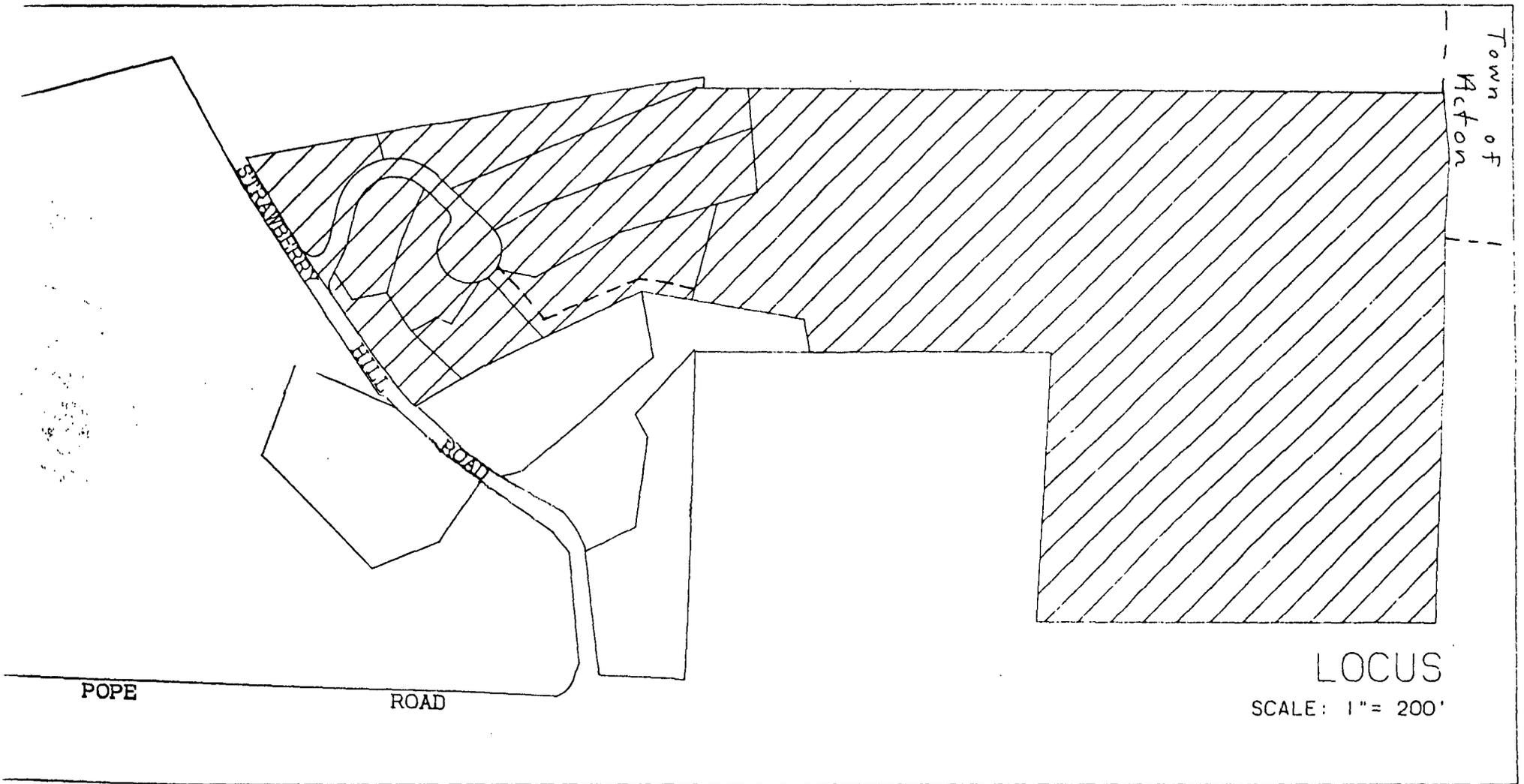


Roland Bartl

for the Acton Planning Board

cc: David Abbt

[RHB.SUBD.92*19]



TOWN OF ACTON

PLANNING DEPARTMENT

472 Main Street Acton, MA 01720

(508) 264 - 9636

October 28, 1992

IMPACT ANALYSIS OF LIMITING STRAWBERRY HILL ROAD TO ONE-WAY (EASTBOUND)

The following pages assess the impacts of diverting westbound traffic from Strawberry Hill Road to Pope Road as outlined in Recommendation 6 of Part II, Section 2 of the 1991 Town of Acton Master Plan (see attached map). Currently traffic is allowed to flow in both directions on Strawberry Hill Road and Pope Road. Under the Master Plan recommendation, westbound traffic now entering Strawberry Hill Road at Pope Road would be diverted via Pope Road to Great Road. In addition, traffic originating from points on Strawberry Hill Road located east of Esterbrook Road would travel eastbound on Strawberry Hill Road and then via Pope Road to Great Road. Strawberry Hill Road between Esterbrook Road and Great Road would remain two-way. It is assumed in this analysis that all diverted traffic will travel Pope Road from its intersection with Strawberry Hill Road to its intersection with Great Road and turn right at Great Road.

The source of data used are the existing conditions analysis and the future build-out traffic conditions analysis prepared by Vanasse Hangen Brustlin, Inc. and contained in the 1991 Town of Acton Master Plan. Traffic counts utilized in those studies and reviewed for this analysis were automatic recorder counts taken in the winter of 1988/89 on Strawberry Hill Road near Great Road, and on Pope Road near Great Road. The data were then adjusted to better reflect conditions in the segment of Strawberry Hill Road that is under consideration for one-way. In making those adjustments, consideration was given to the location of the 1988/89 traffic counters, to the types and density of uses on Strawberry Hill Road and to the directional distribution of traffic on Strawberry Hill Road.

In the following tables, the estimated numbers for Strawberry Hill Road refer to the segment between Pope Road and Esterbrook Road that may be considered for one-way rule. The estimates for Pope Road shown in the tables refer to Pope Road between Strawberry Hill Road and Great Road.

Under the one-way rule as recommended in the Master Plan, a reduction in westbound trips is also expected for Strawberry Hill Road between Esterbrook Road and Great Road, and right turns at the intersection of Strawberry Hill Road with Pope Road are expected to increase. These changes would be due to the redirected traffic originating from the one-way segment on Strawberry Hill Road. The impacts of the changes in the two mentioned locations are considered minor and are not quantified here.

Another change in traffic patterns not investigated here is a possible shift of P.M. peak hour traffic from Brook Street to Concord Road due to the one-way rule on Strawberry Hill Road.

1. Changes in Average Weekday Daily Traffic (AWDT)

Table 1 shows the estimated Average Weekday Daily Trips (AWDT) on the segment of Strawberry Hill Road that is under one-way consideration (Esterbrook Road to Pope Road), and on Pope Road, for existing and build-out conditions, and for the one-way and two-way scenarios. In developing this table, certain assumptions were made regarding trips generated on Strawberry Hill Road based on types and density of existing and build-out uses. It was also assumed that all vehicles diverted by a one-way rule would use Pope Road. See footnotes above for further details on assumptions made.

On Strawberry Hill Road, the AWDT under the one-way rule is projected to drop to 63% of the two-way AWDT under existing conditions, and to 59% of the two-way AWDT under build-out conditions. All traffic in the affected segment of Strawberry Hill Road will the move eastbound towards Pope Road. On Pope Road the AWDT will increase by 30% under existing conditions, and by 58% under build-out conditions.

TABLE 1

AVERAGE WEEKDAY DAILY TRAFFIC (AWDT)	STRAWBERRY HILL ROAD	POPE ROAD
1. Strawberry Hill Road <u>2-WAY</u>		
Existing Cond. AWDT (vpd) ¹	1350 ² (100%)	2800 (100%)
Build-Out Cond. AWDT (vpd)	4900 ² (100%)	5000 (100%)
2. Strawberry Hill Road <u>1-WAY</u>		
Existing Cond. AWDT ³ (vpd)	850 EB ⁴ (63%)	3650 (130%)
Build-Out Cond. AWDT ³ (vpd)	2900 EB ⁴ (59%)	7900 (158%)

¹ vehicles per day.

² 1991 Town of Acton Master Plan, Part III. Adjusted for proposed one-way segment, assuming 2/3 westbound, 1/3 eastbound orientation for the estimated 532(existing)/632(build-out) daily trips originating and arriving at the segment of Strawberry Hill Road that is to remain two-way. AWDT rounded to nearest 50.

³ Assuming a 45% westbound/55% eastbound directional distribution of two-way traffic on Strawberry Hill Road, and assuming 200(existing)/500(build-out) trips generated on Strawberry Hill Road between Esterbrook Road and Pope Road that will all travel eastbound under the one-way rule.

⁴ Eastbound

2. Peak Hour Roadway Link Conditions

Table 2, part 1 shows the estimated roadway capacity for Strawberry Hill Road and Pope Road based on their functional classification and geometry. Parts 2. and 3. show peak hour volumes and volume-to-capacity ratios for both roads under existing conditions and build-out conditions , and for the one-way and two-way scenarios on Strawberry Hill Road.

The capacity for handling traffic is markedly different between Strawberry Hill Road and Pope Road primarily due the geometry (narrow, winding) of Strawberry Hill Road. The capacity of Strawberry Hill Road is only 10-12% of the capacity of Pope Road.

Peak hour volumes and volume-to-capacity ratios were derived from the data presented in the 1991 Town of Acton Master Plan, modified to adjust for trip generation on Strawberry Hill Road and for differentials in the directional distribution of traffic between A.M. and P.M. peak hours, as they were observed by the automatic recorders placed on Strawberry Hill Road in 1988/89.

Under existing and build-out traffic conditions, peak hour volumes on Strawberry Hill Road under the one-way rule will drop to 75% of the volume under the two-way rule for the A.M. peak hour, and to 45% of the volume under the two-way rule for the P.M. peak hour. Under the two-way rule, Strawberry Hill Road is currently functioning at a volume-to-capacity ratio far in excess of full capacity (which is v/c ratio of 1). This undesirable situation would worsen towards build-out conditions. Under the one-way rule, traffic will only move eastbound towards Pope Road. Volume-to-capacity ratio for one-way streets were not available, but the improvement in mobility and safety are expected to substantially exceed the proportion of the drop in traffic volume due to the one-way rule.

On Pope Road under existing traffic conditions, the peak hour volume under the 'Strawberry Hill Road one-way rule' would increase by 21% and 46% for the A.M. and P.M. peak hours respectively compared to a two-way rule. However, the volume-to-capacity ratio on Pope Road would remain at or below a comfortable 0.50. Under build-out condition the peak hour volume under the 'Strawberry Hill Road one-way rule' would increase by 28% and 63% for the A.M. and P.M. peak hours respectively compared to a two-way rule. Pope Road would reach full capacity during the P.M. peak hour.

TABLE 2

PEAK HOUR ROADWAY LINK CONDITIONS		STRAWBERRY HILL ROAD	POPE ROAD
1. Capacity ¹	A.M. P.M.	70 ² 85 ²	675 695
2. Existing Conditions			
a) Strawberry Hill Road	2-WAY		
Peak Hour Volumes ⁴	A.M. P.M.	236 (100%) 182 (100%)	277 (100%) 215 (100%)
Peak Hour v/c Ratio ^{3,4}	A.M. P.M.	3.37 2.14	0.41 0.31
b) Strawberry Hill Road	1-WAY		
Peak Hour Volumes ⁴	A.M. P.M.	177 EB ⁵ (75%) 82 EB ⁵ (45%)	336 (121%) 315 (146%)
Peak Hour v/c Ratio ^{3,4}	A.M. P.M.	NA (one-way) NA (one-way)	0.50 0.45
3. Build-Out Conditions			
a) Strawberry Hill Road	2-WAY		
Peak Hour Volumes ⁴	A.M. P.M.	528 (100%) 515 (100%)	466 (100%) 452 (100%)
Peak Hour v/c Ratio ^{3,4}	A.M. P.M.	7.54 6.06	0.69 0.65
b) Strawberry Hill Road	1-WAY		
Peak Hour Volumes ⁴	A.M. P.M.	396 EB ⁵ (75%) 232 EB ⁵ (45%)	598 (128%) 735 (163%)
Peak Hour v/c Ratio ^{3,4}	A.M. P.M.	NA (one-way) NA (one-way)	0.89 1.06

¹ 1991 Town of Acton Master Plan, Part III. Estimated capacity at desired Level of Service (LOS) A for local streets such as Strawberry Hill Road, and desired LOS C for Collector Streets such as Pope Road. Level of Service is a qualitative measure for mobility and ranges from LOS A to LOS F. LOS A = no mobility restrictions, LOS F = severe mobility restrictions/failing.

- 2 Two-Way capacity. One-Way capacity not determined.
3 Volume-to-Capacity Ratio.
4 1991 Town of Acton Master Plan, Part III. Adjusted for proposed one-way segment for the estimated peak hour trips originating and arriving at Strawberry Hill Road: 59 (existing)/85 (build-out) peak hour trips during the A.M. peak hour with a 75% eastbound/25% westbound directional distribution. 75 (existing)/115 (build-out) peak hour trips during the P.M. peak hour with a 45% eastbound/55% westbound directional distribution.
5 Eastbound.

3. Right Turn Movements at the Pope and Great Roads Intersection

Table 3 shown right turn movement counts and estimates for the 'Strawberry Hill Road one-way and two-way' scenarios under existing and build-out traffic conditions, and it shows the overall intersection Level of Service (LOS) under existing and build-out conditions. While Strawberry Hill remains two-way, current intersection LOS is E, projected LOS for build-out conditions is F. The poor LOS is primarily due to the difficulty of making left turns at the intersection because traffic volumes on Great Road are high (19,500 vehicles per day) and traffic flow is more or less continuous during peak hours. However right turns are much less affected by such conditions. In Acton, this situation is true for most unsignalized intersections of side streets with arterial roadways.

Based on the estimated shift of traffic direction caused by a one-way rule on Strawberry Hill Road, right turns from Pope Road onto Great Road are expected to increase drastically. Under existing conditions, right turns during the A.M. peak hour would almost double, and would increase by 167% during the P.M. peak hour. Under build-out conditions, right turns during the A.M. peak hour would increase by 165%, and would more than quadruple during the P.M. peak hour. It is expected that the increase of the depicted right turns at the Pope Road/Great Road intersection will be accompanied by a more moderate decline of turning movements out of Strawberry Hill Road into Great Road, under both existing and build-out conditions.

An increase in right turns would generally not have a significant effects on the intersection's overall performance. Generally, right turns are relatively easy even under heavy flow conditions. However, the immediate sharp increase of right turns as predicted in this analysis warrants an intersection level of service analysis prior to implementation of the one-way rule under consideration. It is also suggested that with the implementation of a 'Strawberry Hill Road one-way rule', left and right turn pavement markings at the Pope Road approach to Great Road would facilitate right turns. The pavement width at this intersection appears to be adequate for such a lane designation. Under build-out conditions the overall intersection LOS will be at F independently from the amount of right turns occurring under either the one-way or two-way scenario. LOS F describes severe congestion during peak hours, which will be the case with all unsignalized arterial roadway intersections. As the Town approaches

build-out conditions, it is assumed that a signal will be installed at the Pope Road/Great Road intersection to improve intersection capacity and safety.

TABLE 3

Right Turn Movements at Pope and Great Roads Intersection	A.M. Peak Hour	P.M. Peak Hour	Intersection LOS ¹
1. Existing Conditions			
Strawberry Hill Road <u>2-WAY</u> ²	60 (100%)	60 (100%)	E
Strawberry Hill Road <u>1-WAY</u>	119 (198%)	160 (267%)	?
2. Build-Out Conditions			
Strawberry Hill Road <u>2-WAY</u> ²	80 (100%)	85 (100%)	F
Strawberry Hill Road <u>1-WAY</u>	212 (265%)	368 (433%)	F

¹ Level of Service. Qualitative measure of peak hour traffic operations. LOS A = highest mobility, LOS F = lowest mobility/failing, LOS D considered acceptable for peak hour intersection operations in urban areas.

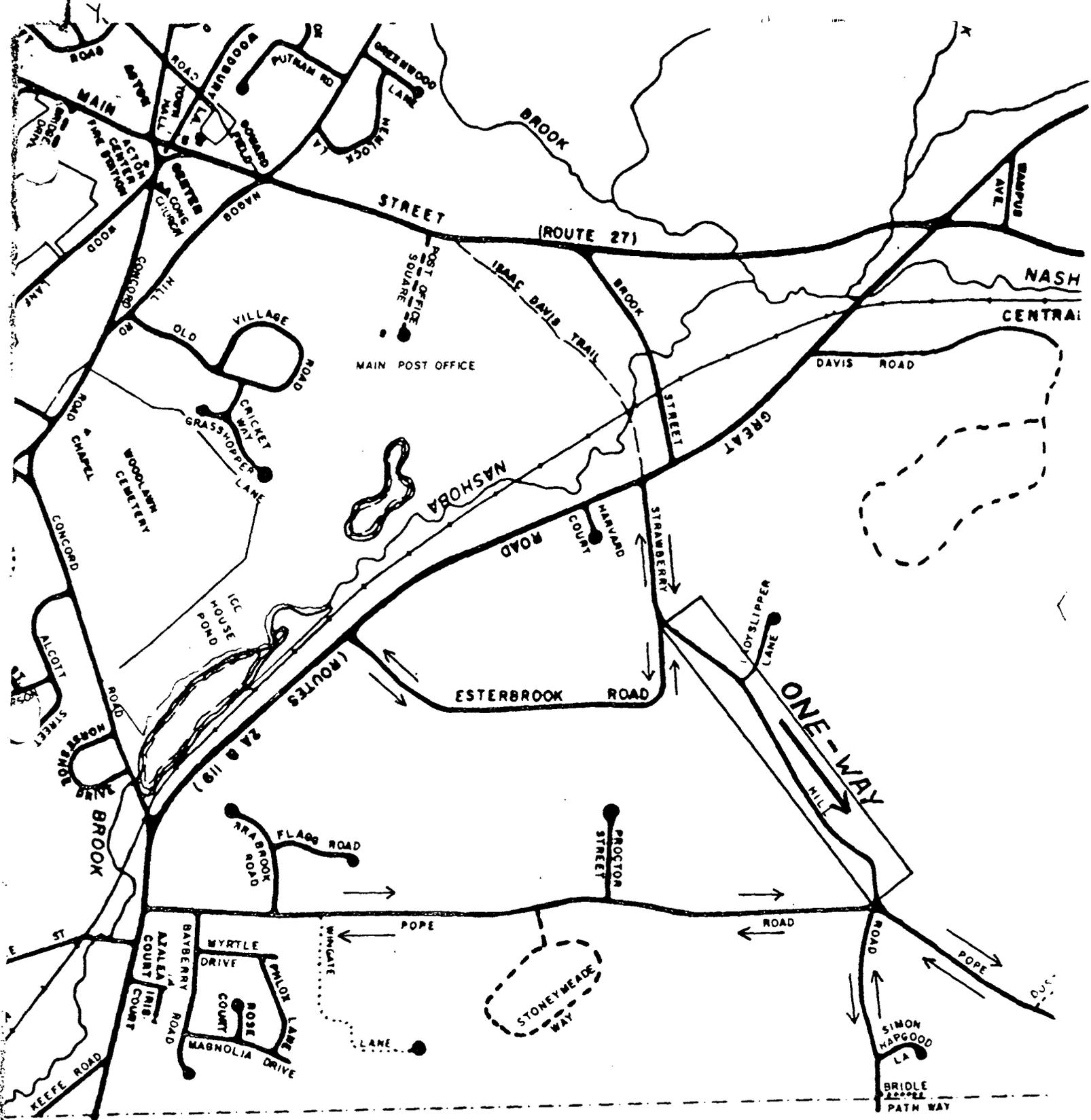
² 1991 Town of Acton Master Plan.

Recommendation 6: Make Strawberry Hill Road a One-Way Roadway.

East of Esterbrook Road, Strawberry Hill Road is narrow and winding, and not suited to carry even moderate traffic volumes. Additionally, there are no sidewalks along this section of Strawberry Hill Road. It is recommended that Strawberry Hill Road, east of Esterbrook Road, be designated one-way eastbound to Pope Road. Vehicular traffic in one direction and pedestrian traffic can be safely accommodated within the existing pavement surface. Any future need to widen the roadway would be eliminated, thereby helping to maintain the rural character of this road. Residences of Strawberry Hill Road wishing to reach Route 2A from their homes will be forced to use Pope Road. Existing commercial establishments on Strawberry Hill Road and residents located west of Esterbrook Road will continue to have convenient access to Route 2A. This recommendation needs further study, in conjunction with the Pope Road/Route 2A intersection, prior to implementation. The need for a sidewalk and the importance of preserving the character of the road should be included in the study.

Cost: Approximately \$500 to purchase and install necessary regulatory signage.

Priority: Low. There have been few accidents on Strawberry Hill Road and there are no imminent development proposals in the vicinity which would result in any substantial increase in existing traffic volume levels.



CONCORD

cc: BOS

ACTON SCHOOL COMMITTEE

Special Meeting

Library
Junior High School

October 29, 1992

Members Present: Jean Butler, Steve Aronson, Rick Sawyer, Mickie Williams

Also Present: Bill Ryan, Dan Leclerc, Fran Leiboff, Mac Reid, Parker Damon, Lisette Kaplowitz, Joan Little, Jim Palavras, Sandra Wilensky, Su Henry, Fran Bitteker, Kate Camara, citizens and press.

The meeting was called to order at 7:31 p.m. by Jean Butler, Chairperson.

Warrant #93-007 in the amount of \$54,315.73 and warrant #92-106 in the amount of \$1,935.36 were signed by the chairperson and circulated to the other members of the Committee.

It was moved, seconded and unanimously

VOTED: To accept the gift of \$1800 from the Friends of the Acton Libraries.

Each elementary school will receive \$450.

Bill Ryan said that this meeting was to hear a report from Parker Damon, Chairperson of the Use of Space Committee. He thanked Parker and his Committee, and said the administration was very appreciative of the time and effort put into developing proposals for solutions to the space issue.

Parker said the Use of Space Committee has been meeting since April. They met with portable classroom salesmen, the town planner and in June, met to review Boxborough's, R.J. Grey and ABRHS space situations. In August they reviewed the long-term enrollment projections and interim solutions. In September, the New Merriam School Concept Committee made a presentation to them which Parker said was very persuasive and inspiring but left them wondering how the numbers would work out.

Parker distributed a document which listed ten alternatives considered as possible solutions to the elementary schools' space needs and recommendations from the Use of Space Committee (copy attached). The first recommendation was that the Merriam Building be turned into a New Concept School which would have to meet the school district's space needs starting with the 1993-94 school year. If there is no plan for a New Concept School and how it will solve the APS space needs starting in September, 1993, then the recommendation was to begin a two-year phase-in of the use of Merriam as a grade 5-6 school.

Steve Aronson asked what their recommendations were based on - educational philosophy, continuity of grades, costs? Parker said it was based on what education was appropriate for Acton. He said there was some talk of cost but the Committee tried to stick to what was best educationally. Parker said they also looked for the least impact for the next two years in terms of tenants displaced. Bill Ryan said that as he sees it, the last tenant to go would be the CASE High School. Clearly in 1994 some tenants could stay but by 1995, most tenants would be gone.

There was a long discussion about the different projections of use of available space for classroom use, one of which was to use Merriam as a kindergarten center which assumes there will be 14 kindergarten classes each year. Fran Leiboff said that small spaces which can be used flexibly for special education, testing, ESL, reading, etc. would still be needed. Projection 3A which extends space needs to 2001 indicates that we will eventually run out of space at Merriam unless rooms for special education, etc. are eliminated. Bill Ryan said school population peaks about 1996 (5-9 year olds) and bottoms out about 2005.

In answer to his question, Steve Aronson was informed that Merriam could accommodate an entire sixth grade school and eliminate grade six in all the other schools. Mickie Williams asked for a projection on special education needs if all sixth grades were housed at Merriam. Rick Sawyer asked what were the budget implications if any of these plans were implemented. Bill Ryan said he did not think the difference would be enormous if Merriam was full as the same number of staff would be needed. If we continue to satellite classes to Merriam there would not be a fulltime administrator, but if there is to be a new school, that would have to be built in.

WARRANT: There were no questions.

CONCERNS OF THE BOARD:

Mickie Williams said she had copies of the Education Reform Act and the Carnegie Report on School Choice if anyone wanted to borrow them. Bill Ryan said he attended a meeting on School Choice with the Under Secretary of Education. The superintendents present recommended that providing transportation should not be mandatory and the per pupil cost should be indexed.

Jean Butler will be attending the MASC annual meeting as a voting delegate. She asked the Committee for a consensus on a resolution opposing funding for school choice. It was agreed she should vote no on this resolution. Another resolution deals with consolidating the MASC positions of secretary and treasurer into one position. Jean and Steve felt this was a lot of authority for one person. The consensus was that she listen to the rationale and then use her judgment.

Mickie asked if the seating configuration being used at this meeting suited the Committee, and the consensus was that it was fine.

The meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Evelyn I. Smith,
Secretary, Pro Tempore

cc: BOS

ACTON SCHOOL COMMITTEE

Library
Junior High School

October 15, 1992

Members Present: Jean Butler, Steve Aronson, Pam Harting-Barrat, Rick Sawyer, Lees Stuntz, Micki Williams

Also Present: Bill Ryan, Dan Leclerc, Fran Leiboff, Mac Reid, Steve Desy, Lisette Kaplowitz, Sandra Wilensky, Karen Walker, Su Henry, Joe McInerney, Dan Losen, Eileen Sullivan, Kate Camara, citizens and press.

The meeting was called to order at 7:30 p.m. by Jean Butler, Chairperson.

Warrant #93-006 in the amount of \$89,310.77 and warrant #92-105 in the amount of \$15,469.57 were signed by the chairperson and circulated to the other members of the Committee. On September 24, 1992, warrant #92-104 in the amount of \$9,645.41 and warrant #93-005 in the amount of \$48,826.80 were signed.

MINUTES: The minutes of September 10, 1992 were approved as written.

PUBLIC PARTICIPATION: None.

EDUCATION REPORT: - New Merriam School Concept

Dan Leclerc made introductory remarks saying the report was a result of a summer research and development project by teachers for the purpose of advancing a new concept, multi-grade school. This group of 15 teachers came into existence because of the space crisis. The Use of Space Committee suggested a new concept school might be in order if there was interest. Karen Walker spoke first, and said it was a wonderful experience the way the group worked together; leadership was shared and it was truly a collaborative effort. The group read a variety of books, attended a lecture, listened to others on tape and toured the science area in the Wellesley Schools. She said the model they came up with was realistic, new, but not experimental, and involved things already going on in Acton Schools and other systems. Sandy Wilensky said the new school will meet space needs, will fit within the existing per pupil expenditure and will continue the ratio of support staff. All state mandates and Acton Public Schools' curriculum goals will be met. It will be a fully functioning school which would welcome open enrollment for kindergarten students. The stated philosophy truly affirms what the group thinks is important - that all individuals are respected and valued. Staffing decisions will be made when the school population is known and would be based on teachers who are a philosophical match. Students and teachers would stay together for two years wherever possible. The core of the curriculum would center on community service, starting with the school community. Math, science and technology would be given importance. There would probably not be a full time principal the first year - possibly a satellite principal and a teacher/principal. There would also be an advisory council which would include parents. The tentative timeline for the enrollment process includes a presentation on February 3, and grades 1-6 registration on February 8. The general kindergarten meeting is scheduled for February 24 and the evening kindergarten meetings in March. The new school would be part of that process.

Joe McInerney said the group held three different conversations with the community in September and there were 30-40 people at each meeting which were approximately 2 1/2 hours in duration. They felt the general reaction was positive. A survey was mailed with *The Lamplighter*.

Bill Ryan took this opportunity to read the letter from D.Allan Bromley, Assistant to the President for Science and Technology, informing Joe that he has been selected for a Presidential Award for Excellence in Science and Mathematics Teaching. Joe said he was proud to be a member of the Acton community with such a dedicated teaching staff.

Kate Camara, on the Tufts faculty and an Acton resident, summarized the results of the survey and highlighted the major points. She said there was a significant high level of support, only 15

members of the community replies did not support the concept. 169 members of the community and 39 staff members expressed interest in working on the planning committee. Eileen Sullivan said it gave us a foot in the door for additional grant money. She spoke of the recent notification that we will receive \$4115 for a CESAME grant for improving math and science teaching.

Bill Ryan said we are extremely fortunate to have this group of people and the energy coming from them is revitalizing our school dynamics. He referred to the increase in students and said that next year the elementary schools will need five additional classrooms and that we have run out of space in the existing buildings. A long term solution is needed to our space problems. The new school concept is the only K-6 model proposed. Other options would be to have all sixth graders and half of fifth graders at Merriam, have all kindergartens in one building or satellite other classrooms. Dr. Mary Donald asked if any thought had been given to moving sixth graders to the Junior High. Bill said that had been discussed but did not think that was the solution as the Junior High will have its own space problem in two years.

Rick Sawyer asked the group if the new school concept was unique or was there a model. He was told that it was unique, the group did not have a model. However, there were a number of concepts in place in other schools but not in terms of bringing it all together under one roof. Kate Camara said that service learning integrated into the curriculum at the elementary level was unique to this plan. Micki asked if the proposed staff development center would be for all teachers and was assured it would be for all teachers in all elementary schools and all levels although right now it was still a concept. Micki asked if there would be multi-grades within a classroom. Sandy said that decision would be made based on the population of the school. A member of the community present asked if the Committee would guarantee that her child would stay at Gates School. She said the "choice" students should be moved first. Bill Ryan said the administration will be blind as to where the students are from. He said we accepted them and they are our kids. We cannot discriminate legally. Lees Stuntz said the Committee will do everything in their power not to force move students. She added that the history of the School Committee has shown they are very sensitive to that. Bill Ryan said if Plan A does not work we will have to go to Plan B for an interim year. If a recommendation to go with the new concept school is approved in November, there will have to be two plans so that people will know up front.

Steve Aronson said he was struck by the quality of the survey results and the group's ability to absorb and incorporate community interest at the same time maintaining educational needs. This is an exciting R & D development, one which is truly a benefit for our kids and he thanked the group for their efforts. He added that any one or all of these ideas are useful and can be incorporated in any school at any level. Pam Harting-Barrat said it was important to separate the new concept school with space issues. Steve Aronson said he appreciated Dr. Camara's efforts and the involvement with Tufts University. Laura Cronin, an Acton resident, said she supported this group but suggested the School Committee clearly articulate and simplify the issues, i.e., cost of new school, school choice, override or not, to the community.

Lees Stuntz said she didn't think the School Committee has ever had before them such a detailed analysis. She said the number of responses versus the number of children was significant. On October 29, Parker Damon will report on the conclusions of the Use of Space Committee and on November 12, the School Committee will vote on a recommendation from the Superintendent.

SUPERINTENDENT'S RECOMMENDATIONS FOR SEPTEMBER

At the conclusion of the Education Report, Pam Harting-Barrat left the meeting. Therefore, five members voted on the Superintendent's recommendations..

It was moved, seconded and unanimously

VOTED: To authorize the Superintendent to file the Application for School Assistance in Federally Affected Areas - Assurances - P.L. 81-874.

VOTED: To approve the appointment of Deborah Hess as Curriculum Specialist for Language Arts (FTE.5) and Mathematics (FTE.5) for the 1992-93 school year.

VOTED: To approve the appointment of Tina Morgan as generic Instructional Consultant at McCarthy-Towne School (FTE.5), effective October 16, 1992.

It was moved, seconded and

VOTED: To approve the home instruction plan for Natalie and James Kalendarian.

Rick Sawyer wished to go on record that he thought the social studies curriculum proposed was inappropriate.

The motion was approved by a vote of 4-0, Rick Sawyer abstaining.

FOR YOUR INFORMATION:

Bill Ryan referred to the purchase of new maps and globes as noted in the Curriculum Bulletin, the survey sent to parents of kindergartners, Georgia Whitney funds being used for partial sponsorship of a National Theatre of the Deaf performance in January, the Early Childhood Quality Network II Grant. He noted that we had received verbal approval of our proposed expenditures of the P.P.E.A. funds. Mac Reid reviewed Professional Day activities.

WARRANT DISCUSSION: There was one question regarding a FY92 item - payment to Robert Lord Company. Bill said it was payment for classroom chairs and desks for McCarthy-Towne, Gates and Conant to furnish new sections. These were paid for with end of the year funds.

CONCERNS OF THE BOARD:

Micki Williams invited all to attend a League of Women Voters forum addressing Educational Reform on October 24 at the Burlington Marriott.

Lees distributed the latest draft of the superintendent search brochure. She asked the Committee to get back to her by the following day if they had any input on the contents.

Jean Butler conveyed Ann Fanton's thanks for the Committee's response to the Planning Board. Ann invited members to attend their meetings and said their next phase will be one of implementation.

NEXT MEETING: October 29, 1992, 7:30 p.m. in the Junior High School Library to hear the report of the Space Committee. The next regularly scheduled meeting is November 12 at Douglas School.

EXECUTIVE SESSION: At 10:14 p.m. it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to negotiations under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session and adjourned at 10:35 p.m.

Respectfully submitted,

Evelyn I. Smith,
Secretary, Pro Tempore

cc: BOS

ACTON SCHOOL COMMITTEE

Douglas School Cafeteria

For November 12, 1992 Meeting

AGENDA

- 7:30 I. CALL TO ORDER
- 7:31 II. APPROVAL OF MINUTES OF October 15 and 29, 1992 AND STATEMENT OF WARRANT
- 7:35 III. PERIOD OF PUBLIC PARTICIPATION
- 7:45 IV. EDUCATION REPORT - Lisette Kaplowitz

- 8:05 V. SUPERINTENDENT'S REPORT FOR THE MONTH OF NOVEMBER- William Ryan
RECOMMENDATIONS
 - 1. Regional Action Requiring Acton Approval
 - a) Approval of Goals and Objectives for the 1992-93 School Year
 - b) Approval of the Calendar for the 1993-94 School Year
 - 2. Elementary School Space Recommendation
 - 3. Acceptance of Funds from Douglas PTO for Computer Specialist

- 8:45 VI. FOR YOUR INFORMATION
 - 1. Curriculum Bulletin
 - 2. Notification of PPEA Grant Award
 - 3. Personnel Item
 - 4. Gates School Activities
 - 5. McCarthy-Towne School Report/Bulletin

- 8:50 VII. WARRANT DISCUSSION

- 8:55 VIII. CONCERNS OF THE BOARD

- 9:05 IX. NEXT MEETING - December 10, 1992 - Conant School, 7:30 p.m.

- 9:06 X. EXECUTIVE SESSION

- 9:45 XI. ADJOURNMENT

Volunteer Coordinating Comm. Hec - Oct 26, 1992
Present: Kadlec, George, Whitcomb, Comstock, Powers
and Lane

Absent: Husbands

Interviews:

P. Russell Forsyth: Historic District Commission, A/H
Business owner, Realty. Director Central Multiple List-
ing Service - 22 yrs in Acton. Time commitment is
a problem and he will check back at a future time.

Kevin Forsyth: In Real Estate business - lived in Acton
all his life - interested in Fair Housing and knowledge
of laws pertaining to such.

Michael Meehan: Paul Revere Rd - in Acton 7 months
in Financial Sales for Insurance Co - Director of Boston
Underwriters Life Assoc. Grew up in Lexington father
active in Town affairs there. Time commitment not a
problem. Interested in Finance Committee on Recreation.

Voted:

Kevin Forsyth for Fair Housing - Full member - 3 yrs.

Minutes of Oct. 19, 1992 Read and Accepted.

No membership needs to be advertised

Selectman Appointments:

Kathryn Garcia: A/B Arts Council to 6/93

Margaret Beddoe: Council on Aging - full to 6/93

Donna Benanti: Council on Aging - ~~Assoc~~ to 6/93

Joan Burrows: Minuteman Homecare full to 6/93
Robert Rhodes: Acton Historic Commission full to 6/94

Whitcomb will contact Board of Assessors as to the
status of Committee Members.

Next Meeting Nov 9, 1992 at 7:30 PM
Adjourned: 10:00 PM

✓
JEAN LANE
Volunteer Coordinating Comm
cc/Town Manager and Selectman

for BO Selectmen

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

November 6, 1992

Edmond Benoit
DEP
75 Grove Street
Worcester, MA 01605

Merrill Hohman
Waste Management Division
U.S. EPA
90 Canal Street
Boston, MA 02203-HAA-CAN-2

RE: Town of Acton v. W. R. Grace & Co.--Conn.

Gentlemen:

As you are aware, the Town of Acton has been instrumental in forcing a clean-up of the pollution at the WR Grace Superfund site in Acton. For a number of years, the Town has participated in the remediation process through its staff, its counsel and its consultant, Goldberg, Zoino & Associates (GZA). Throughout this protracted process, the Town has paid for reports and comments that have been shared with the other government parties. Much of this information and many of these comments have been incorporated and used by the government parties in your various decisions.

In addition to technical support, the Town's staff, attorneys and consultants have provided a historic continuity to the project that could have otherwise been lost through numerous government party personnel changes that have occurred over the years.

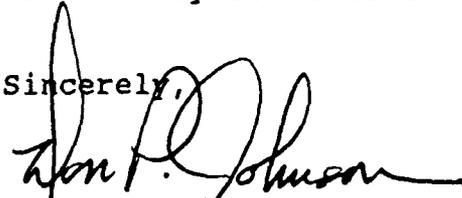
The Town has expended substantial sums to participate in this process and provide the type of information noted above. We are now engaged in an attempt to recover these response costs from the responsible party, WR Grace. As part of the

Edmond Benoit
Merrill Hohman
November 6, 1992
Page 2

Town's case, we are seeking an affidavit from you outlining the importance of the Town's efforts and their consistency with the National and Massachusetts Contingency Plans. To that end, we would appreciate an opportunity to meet with you to review and explain this matter in detail.

These documents must be submitted to the Court in the near future. With this in mind, we propose that we meet within the next week or ten days. The Town's attorney, Steve Anderson, will call you to determine a mutually convenient time and date.

Sincerely,



Don P. Johnson
Town Manager

cc: Steven Anderson
Board of Selectmen

**Meeting of the
Fort Devens Redevelopment Citizens Advisory Committee**

Date: October 22, 1992
Location: Fort Devens Reuse Community Resource Center
Fort Devens, Massachusetts

Attendance:

Present

Eric Knapp
Brett Doney
Richard DeBoalt
Tom Abdella (for John Sullivan)
Reverend Philip Goff
William R. Thurston
Bill Farnsworth
Donna Jacobs
Laila Michaud
Steven Boudreau
William Redfield
Richard Hatch
Donald McIver
Carolyn Sellars
Nancy Reed
Charles Mason
E. Heidi Rodis
Michael Lanava
William Marshall
James Coull
James Hashem
Paul Linet
David Shepardson

Absent

Ned Murray
Harvard Isakson

Others

Massachusetts Government Land Bank: Wendy Wissler, Administrative Assistant
Harvard Post: Ann R. Levison
Representative of Mayor Jeffrey Bean of Fitchburg: Joyce Huff

CC: BOS -
FT. DEVENS TASK FORCE

Minutes

David Shepardson, the MEPA contact for the Citizens Advisory Committee (CAC), began the meeting by explaining the MEPA process. He said that a project is subject to MEPA if it requires any state agency action, financial assistance, or permit. If such a project exceeds certain review thresholds, the project proponent begins the review process by filing an Environmental Notification Form (ENF). The ENF is followed by a thirty day review period, during which comments are taken and a public meeting may be held. The Secretary of Environmental Affairs, Sue Tierney, then decides whether an Environmental Impact Report (EIR) is necessary. If no EIR is required, agencies may act on the project. If an EIR is required, it is prepared by the proponent and submitted to the Secretary. The EIR is reviewed and commented on at both the draft and final stages. After the Secretary has accepted the final EIR, the state cannot act on the project until a sixty day challenge period has elapsed.

Mr. Shepardson explained that MEPA requires that the state review and evaluate the environmental impact of such projects and that it find all feasible means to avoid or minimize damage to the environment. A member of the committee asked for some materials stating the regulations Mr. Shepardson mentioned, and he answered he would bring the materials to the next CAC meeting. A member of the committee questioned the meaning of the word "scope". Mr. Shepardson replied that a scope specifies what will be studied in an EIR.

Mr. Shepardson announced his agenda for the meeting. He asked the committee to introduce themselves to each other and describe their background. After introductions were made, Mr. Shepardson discussed the responsibilities of the CAC. Mr. Shepardson said that the redevelopment of Fort Devens had been designated as a "major and complicated" project, which allowed for the design of a project specific review procedure and the formation of the CAC. He said that the review procedure for Ft. Devens provided for a coordinated MEPA and National Environmental Policy Act (NEPA) review and that it was hoped that substantially the same report could be used for both MEPA and NEPA. The special procedure also provided for the review of "interim projects" which are proposed before completion of the MEPA/NEPA review.

Mr. Shepardson stated that the CAC's role was to assist Secretary Tierney in reviewing and evaluating the environmental impacts of the redevelopment of Fort Devens. Mr. Shepardson said that a typical MEPA review is a year, but that the process could take longer. He said that the Fort Devens CAC would continue until the final EIR is accepted. Mr. Shepardson stated that the CAC should try to reach a consensus in its recommendations to the Secretary. He said that he expected that the CAC's knowledge and efforts would be very useful to the Secretary.

The question was posed by the committee as to the frequency of the CAC's meetings. Mr. Shepardson replied that a series of meetings would be necessary in the next few months in order to review the scope of the EIR. He said that at later times meetings would also be required to review the draft and final EIRs. Other than that, he said that the number of meetings would be determined by the CAC itself and by the flow of interim projects.

Mr. Shepardson strongly stated that this MEPA process and this CAC would not be considering any proposals involving a second major airport. He said that any proposal involving a second major airport would require the commencement of a separate environmental review process.

Mr. Shepardson asked Brett Doney of the Joint Boards of Selectmen to explain to the committee what is available for the CAC's use at the Resource Center. Mr. Doney replied that the building is open from 9:00 a.m. to 5:00 p.m., but at this point it would be prudent to call prior to coming to the office. Mr. Doney said the Center has resource files regarding the reuse of Fort Devens and that other public information and news clippings are available at the Center. Mr. Doney said that videotapes of the public meetings, schedules of calendar events, telephone numbers, addresses, aerial photos, and slides are available at the Center. Mr. Doney stated that the Center is on all of the Chambers of Commerce mailing lists and asked anyone whose organization was interested in Fort Devens to put the Center on their mailing list. Mr. Doney said that the Center was in the process of obtaining Geographic Information Systems (GIS) equipment, and that it belonged to the National Association of Installation Developers.

Mr. Shepardson asked Eric Knapp of the Massachusetts Government Land Bank to discuss the Land Bank's role in the redevelopment of Fort Devens and its relationship with the CAC. Mr. Knapp outlined the Land Bank's history and experience in redeveloping military bases. He said that Governor Weld had designated the Land Bank as the Commonwealth's lead agency for the redevelopment of Fort Devens. Mr. Knapp said that the goals of Governor Weld and the Land Bank were creating jobs and protecting the environment. Mr. Knapp said that the Land Bank would be presenting redevelopment plans, projects, and documents to the CAC for review of their environmental impact. Mr. Knapp said that the Land Bank would assist the CAC by arranging meeting rooms, taking minutes, and sending materials to be reviewed to CAC members. Mr. Knapp said that the Land Bank hoped that the CAC and the joint MEPA/NEPA process would insure a thorough and expeditious environmental review.

Mr. Knapp said that the closure of Fort Devens would result in the direct loss of 7000 jobs. He said that the direct and indirect effects of base closure could result in the loss of 20,000 jobs and one billion dollars annually to the region's economy. Mr. Knapp emphasized the importance of redevelopment to mitigating these economic impacts. In particular he noted the importance of interim projects in keeping the Base from becoming a "ghost town".

Mr. Knapp stated that although the considerations of the NEPA Environmental Impact Statement (EIS) are somewhat different than those of the MEPA EIR, the Land Bank wanted to coordinate the two reports so that time and effort would not be duplicated. Mr. Knapp said that the Land Bank hoped that the MEPA scope would be adopted as the NEPA scope. Mr. Knapp stated that the Army's anticipated timetable for the NEPA report is approximately 2-1/2 years and that the CAC could therefore expect to be active for that period. Mr. Knapp said this timetable includes scoping, public meetings, draft EIS, and final EIS. Mr. Knapp stated that the NEPA process would begin soon with the publication of a Notice of Intent.

Donald McIver asked if he could receive a copy of Executive Order 312 and the Land Bank Statute. Mr. Knapp said he would send copies to him.

Mr. Shepardson said that after the next meeting the CAC would need to select a chairperson. He suggested that the committee decide on the date for the third meeting. It was decided that the third meeting will be on Thursday, November 19 at 7:00 p.m. at the Fort Devens Resource Center. It was also decided that all minutes and information should reach the committee members one week prior to any CAC meeting.

Mr. Knapp said that Susan Brown, who is responsible for the NEPA process for the Army Corps of Engineers New England Division, had offered to attend one of the CAC's meetings. Mr. Knapp said he would see if she was available for the November 19 meeting.

A member of the committee asked if the Army Corps of Engineers was sympathetic to coordinating their efforts with MEPA. Mr. Knapp said that they were receptive, and that, in any case, they had certain obligations to coordinate with state efforts. Mr. Shepardson handed out the scope to the committee. A question and answer period followed. The following points were made during this time:

1. There are copies of the comments on the Fort Devens ENF at the Resource Center
2. The Land Bank will bring the current master plan to the next meeting.
3. The NEPA review requires the consideration of the "no action alternative", (i.e. the base closes and nothing else occurs).
4. The scope is designed to provide a framework for the EIS/EIR.
5. The proponent is responsible for gathering information for the EIR. The Army Corps of Engineers is responsible for gathering information for the EIS. Both expect to draw upon the resources of other state and federal agencies and outside consultants.
6. The CAC can recommend that certain information be gathered as part of the scope.

Mr. Shepardson said that a tour of the base could be arranged for CAC members. Mr. Shepardson asked the committee to carefully look over the preliminary scope. Mr. Shepardson said that at the next meeting the committee will discuss the scope in detail.

The meeting adjourned at 10:10 p.m.

INTER-DEPARTMENTAL CORRESPONDENCE

November 12, 1992

TO: John Murray, Assistant Town Manager

FROM: Doug Halley, Health Director

SUBJECT: Tobacco Bylaw Department Financial Impact

As you have requested the Health Department has estimated the probable financial impacts of the proposed Tobacco Bylaw. The proposed bylaw will require any facility in Acton, which sells tobacco, to obtain a permit from the Board of Health. Based on the Health Department's current food service records it is estimated that at least 50 facilities will be required to be permitted. Fortunately, as far as we can determine, each one of these facilities are already permitted and inspected by the Health Department for other programs.

Due to that fact the Health Department anticipates only a minimal amount of increase in its duties. It is estimated that during the initial year 1/2 hr of secretarial time will be dedicated toward processing the new permits for each facility. In addition 1/2 hour of sanitarian time will be dedicated toward biannual inspection of each facility. The permits will be processed at the same time as food service permits and the inspections will be conducted at the same time as food service inspections.

The financial impact would be as follows:

Number of Facilities	50
Total Secretarial time	25 hours
Total Sanitarian time	25 hours
Secretary hourly wage	\$11.00
Sanitarian hourly wage	\$15.32
Total cost of program (hourly wages)	\$658
Total cost including benefits (*2)	\$1316
Cost per facility	\$26.32
Proposed fee for permit	\$25.00

Enclosed with this memo is a copy of the Health Department's proposed 83/84 Budget, which anticipates this program and proposes to place it, along with food service inspections, into a revolving account contractual program. Should you have any additional questions please call.

INTER-DEPARTMENTAL COMMUNICATION

September 24, 1992

TO: Don Johnson, Town Manager
FROM: Doug Halley, Health Director
SUBJECT: Health Department Manpower Request, F. Y. 93/94

Enclosed with this memo, in Attachment #1, is a proposed budget request for the Health Department, Upper Blackstone/ Septage Disposal Enterprise Fund, and Health related Revolving Accounts, for F. Y. 93/94. These budgets reflect a 13% decrease in the Health Department, a redistribution of the Upper Blackstone Funds and the creation of fee supported Revolving Accounts, for the purpose of obtaining contractual labor to address health related issues.

The Health Department Budget has been reduced by transferring the Sealer of Weights and Measures from this budget to a Revolving Account Budget. Presently all fees generated by the Sealer are placed in the General Fund. Services and expenses incurred by the Sealer are paid out of the Health Budget. A Revolving Account would allow the fees generated by the Sealer to pay directly for services rendered and expenses incurred. In F. Y. 91/92 the revenues for the Sealer were in excess of \$4,000. Due to an increase in fees, approved at 1992 Annual Town Meeting, it is anticipated that the revenue generated for F. Y. 93/94, by the Sealer, will be \$5,500, while services rendered and expenses incurred will total \$4,500.

The Health Department will be further reduced by the transferring of 20 hours of Sanitarian time to the Upper Blackstone Budget. These hours are already being utilized for septic oriented duties and would be more appropriately expended out of that budget. These changes would reduce the Health Department Budget from \$130,157 to \$113,150.

The Upper Blackstone Budget currently has a funded but unfilled 40 hour Sanitarian position. The requested 93/94 Budget proposes to eliminate this unfilled position and replace it with the transfer of the 20 hour Sanitarian from the Health Budget and the addition of a 16 hour contractual Sanitarian. Attachments #2-5 illustrate the upturn in Septic required duties, in particular since July of 1991. Although commercial and industrial property has not recovered from this economic downturn, residential property has become a premium and the Health Department is experiencing a mini-boom in both new construction and reconstruction of septic systems.

As shown in Attachment #2, soil tests for new construction is experiencing an upturn from the lows experienced in 89 & 90. While the number of tests have not reached the high of 1988, they are rapidly increasing and are putting a strain on staffing requirements. Construction of septic systems for new houses as well as existing houses have also increased, as shown in Attachments 3 & 4. In 1988 a total of 120 septic systems received permits for construction. For 1992 we anticipate

issuing permits in excess of 180, which is 50% increase. It also should be noted that staff levels have been reduced by 25% since 1988.

In addition, the Septic Pumping program has been an unqualified success. Up to its implementation, septic tank pumping in Town had decreased more than 25% below the levels pumped in 1989. This Fiscal Year pumping is equal to the levels in 1989 and is still rising. Revenues for Septic Permits and Septage Permits are shown on Attachment #6-8. The first three months of this fiscal year has brought in \$24,000, which is a 212% increase over last years receipts. Given these factors the Health Department anticipates generating \$78,000 of non-earmarked Upper Blackstone revenue. This will completely support all elements of the Septic/Septage program as well as allow for the purchase of additional computer programming and an inspectional vehicle.

The Health Department is proposing the creation of four new Revolving Accounts for the Sealer of Weights and Measures, Radon Testing Kits, Food Service Inspections and Hazardous Materials Storage Inspections. The Sealers account was described in paragraph 2 of this memo and it is essentially a transfer from one budget to another. The Radon Testing Kit program will be the formalization of an existing program. This is a program in which the Health Department has generated quotes, from three private firms, for the sale of individual Radon testing kits to home owners, and then had the lowest priced kit made available to town residents. It is anticipated that 150 kits will be sold in the next fiscal year at a price of \$20 per kit.

The Food Service Inspection and the Hazardous Materials Storage Inspection Programs have experienced remarkable growth since 1987. The Food Service program has been in 100% compliance, in regards to the required number of State mandated inspections that must be completed each year, since January of 1991. The Hazardous Materials program has gone from 1 inspection in 1987 to an anticipated 65 inspections in F. Y. 93/94. See Attachments 9 & 10 for upward trend in inspections for these two areas.

The Health Department believes that these two programs can be better serviced by hiring contractual labor to maintain inspections. In this way staffing levels can fluctuate according to needs and each program can be solely funded by the regulated entities. Attachments 11 & 12 show the growth in revenues for these two programs. It is anticipated that revenue in F. Y. 93/94 will exceed \$37,000. There is also the potential that a proposed cigarette bylaw will require health inspections but this program would be funded by an additional fee to any business selling cigarettes.

In summary, the Health Department proposes to reduce its existing budget, restructure the Upper Blackstone Budget and create new Revolving Accounts for health related issues. These budgets would reflect a 25% increase in manpower to address the 25% increase in work loads as shown in Attachments #2-5, #9 & #10. The Department would have a greater reliance on revenues generated and the increased manning would only be put in place as revenues allow.

LOCATION 32 : HEALTH DEPARTMENT

		<u>F.Y. 93-94</u>	<u>F.Y. 92-93</u>
0352	Salaries; Clerical	11,930	11,700
0400	Salaries; Administrator	49,360	48,462
0406	Salaries; Inspectors	33,220	48,305
0399	Salaries; Board Members	550	550
0404	Salaries; Animal Inspector	400	200
<u>0412</u>	<u>Salaries; Sealer of Weights</u>	<u>Delete</u>	<u>3,000</u>
960	Subtotal	95,260	112,217
0428	Office Equipment	100	100
0421	Sealers Expenses	Delete	150
0418	Supplies; Sanitarian	200	200
0430	Expenses; Animal Inspector	40	40
0416	Lab Fees; Inspectors	2,100	2,100
0419	Periodicals; Health	100	100
0424	Conferences	100	100
0426	Dues; Health	200	200
0423	Meals, Professional Meetings	200	200
0417	Printing & Office	2,100	2,100
0414	Rabies Clinic	350	350
0464	Hazardous Waste Day	11,600	11,500
0425	Travel	50	50
0429	Legal Ads	650	650
<u>0420</u>	<u>Equipment, Inspectors; Health</u>	<u>100</u>	<u>100</u>
961	Subtotal	17,890	17,940
0440	Total	113,150	130,157

UPPER BLACKSTONE/SEPTAGE DISPOSAL

Upper Blackstone Fees	125,000	132,000	
Sanitarian (20 Hours)	16,610	32,000	
Sanitarian (16 Hours)	10,650	10,650	
Sanitarian (16 Hours)	10,650		
Secretary (20 Hours)	11,930	11,000	
Subtotal	174,840	185,650	
Computer Programming	9,160	8,000	
Inspection Equipment	4,000	4,000	
Printing & Office	1,000	1,000	
Office Equipment & Maintenance	1,000	1,000	
Inspection Vehicle	10,000		
Subtotal	25,160	14,000	
Total	200,000	200,000	93/94 Revenue \$203,000

REVOLVING ACCOUNTS

Sealer of Weights	4,500		93/94 Revenue \$5,500
Hazardous Materials Facilities	11,000		\$13,000
Radon Test Kits	2,500		\$2,900
Food Service Inspections	23,850*		\$24,000
Subtotal	41,850		*includes cigarette bylaw enforcement \$45,400
Grand Total	\$355,000	\$330,157	

CC: BOS

INTER-DEPARTMENTAL COMMUNICATION

NOV 12 1992

November 12, 1992

TO: All Boards, Committees and Departments

FROM: Board of Health

SUBJECT: Proposed Tobacco Bylaw

Attached with this memo please find a copy of a proposed tobacco bylaw that the Board of Health is considering. A public hearing will be held before the Board on November 30, 1992, at 7:30 p.m., in room 204 of the Town Hall. Please review and make any necessary comments for the Board's consideration prior to or at the hearing.

DRAFT

Code: Anything in bold lettering and underlined means it is proposed to be added.

Anything in [] has been proposed to be deleted.

**DRAFT
OCTOBER 19, 1992
VERSION D-5**

Page 1 of 5

SALE & USE OF TOBACCO AND SMOKING PRODUCTS

AUTHORITY:

The Town of Acton acting under M.G.L. Chapter 111, Section 31 and Chapter 40, Section 21, whereas adopts the following bylaw to protect the public health of the community of Acton, MA.

FINDINGS AND PURPOSE:

There exists substantial evidence that tobacco smoke causes cancer, heart disease and various lung disorders. Evidence also indicates that the harmful effects of tobacco smoke are not confined to smokers, but also cause discomfort and in some cases grave illness to non-smokers. Therefore on the recommendation of the Board of Health, the Town of Acton acts in order to prevent or minimize the potentially harmful effects of tobacco smoke in the general public and in the interest of and for the preservation of the public health.

DEFINITIONS:

Free Standing Display: A display, collection, or arrangement of tobacco products in a location accessible and open to the general public or customers, from which tobacco products are selected for sale, use or distribution.

Minor: A person less than eighteen (18) years of age.

Nonsmoking Area: Any contiguous segregated area that is permanently designated and posted by the proprietor or person in charge as a place where smoking is prohibited.

Photographic Identification: A Massachusetts Drivers License, Alcoholic Beverage Control Commission Liquor license, Passport, or other official photographic identification documents issued by an instrumentality of Federal, State or local Government.

DRAFT

Page 2 of 5

Public Area: An enclosed, indoor area when open to and used by the general public, including but not limited to the following facilities: auditoriums, licensed child care locations, schools, public libraries, municipal buildings, museums, theaters, retail stores, retail food establishments, indoor sports arenas, public transit facilities, enclosed shopping malls, hotel and motel lobbies, stairwells, hallways, entrance ways, public rest rooms, elevators accessible to the public, common areas in privately owned buildings, and any clubs, rooms or halls when used for public meetings.

Restaurant: A food establishment as defined by Article X of Massachusetts State Sanitary Code.

Smoking: The lighting of any cigar, cigarette, pipe or other tobacco product, or having the possession of any burning cigar, cigarette, pipe or other tobacco product.

Tobacco: Cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or tobacco in any of its forms.

Tobacco Give Away: The sale or distribution of any quantity of any tobacco product at no cost to the recipient, including giving any tobacco product solely in exchange for a coupon or as a promotional gift.

Tobacco Vending Machine: A device which dispenses tobacco products by self service or by remote control.

PERMITS:

A. No person, firm, corporation, establishment, or any agency shall sell tobacco within the Town of Acton without obtaining a Tobacco Sales Permit issued by the Acton Board of Health or its designee.

B. Any person, firm, corporation, establishment or agency currently selling tobacco within the Town of Acton shall file an application for a tobacco sales permit within sixty (60) days of the effective date of this bylaw, or shall cease tobacco sales within 120 days of the effective date of this bylaw.

C. The fee for an initial Tobacco Sales Permit shall be twenty-five (25) dollars. All such permits shall be renewed annually by January first at an annual renewal fee as established by the Board of Health.

D. Tobacco Sales Permits must be posted to the public in a conspicuous location.

E. The permit provisions of this bylaw are not applicable to tobacco vending machines licensed by the Commonwealth of Massachusetts.

DRAFT

PROHIBITED ACTS:

A. No person, firm corporation, establishment, or agency shall sell tobacco products to a minor or permit the purchase of tobacco products by a minor from a vending machine.

B. No person, firm, corporation, establishment, or agency shall sell tobacco products to any person who is not obviously at least eighteen (18) years of age or is not already known to be at least eighteen (18) years of age unless photographic identification establishing their age has been presented as proof prior to any sale. Notes from parents or legal guardian are not acceptable for the sale of tobacco products to a minor.

C. No person, firm, corporation, establishment, or agency shall engage in tobacco give-aways or distribute tobacco or tobacco related products free of charge by any method of distribution within the Town of Acton, except in conjunction with and as a part of the sale of an equal or greater quantity of the identical tobacco product.

D. No person, firm, corporation, establishment, or agency shall construct or maintain free standing displays of tobacco products, unless the free standing display is located within X feet and in plain view of the regular location of a person designated to supervise the free standing display.

TOBACCO VENDING MACHINES:

Six (6) months after the effective date of this bylaw, no person, firm, corporation, establishment, or agency, shall install or maintain a vending machine to distribute or sell tobacco products in the Town of Acton unless;

A. The vending machine is located in an area minors are currently excluded by law; or,

B. The vending machine is equipped with an operational lock-out device approved by the Board of Health. Said device shall lock-out sales from the vending machine unless an employee manually releases the locking mechanism for a single sale. The release mechanism must not allow continuous operation of the vending machine and must not be accessible to customers. Vending machines shall be posted with a sign stating that the machine is equipped with a lock-out device and identify the person(s) to contact to purchase products from the machine.

C. The vending machine is located within X feet and in plain view of the regular location of a person designated to supervise the purchase of tobacco from the vending machine.

DRAFT

POSTING:

- A. In conformance with M.G.L. C. 230 sect 37, the posting and notice requirements of M.G.L. C. 270 sect 7 and Massachusetts Department of Public Health rules and regulations shall be applicable at all locations where tobacco products are sold or distributed.
- B. Tobacco sales permits must be posted to the public in a conspicuous location.
- C. Each person, firm, corporation, establishment or agency having control of premises upon which smoking is prohibited by this bylaw shall conspicuously display upon the premises an appropriate number of signs stating that smoking is prohibited.

SMOKING IN PUBLIC AREAS:

- A. Prohibition - Smoking of tobacco is prohibited in any public area.
- B. Restaurants - No less than 75% of the total seating capacity of the establishment shall be nonsmoking area. This section replaces the Town of Acton Clean Indoor Air Bylaw.
- [C. X years from the effective date of this bylaw, smoking in restaurants shall be prohibited.]

VIOLATIONS AND PENALTIES:

- A. Violations to this bylaw may be enforced by the constable, Police Chief, Police Officer, Sanitarian or Health Officer of the Board of Health or other agent allowed by law.
- B. Persons, firms, corporations, establishments or agencies selling tobacco products without a Tobacco Sales Permit will be subject to fines of two hundred (200) dollars per day for each day sales are made without being in compliance with this bylaw.
- C. All other violations of this bylaw are subject to a fine of fifty (50) dollars per violation.

DE...

D. Documented occurrences of prohibited acts under this bylaw by a permitted establishment two (2) times within twelve (12) months shall be cause for revocation of the Tobacco Sales Permit. Permits shall not be revoked without notice of violations and a hearing for revocation of permit. A public hearing will be held by the Board of Health within thirty (30) days after notice to the permittee. Revoked permits shall not be reinstated for twelve (12) months following the date of revocation, unless the Board of Health finds that the revocation causes a manifest injustice. Upon revocation of said permit the establishment shall remove all tobacco products from the sales area or any area accessible to the public.

E. Compliance monitoring of this bylaw and its requirements may be enforced through periodic inspections of each Tobacco Sales Permit holder. Inspections may include the attempted purchase of tobacco products by minors under the supervision of an agent of the enforcing authority (e.g. Board of Health), such an inspection shall not be construed as "entrapment".

EMPLOYEE TRAINING:

A. It shall be the obligation of the Tobacco Sales Permit holder to ensure that all employees engaged in the sale of tobacco are aware of the provisions of this bylaw.

VARIANCES:

A. The Board of Health may allow a variance of any provision of this bylaw with respect to any particular case or circumstance when in the opinion of the Board the enforcement thereof would cause a manifest injustice; provided however; the decision of the Board may be appealed in a court of competent jurisdiction. Any variance granted shall be in writing with a copy available to the public at all reasonable hours in the office of the Town Clerk and in the office of the Health Department.

SEVERABILITY:

A. Each provision of this bylaw is construed as separate to the extent that if any section, item, sentence, clause, or phrase is determined to be invalid for any reason, the remainder of this bylaw shall continue in full force and effect.

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

November 12, 1992

Mr. Robert Halpin, Chairman
Advisory Committee
North East Solid Waste Committee
109/123 Main Street
North Andover, MA 01845

Dear Mr. Halpin: *Bob*

From time to time Acton's representative to the NESWC Advisory Board, John Murray, is unable to attend scheduled meetings. The Board of Selectmen of Acton feel that a presence and representation in all NESWC activities is extremely important to the Town. In recognition of this concern, the Selectmen have designated the Town Manager, Don Johnson, as the Town's Alternate representative.

By copy of this letter to Mr. Robert W. Moroney, Chairman of the Executive Committee, I am also advising the Executive Committee of this designation.

If you have any questions, please feel free to call me at (508) 264-9612.

Very truly yours,



Don P. Johnson
Town Manager

cc: Board of Selectmen ✓
John Murray

DPJ:460

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Nov. 10, 1992

TO: Wanda Null
FROM: Don P. Johnson, Town Manager
SUBJECT: Budget Process

On several occasions you have asked, on behalf of the Library Trustees, for a meeting with the Board of Selectmen to discuss the Library's FY94 budget needs. Each time that you have asked I have indicated that your request was premature.

The Coordinating Committee has been wrestling with the guidelines for the FY94 budget cycle for the last several months. As of this date there is still no agreement on those guidelines. Until such time as the guidelines are agreed and some budget parameters have been set, I continue to hold the opinion that a meeting between the Trustees and Selectmen will be premature.

You have been doing a fine job of keeping me posted and aware of the Library's needs ... as has every other department head. I would also trust that Ann Chang has been reporting the activities of the Coordinating Committee to the Trustees on a regular basis. She probably has as good a handle on the give-and-take of the budget development as anyone at this point.

cc: Board of Selectmen ✓





NOV - 9 1992

The Commonwealth of Massachusetts

Office of the Secretary of State
Michael Joseph Connolly, Secretary

November 4, 1992

Acton Board of Selectmen
Town Hall
Acton, MA 01720

Dear Board Members:

The 1992 election cycle has been the most extraordinary in recent history. Thanks to the professional efforts of town clerks such as Cornelia Huber, the election was a virtually flawless effort.

The presidential election year cycle is always a difficult one. In addition to President and other federal offices, all state legislative seats and county offices are on the ballot. Besides the four regularly-scheduled election days, there was an unprecedented number of special local and state elections creating real challenges for clerks in those municipalities which had to conduct a fifth or sixth election day. Further adding to the burden on clerks this year, there was a formal third party participating in primaries for the first time since 1976. The name chosen by the new party, the Independent Voters Party, created mass confusion for the more than one million voters who have always referred to their voting status as "independent." Again, it was the municipal clerks who were left to resolve the resulting chaos and confusion. In addition, this year the certification process was complicated by new laws allowing voters to sign for any number of candidates running for the same seat, and a need to allow congressional candidates to obtain signatures from outside the district from which they were seeking election.

In my fourteen years in office, I have never seen an election cycle which challenged town clerks and state election officers as they were challenged this year. Given their remarkable performance, I felt compelled to make this public commendation.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Connolly".
MICHAEL JOSEPH CONNOLLY
Secretary of State

cc: Finance Committee

One Ashburton Place, Boston, Massachusetts 02108



NOV - 9 1992

MASSACHUSETTS
BOARD OF APPEALS

DATE: November 5, 1992

TO: Board of Selectmen
FROM: Board of Appeals
SUBJECT: Hearing and Notice Schedule for 1993

Application Closing Dates: (1)		Notice of Hearings:		Hearing Dates:	Meeting Room:
<u>Flood Plain</u>	<u>Others</u>	<u>First</u>	<u>Second</u>		
11/25/92	12/17/92	12/24/92	12/31/92	01/11/93	121
12/28/92	01/15/93	02/04/93	02/11/93	02/22/93	46
02/01/93	02/22/93	03/11/93	03/18/93	03/29/93	126
03/08/93	03/29/93	04/15/93	04/22/93	05/03/93	126
04/12/93	05/03/93	05/20/93	05/27/93	06/07/93	126
05/11/93	06/01/93	06/17/93	06/24/93	07/06/93(2)	126
06/07/93	06/28/93	07/15/93	07/22/93	08/02/93	126
07/12/93	08/02/93	08/19/93	08/26/93	09/07/93(2)	126
08/09/93	08/30/93	09/16/93	09/23/93	10/04/93	126
09/03/93	09/27/93	10/14/93	10/21/93	11/01/93	126
10/08/93	11/01/93	11/18/93	11/25/93	12/06/93	126
11/12/93	12/06/93	12/23/93	12/30/93	01/10/94	126

*The Board of Appeals does not meet during the month of April due to Town Meeting, however, the Board will meet later in the month of March to hear petitions.

- (1) Previous day if holiday.
- (2) Following Tuesday due to holiday.

(926)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

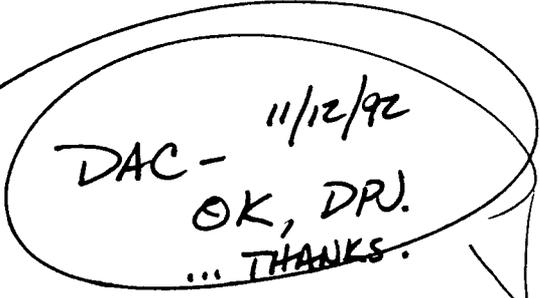
November 10, 1992

TO: Don P. Johnson, Town Manager
FROM: Dean A. Charter, Municipal Properties Director 
SUBJECT: Donation of greens

As we discussed earlier today, I propose to donate two truckloads of evergreen boughs to the Town, to be used by the Garden Club in their outdoor seasonal displays, and by the Friends of the Arboretum to cover the herb garden at the Arboretum.

If this arrangement meets with your approval, I will take the trees down this weekend, and will have a Town truck haul the material to the Town Hall and Arboretum on Monday, November 16.

DAC/180



DAC - 11/12/92
OK, DRJ.
... THANKS.

11/13



cc: BOS

FYI

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

NOV 12 1992

November 5, 1992

TO: Acton Planning Board
FROM: Conservation Commission
SUBJECT: Proposed Cul-de-sac for Bowen Land

It is our understanding that the proposed division of Marguerite Bowen's land includes a cul-de-sac off Strawberry Hill Road, to the west of the late Ms. Bowen's house. There is a parcel of land, located at the top of the hill and running back to the Spring Hill Conservation Area, that we think would make a wonderful addition to Acton's Conservation lands. As this parcel is not developable (poor perc rates) and includes wetlands, we believe it would be attractive for the owner/developer to donate the land to the Town, solely for passive recreation use, under the direction of the Conservation Commission.

Currently, our only direct access to the 185 acre Spring Hill site is via Spring Hill Road, this is a very limited access at best. The acquisition of the Bowen parcel would serve the dual purpose of providing us with superior access to Spring Hill, and protecting this diverse uplands/wetlands ecosystem.

We encourage you to work further with Tom Tidman on the possibility of acquiring this land, and would appreciate being kept informed on the project's status.

CC: TOM TIDMAN -
PLEASE SEE ME.

dm

11/13

MB:ahm
631

CC: BOS

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: November 6, 1992

TO: Bill Ryan, Acting Superintendent of Schools

FROM: Don P. Johnson, Town Manager

SUBJECT: FY94/95 Budget Guidelines Agreement

With developments in the Coordinating Committee over the last week or so I feel it is very important to restate my understanding of the agreement that you and I reached regarding the FY94 Guidelines. I am not at all confident at this time that the Committee will accept our recommendations; however, if they do, we must be perfectly clear as to their meaning and emphasize the key points that make our compromise acceptable.

Taken point-by-point, the agreement is as follows:

1. Integrated Financial System

We both have agreed as to the importance of maintaining the integrity of our financial system. The proposed system would integrate all aspects of the Town's work so that the Assessing, Collection and Accounting functions are a logical product of the construction and development processes. This system will allow us to maintain the extraordinarily high level of tax collection efficiency that we have managed to achieve for the past couple of years through brute strength. We can no longer sustain that level of effort, not to mention the fact that the Town will be

losing our three key financial people next year. It is absolutely imperative that our entire financial system be converted while we still have access to the people who have been doing this work. Much of the current system is in their heads.

We have estimated the cost of such a program to be approximately \$750,000. A breakdown of the anticipated costs of this program was provided to the Coordinating Committee on October 5 (copy attached). (In accordance with a subsequent element of this agreement, we have temporarily withdrawn the Town's "Growth" category. The costs of the Collector and two Accounting Clerks were originally included under "Town Growth". All are significant elements of the new program that was originally estimated at \$650,000 so they have been added to the base cost ... bringing the full program estimate up to \$750,000.) Since that time we have determined that some of the costs might be financed over 5 years. The numbers were subsequently adjusted to reflect such a distribution. The Coordinating Plan now contains a proposed expenditure of \$450,000 in the first year with the balance being paid over the following 4 years.

You will note that \$425,000 is estimated for hardware and software costs. These are the monies we expect to be able to finance over time. They would not become part of our base. Personnel costs are estimated at \$160,000 and would necessarily become part of the Town's base. A one-time cost of conversion has been estimated at \$75,000. As stated, this would be a one-time cost and would not become part of the Town's base.

2. Local Schools - Additional 5 Sections

After discussion, I agreed that your need in this area was compelling. In recognition of the immediacy of your problem and the need to reduce proposed overall expenditures for the FY94 Coordinating Plan, I agreed to temporarily delay the Town's proposals for both Growth and Infrastructure from Fy94 to FY95. I stressed at the time of our meeting, and I do so again, that the Town must have a full commitment from the Coordinating Committee, the School Committees, the Finance Committee and the Superintendent that if the Town backs off and allows your growth issue to be addressed outside of the budget this year, all agencies will support the Town's programs, in the same fashion, next year. This is the most critical element of the entire agreement between you and me. I am particularly concerned that when you presented the agreement to the Coordinating Committee, this was the single element that you failed to mention. Make no mistake, if this is not understood and agreed by all parties, you and I have no agreement.

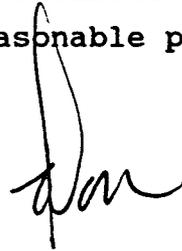
As I review the numbers proposed for these 5 sections I observe that we have been estimating the current cost of a new teacher (including benefits package) to be approximately \$32,300. At \$60,000 per section we are left with a \$27,700 start-up cost for each classroom. I have no idea what the costs are and do not question that amount here, what I do wonder is why these costs were not covered by the Per Pupil Grant instead of asking our taxpayers to foot the bill? (This question is underscored by your Per Pupil Grant requests for \$38,020 to purchase "necessary classroom furniture for Merriam" and an additional \$13,100 for equipment at

Merriam.) I further observe that these are apparently one-time costs so the School's base should not increase by the full \$60,000 per section in FY95.

3. After working through the individual elements of this year's Staff Recommendation, you and I again reviewed the magnitude of the total program. At that point we both agreed that the Deferral pay back should be pushed to the maximum period allowable. For obvious reasons, I told you that I would leave it to you to make the presentation of that revelation.

In all seriousness, we expect to place the pay back of the Deferral option in a General Override. From that standpoint, the most appropriate action for our taxpayers is to use the lowest possible pay back amount. That way we do not inflate the base Override, pay off Deferral in a short time and then have a windfall of over \$300,000 for expenditures after year 4.

4. Finally, we agreed to look closely at our projections for Health Insurance increases, Debt (especially A.B.R.S.D. Construction Aid) and Salaries. In the case of Salaries, we agreed that a reasonable proposal would be 3% on the base.

A handwritten signature in black ink, appearing to be 'dan', is written over the end of the fourth list item.

cc: Coordinating Committee
Board of Selectmen



William F. Weld
Governor
Daniel S. Greenbaum
Commissioner

Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

CC: J. MURRAY & D. HOWE - PLEASE REVIEW
AND THEN DISCUSS W/ME. I HAVE
ADDITIONAL INFORMATION.

CC: BOS -

NOV - 2 1992

October 29, 1992

RE: DEP Yard Waste Processing Equipment Grant Application

Dear Municipal Official:

Thank you for responding to the Department of Environmental Protection's (DEP) 1992 Yard Waste Processing Equipment Grant Survey. Based on the needs identified in the survey responses and research on available grinders, DEP has finalized its specifications for the processing grant equipment. Specified is a grinder with an operating capacity of over 200 cubic yards (approximately 50 tons) per hour of mixed yard waste or brush and will be able to process clean wood waste up to 18 inches in diameter. The attached equipment description summarizes its features and projected operating and maintenance cost.

I invite you to apply for one of the five grinders that DEP will grant to groups of communities that best demonstrate the need for this equipment and who provide a plan to fully utilize and maintain it. As was described in the grant survey package, applicants are asked to submit a regional agreement that provides a comprehensive plan on the coordination, operation, maintenance, transportation and storage of the equipment. In addition, the cost sharing and dedication of resources must be described and allocated to fund these activities. Applications must be signed by all participating communities and full execution of a intermunicipal agreement is a precondition of the equipment grant award.

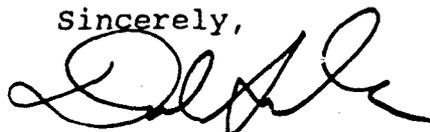
DEP has received strong statewide interest in the grant equipment from a total of 181 communities represented by 27 groups across the Commonwealth. Unfortunately, many of these proposed groups are too small to fully utilize the equipment. If your community is a part of a group which collectively generates much less than 200,000 cubic yards or 50,000 tons a year of material to be processed, then I urge you to expand your group or merge with another set of communities interested in receiving this equipment. I've attached a list of survey respondents to assist in that process. In addition, communities are encouraged to compare the projected costs and benefits between participating in this grant program to that of contracting out directly for yard waste processing services.

DEP Yard Waste Processing Grant Application Letter

The attached grant application describes the information that must be provided in order to be considered for a DEP yard waste processing grant and the attached grant evaluation criteria discusses the criteria the DEP will use to award the equipment grants. In addition, all participating communities need to complete the 1992 Recycling Equipment Grant Applications that were sent out in June in order for the regional yard waste application to be complete. These final grant applications are due on January 4, 1993. Grant applications will be evaluated and grantees selected as soon as possible. Awards will be announced in February and equipment delivered in the Spring of 1993. Depending on future demand, available funding, and the success of this years grant program, DEP may offer similar grants in the future.

If you have any questions regarding this application or program after reading the enclosures, please call Jack Macy, Composting Program Director at the Division of Solid Waste Management at (617) 292-5628.

Sincerely,



Daniel S. Greenbaum

cc: Susan Tierney, Secretary of EOE

enclosures

DEP Yard Waste Processing Equipment Grant Program

Equipment Description, Requirements and Costs

The Department of Environmental Protection (DEP) has researched the major types and models of yard waste shredders and grinders currently available, and has determined that a horizontal feed processor with a conveyor floor is the most appropriate equipment for the Yard Waste Processing Equipment Grant Program. Based on equipment demonstration and owner's operating experiences, this type of machinery was found to be able to shred brush and other yard waste at the lowest operating and maintenance costs among the equipment researched.

Equipment Description

Horizontal feed processors with conveyor floors evolved from flail mower technology. This equipment, originally developed in Germany is now manufactured in the U.S. They were designed to size-reduce brush and other yard waste for composting or mulch. A front end loader or grapple, feeds material into a rectangular hopper approximately 13' long x 6' wide and open at one end. Loading height of the hopper is approximately 6', which facilitates monitoring of material going into machine and removal of contaminants before damage to the hammers occurs. The hammermill, as with tub grinders, consists of a rotor to which swinging hammers are attached. The rotor spans the width of the hopper and is located at the open end. The floor of the hopper is a conveyor, which leads to a feed roller, then to the hammermill, where the material is shredded and ejected out the back of the machine into a pile. The material is force fed rather than gravity fed through the hammermill, which is a major difference between these grinders and tub grinders. The machine can be advanced as the material piles up, thus forming a windrow. Transportation of these machines requires a two ton truck (with a pintle hitch). No special transportation permit is required.

One of the reasons these shredders have lower maintenance costs than tub grinders is that they do not use sizing screens through which the end product must pass. By eliminating the use of screens, hammer wear is reduced, requiring less frequent refacing or replacement. However, the end product cannot be uniformly sized. Processed wood and brush, will consist of shreds ranging in size from splinters to strips 1/2" wide x 6" long. The variation in end product size makes it an excellent bulking agent for composting grass clippings or other green waste because the shreds form structural air spaces within the windrow, which reduces the potential for odor formation. Alternatively, if the shredded wood waste is kept separate, allowed to partially decompose and then reprocessed, the final product is a mulch with fairly consistent particle size.

The following characteristics describe the horizontal feed processor that the DEP has developed specifications for, which is

DEP Yard Waste Processing Equipment Description

the type DEP has determined to be most cost effective and best able to withstand use by groups of municipalities.

The yard waste processor's overall dimensions are 8' wide, 26' long and 10'6" high. It weighs approximately 20,000 lbs and is transported as a tandem axle with air brakes.

Processing Capability and Operational Features

The shredder has been demonstrated to process a wide range of material, from dense, wet material such as grass clippings and partially composted leaves to brush and wood waste up to 18" in diameter without clogging or bridging. To maximize the life of the machine and minimize maintenance costs, it is advisable not to process 18" material on a regular basis. 12" diameter wood is a more practical upper limit for the machine.

It is a good machine for composting operations because of the varied particle size it produces and its ability to thoroughly blend different types of material (i.e., grass with shredded brush and/or leaves). Several owners of large scale mixed yard waste composting facilities in the midwest use this machine to shred and mix brush, grass, and leaves in approximately equal parts. After about 45 days they run the partially composted material through the machine again to obtain a decorative mulch product. This material will continue to break down and finished compost is produced in approximately 8 months. To obtain a market quality compost, the end product must be screened. For most DPW and residential uses it does not need screening.

For the purpose of this grant program, in order to maximize the use of the machinery for material which requires shredding in order to be reused as mulch or compost, the DEP is requiring that the equipment granted be used primarily to shred brush and other clean wood waste (up to 12" diameter). This will also extend the hammer life, as grass clippings and leaves are more abrasive to the hammers than brush and wood. The shredded brush may be used as a bulking agent for composting grass clippings or as a mulch. Exceptions may be made for operations that take in large quantities of leaves in paper bags and have no other means of breaking up the bags, and for operations that take in large quantities of grass clippings and wish to process the clippings with brush to obtain a structurally aerated windrow.

The machine has been demonstrated to process mixed wet leaves and grass at about 200 cu.yds/hr and brush at about 300 cu.yds/hr., when loaded properly. A major limiting factor in the machine's throughput capacity is how efficiently it can be fed by the loader operator. This depends partly on the operator's

DEP Yard Waste Processing Equipment Description

familiarity with the machine and how the site is set up. If the feedstock is close to the processor, the hourly throughput will obviously be higher than if the loader operator has to make long trips between loads. The larger the bucket used to feed the material the faster the machine can be loaded. Another factor which will affect throughput is the contamination level of the feedstock. The use of a grapple loader facilitates feeding less contaminated loads of material. Well monitored collection systems will reduce time required for contaminant removal during processing and potential down time caused by nonprocessable materials, such as rocks and metal, being accidentally fed through the machine.

The shredded material is ejected out the back of the machine forming a windrow approximately 6' high and 10-12' wide. Since this windrow height may not be adequate for New England winters, the machine can be used to build two adjacent windrows which can then be pushed together. Used this way, the shredder must be advanced periodically as the ejected material builds up (a pin welded to the bucket of the front end loader can be used to pull the machine forward with little time loss). Alternatively, shredded material may be removed with the front end loader as it accumulates.

Operator and Maintenance Requirements

Each machine must have a dedicated trained operator, who will travel with the machine, oversee its operation, perform routine maintenance as recommended by the manufacturer, and be responsible for keeping it in good working order. This position may be contracted for or filled by a municipal employee, as determined by the regional municipal group. Also required are trained back-up operator(s) available in the event that the primary operator becomes unable to perform the job. In addition, there should be a loader operator at each site familiar with the yard waste processor who will assist the yard waste processor operator (it is not recommended that one person work alone with this type of equipment for safety reasons). There should be access to a well-equipped maintenance shop for the operator to use for maintaining the machine. The equipment should be protected from the elements when not in use, preferably by indoor storage.

Routine maintenance consists of daily and weekly lubrication, cleaning, inspection, air filter replacement and engine service. The specified engine size is 245 hp, with automatic emergency shutdown for high temperature and low oil pressure. It is designed to be easily accessible for maintenance and servicing. The machine is driven by two power belts engaged by a hydraulic clutch. The fuel tank capacity is 85 gallons and

DEP Yard Waste Processing Equipment Description

the hydraulic oil tank capacity is 30 gallons. A remote control unit for the feed system is available.

The manufacturer will provide two days of training on the operation and maintenance of the machines. All operators and alternates will be required to attend the training. Additionally, any back-up personnel, loader operators or assistants to the operators should also attend the training, as well as municipal representatives responsible for overseeing the use and maintenance of the equipment.

Operating and Maintenance Costs

If properly operated, verified maintenance and fuel costs for the machine are approximately \$31/hr of operation. Estimated insurance and operator wages (see below) may bring the total cost to about \$52/hr of operation. This translates to a cost of approximately \$0.26/cubic yard (cy) of processed material when the machine is operated at a rate of 200 cy/hr. Estimated costs break down as follows:

Hammers (48 hammers x \$25 divided by 80 hrs useful life)	\$15.00/hr
Other maintenance (daily and periodic lubrication, cleaning, inspection, air filter and oil changing)	7.00/hr
Fuel (8 gallons/hr x \$1.05/gallon)	8.40/hr
Insurance (estimated rate of \$1.25 per \$100 per year or 1,000 hrs)	2.08/hr
Operator (est. wage plus benefits)	20.00/hr
Total	52.48/hr

The actual annual costs of operating and maintaining the machine will depend on how many hours it is utilized and at what throughput rate. To minimize the cost per cubic yard, efficient management and operation of the machine should be a priority. Some owners of these machines are further able to reduce maintenance costs by rebuilding the hammers themselves rather than replacing them. The hammers are forged of chrome molybdenum, a high-wear alloy. It takes one person 1 1/2 - 2 hours to change the hammers.

The machine has been unanimously described by owners as being well designed for processing brush and yard waste for compost and mulch production. Its design reduces the need for the frequent repair required by many grinding machines. However, it should be a top priority of users of the machine to keep

DEP Yard Waste Processing Equipment Description

contaminants, such as rocks and metal, out of the machine. This will minimize the need for costly repairs. Additional maintenance and repair costs may be required due to unforeseen circumstances and should be provided for in a contingency plan.

Warranty

As part of its equipment purchase, DEP is requesting a one year warranty on all major machine components, exclusive of hammers, and a two year warranty on the engine. A one year extension of the warranties shall be available at an additional cost to the grantees. Local servicing shall be available and replacement parts shall be available within 24 working hours of customer's request.

Reporting Requirements

The DEP intends to track the equipment use, maintenance, quantities processed, costs, and final use of the end product to ensure that the equipment is being utilized effectively and to evaluate the grant program. This will require submittal of semi-annual reports from the grantees (one report per group) on a form which will be supplied by the DEP. The form will request information on where the machine was used during that period, how many hours of operation and maintenance it received, costs incurred, how much material was processed, and how the end product was or will be used. Also, the DEP will periodically inspect the machine and operations. If DEP determines that the machine is not being properly used in accordance with the equipment grant agreement, DEP may take back the machine and award it to another group.

1992 YARD WASTE PROCESSING EQUIPMENT GRANT APPLICATION

Commonwealth of Massachusetts
Department of Environmental Protection
Division of Solid Waste Management

This Grant Application must be used to apply for a grant for yard waste processing equipment. All questions should be answered as accurately and completely as possible¹. Provide documentation where requested or when needed to complete an answer. The information will require more space than provided on this application form, submit information on an additional sheets where necessary. The applicant must submit the original and a copy of all forms and supporting documentation by January 4, 1993.

1. Applicant Contact

A. Applicant or host community: _____
(municipality, county, solid waste district or regional group)

B. Applicant Contact:

Name: _____

Title: _____

Mailing Address: _____
street

_____ city/town Zip

Telephone: _____
(area code) - number

2. Region To be Served

A. Communities Served: Attach a list of the participating communities that would share in the use of the regional processing equipment. Provide the name of each city or town with a contact name, title, mailing address and telephone number. Provide the 1990 population for each municipality.

B. Total number of municipalities to be served: _____

C. Total population of municipalities to be served: _____

¹ See the attached "Grant Evaluation Criteria" to this grant application for guidance in providing the information requested below.

3. Material To Be Processed

- A. For each participating municipality, provide the projected types and amounts of materials that would be collected and processed by the grinder, as specified below:
- 1) Specify the types of material, such as brush/prunings, other clean wood waste, grass and/or leaves;
 - 2) Provide approximate number of tons or cubic yards for each type of material to be processed on a yearly basis and the method used to determine quantity²;
 - 3) Indicate the sources of material, such as only residential, or residential and commercial, and if commercial is included, what percentage;
 - 4) For each type of material, specify how and when this material will be collected. Include the methods of collection, such as drop-off, curbside collection or other methods; the frequency of collection, and whether material will be transported to regional sites; and
 - 5) Indicate if any of the material is expected to be processed more than once by the grinder, if so how often.
- B. Summarize the total quantity of each type of material that would be processed by the grinder:

Type of Material	Yearly Amount Processed (tons or cubic yards)
_____	_____
_____	_____
_____	_____
_____	_____

- C. Overall total annual quantity of material to be processed by the grinder in the region: _____
(indicate tons or cubic yards)

² A discussion on the approaches that may be used in determining material quantities is in the attached "Grant Evaluation Criteria" under the quantity and type of material to be processed.

DEP Yard Waste Processing Equipment Grant Application

4. Processing Sites To Be Used

A. For each site that will be used for processing materials by the grinder, provide the following information:

- 1) Site address and name of owner;
- 2) Locus map which clearly shows the location and access roads to the site and the distance from the proposed material storage and processing areas to the nearest residents and occupied dwellings, water bodies, wetlands and any private or public wells within 1/2 mile;
- 3) Site plan (1" = 100-200') which shows the site boundaries, dimensions and space allocated for the storage of materials both before and after processing and for the grinding, and any areas for composting;
- 4) Quantity and type of materials to be processed;
- 5) Material flow and handling, including the maximum time unprocessed materials will be on-site, the mixing of different materials and the total quantity of material that will be on-site at any one time;
- 6) End products to be produced at the site, such as compost or mulch, and projected end-use or users; and
- 7) If the site is to be used for composting, is the site already registered with DEP?, if not, a DEP composting registration form must be submitted in order for the application to be complete.

5. Regional Plan

In a narrative format provide a regional plan that includes the following information:

A. Coordination Plan:

1. Regional organizational structure, including specifying the following: the coordinating entity, such as a host community or solid waste district; the responsible coordinating official; and contractual arrangements on how decisions will be made regarding equipment transportation, use and maintenance.
2. Proposed equipment use schedule among all participating communities on a yearly basis, including the length of time at each site and the criteria used to determine how much time and when the equipment will be used at each site.
3. A private operator may be contracted to transport, operate and/or maintain the equipment, any contractual arrangement should be described.

DEP Yard Waste Processing Equipment Grant Application

4. The vehicle(s) and driver(s) who will transport the equipment to every processing site. The location(s) and facilities used to store the equipment when not in use to protect it from the elements.
5. Person responsible for tracking the transportation and use of equipment.
6. Mechanism to allow additional communities to be serviced by the equipment provided excess capacity is available. Mechanism by which communities may be able to leave or join into the regional sharing arrangement.

B. Operation and Maintenance Plan:

1. Contacted or municipal personnel who will be trained and dedicated to travel with, operate, and maintain the equipment and trained back-up personnel who will step in if necessary. Maintenance includes replacing hammers and performing periodic repairs.
2. Person responsible for coordinating and overseeing the work of dedicated equipment operators to insure proper operation and maintenance of the equipment.
3. Person(s) responsible for providing a bucket or grapple loader and a trained designated operator to load the processing equipment at each site.
4. Person responsible for monitoring incoming material to be processed. What measures will be taken to maintain quality control of the material.
5. The facilities to be used for servicing the equipment.

C. Financing Plan:

1. Financial mechanism, commitment or source of funding, such as by dedicated account or enterprise fund, by which participating communities support the cost of equipment transportation, operation, maintenance and repair. Will this require yearly allocation or will a commitment over a longer period of time be made? State any formulas to be used in assessing costs.
2. Person responsible for tracking costs and allocating costs to participating communities.
3. Equipment insurance coverage.

6. Intermunicipal Agreement, Signatures and Certification

Chief Elected Officials from all participating communities must sign the following:

I am familiar with the information submitted in this application and attachments and that, based on my knowledge and/or on my inquiry of those responsible for obtaining the information, I believe that the information contained in this application form is true, correct and complete. I have reviewed the attached Intermunicipal Agreement and, if granted equipment requested through this application, I will execute it on behalf of my community.

APPLICANT: (by Chief Elected Official of host community and all participating communities)

(name)

(title)

(address) street city/town zip

(signature and date)

DEP Yard Waste Processing Equipment Grant Program

Grant Evaluation Criteria

The Department of Environmental Protection (DEP) will utilize the following criteria in evaluating yard waste processing equipment grant applications. Grantees must be able to adequately satisfy the criteria below in order to be eligible for a grant award. The descriptions below provide a guidelines for what the DEP is looking for in the grant applications.

1. Quantity and Type of Material to be Processed:

The Department will give preference to the proposals that demonstrate the greatest need for the processing equipment. In addition to total quantity of material to be processed, the priority material for processing is brush/prunings, and clean tree wood waste and more weight will be given to proposals that have the larger portion of that material. The intended use of the equipment is to process municipal and residential material, quantities should not include a significant portion of material from commercial sources. Preference will be given to those who provide documentation on actual quantities collected and rely less on rough percentage estimates.

Communities should use records that indicate the quantities of brush/prunings, clean tree wood waste and other yard waste that they would process with the grinder. If communities have been collecting this material, they may be able to estimate the volume of material and project quantities that will be collected. Quantities collected for processing will depend on the collection methods used and the level of residential home management of yard wastes. If a particular community has reasonably good quantity records, other nearby communities with similar characteristics may use the same rate of generation for their projection.

If none of the above quantity estimation approaches are possible for a given community, then national figures on yard waste composition may be used. National (EPA) studies indicate that leaf and yard waste comprise roughly 18% of municipal yard waste. It may be assumed that brush and prunings comprise approximately 1/3 of this or 6% of the MSW stream, although the actual amounts collected vary significantly depending on collection method and community characteristics.

Provided there is efficient equipment use and sufficient material to process among a group of communities, the equipment could be used for at least 1000 hours of processing time per year. The equipment specified will be able to process 200 cubic yards (or 50 tons) or more an hour of brush or mixed yard waste. Therefore, efficient utilization of the equipment could result in processing 200,000 cubic yards or 50,000 tons per year.

2. Processing Site(s) to be Used:

Preference will be given to those applicants with sites that can best handle the material to be processed. The Department will evaluate the site plan, in order to assess: if adequate area is dedicated for the storage, processing and composting activities; if the surface material is suitable for these activities; if there is sufficient access control and that the buffers to neighbors and water resources are sufficient. The Department's leaf and Yard Waste Composting Guidelines will be used in evaluating the suitability of sites.

Processing sites that will be also be used for composting yard waste, must be registered with DEP. If a proposed composting site is not registered, a registration form must be submitted to DEP in order for this application to be considered complete and grant eligible. Registrations need not be approved prior to the grant application deadline.

3. Coordination Plan:

Preference will be given to those proposed regional groups that present the most sound organizational plan and structure to coordinate the use of the grinder among all the participating communities in an equitable manner. The plan will be evaluated on how well the equipment transportation, use and costs will be coordinated and tracked. In addition, how decisions will be made and different community processing needs will be met will be considered.

The equipment grant survey that DEP sent out last summer summarized 4 different acceptable potential sharing arrangement options for this grant. These options require an assigned host or coordinating community or regional public entity to oversee the regional program. This entity may along with the participating communities contract with a private firm for the transportation, operation, maintenance and/or major repairs of the processing equipment.

4. Operation and Maintenance Plan:

The Department will evaluate this plan for providing sufficient trained dedicated staff and coordinating supervision to safely and efficiently operate the processor and the loaders that will feed the machine. The plan will also be evaluated on the ability to provide adequate on-going on-site maintenance and machine shop repairs/servicing. In addition, proposed quality control during material collection and processing will be evaluated.

5. Financing and Insurance Plan:

Applicants must demonstrate the financial commitment and resources to pay for all the associated costs in sharing the regional processing equipment, including insurance and transportation costs. Those that provide a stronger or more concrete commitment or dedication of funds will be given preference.

RESPONDENTS TO THE DEP 1992 YARD WASTE PROCESSING EQUIPMENT GRANT SURVEY

COMMUNITIES LISTED
IN SURVEY RESPONSES

POTENTIAL HOST COMM
OR COORD ENTITY

COMMUNITIES LISTED
IN SURVEY RESPONSES

POTENTIAL HOST COMM
OR COORD ENTITY

DEP NORTHEAST REGION

DEP NORTHEAST REGION (CON'T)

ACTON	SUDBURY	
ANDOVER	LAWRENCE	
ARLINGTON	ARLINGTON	
BELLINGHAM	FRAMINGHAM	
BELMONT	ARLINGTON	
BILLERICA	BILLERICA	
BOSTON	BOSTON	
BOXFORD	MARBLEHEAD	
BURLINGTON	MELROSE	
CAMBRIDGE	MELROSE	
CANTON	FRAMINGHAM	
CHELSEA	CHELSEA	
COHASSET	SOUTH SHORE COALITION	
CONCORD	SUDBURY	
DEDHAM	NEEDHAM?	
DOVER	NEEDHAM/WELLESLEY	
DUXBURY	SOUTH SHORE COALITION	
ESSEX	GLOUCESTER	
FRAMINGHAM	FRAMINGHAM	
GLOUCESTER	GLOUCESTER	
GROVELAND	NERRC	
HANOVER	SOUTH SHORE COALITION	
HAVERHILL	HAVERHILL/NERRC	
HINGHAM	SOUTH SHORE COALITION	
HUDSON	SUDBURY	
HULL	SOUTH SHORE COALITION	
IPSWICH	GLOUCESTER/MARBLEHEAD	
LAWRENCE	LAWRENCE	
LEXINGTON	ARLINGTON	
LINCOLN	SUDBURY	
LOWELL	LAWRENCE	
LYNN	MARBLEHEAD	
LYNNFIELD	READING/MELROSE	
MALDEN	MELROSE	
MANCHESTER	GLOUCESTER	
MARBLEHEAD	MARBLEHEAD	
MARSHFIELD	SOUTH SHORE COALITION	
MAYNARD	SUDBURY	
MEDFIELD	FRAMINGHAM	
MEDFORD	ARLINGTON	
MELROSE	MELROSE/READING	
MERRIMAC	NERRC	
METHUEN	LAWRENCE	
NAHANT	MARBLEHEAD	
NATICK	FRAMINGHAM	
NEEDHAM	NEEDHAM/WELLESLEY	
NEWTON	NEEDHAM/WELLESLEY	
NORTH ANDOVER	LAWRENCE	
NORTH READING	READING/MELROSE	
NORWELL	SOUTH SHORE COALITION	

NORWOOD	FRAMINGHAM
READING	READING/MELROSE
REVERE	CHELSEA
ROCKLAND	SOUTH SHORE COALITION
ROCKPORT	GLOUCESTER
SALEM	MARBLEHEAD
SCITUATE	SOUTH SHORE COALITION
SHARON	FRAMINGHAM
SHERBON	FRAMINGHAM
SOMERVILLE	ARLINGTON
STONEHAM	MELROSE/READING
STOW	SUDBURY
SUDBURY	SUDBURY/FRAMINGHAM
SWAMPSCOTT	MARBLEHEAD
TEWKSBURY	BILLERICA
WAKEFIELD	MELROSE/READING
WALPOLE	FRAMINGHAM
WALTHAM	WALTHAM
WATERTOWN	ARLINGTON
WAYLAND	SUDBURY
WELLESLEY	WELLESLEY
WENHAM	GLOUCESTER?
WESTON	NEEDHAM
WEYMOUTH	WEYMOUTH/SOUTH SHORE CO
WILMINGTON	READING/MELROSE
WINCHESTER	ARLINGTON?
WINTHROP	CHELSEA

DEP SOUTHEAST REGION

ATTLEBORO	ATTLEBORO
BREWSTER	BREWSTER?
BROCKTON	BROCKTON
CARVER	CAR/MAR SW DIST
EASTHAM	BREWSTER?
FOXBOROUGH	HOLLISTON?
MARION	CAR/MAR SW DIST
NORTH ATTLEBORO	ATTLEBORO
NORTON	ATTLEBORO
OAK BLUFFS	OAK BLUFFS
PLAINVILLE	ATTLEBORO
PROVINCETOWN	BREWSTER?
ROCKLAND	SOUTH SHORE COALITION
SEEKONK	GRTR NEW BEDFORD SW DIST?
SOMERSET	GRTR NEW BEDFORD SW DIST?
SWANSEA	GRTR NEW BEDFORD SW DIST?
TISBURY	OAK BLUFFS
TRURO	BREWSTER?
WAREHAM	CAR/MAR SW DIST
WELLFLEET	BREWSTER?

RESPONDENTS TO THE DEP 1992 YARD WASTE PROCESSING EQUIPMENT GRANT SURVEY

COMMUNITIES LISTED IN SURVEY RESPONSES	POTENTIAL HOST COMM OR COORD ENTITY	COMMUNITIES LISTED IN SURVEY RESPONSES	POTENTIAL HOST COMM OR COORD ENTITY
DEP CENTRAL REGION		DEP WESTERN REGION (CON'T)	
ASHLAND	HOLLISTON	COLRAIN	FRANKLIN CO/U MASS
AUBURN	WORCESTER	CUMMINGTON	U MASS
BROOKFIELD	W. BROOKFIELD/SCRAM	DEERFIELD	FRANKLIN CO/U MASS
CHARLTON	STURBGE/SCRAM	EAST LONGMEADOW	SPRINGFIELD
EAST BROOKFIELD	W. BROOKFIELD/SCRAM	EASTHAMPTON	SPRINGFIELD?/U MASS
GRAFTON	WORCESTER	ERVING	FRANKLIN CO/U MASS
GROTON	GROTON	GILL	FRANKLIN CO/U MASS
HARDWICK	W. BROOKFIELD/SCRAM	GOSHEN	U MASS
HARVARD	GROTON	GREENFIELD	FRANKLIN CO/U MASS
HOLDEN	WORCESTER	HADLEY	AMHERST
HOLLISTON	HOLLISTON	HAMPDEN	LONGMED/SPRINGFIELD
HOPEDALE	HOLLISTON	HATFIELD	U MASS
HOPKINGTON	HOLLISTON	HAWLEY	FRANKLIN CO/U MASS
HUBBARDSTON	W. BROOKFIELD/SCRAM	HOLLAND	SPRINGFLD?/WOCRESTER?
LEICESTER	WORCESTER	HOLYOKE	SPRINGFIELD
MEDWAY	HOLLISTON/MEDWAY	HUNTINGTON	U MASS
MILLBURY	WORCESTER	LEVERETT	AMHERST
NORTH BROOKFIELD	W. BROOKFIELD/SCRAM	LEYDEN	FRANKLIN CO/U MASS
NORTHBORO	WORCESTER	LONGMEADOW	LONG/SPRINGFIELD
OXFORD	WORCESTER	LUDLOW	SPRINGFIELD
PEPPERELL	GROTON	MIDDLEFIELD	U MASS
SHIRLEY	GROTON	MONTAGUE	FRANKLIN CO/U MASS
SHREWSBURY	WORCESTER	NEW SALEM	FRANKLIN CO/U MASS
SOUTHBORO	WORCESTER	NORTHFIELD	FRANKLIN CO/U MASS
SPENCER	W. BROOKFIELD/SCRAM	ORANGE	FRANKLIN CO/U MASS
STURBRIDGE	STURBGE/SCRAM	PELHAM	AMHERST
TOWNSEND	GROTON	PLAINFIELD	U MASS
TYNGSBORO	GROTON	ROWE	FRANKLIN CO/U MASS
WEST BROOKFIELD	W. BROOKFIELD/SCRAM	SHELburn	FRANKLIN CO/U MASS
WESTBOROUGH	WORCESTER	SHUTESBURY	AMHERST
WORCESTER	WORCESTER/CMRRC	SOUTH HADLEY	AMHERST
		SPRINGFIELD	SPRINGFIELD
		SUNDERLAND	FRANKLIN CO/U MASS
		U. MASS - AMHERST	U. MASS
		WARWICK	FRANKLIN CO/U MASS
		WENDELL	FRANKLIN CO/U MASS
		WEST SPRINGFIELD	SPRINGFIELD
		WESTFIELD	SPRINGFIELD
		WESTHAMPTON	U MASS
		WHATELY	FRANKLIN CO/U MASS
		WILBRAHAM	SPRINGFLD/WILBRAHAM
		WILLIAMSBURG	U MASS
		WORTHINGTON	U MASS
DEP WESTERN REGION			
AGAWAM	SPRINGFIELD		
AMHERST	AMHERST		
ASHFIELD	U MASS		
BELCHERTOWN	AMHERST		
BERNARDSTON	FRANKLIN CO/U MASS		
BRIMFIELD	SPRINGFLD?/WOCRESTER?		
BUCKLAND	FRANKLIN CO/U MASS		
CHARLEMONT	FRANKLIN CO/U MASS		
CHESTERFIELD	U MASS		
CHICOPEE	SPRINGFIELD		

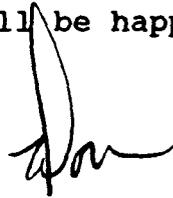
TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Nov. 13, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Mill Corner Master Deed

Several Selectmen have asked about the status of the sewer proposal at Mill Corner. The attached documents speak to your questions.

I plan to make several comments to Roland regarding his questions and the proposed document. If Board members wish to review and comment you are welcome. I will be happy to pass your comments along.



October 26, 1992

Acheson H. Callaghan
Palmer & Dodge
One Beacon Street
Boston, MA 02108

REGARDING: Mill Corner PCRC, South Acton

Dear Mike:

Enclosed please find A proposed condominium master deed for the proposed Mill Corner Planned Conservation Residential Community (PCRC). On pages 12 and 13 it shows text (in bold) to provide for the Town of Acton to install a treatment plant in the future, or to otherwise expand the capacity to service additional users in South Acton.

This reflects in general what the developer has offered to the Town at various Planning Board meetings and at a meeting before the Board of Selectmen. I consider this enclosed language of the master deed, which was submitted with the PCRC Special Permit application, a draft for discussion purposes. Please review it and make improvements as appropriate.

The Town's interests are:

1. That, after the establishment of the Condominium, the Town's ability to exercise its option is not subject to or dependent on the agreement or good will of a third party within or outside the condominium.
2. That the option does not expire.
3. That the Town's option is not limited to any particular method of sewage treatment, to any types or numbers of users, or to any other limiting factor that may prevent the Town to make best use of the available resource or of future more efficient technologies.
4. That the Condominium association (as an entity, or by way of all of the individual members) must join a public sewer district (or other appropriate legal entity) that will be established after the Town exercises its option, and that the condominium, or its individual members, will then be members of the new legal entity without extra responsibilities, rights or privileges - financial or otherwise.
5. That, at such time when the Town exercises its option, the option includes the acquisition by the Town (or by the "sewer district") of the land upon which the leaching field is located, including the site

of the plant and the reserve leaching area. The submitted plan shows these lands (except for the reserve area which must be added) but the draft master deed does not refer to it.

I do not believe that the text as currently drafted in the proposed master deed covers all these interests satisfactorily. However, before I get back to the proponent with requests for changes I would like to have your input in this matter. The proponent is Lunn & Sweeney Corp. (Kevin B. Sweeney) and I believe his attorney is Lou Levine.

The Planning Board has scheduled a public hearing on the PCRC Special Permit application for November 23, 1992. Please get back to me before then. Thank You.

Sincerely,

Roland Bartl
Town Planner

cc: Don P. Johnson, Town Manager

[RHB.SP.P.92*8]

MILL CORNER CONDOMINIUM

MASTER DEED

PHASE I

This Master Deed of the Mill Corner Condominium made this day of _____, 1992.

WITNESSETH that _____, a corporation duly established under the laws of Massachusetts, having its usual place of business in _____, Middlesex County, Massachusetts, (hereinafter referred to as the "Declarant"), being the owner of certain premises in Acton, Middlesex County, Massachusetts, hereinafter described on Schedule A, by duly executing and recording this Master Deed, does hereby submit said premises to the provisions of Chapter 183A of the General Laws of Massachusetts and by this Master Deed does create a Condominium, to be governed by and subject to the provisions of said Chapter 183A (including any amendments thereto hereafter enacted) and to that end, said Declarant does hereby declare and provide as follows:

1. NAME OF CONDOMINIUM AND DESCRIPTION OF PREMISES

The name of the Condominium shall be the Mill Corner Condominium. The premises which constitute the condominium comprise the land (the "Land") situated at Main Street and School Street, Acton, Middlesex County, Massachusetts together with the improvements and buildings now existing and to be hereinafter constructed thereon (collectively, the "Condominium"), as shown on a plan entitled, "Mill Corner Condominium " dated _____, 1992, to be recorded herewith, said plan being the Condominium

Plans hereinafter referred to, all which are recorded herewith, said premises being further described as set forth on the attached Schedule A. Said Mill Corner Condominium Phase I consists of one (1) unit and is the first Phase of the Condominium. Phase I shall consist of 1 unit and is the first of 34 phases. When and if all Phases are completed, the Condominium will contain thirty-four (34) Units. The Phase I unit has access through roads shown on the Condominium Plans to School Street, all as shown on the Condominium Plans which shows the layout, location, unit numbers and dimensions of the unit as built. Said premises are submitted to the provisions of Chapter 183A and are subject to the right and easement hereby reserved by the Declarant to construct the buildings, parking areas, roads, and driveways designated as Phases II through XXXIV, as shown on the Condominium Plans hereinabove referred to. The Declarant also reserves the right to have as an appurtenance to the construction of Phases II through XXXIV an easement to pass and repass over the said land, including the right to store equipment and supplies, so far as the same are necessary and convenient for the construction of the said Phases II through XXXIV. The Declarant, its successors and assigns, shall have such right and easement to use driveways and walkways affording access to the said premises including the right and easement to construct additional driveways and walkways to serve the said buildings in Phases II through XXXIV provided that such easement for access and construction shall not interfere with the access of the owner of the unit in Phase I to his or her unit. Said Declarant, its

successors and assigns, reserves the right, but not the obligation, to create additional phases, including any part thereof as shown on the plans hereinbefore mentioned. The Declarant further reserves the right in the construction and creation of subsequent phases (including the right to create sub phases within one or more phases), to change the order and mix of such phases provided that in all instances the percentage of interest attributable to each such unit then existing shall be determined in a manner in conformity with the provisions of Chapter 183A, as amended.

The Declarant reserves the right to grant easements over, under, through and across the common areas of the Condominium Land and Buildings for the purpose of installing cable television lines serving the Units in the Condominium and such other equipment as may be necessary for the installation and operation of the same, and to grant easements over, under, through and across the common areas of the Condominium Land for drainage, slope and utility easements and for sewer lines for access to the common leaching field shown on the condominium plan as the Waste Water Disposal Area and any and all related appurtenances (hereinafter called the "Facility") servicing the Units in the Condominium, and to set aside and reserve sufficient land area within the Condominium Land for the Facility and any planned expansion and replacement of the Facility. The Declarant also reserves the right to grant to the Town of Acton the right and option, at its sole discretion, to expand the existing leaching field, or to construct a sewage treatment plant on the Condominium Land and utilize the excess

capacity of the existing leaching field in said sewage treatment plant or expanded leaching field. The Declarant reserves the right to execute a lease agreement to the Town of Acton to accomplish the foregoing. The Declarant further reserves the fee in Nylander Way, as shown on the Condominium Plan, and reserves the right, at the sole option of the Declarant, to convey the fee in Nylander Way, together with all utility and drainage easements and facilities appurtenant thereto to the Town of Acton.

2. DEFINITIONS

All terms and expressions herein used which are defined in Chapter 183A of the General Laws of Massachusetts, as amended, shall have the same meanings unless the context otherwise requires.

3. LEGAL ORGANIZATION

The Mill Corner Condominium Rules and Regulations shall refer to those Rules and Regulations as shall be adopted by the Board of Governors of the Association from time to time.

The Mill Corner Condominium Association, Inc. hereinafter referred to as the "Association", shall be the organization of Unit Owners organized pursuant to Chapter 180 of the General Laws of Massachusetts, which corporation will manage and regulate the aforesaid Condominium, pursuant to the By-Laws of the Association, this instrument, and Chapter 183A of the General Laws of Massachusetts. Membership in the Association is appurtenant to Unit Ownership in the aforesaid Condominium and shall not be severable in any manner therefrom and this provision may not be amended by the Declarant, its successors or assigns.

The Board of Governors of the Association shall consist of at least three and not more than five persons. Initially, there shall be five governors appointed by the Declarant (including successors in the event of vacancy) who shall serve until the fifth annual meeting of the Unit Owners. Thereafter, the governors shall be elected by and from the members of the Association.

Officers of the Association shall consist of a President, a Treasurer and a Clerk. The initial officers shall be appointed by the Declarant. Subsequent officers shall be elected by the Board of Governors to serve as such officers and Unit Owners. In the event of a Corporate Unit Owner, the officer may be a director or officer thereof. In the event of a Trust Unit Owner, the officer may be a Trustee or beneficiary thereof.

The By-Laws of the Association shall refer to those By-Laws of the Association which have been duly adopted in accordance with the provisions of Chapter 183A of the General Laws of Massachusetts by the Board of Governors and are incorporated herein by reference and such amendments thereto as may from time to time be enacted.

4. DESCRIPTION OF BUILDING

Phase I of the Condominium consists of one (1) free-standing building containing one (1) unit with two floors and a basement and having access through a walkway and common driveway and roads to School Street, all as shown on the Condominium plans above described and having such characteristics as are set forth in Schedule B and shown on the aforesaid Condominium Plans. The buildings have concrete foundations, wood frames, cedar siding with

asphalt shingle roof.

5. DESIGNATION OF UNITS

Unit Designation, Number of Rooms, Approximate Area and other descriptive information are shown on the attached Schedule B, and the location of the same as is shown on the Condominium plans.

6. INTEREST OF UNIT OWNER

The Owners of each Unit shall be entitled to an undivided interest in the common areas and facilities of the Condominium in the percentages set forth in the attached Schedule C, which percentages also reflect anticipated future development of a given order and mix of units. The Declarant reserves the right to change such order and mix, and the corresponding percentage interest appertaining to the units, including units existing before as well as after such change, provided that such percentage interests as modified are in compliance with Chapter 183A, as amended.

7. BOUNDARIES OF UNITS

The boundaries of the Units are as follows:

- a. Floor: The lower surface of the concrete basement floor.
- b. Ceiling: The plane of the exterior surface of the asphalt roof shingles.
- c. Exterior Building Walls, Doors and Windows: The plane of the exterior surface of the cedar siding or in case of a concrete wall, the exterior surface of said concrete wall; as to windows, the exterior surface of the glass and window frames.

8. MODIFICATION OF UNITS

The owner of any Unit may, at his sole cost and expense, at any time, make any changes or modifications of the interior and

exterior of such Unit, including additions to the same, subject to the prior written approval of the Board of Governors of the Mill Corner Condominium Association and subject to the limitations as set forth in the By-Laws of the Mill Corner Condominium Association. Any and all work with respect to the foregoing shall be done in a good and workmanlike manner pursuant to a building permit duly issued by the Town of Acton, if required, and pursuant to plans and specifications which have been submitted to and approved by the Board of Governors of the Association. Such approval shall be in accordance with the Terms and Provisions of the Condominium By-Laws, including the Rules and Regulations promulgated thereunder, and shall be aesthetically consistent with the colonial and antique character of the Condominium. Such approval shall not be unreasonably withheld or delayed. Such additions to the Unit are limited to those expansions in use which would be appurtenant to a single family use as provided in the Acton Zoning By-Law and in compliance with the Building and Zoning By-Laws of the Town of Acton and the terms and conditions of the Planned Conservation Residential Community Special Permit issued by the Town of Acton Zoning Board of Appeals recorded with the Middlesex South District Registry of Deeds as Instrument No. _____, Book _____, Page _____.

9. RESTRICTIONS ON USE OF UNITS

Each Unit is hereby restricted to residential use by the Unit Owner(s) thereof. Each Residential Unit shall be occupied by no more than two persons per bedroom as a single-family residence.

Notwithstanding any provisions of this paragraph to the contrary, the Declarant, its successors, assigns or affiliates has the right to use any Unit owned or leased by it or any common area or portion thereof or suitable facility in the Condominium for models and for offices for sales, construction, storage and any other lawful purpose. So long as the Declarant owns any unit in the Condominium, it shall have the right to erect and maintain "for sale" signs in and on the Common areas and facilities of the Condominium.

Any lease or rental agreement for any Unit shall be in writing and specifically subject to the Master Deed, the By-Laws of the Association and the Rules and Regulations of the Condominium and shall have a minimum initial term of six (6) months. A copy of all leases or rental agreements shall promptly be furnished to the Board of Governors who shall keep and maintain the same as part of its records and shall furnish all copies of such leases or rental agreements to the first mortgagees upon request. Notwithstanding the foregoing, the said Declarant, its successors, assigns or affiliated entities shall have the further right to let or lease any Units which have not been sold by it, including any such Unit later acquired or later leased by it upon such terms and for such periods, but not less than thirty (30) days, as it, in its sole discretion, shall determine.

No part of the common areas, including but not limited to, the driveways, shall be used for the parking or storing of trucks, or other commercial vehicles, boats, campers, or trailers, or other

items or goods, except noncommercial duly registered automobiles belonging to the unit owners and guests and small pick-up trucks. Small pick-up trucks shall be defined as nothing larger than three quarter ton pick-ups and may include pick-up trucks that are used for the owner's livelihood or business purpose. No part of the outside areas shall be used for repairing or maintaining of any vehicle. Provided, further, any private passenger automobile of any type that is not operable and/or unregistered is prohibited from the Mill Corner Condominium.

The Unit Owner shall have the obligation, at his sole cost and expense, to maintain the exterior of his unit, including the grounds in the Exclusive Use Area ("EUA") corresponding to the number of the unit shown on the Condominium Plans referenced to herein, and to maintain a proportionate share of the common driveway servicing his unit, if any, in the best of standards, as set forth in the Rules and Regulations, at all times, and in the event of failure to do so, the Board of Governors shall perform said maintenance and charge said Unit Owner.

The decks, balconies and patios, if any, that are appurtenant to each Unit are subject to such limitations and conditions as are imposed by the Board of Governors of the Mill Corner Condominium.

Provided, however, that other than chairs, benches, umbrellas, tables and barbecues of such number, nature and type as are actively used for residential purposes, no other goods, materials, including awnings, fixtures, paraphernalia, are to be affixed or stored on decks, porches and patios, except with the approval of

the Board of Governors of the Association, which approval may be withheld in their absolute discretion.

No animals or reptiles of any kind, except dogs and cats, shall be raised, breed or kept in any unit or in the common area. Dogs and cats owned by unit owners may be kept in said unit provided that the total number of dogs and cats does not exceed two (2).

The use of Units by all persons authorized to use same shall be at all times subject to the provisions contained in this instrument, the By-Laws of the Association and such Rules and Regulations as may be prescribed and established to govern such use or which may hereafter be prescribed and established by the Board of Governors of the Association. Any Unit Owner found by a Massachusetts Court to be in violation of the provisions of this Master Deed, By-Laws and Rules and Regulations of the Association shall be liable for the reasonable counsel fees incurred by the association in enforcing same.

10. UNIT APPURTENANCES

Appurtenant to each Unit is the following:

- a. Membership in the Association which shall be in the same percentage as an individual Unit Owner common interest. Such membership is not assignable or severable from the ownership of such Unit.
- b. The exclusive right and easement to use the walkways, driveways, steps and Exclusive Use Area ("EUA") corresponding to the number of the unit shown on the Condominium Plans referred to herein, for the modification of units as set forth in Paragraph 8 herein, and for such other uses, and subject to such limitations as are imposed by the Board of Governors of the Association. All landscaping in the EUA's shall be subject to the

prior written approval of the Condominium Association. The EUA's shall also be subject to access by the Board of Governors of the Association for maintenance, inspection and repair of the EUA's and any common utilities, walks, drives or other shared facilities located therein, provided, however, that notwithstanding anything to the contrary contained herein, the maintenance and repair of said EUA shall be the responsibility of and at the sole expense of said Unit Owner.

- c. Each unit owner shall have the obligation, at his sole cost and expense, to maintain the exterior of the unit in best standards or set forth in the Rules and Regulations, at all times, and in the event of failure to do so, the Board of Governors of the Association shall perform said maintenance and charge said unit owner.
- d. Each unit owner shall have the obligation, in common with the other unit owners which share the common driveway, if any, to maintain and plow his proportionate share of said common driveway, at all times, and in the event of failure to do so, the Board of Governors of the Association shall perform said maintenance and/or plowing and charge said unit owner.

All of the Units shall have appurtenant thereto, in common with each other, the right and easement to use the general common areas, if any, as may be granted in the Master Deed and as shown on said Condominium plans, subject to and in accordance with the restrictions, limitations, provisions and conditions as hereinbefore and hereinafter set forth in this Master Deed and the provisions of the By-Laws of the Association and the Rules and Regulations promulgated under the By-Laws.

11. COMMON AREAS AND FACILITIES

The common areas and facilities of the aforesaid Condominium comprise and consist of (a) the land described in the attached Schedule A, as shown on said Condominium Plans, together with the

benefit of and subject to the rights and easements referred to in this Master Deed and on the Mill Corner Condominium plans annexed hereto. The said Common Areas are further subject to the right and easement of the Declarant to construct, mortgage and lease the structures constituting Phases II through XXXIV, and thereafter to submit the same as phases by Amendment to the Master Deed, as provided herein, provided, however, that until amendments are recorded by the Declarant, the structures will remain the property of the Declarant and shall not constitute part of the Condominium;

(b) all roads, sidewalks and utilities including, all sewer, including the common leaching field, water and electric lines, for the furnishing of utility services which are contained in the common areas and facilities; (c) other such facilities included in any part of the Condominium which serves more than one (1) Unit; (d) plants and trees in the common yard area; (e) all other elements and features of the Condominium however designated or described excepting only the Units themselves and unit exclusive use easements as herein defined and described; (f) the common leaching field (waste water disposal area), including all pipes constituting the sewer collection system, servicing the Condominium and the Units within the Condominium. Provided however and always that the Declarant shall have the right to authorize the Town of Acton to expand the existing common leaching field's capacity, or to construct a sewage treatment plant and to connect to it for the benefit of other land in the Town of Acton. Said expansion and connection shall only be authorized by the Declarant with the

express condition that the Town of Acton will expand and connect to said plant without any interference with Declarant's construction or marketing of the units within the condominium, without any interference with the use, occupancy or enjoyment of any of the units within the condominium that are occupied, and without any expense whatsoever to Declarant or the owners of the units within the condominium, and upon completion of said expansion and/or connection, sewage costs assessed to the Declarant and the owners of the units within the condominium will not increase beyond the pro rata percentage difference in sewage costs paid by the Unit Owner in the Condominium and the sewage costs to be paid by those third parties utilizing the sewage treatment plant facility; all of which shall be determined at the time of the Town of Acton's expansion of the existing leaching filed or construction of the sewage treatment plant. The Unit Owners shall not be required to pay sewage costs above and beyond what they would have been required to pay in the event the Town of Acton did not have or exercise the within rights.

Notwithstanding anything to the contrary herein contained, the said common areas and facilities are subject to such exclusive rights, easements and limitations on use contained in other portions of this Master Deed or as may hereafter be established pursuant to the provisions of this Master Deed.

12. EASEMENTS AND ENCROACHMENTS: UNITS AND COMMON AREAS

If any Unit, now or hereafter, encroaches upon any other Unit or upon a portion of the common areas and facilities, or if any

portion of the common areas or facilities, now or hereafter, encroaches upon any Unit as a result of the construction, reconstruction, repairing, shifting, settling or movement of any portion of the improvements, a valid easement of the encroachment and for the maintenance for the same, shall exist so long as the building stands.

13. COMMON ELEMENTS: DETERMINATION OF PERCENTAGE

The determination of the percentage of interest of the respective Units in the common areas and facilities has been made upon the basis of the approximate relative fair market value of each Unit to the aggregate fair market value of all the Units in the Condominium, in accordance with the provisions of Chapter 183A of the General Laws of Massachusetts. Any such amendments in subsequent phases to the Units then existing in the condominium as hereinbefore and hereinafter provided shall also be made on the foregoing basis.

14. AMENDMENT OF MASTER DEED

While the Declarant owns at least fifty (50%) percent of the percentage interest of the Units in the Condominium, this Master Deed may be amended by a majority vote of Unit Owners which shall constitute written consent of the Unit Owners and, by the written consent of the majority of the holders of the first mortgages on mortgaged Units, provided that any such amendment shall not substantially reduce the enjoyment or substantially increase the burdens of any Unit Owner.

Thereafter, this Master Deed may be amended subject to the

restrictions of Chapter 183A of the General Laws of Massachusetts and, except as provided otherwise in this instrument or the By-Laws of the Association, by a vote of sixty-seven (67%) percent in interest of the Unit Owners and written consent of at least fifty-one (51%) percent of the holders of the first mortgages on mortgaged Units. Notwithstanding the foregoing, no such amendment shall restrict or interfere with the right of the Declarant to sell, mortgage or otherwise dispose of any Condominium Unit owned by it.

Any amendment involving a change in percentage interest shall, subject to the provisions of Section 16 below, require the assent of all unit owners whose percentage interest is affected by such change. No amendment shall be effective until recorded with the said Registry of Deeds.

Notwithstanding any of the provisions herein or of Chapter 183A, the Declarant, its successors and assigns, reserves the right to construct on the premises such additional Units (or any lesser part thereof) as described in Paragraph 1 and Paragraph 11, and after such construction is substantially completed to amend this Master Deed creating Phases II through XXXIV (including any sub phases), as hereinbefore described, and each Unit Owner, his successors, assigns and mortgagees shall, by the acceptance and recording of his Unit Deed under this Master Deed and Amendments thereto, irrevocably appoints the Declarant, its successors, assigns and mortgagees as his attorney to execute, acknowledge and deliver any and all instruments necessary to accomplish the

provisions of this Master Deed. The right to amend this Master Deed to add such additional phase or phases shall expire seven (7) years from the date of recording this Master Deed. All future improvements with respect to the phases to be added shall be consistent with the initial improvements in terms of quality of construction. No amendment by either the Declarant or Unit Owners shall be contrary to or inconsistent with any provision of the Master Deed or By-Laws related to the operation, maintenance, repair, replacement or financing of the Facility, and the assessment of related common expenses, or any provision therein which requires the prior written approval of the Department of Environmental Protection ("DEP").

15. TERMINATION

The Unit Owners may remove the property from the provisions of Chapter 183A of the General Laws of Massachusetts and this Master Deed by the procedure set forth in the appropriate section of said Chapter 183A, as may be amended from time to time; provided however that such removal shall require the prior written approval of the Department of Environmental Protection ("DEP").

Upon such removal, the Unit Owners shall be deemed to own the Condominium property as tenants in common, each Unit Owner having an undivided interest therein in the same percentage of undivided interest as previously owned by him in the common areas and facilities.

The removal provided for in this paragraph and in the By-Law of the Association shall not bar the subsequent re-submission of

the premises to the provisions of Chapter 183A of the General Laws of Massachusetts.

16. MORTGAGEE STATUS

Notwithstanding anything in this Master Deed or the Condominium Association or its By-Laws to the contrary, the following provisions shall apply for the protection of the holders, insurers or guarantors of the first mortgages (hereinafter "First Mortgagees") of record with respect to the Units and shall be enforceable by any First Mortgagee:

- a. In the event that the Unit Owners shall amend this Master Deed or the Condominium Association or its By-Laws to include therein any right of first refusal in connection with the sale of a unit, such right of first refusal shall not impair the rights of a First Mortgagee to: (i) foreclose or take title to a Unit pursuant to the remedies provided in its mortgage; or (ii) accept a deed (or assignment) in lieu of foreclosure in the even of default by a mortgagor; or (iii) sell or lease a Unit acquired by the First Mortgagee.
- b. Any party who takes title to a Unit by foreclosure sale duly conducted by a First Mortgagee shall be exempt from any such right of first refusal adopted by the Unit Owners and incorporated in this Master Deed or the Condominium Association or its By-Laws;
- c. Any first Mortgagee who obtains title to a Unit by foreclosure or pursuant to any other remedies provided in its mortgage or by-law shall not be liable for such Unit's unpaid common expenses or dues which accrued prior to the acquisition of title to such Unit by such First Mortgagee;

d. Except as provided by statute in case of condemnation or substantial loss to the Units and/or common elements of the Condominium, the prior written consent of the Owners of the Units (other than the Declarant) to which at least sixty-seven (67%) percent of the votes in the Association are allocated and either the approval of the First Mortgagees which have at least fifty-one (51%) percent of the votes subject to such first mortgages or sixty-seven (67%) percent of the First Mortgagees (based upon one (1) vote for each first mortgaged owned), whichever is greater, shall be required to:

(i) by any act or omission, seek to abandon or terminate the Condominium;
or

(ii) change the pro rata interest or obligations of any individual Unit for the purpose of:

(a) levying assessments or charges or allocating distributions of hazard insurance proceeds or condemnation awards,
or

(b) Determining the pro rata share of ownership of each Unit in the common areas and facilities.

(iii) partition or subdivide any Unit; or

(iv) by an act or omission seek to abandon, partition, subdivide, encumber, sell or transfer the common areas and facilities, provided that the granting of easements for public facilities or for other public purposes consistent with the intended use of the common areas and facilities shall not be deemed an action for which prior consent of the First Mortgagees shall be required pursuant to this clause; or

(v) use hazard insurance proceeds on account of losses to either the Units

or the common areas and facilities for other than repair, replacement or reconstruction thereof; or

(vi) add or amend any material provisions of the Condominium documents of the Condominium which establish, provide for, govern or regulate any of the following:

- (a) voting;
- (b) assessments, assessment liens or subordination of any such liens;
- (c) reserves for maintenance, repair and replacement of the common areas (or Units, if applicable);
- (d) insurance or fidelity bonds;
- (e) rights to use common areas;
- (f) responsibility for maintenance and repair of several portions of the Condominium;
- (g) expansion or contraction of the Condominium or addition, annexation or withdrawal of property to or from the project, except as in this Master Deed reserved;
- (h) boundaries of any Unit;
- (i) the interest in the common areas;
- (j) convertibility of Units into common areas or of common areas into Units;
- (k) leasing of Units;
- (l) imposition of any restrictions on a Unit Owner's right to sell or transfer his unit, including any right of first refusal or similar restriction;
- (m) a decision by the Association to establish self management when professional management had been required previously by a First Mortgagee;
- (n) restoration or repair of the Condominium after a hazard damage or partial condemnation in a manner other than specified in this Master Deed or By-Laws;
- (o) any action to terminate the legal status of the Condominium after substantial destruction or condemnation occurs; in which event the prior written approval of the Department of Environmental Protection ("DEP") shall be required; or
- (p) any provisions which are for the express benefit of mortgage holders First Mortgagees or eligible insurers or guarantors of first mortgages on Unit.

In addition, prior written consent of the First Mortgagees representing at least 67% of the votes of the mortgaged units and the prior written approval of the Department of Environmental Protection ("DEP") shall be required to terminate the legal status of the Condominium for reasons other than substantial destruction or condemnation of the Condominium property.

If an addition or amendment does not constitute a material change, such as the correction of a technical error or the clarification of a statement, consent shall be assumed when a First Mortgagee fails to submit a response to any written proposal for an amendment within 30 days after the proposal is made. An affidavit by the Clerk of the Board of Governors appended to the amendment naming reference to this provision stating that notice was given as above provided and no response had been received from the First Mortgagee within 30 days shall be conclusive evidence of such facts and may be relied upon by third parties with respect thereto.

- e. Consistent with the provisions of Chapter 183A, all taxes, assessments and charges which may become liens prior to a first mortgage under the laws of The Commonwealth of Massachusetts shall relate only to the individual Units and not to the Condominium as a whole;
- f. In no event shall any provision of this Master Deed of the Condominium Association or its By-Laws give a Unit Owner or any other party priority over any rights of a First Mortgagee pursuant to its mortgage in the case of a distribution to such Unit Owner of insurance proceeds or condemnation awards for losses to or taking of such Unit and/or the common areas and facilities.
- g. A First Mortgagee, upon request made to the Board of Governors of the Condominium Association, shall be entitled to written notice of:
 - (i) any condemnation loss or any casualty loss which affects a material portion of the

Condominium or any Unit on which there is a first mortgage owned or held by a First Mortgagee;

(ii) any delinquency in the payment of assessment or charges owed by an Owner of a Unit subject to a first mortgage owned or held by a First Mortgagee which remains uncured for a period of sixty (60) days;

(iii) any lapse, cancellation or material modification of any insurance policy or fidelity bond maintained by the Association; and

(iv) any proposed action which would require the consent of a specified percentage of First Mortgagees.

(v.) The Department of Environmental Protection ("DEP") shall have the right at any time, and from time to time, to enter the premises for the purpose of inspecting and testing the common leaching field.

17. CONDOMINIUM CONTRACTS

Any agreement for professional management of the Condominium, or any other contract or lease with the Condominium Association, may not exceed three (3) years, and further must provide for termination by either party without cause and without payment of a termination fee on ninety (90) days or less written notice.

18. BOOKS, RECORDS AND FINANCIAL STATEMENTS

a. The Association shall make available to the Unit Owners and lenders and to holders, insurers or guarantors of any first mortgage current copies of the Master Deed, By-Laws, other rules concerning the Condominium and books, records and financial statements of the Association. "Available" means available for inspection upon request, during the normal business hours or under

other reasonable circumstances.

b. Any holder, insurer or guarantor of a first mortgage of a Unit shall be entitled upon written request to an financial statement prepared by a Certified Public Accountant for the immediately preceding fiscal year free of charge. Any financial statement so requested shall be furnished within a reasonable time following such request.

19. CONSTRUCTION OF DOCUMENTS

In the event of a conflict between any numerical voting requirements for action set forth in the Master Deed, in the By-Laws of the Association or between the Master Deed and the By-Laws of the Association, the provisions requiring the greater percentage or fraction for action to be taken or avoided shall control.

20. MISCELLANEOUS

a. Captions. The captions herein inserted are only as a matter of convenience and for reference and in no way define, limit or described the scope of this Master Deed nor the intent of any provision hereof.

b. Gender. The use of the masculine gender in this Master Deed shall be deemed to refer to the feminine and neuter genders and the use of the singular shall be deemed to refer to the plural and vice versa, whenever the context so requires.

c. Waiver. No provisions contained in this Master Deed shall be deemed to have been waived or abrogated by reason of any failure to enforce same, irrespective of the number of violations or

breaches which occur.

d. Invalidity. The invalidity of any provision of this Master Deed shall not be deemed to impair or affect in any manner the validity, enforcement or effect of the other provisions of this Master Deed and, in such event all of the other provisions of this Master Deed shall continue in full force and effect as though such invalid provision had never been included herein.

e. Conflicts. This Master Deed is set forth to comply with the requirements of Massachusetts General Laws Chapter 183A and the mandatory provisions of such statute shall prevail.

f. Covenants and Restrictions. The covenants and restrictions contained in this Master Deed shall run with the land and shall inure to the benefit of and be enforceable by the Declarant, the Association and the Unit Owners acting through the Association or their respective legal representatives, heirs, successors and assigns. The property is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, charges and liens subject to such rights of amendment and termination herein set forth. A Unit Owner shall, in the event any action be instituted to enforce these restrictions or to collect common or Unit charges, in addition to the court order enforcing said restriction or ordering said payment of common or Unit charges, be liable for the legal expenses incurred by the Association and shall be collected as any other common charge from said Unit Owner.

g. Duration of Restrictions. The restrictions upon the use

of the property imposed by this Master Deed shall last for a period of ninety-nine (99) years.

IN WITNESS WHEREOF, the said _____ has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by _____ its President and _____, its Treasurer, hereto duly authorized this _____ day of _____, 1992.

By: _____
President

Treasurer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 1992

Then personally appeared the above-named _____, President as aforesaid and _____, Treasurer as aforesaid and acknowledged the foregoing instrument to be the free act and deed of _____, before me

Notary Public
My Commission Expires:

s:\condo\millcorn.wp

MILL CORNER CONDOMINIUM

SCHEDULE A

A certain parcel of land with the buildings thereon, situated off of Main Street and School Street in Acton, Middlesex County, Massachusetts, being shown as

Subject to and with the benefit of easements, rights, restrictions and agreements of record, so far as the same are now in force and applicable, including but not limited to the following:

- 1.
- 2.
- 3.
- 4.

Provisions of Massachusetts General Laws, Chapter 183A, as amended, the within Master Deed, as it may be amended, the By-Laws of the Mill Corner Condominium Association, Inc., and the Rules and Regulations promulgated thereunder.

For title, see deed to the Declarant recorded with the Middlesex South District Registry of Deeds in Book , Page .

MILL CORNER CONDOMINIUM

SCHEDULE B

Upon Completion of Phase:

UNIT NO. Phase I

1

As of the date of recording of the Master Deed, as amended, the Declarant in setting the percentages as set forth in this Schedule C, has complied with the provisions of Chapter 183(a) and pursuant to the provisions of the Master Deed, including but not limited to Paragraphs 1, 11 and 14 of the same, the Declarant reserves the right to add additional Phases, in an order so desired, including the right to include Sub-phases within any such Phase, as well as the right to eliminate any Phases and modify the percentage of interest so as at all times to be in compliance with the aforesaid provisions of Chapter 183(a). The Declarant will modify the percentage of interest of all subsequent Phases in compliance with the aforesaid provisions of Chapter 183(a) at the time of creation of such additional Phases or Sub-phases, as the same may be required depending on the type and mix of the units in the said future Phases.

MILL CORNER CONDOMINIUM

PLAN I

SCHEDULE C

<u>UNIT NO.</u>	<u>NUMBER OF FLOORS INCLUDING BASEMENT AND GARAGE</u>	<u>(APPROXIMATE) SQUARE FOOTAGE</u>
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Each unit contains such rooms and a two car garage, as well as such other characteristics, all as shown on the condominium plans recorded herewith which is incorporated herein. Each unit is used only as a single-family home.

: \condo\millcorn.wp
.raft 9-13-92 csn.
pg.9 amended 10-19-92

TO: THE BOARD OF SELECTMEN
FROM: JOHN MURRAY, ASSISTANT TOWN MANAGER
DATE: November 17, 1992
SUBJ: Cost of Providing a Sticker for the Parking Lot

3 Color Interior Window Sticker	\$3.00
Labor and Admin. Costs	\$1.50

	\$4.50

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Nov. 16, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Town Clerk

Connie Huber has submitted the attached resignation. The effective date is January 15, 1993 and Connie has indicated that to be negotiable.

Connie's tells me that her husband, Bob, retired last Summer and they have apparently been considering this action for some time. Her plans seem to include a great deal of travel.

Our fondest wishes go with her.



CONNIE HAS ASKED THAT WE
KEEP THIS AT A LOW
PROFILE FOR THE MOMENT



Cornelia O. Huber
Town Clerk

TOWN OF ACTON
TOWN CLERK

472 Main Street
Acton, Massachusetts 01720
(508) 264-9615

Catherine Belbin
Asst. Town Clerk

November 16, 1992

TO: Board of Selectmen

FROM: Connie Huber *Cornelia Huber*

SUBJECT: Resignation

I herewith submit my resignation as Town Clerk of Acton,
effective January 15, 1993.

I have thoroughly enjoyed my work and associations during the
six and a half years I served as Town Clerk. I would therefore
welcome the opportunity to share with you my appraisal of the
major challenges facing the Town Clerk whom you next appoint.

cc: D. Johnson/J. Murray
D. R. Wetherby

M E M O

TO: ACTON TOWN SELECTMEN

FR: "RUM RAISIN"-- YOUTH BAND COMPOSED OF DAVID LAMB (14), CHRISTOPHE DEGREGORY (16), DAN BOSWORTH (14), ADAM HOSMER (15), AND SAM OH (16)

DT: NOVEMBER 16, 1992

RE: YOUTH CONCERT PROPOSED FOR NOVEMBER 21, 1992 AT EXCHANGE HALL, 2 SCHOOL STREET, ACTON

As residents of Acton and students at Acton-Boxborough Regional High School, we respectfully request a license for a youth concert. We are excited to be able to offer positive musical entertainment for teens in our community. Below is the vital information.

WHO: "Rum Raisin" is the featured band; "Street Turkey" and "Frodis" are additional bands. All of these bands are composed of students from Acton-Boxborough Regional High School.

WHEN: Saturday, November 21, 7:30 to 10:30 p.m.

WHERE: Exchange Hall, 2 School Street. Already approved for 250 people maximum public meetings and performances. We are securing liability insurance. Rent is already paid.

CHAPERONES: 18 adults are committed to chaperone, including 14 parents of band members.

TICKETS: We have printed up tickets and numbered them. We have sold 120 to date at \$4.00 each.

CONTROL: When people enter the concert, they will relinquish their ticket and have their hand stamped. If anyone leaves, they will not be readmitted. Also, drinking and smoking will not be allowed.

BEHAVIOR: We are very concerned that this be a positive experience and a great environment for teens. We are asking our friends to help ensure this.

PARKING: There is limited parking at the hall. Additional parking will be available at the commuter lot. Most students will be dropped off and picked up.

We are very grateful for your time and consideration for this event.

§ 181. Licenses; Applications; Grants and Denials; Required Insurance.

The mayor or selectmen may, except as provided in section one hundred and five of chapter one hundred and forty-nine, grant, upon such terms and conditions as are described hereinafter, a license for theatrical exhibitions, public shows, public amusements and exhibitions of every description, to be held upon week days only, to which admission is obtained upon payment of money or upon delivery of any valuable thing, or by a ticket or voucher obtained for money or any valuable thing, or in which, after free admission, amusement is furnished upon a deposit of money in a coin controlled apparatus.

① The application for such a license shall be in writing and shall fully and specifically describe the conditions of the proposed exhibition, show, or amusement and the premises upon which the proposed exhibition, show, or amusement is to take place, to the extent that such conditions or premises would affect the public safety, health or order. Upon written request of the mayor or selectmen, the applicant shall in addition furnish reasonable information concerning the conditions of the premises and actions to be taken in order to prevent danger to the public safety, health, or order. Within thirty days following receipt of such application, the mayor or selectmen shall grant a license or shall order a hearing preceded by at least ten days written notice to the applicant. Within forty-five days next following the close of such hearing, the mayor or selectmen shall grant such license or shall deny such license upon a finding that issuance of such a license would lead to the creation of a nuisance or would endanger the public health, safety or order by:

(a) unreasonably increasing pedestrian traffic in the area in which the premises are located or

(b) increasing the incidence of disruptive conduct in the area in which the premises are located or

(c) unreasonably increasing the level of noise in the area in which the premises are located.

Notice of such a denial shall be delivered to the applicant in writing and shall be accompanied by a statement of the reasons therefor. No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote. The mayor or selectmen may impose conditions upon a license but said conditions may only relate to compliance with applicable laws or ordinances, or to public safety, health or order, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public.

No applicant having been denied a license as aforesaid shall submit the same or a similar application within one year of said denial without including in said new application facts showing that the circumstances upon which the original denial was based have substantially changed.

The mayor or selectman may revoke or suspend a license granted

pursuant to the provisions of this section upon finding, after a hearing preceded by ten days written notice to the licensee, that conditions exist which would have justified denial of the original application for such license provided, that the mayor or selectmen may petition the superior court department of the trial court to enjoin any violation of this section.

No license shall issue, however, for a traveling carnival, circus or other such traveling amusement which does not have its principal place of business within the commonwealth unless the licensee certifies that he has provided by insurance for the payment of compensation and the furnishing of other benefits under chapter one hundred and fifty-two to all persons to be employed by said licensee and that such insurance shall continue in full force and effect during the term of the license; and the licensee further certifies that he has obtained a policy of public liability insurance in the amount of at least twenty-five thousand dollars to pay any claims or judgments rendered against the licensee in favor of patrons or others to recover damages resulting from the negligence of the licensee. The amount of insurance of the policy hereinbefore required or in effect shall not limit or impair any right of recovery to which any plaintiff may be entitled in excess of such amount. (1805, 98, §§ 1, 3; 1825, 152, §§ 1, 3; RS 58, § 1; 1849, 231, § 1; GS 88, § 74; PS 102, § 115; 1894, 353; 1895, 434, § 3; RL 102, § 172; 1905, 341, § 1; 1907, 274, § 1; 1908, 385, § 2; 1971, 996; 1979, 358, § 3, approved, with emergency preamble, July 3, 1979.)

Editorial Note—

The 1971 amendment added a the former second (now sixth) paragraph, relative to the requirement that a licensee provide workmen's compensation and public liability insurance.

The 1979 amendment deleted the first paragraph of this section and inserted in its place five paragraphs, relative to the licensing by local authorities of theatrical exhibitions and other public amusements.

Cross References—

As to provision that this section shall not apply to race tracks and racing meetings laid out and conducted by licensees under chapter 128A, see § 13A of chapter 128A.

Total Client-Service Library® References—

4 Am Jur 2d, Amusements and Exhibitions §§ 29-34.

ALR Annotations—

Liability of owner or operator for injury to patron of fair, carnival, or the like, from operation of sideshows, games, or similar concessions. 24 ALR3d 945.

Liability of dance hall proprietor or operator for injury to patron resulting from conditions of premises. 38 ALR3d 419.

M E M O

TO: ACTON TOWN SELECTMEN

FR: "RUM RAISIN"-- YOUTH BAND COMPOSED OF DAVID LAMB (14), CHRISTOPHE DEGREGORY (16), DAN BOSWORTH (14), ADAM HOSMER (15), AND SAM OH (16)

DT: NOVEMBER 16, 1992

RE: YOUTH CONCERT PROPOSED FOR NOVEMBER 21, 1992 AT EXCHANGE HALL, 2 SCHOOL STREET, ACTON

As residents of Acton and students at Acton-Boxborough Regional High School, we respectfully request a license for a youth concert. We are excited to be able to offer positive musical entertainment for teens in our community. Below is the vital information.

WHO: "Rum Raisin" is the featured band; "Street Turkey" and "Frodis" are additional bands. All of these bands are composed of students from Acton-Boxborough Regional High School.

WHEN: Saturday, November 21, 7:30 to 10:30 p.m.

WHERE: Exchange Hall, 2 School Street. Already approved for 250 people maximum public meetings and performances. We are securing liability insurance. Rent is already paid.

CHAPERONES: 18 adults are committed to chaperone, including 14 parents of band members.

TICKETS: We have printed up tickets and numbered them. We have sold 120 to date at \$4.00 each.

CONTROL: When people enter the concert, they will relinquish their ticket and have their hand stamped. If anyone leaves, they will not be readmitted. Also, drinking and smoking will not be allowed.

BEHAVIOR: We are very concerned that this be a positive experience and a great environment for teens. We are asking our friends to help ensure this.

PARKING: There is limited parking at the hall. Additional parking will be available at the commuter lot. Most students will be dropped off and picked up.

We are very grateful for your time and consideration for this event.

NOVEMBER 6, 1992

TO: Board of Selectmen
FROM: NANCY TAVERNIER, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

7:30 P.M.

NOVEMBER 10, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 BOSTON EDISON - HIGH STREET - LOT A
2. 7:32 BOSTON EDISON - HIGH STREET - LOT D
3. 8:00 TAX CLASSIFICATION HEARING - Enclosed please find information for board review and discussion.
4. 9:00 COMMUTER LOT - Enclosed find materials for Board discussion.

III. CONSENT AGENDA

5. MINUTES - Enclosed please find minutes for Board approval from October 6, 1992.
6. FENCE - Enclosed please find a request for installation of a fence at 103 Charter Road with staff comment for Board action.
7. ACCEPTANCE OF GIFT - Enclosed please find a request to accept a gift for the West Acton Citizens's Library from the W.A. Library Auxiliary for Board action.
8. ACCEPTANCE OF GIFT - Enclosed please find a request to accept funds for the Conservation Administrator to attend a conference for Board action.

9. EMERGENCY ELECTRICAL HOOK UP - Enclosed please find a request and staff recommendation to grant the emergency hook-up at lot 1 Main Street for Board action.
10. DISPOSITION OF TOWN PROPERTY - Enclosed find a request from the Library Director to dispose of a surplus card catalog for Board action.
11. BESTY BALL FUND - Enclosed please find a confidential request for funds for Board action.
12. NESWC - The Town Manager will seek Board designation as Acton's Alternate Representative to the NESWC Advisory Committee.
13. SITE PLAN SPECIAL PERMIT - Enclosed please find a request from staff for Board action regarding CML Site Plan regarding acceptance of funds for sidewalks and agreement on monitoring wells.
14. COA/SENIOR CENTER - Enclosed find a memo from staff regarding a recommendation for the use of natural gas at this location.
15. ACTON HOUSING AUTHORITY - Enclosed please find a request for Board signature of the Annual Section 8 Contribution Contracts for action.

IV. SELECTMEN'S CONCERNS

16. 4-WAY STOP @ PARKER & HIGH STREET - Enclosed please find staff correspondence that was previously transmitted to the board. Ms. Fanton has asked to have this item on the agenda.
17. SCHOOL STREET/LAWSBROOK ROAD INTERSECTION - Enclosed please find a proposed plan for reconfiguring the subject intersection. Mr. Hunter has asked to have this item on the agenda.
18. SOUTH ACTON VILLAGE - Enclosed please find correspondence from staff related to S. A. Market Study for Board discussion.

V. TOWN MANAGER'S REPORT

19. ACTON CENTER TRAFFIC MANAGEMENT - Enclosed please find staff comment on the recent proposals for a traffic management study in Acton Center.
20. MAPC - Enclosed please find correspondence from MAPC regarding the functional classification of all public roads for discussion.
21. NESWC - SERVICE AGREEMENT CHANGE OF GRANTOR - Enclosed please find request for the Board action.

VI. EXECUTIVE SESSION

22. The Town Manager will seek an Executive Session for purposes of discussing litigation, and land purchase negotiations.

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

IX. FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

November 17 - Historic Commission
CLASS II - Auto Dealers of Concord
Eliott Mental Health

December 1
December 15
December 29

762 acs

11/10/92
①

Boston Edison
Conduit and Manholes Installation

NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws. (Ter. Ed.), you are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 10th day of November 1992, at 7:31 P.M. o'clock, upon the petition of Boston Edison Company for permission to construct, and a location for, a line of conduits and manholes, with the necessary wires and cables therein, for the transmission of electricity, under the following public ways of said Town:

High Street- NORTHEASTERLY APPROX. 763 feet northwest of Parker Street. A distance of about 7 feet - conduit.

BOARD OF SELECTMEN

Form 518D
648ACS

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

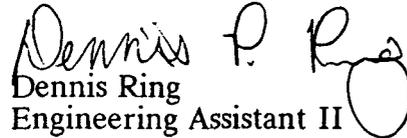
DATE: 10/2/92

TO: Board of Selectmen
FROM: Engineering Department
SUBJECT: Boston Edison Petitions - High Street

The petitions referenced are for the installation of conduits to provide underground electrical service to two newly constructed houses on High Street.

The petition for Lot A was approved as an emergency hook-up by the Town Manager. The installation has been completed to our satisfaction.

The petition for Lot D was not previously granted on an emergency basis, and we do not foresee any problems with the proposed construction.


Dennis Ring
Engineering Assistant II

Boston Edison
Conduit and Manholes Installation

11/10/92
②

NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws. (Ter. Ed.), you are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 10th day of November 1992, at 7:32 P.M., o'clock, upon the petition of Boston Edison Company for permission to construct, and a location for, a line of conduits and manholes, with the necessary wires and cables therein, for the transmission of electricity, under the following public ways of said Town:

High Street - easterly approximately 474 feet north of Parker Street. A distance of about 11 feet - Conduit.

(an Emergency Hook-up has been granted prior to Public Hearing at this location)

BOARD OF SELECTMEN

Form 518D
648ACS



101 Walnut Street
P.O. Box 9151
Watertown, MA 02272
617 924 1770
FAX 617 924 2286

11/10/92
④

- Memorandum
- Transmittal
- Meeting Notes
- Phone Notes

To: Mr. Don Johnson
Town Manager
Mr. David Abbt
Engineering Administrator
Town of Acton
472 Main Street
Acton, MA 01720

Date: November 6, 1992

Project No.: 3279.21

From: William L. Schwartz, AICP

Re: S. Acton Commuter Lot
Revenue Control Evaluation

Introduction

This memorandum has been prepared to evaluate and make recommendations regarding available options for revenue control of an existing 234-space South Acton surface parking lot located off of Central Street in Acton, Massachusetts. Presented in the following paragraphs is a brief discussion of the alternatives available, including some of the advantages and disadvantages associated with each option, and our recommendations. The measures described in this memorandum are intended to assist the Town of Acton to make an informed decision as to which option is most appropriate for the facility.

Existing Conditions

The South Acton commuter rail parking lot is located off of Central Street. It currently contains 228 standard parking spaces plus 6 spaces for handicapped parking. This lot regularly fills each weekday according to data collected by the Acton Police Department. The lot is used by both residents of Acton and residents of neighboring communities. In previous surveys of license plates by the Town, more than half of the parked vehicles were registered to non-Acton residents. The lot is well used early in the morning and there are four trains toward Boston that depart at 6:26, 7:11, 7:36, and 7:56 AM. No fee is charged. The spaces in the lot are currently designated for resident and non-resident vehicles, although since a sticker program was suspended in June 1991, there is no enforcement of this regulation.

There are current plans to expand the lot once again by 27 spaces, yielding a total of 255 standard spaces and 6 handicapped spaces.

Revenue Control Options

Based on input received from the town, as well as a review of the correspondence regarding this parking lot dating to 1986, a number of revenue and access control options were evaluated. These options include parking meters located at each space, pay boxes located

Date: November 6, 1992

Ref: 3279.21

either throughout the lot or at the train platform area, multispace parking meters located either throughout the lot or at the train platform area, an attendant located at the entrance, a permit program, or a combination of these options.

There is much information available regarding the technical aspects of each parking control option as well as the advantages and disadvantages of pursuing a particular strategy. This memorandum is not intended to provide a detailed description of each option but to describe the process that was undertaken in developing the recommended strategy.

Given that this parking facility serves rail commuters and essentially fills up early each weekday morning with limited turnover for the balance of the day, there are certain criteria that are appropriate for a revenue control system. These include:

- Enforcement must be simple and, given arrival patterns and turnover rates, it can be. Any system that requires a significant commitment on the part of police may impede other police duties or result in under-enforcement of the regulations.
- Queuing of any type should be prevented. It is undesirable to have commuters face significant delays in either entering the lot or waiting to insert their payment into a machine or other device.
- Fees charged must be simple to administer and equitable and understandable to the parker.
- Installation, maintenance, and operating costs should be minimized.
- Auditing procedures must be in place to prevent theft.

Parking Meters: The parking meter is the traditional method of revenue control for curbside municipal parking spaces and is sometimes used in off-street lots. With the proposed 261 total spaces, the estimated equipment cost for meters at each space would be approximately \$55,000, excluding curbing, islands, or installation costs. Although motorists are familiar with meters, these devices require the insertion of coins, meaning that commuters must carry the correct change each day. The equipment must be maintained and revenue must be collected. With vandalism a concern at this lot, meters would need to be emptied regularly and potentially be reinforced to be more theft proof. This would in turn increase the cost.

Numbered Slot Boxes: With a numbered slot box system, parkers simply deposit the daily parking fee into a slot in a box according to a space numbering system. For example, if a vehicle is parked in space #25, the motorist simply places the fee in slot #25 in the box that would likely be mounted either on the path to the platform or at the platform itself. This system requires that each space be numbered whether by painting on the pavement or on both sides of parking-stop blocks or by signing. Since Acton receives some snowfall each winter, some form of signs would likely be needed. At least two collection boxes would be needed at a cost of \$1,000 per unit. This system is used in a number of other commuter rail parking lots throughout the MBTA Commuter Rail system. A requirement of the pay box is

Date: November 6, 1992

Ref: 3279.21

that cash must be removed each day, but the person who removes the cash could also issue tickets to unpaid parkers.

Electronic Multispace Meters: This system is similar to the slot box option in that each space is numbered and a parker deposits a daily fee at a central collection point. At least two machines would be needed to serve this lot at a cost of \$10,000 to \$15,000 for each multispace meter. As with the slot box system, the principal disadvantage for this system is the requirement that each parker remember his/her space number and then walk over to the pay station and insert the proper fee. If a train has pulled into the station and the commuter has just arrived, they will not have time to both pay the fee and catch the train. As a result this may prove unpopular with commuters.

An advantage of the multispace meter over the slot box is the ability to collect several days worth of revenues before emptying the machine. This system also has the advantages of being able to accept dollar bills, can be monitored via telephone modem hookup, and enables tracking of revenues collected. An enforcement officer could obtain a printout of all numbered spaces to determine if a car is parked in an unpaid space. If all spaces have been paid for, then enforcement is not needed that day for those spaces under control of the multispace meter. Since this is a relatively unknown type of parking meter, some time would be required for parkers to learn how to use it.

A variation to the electronic multispace meter is a "Pay and Display" system. With this system, the parker can obtain a ticket near the lot entrance and place it on his/her dashboard. Enforcement is difficult since each ticket must be closely observed for the correct date. This system costs just under \$10,000 per unit. Another disadvantage to this system is the potential queuing that may occur at the unit.

Attendants: Having the lot attended each morning provides some flexibility in the rates charged for different types of parkers and ensures that each person who enters the lot pays to park while the attendant is there, precluding the need for enforcement. The primary disadvantage of this option is the potential queuing that could result in considerable disruption to traffic flow on Central Street. On a straight approach, a cashier collecting a fixed fee with no gate in place can process a maximum of 350 vehicles per hour, or one vehicle per ten seconds. The design capacity is one vehicle per 14.5 seconds, or about four vehicles per minute.¹ This design rate would suggest the possible need for two collection booths. In addition there is a need for an audit system to prevent theft and, on days when the attendant is absent revenues are not collected. Finally, the attendant must be paid and a heated/air-conditioned booth must be constructed.

Permits: A monthly permit system affords the commuter the maximum flexibility in terms of the time it takes to park and board the train. As with the attendant system, it is necessary to create an audit system to prevent theft plus there is a recurring operating expense in printing and selling the permits. This system requires enforcement probably once per weekday in the morning. A full permit system does not provide for non-monthly parking, but could be combined with meters for short-term spaces.

Date: November 6, 1992
Ref: 3279.21

Fee Structure

There has been some discussion in the past about charging different rates for different groups of parkers based on town of residence, age, etc. The simplest approach would be to charge the same or similar daily fee for all spaces. A suggested base rate is \$1 per day. According to the MBTA, no commuter rail lot on the system charges more than \$1 per day. On the Fitchburg line, the only lot that charges for parking currently is the Brandeis station lot located in Waltham.

Preliminary Recommendation

Based on our review of the options available to control the South Acton commuter rail parking lot, and based upon conversations with town officials, it is our opinion that the preferred method for revenue control is a combination of the traditional parking meters and electronic multispace meter(s). The lot can be divided into thirds with the upper third metered with traditional equipment, and the other two-thirds divided into Town of Acton residents and non-residents. This recommendation is based upon administrative costs for collection associated with slot boxes, attendant collection, full meters or establishment and operation of a parking permit program.

As shown in Figure 1, a plan which is a reproduction of a plan prepared by the Town for physical improvements to the lot, the new spaces that are parallel to either side of the lot driveway plus the spaces immediately adjacent to the existing island should be designated for daily metered parking. A total of 50 meters should be provided. The 100 spaces closest to the driveway between the metered spaces and the train platform should be designated for non-Acton residents. The remaining 105 spaces closest to the train platform should be designated for Acton residents. The town landfill access permit should be sufficient proof of residence although the front bumper placement of the landfill sticker may make enforcement slightly more difficult. The six handicapped spaces near the platform should be unmetered with no distinction for location of residence. A sign requiring either a handicapped license plate or registry permit should be posted in this area. All spaces except handicapped should be \$1 per day.

It is recommended that town residents be given the following priority for parking. They should fill up the town-designated permit spaces first. If these are full, they can park in the non-resident spaces. If these are full they can park in the metered spaces.

The cost estimate for program implementation totals \$75,000. This includes the following items:

- Physical parking lot modifications (materials only, construction by Town forces)² \$30,000
- Multi-space meter 2@ \$15,000 30,000
- Parking meters 50 @ \$300 15,000

Date: November 6, 1992
Ref: 3279.21

Monitoring of the lot via cameras and the construction of a kiosk near the platform are additional items which may be considered but are not included in the estimate.

Assuming full utilization of all spaces over 250 weekdays and 12 months per year but no overutilization, it is estimated that this system would generate approximately \$63,750 per year, excluding revenues from parking tickets issued to illegally parked vehicles. Operating expenses, consisting of meter collection, salary and administrative expenses, enforcement, etc., is forecast to be \$22,000 per year. This assumes that all personnel costs would be in addition to existing personnel costs in the town. When added to the town's estimated \$21,500 operating expenses for maintenance of this lot, total operating expenses are estimated to be \$43,500 per year. The \$20,025 excess per year would allow for a recovery of initial improvement costs over a four to five year period, and serve as a means by which equipment replacement needs could be addressed in the future.

An alternate arrangement for controlling the daily metered spaces is to install a multispace electronic meter on the island near the entrance to the lot.

It should be noted that a switch from free parking to fee parking will be perceived by some individuals as a drastic measure. Some individuals will seek out free parking outside of the parking facility rather than pay to park. Therefore, it is important to identify locations on streets surrounding the parking lot where parking may occur and to post appropriate signs. In addition, with vandalism a concern the town may also wish to consider some type of video monitoring of the lot with a connection to the police department.

1/ Source: Parking, R.A. Weant and H.S. Levinson, Eno Foundation For Transportation, 1990.
2/ As estimated by the Town's Engineering Department.

11/10/92
⑤

**SELECTMEN'S MEETING
OCTOBER 6, 1992**

The Board of Selectmen held their regular meeting on Tuesday, October 6, 1992, present were Dore' Hunter, Norm Lake, Nancy Tavernier, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

Mr. John Doherty of 14 Deacon Hunt Road asked the Board to come up with a plan to solve the problem of parking that currently exists at the Lot. People are parking in illegal spots because the lot is full. He is upset he has to be at the lot so early to get a spot. He said we should look into charging \$1.00 per day as the MBTA does to correct this overcrowding. Nancy explained that the Board was addressing this issue currently and gave him an overview of the history of the parking issue and the efforts made to come to a consensus on the way this issue should be resolved.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON - Main Street

NORM LAKE - Moved to approve - DORE' HUNTER Second.
UNANIMOUS.

BOSTON EDISON - 13 Rear Oakwood

NORM LAKE - Moved to approve - DORE' HUNTER Second.
UNANIMOUS.

BOSTON EDISON OVERVIEW MEETING

Jack Goggins from Boston Edison and the line superintendent for this area were in to update the Board on several issues. The DPW emergency facility is set up and ready to go. They are in the process of constructing a new circuit on Powdermill Road which will serve School Street, Piper Road, Nagog Woods. They feel that Acton is currently from a structural point of view the best served community. They said that they have not experienced any delays since the Maynard move. They are currently in the tree trimming cycle and have experienced no problems. This is being overseen by the Tree Warden. Norm Lake asked for a copy of the latest line drawings; they said they would forward the circuit drawings as they become available.

GEORGIA E. WHITNEY FUND

William Ryan representing the Whitney Fund Trustees made a presentation to the Board requesting the \$4,000.00 balance in interest to be expended to finance a portion of the production of Ophelia. Bill Mullin asked what would be done with the overage if any and shortages in funds. Bill and Jack Ormsbee said that

although they expected to make and return money to the Whitney Fund, that in the event they found they would be short, they would canvass the community and get last minute donations. Jack Ormsbee outlined the proposed plans to make the auditorium handicapped accessible and making it the first in the region to accommodate both physical and hearing impaired citizens. DORE' HUNTER - Moved to approve the expenditure of \$4,000 from the G.W. Fund. NORM LAKE - Second. UNANIMOUS VOTE.

AC CHEVROLET - CLASS I

Lawrence Gordon the new owner of AC Chevrolet outlined his proposal for the dealership. While he had wanted to retain the original name AC Chevrolet, it was not possible so in keeping with the flavor of the community he has chose to name it Colonial Chevrolet. He said that outwardly no change would be observed since he has been the General Manager and handling the operations for the last three years. Anne Fanton asked Mr. Gordon if he was aware he might have to comply with the new sign bylaw. He said "No but he was prepared to do whatever he had to do to comply". DORE' HUNTER - Moved to approve the Class I License to Colonial Chevrolet. NORM LAKE - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar with additional items of Bonfire approval and Disposal of surplus Dumpsters for Highway Dept. - DORE' HUNTER - Moved to accept with additional items as presented. ANNE FANTON - Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

Sunday Holiday Package Store Openings - DORE' HUNTER - Moved to approve the openings as outlined by ABCC. ANNE FANTON - Second. UNANIMOUS VOTE

Columbus Day Holiday Openings - The Board discussed the Columbus Day Holiday and the consensus was that they would not object to the stores in Acton being open and would support the Police Chiefs decision on this issue.

United Nations Day Proclamation - The Board reviewed the request to proclaim October 24th U.N. Day in Acton. Dore' Hunter asked that, if we had a flag as mentioned in the letter, we fly it. NORM LAKE - Moved to sign the proclamation. ANNE FANTON - Second. UNANIMOUS VOTE.

CML Site Plan - The Board reviewed the Site Plan Approval and make several corrections in spelling and also asked that Sunday be stricken from the conditions as an acceptable work day. DORE' HUNTER - Moved to approve conditions with corrections as noted. NORM LAKE - Second. UNANIMOUS VOTE.

FOSTER MASONRY - Norm asked for an update regarding Foster Masonry. Don said the building has been secured and they are negotiating presently.

COMMUTER LOT - Anne Fanton asked the Board to consider an interim plan to control the use of the lot. She suggested that a dump sticker be used as a permit to park and out of town vehicles would be required to pay \$100.00 per year or \$50.00 for 6 months. The stickers would be available at the Police station on Thursday evenings. After much discussion Anne withdrew her request as long as the problem was going to be addressed within the month.

NARA - The Board discussed the recent response from EPA and expressed frustration with the suggestions made by them. Nancy thought we should invite them to come in and meet with the Board and also do a site inspection with them.

MILL CORNER - Anne asked for the Boards direction regarding the recent memo from the Planning Board. Anne felt the land should be designated for Conservation use. Nancy, Don and Dore' expressed a concern that this designation would tie our hands if a non-impact use would arise for the parcel, that this is a very restrictive designation, and that the responsibility is then turned over to the Conservation Commission and the Board of Selectmen has no control. Anne felt that was just what she wanted. She was concerned that in 20 years as land has been built out that the Town might put a parking lot or other structure there or sell the land and that is inconsistent with the intent of the PCRC or Open Space Development. After much discussion staff was directed to inform the Planning Board that the Board agreed with the options as outlined in the memo of September 21, 1992.

MILL CORNER - Traffic mitigation - The Board discussed the Planning Board's memo requesting a temporary signal and what it would cost to address the whole traffic problem. Anne said she would call the Planning Board and let them know of the Board's decision not to install the W. Acton signal there.

ACES - Nancy asked the Board if they wanted to pursue reimbursement of the \$1,372 expended by the Town to develop the RFP for Bioremediation. The Board decided that it would not seek reimbursement.

TOWN MANAGER'S CONCERNS

ZONING ARTICLES - Don asked if the Board wanted him to forward the proposed zoning articles to the Finance Committee. The Board directed him to do so.

COORDINATING COMMITTEE UPDATE - Don made a presentation on the coordinating committees recent meeting and its effects on Free Cash. Don spoke about enhanced revenues and pooled revenues. He further outlined the procedures that have been implemented to improve collections. The Coordinating Committee Plan has revenues received back not put against the town side. Don said it was apparent that at the last Coordinating Committee Meeting these issues needed to be addressed. Don said he wanted several new positions, Personnel Director, Accounting Clerk, Engineering, Sanitarian, Collector and Police/Fire Dispatchers

plus a person at the Senior Center. Don stressed that these positions were needed to keep the organization above water, that especially in the Collections division, they have been running short for three years, and that eventually they would give out because the workload and responsibilities are too much.

John Murray outlined the Capital requests. It is an estimated 5 million in requests. Dore' asked about the effect of the ladder truck being out. John said hand ladders, use of the snorkel and mutual aid. What they are proposing for the Finance Division is to increase personnel and upgrade the computer software. They are seeking to retain the funds gained to be used to fund the programs.

Dore' outlined for the Board his reaction to the last Coordinating Committees meeting. He was concerned that the cost of the software would not translate into something the average citizen could recognize and felt it was not going to be easy to defend, especially since there were increased personnel along with the software. He felt the fire truck issue would have to be addressed either by sharing or other ways. Nancy and Bill felt that the expense for software if recouped in 17 months was well worth the expenditure. Anne felt it was an area needed to be addressed and that the relative short payback for the benefit gained should also be looked into. Nancy wanted to talk about the tax collection program as a self-funding program and wanted the Boards thoughts on classifying it as such for the Coordinating Committee Process. Anne and Nancy noted concern that the 2/3 split of taxes was not generally known. Anne also noted that Acton falls low on the town side and high on the school expenditure per capita compared to other Mass communities. Nancy wanted money turned back by the town side to be set aside for the next year as incentive.

Don asked what they wished discussed at the Thursday meeting. Bill wanted the form changed and expanded to show where the flows are. The Board discussed the split and how it was originally formulated. Anne did not want 5% supported. Nancy wanted to see turn back wording. Dore' wanted the question of tax collection and the split addressed. John suggested we get NESWC issue addressed. Norm felt that if the school insisted on the payback of Deferral he could not support the override.

EXECUTIVE SESSION

The Town Manager requested an Executive Session. ANNE FANTON - Moved we go into Executive Session for the purpose of discussing Contracts. NORM LAKE - SECOND. Anne took roll call, all Ayes.

The Board adjourned at 11:00 P.M.

Clerk

Date

Christine Joyce
Recording Secty.

**EXECUTIVE SESSION
OCTOBER 6, 1992**

NESWC

Don Johnson updated the Board on the recent meeting he attended at NESWC. Although he did not know going into the meeting, the prime thrust of the meeting was to discuss the separation agreement of the Executive Director. Jerry Hopcroft has resigned as of this Friday and Henry Rugo has also left stating family responsibilities. Don let the board know that it was a critical time at NESWC as they were going out to bond in the near future and the two positions were going to be vacant. However, they have appointed a temporary Director. Don also informed the Board that part of the separation agreement included a gag order prohibiting comment on Mr. Hopcroft's performance at NESWC. He was also awarded a package amounting to approximately \$28,000.00

The Board adjourned at 11:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(298)

11/10/92
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TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 10/26/92

TO: Don P. Johnson, Town Manager
FROM: Engineering Department
SUBJECT: Fence at 103 Charter Road

The lot in question is located at the corner of Arlington Street and Charter Road, closest to the bridge which is currently under construction. As Mrs. Holbrook's letter states, she wishes to fence the portion of her yard which abuts Arlington Street. Following our initial contact with Mrs. Holbrook, we located the found which marks the limits of the public way on Arlington Street and found it to be approximately 15 feet from the edge of pavement. The proposed fence will be approximately 8 feet from the edge of pavement.

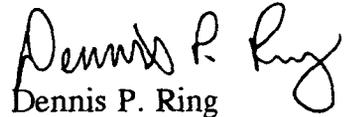
Our initial concerns were to maintain adequate sight distance for vehicles pulling out of Charter Road onto Arlington Street, and for adequate snow storage on the road shoulder of Arlington Street. In our opinion, the proposed fence location will not interfere with either of these factors. An existing telephone pole and crab apple tree at the corner of Arlington Street and Charter Road are the limiting factors for sight distance. Also, a row of concrete guard rail posts and large boulders about 3 to 4 feet from the edge of pavement limit the snow storage capacity of the road shoulder. The proposed fence will be 4 to 5 feet behind these obstructions.

If the Board chooses to grant this request, the following conditions are recommended:

1. The permission should be in written form and should state clearly and specifically that the Town of Acton does not acquiesce to the location of the fence as the limit of the public right-of-way and that there is no intention to abandon or otherwise diminish the Town's right to utilize the full 50 foot width of the Arlington Street layout. If the Town so desires or chooses to use the layout for any purpose, the residents must remove or re-locate the fence at their own expense within 60 days of receiving written notice from the Town.
2. The Town shall not be responsible for maintenance, repair or replacement of the fence due to damage caused by any Town vehicle involved in the routine maintenance of Arlington Street including, but not limited to, snow plowing, mowing, brush clearing, paving, etc..

3. The permission should be granted specifically to Scott and Sally Holbrook as owners and residents of the property at 103 Charter Road and not to their heirs, successors or assigns.

If you have any questions or need additional information, please feel free to contact us.


Dennis P. Ring
Engineering Assistant II

[*70]

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: October 16, 1992

TO: David Abbt, Engineering Administrator ✓

FROM: Don P. Johnson, Town Manager

SUBJECT: Fence Question, 103 Charter Road

Please review the attached letter from Mr. & Mrs. Holbrook regarding a fence they apparently wish to erect within the street ROW and advise me of your comments and recommendations. Upon receipt of your comments I will place the question before the Selectmen.



cc: Board of Selectmen

OGT 19 1992

11/10/92 (7)

TOWN OF ACTON
Inter-Departmental Communication

DATE: October 30, 1992

TO: Selectmen/Finance Committee

FROM: Trustees & Auxiliary, West Acton Citizens Library

SUBJECT: Restricted Gift

Trustees and members of the Auxiliary request you accept the gift of \$912.80, and credit the money to our gift account #1436. The money will be used to purchase rugs for the library.

Francis E. Bissell

Trustee

11/10/92 (8)

Friends of the Acton Arboretum

Conservation Land

472 Main Street, Acton, Massachusetts 01720

(508) 264-9631

October 23, 1992

Don P. Johnson, Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

Don,

The Friends of the Acton Arboretum, request approval to pay for Tom Tidman to attend a lecture at the New England Wildflower Society on Saturday, November 14, 1992. Cost of the three hour lecture is \$22.00

The information being discussed is appropriate to planting we are planning a the Arboretum, as well as Acton Conservation lands in general.

Sincerely,

Sue B.

Sue Beveridge
Treasurer

CHRIS -

10/23

PLS. PLACE ON CONSENT CAL. FOR NEXT MTG .

ADVISE TOM TO MAKE PLANS TO GO & LET THE FRIENDS KNOW WE ARE MOVING TO HAVE SELECTION ACCEPT THE GIFT.

Tom

11/10/92
9

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 10/22/92

TO: Board of Selectmen
FROM: Engineering Department
SUBJECT: Emergency Electrical Hook-up
Main Street

We have reviewed Kevin Sweeney's request to install underground electrical service to a newly constructed house on Main Street prior to the public hearing. We do not foresee any problems with the installation, however, the formal paperwork should be processed in the usual manner as soon as possible.


Dennis Ring
Engineering Assistant II

LUNN AND SWEENEY CORPORATION

ONE HOTEL PLACE
P.O. Box 280
PEPPERELL, MASSACHUSETTS 01463
(508) 433-5380
FAX (508) 433-2411

Board of Selectmen
Town of Acton
Town Hall
Acton, MA 01720

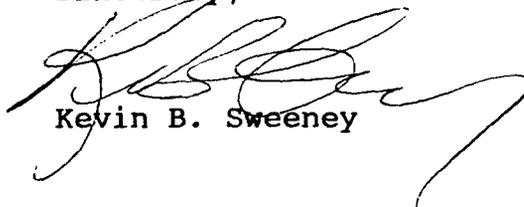
September 29, 1992

Dear Selectpeople:

Our company needs an emergency grant by your board to connect underground power from pole #26 on Main Street to a home constructed on Lot 1, Main Street. Edison is going to schedule a public hearing but would not give us a date at this time. The house is sold and the family is due to move in on November 30. We would greatly appreciate your consideration in the emergency request. Please find enclosed plot plan.

Thank you.

Sincerely,



Kevin B. Sweeney

KBS:cl
Enc.

11/10/92
10

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Selectmen

DATE: October 19, 1992

FROM: Wanda Null, Library Director

SUBJECT: Disposition of card catalog

At the Memorial Library Board of Trustees' September meeting it was voted to request the Board of Selectmen designate the adult card catalog as surplus equipment and dispose of it. The library wants to retain the frame which houses the drawers, but has no use for the individual drawers nor the inserts which support the drawers. The adult card catalog contains 120 catalog drawers and there are six "inserts" which each hold 15 drawers. The estimated value of the adult card catalog is minimal. With the widespread advent of automation, card catalogs are obsolete and are frequently offered free to interested parties, providing the recipient will remove from the donating institution. The Boxboro librarian and Stow school librarian have each expressed interest in one fifteen drawer section and have indicated they are capable of paying a modest sum (\$10).

CONSENT 11/10/92 .

11/10/92
①①

November 5, 1992

Ann Gordon, 42, lives at 135 Strawberry Hill Road. She has a long history of emotional instability and severe back problems. Her income is a monthly disability check. When she is well, Ann donates volunteer time to varied community causes. To make ends meet Ann has always needed a roommate to share shelter costs. Currently she is without that roommate component which leaves her financial situation very tight.

The attached bill from Dr. McQueen is for work that finishes a procedure begun early last spring. His charges on the statement are one half the usual charge. Ann is a difficult dental patient, and Dr. McQueen has been most kind.

Carol Lake
Council On Aging

Betsy Ball Fund: \$130.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

11/10/92
12

DATE: November 6, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: NESWC Representation

On several occasions, for several reasons, John Murray has not been able to attend recent NESWC meetings. In those instances I have attended in his place. The members of both the Advisory and the Executive Committees have allowed me to vote in John's stead, although I have had no official standing.

Given the importance of having an authorized, voting representative for all of the activities that are currently taking place at NESWC, I respectfully suggest that the Board designate me as Acton's Alternate NESWC Representative.

cc: John Murray



11/10/92
13

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: November 2, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Site Plan Special Permit #7/24/92-336

I am in receipt of two letters of agreement (see attached) from CML. They were required under conditions 3.4.1 (traffic) and 3.4.2 (monitoring wells) of said decision. I find they are consistent with the decision. I do not have any objections if the Board of Selectmen accepts them.

I am also in receipt of a check for \$3600. This is a gift to be used to construct a sidewalk as required under condition 3.6.

3.6 The Petitioner shall either construct or give a gift to construct a sidewalk from the McPherson driveway to the Phillips' driveway, a distance of 300 feet. If the Petitioner elects to construct the sidewalk, it shall be constructed by subdivision standards. The cost to construct a sidewalk has been determined to be \$12. per lineal foot, therefore prior to issuing a building permit, a gift for \$3600 to construct the sidewalk or a cash bond to cover construction costs be given to the Town (bond to be released at the completion of sidewalk construction).

It is my recommendation that the Board of Selectmen accept this gift for its intended purpose.

(922)

CONSENT 11/10

COPY

524 Main Street
Acton, Massachusetts 01720
Telephone: (508) 264-4155

G. Robert Tod
President

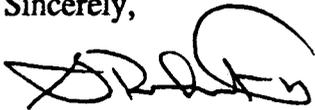
October 30, 1992

Board of Selectman
Town of Acton
472 Main Street
Acton, MA 01720

To whom it my concern:

We agree that at such time and in such quantity as the Board of Selectman may designate, the Petitioner will provide up to three (3) monitoring wells for the purpose of monitoring the general quality of ground water in the area and providing as early warning of potential problems. Such wells shall be installed in accordance with the directions and specifications of the Board of Selectmen. Petitioner shall agree to assume all costs (not to exceed a maximum total cost of \$3,000 to the Petitioner) necessary and associated with the provision of such monitoring wells (not to exceed three) and shall provide the necessary easements/access rights to the Town of Acton and the Acton Water Supply District in order to facilitate the taking of water samples for analysis.

Sincerely,



G. Robert Tod

GRT:ch

524 Main Street
Acton, Massachusetts 01720
Telephone: (508) 264-4155

G. Robert Tod
President

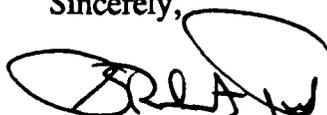
October 30, 1992

Board of Selectman
Town of Acton
472 Main Street
Acton, MA 01720

To whom it my concern:

At such time as traffic conditions on Main Street, in the opinion of the Board, reach proportions that constitute a hazard to the citizens of the Town of Acton, the Petitioner or the owner of the property will contribute (on a pro rata basis) a fair share toward a traffic study to be conducted at the direction of and to the satisfaction of the Board, focused on alleviating the problem. The Petitioner's share is to be based on metering of traffic to and from the subject property. The Petitioner herein agrees to assume all costs necessary and associated with the subject property. In addition, the Petitioner will contribute, according to the established pro rata basis, a fair share towards mitigation measures suggested in the traffic study.

Sincerely,



G. Robert Tod

GRT:ch

CML Group, Inc.
524 MAIN STREET
ACTON, MA 01720

DATE	INVOICE	AMOUNT
	SIDEWALK GIFT	

5-174/110

5292

PAY CML GROUP \$ 3,600.00 DOLLARS & 00 CTS DOLLARS

CHECK NO.	TO THE ORDER OF	DATE	CHECK AMOUNT
5292	Town of Acton	10/30/92	3,600.00

Robert J. Saunderson

BayBank Boston BayBank Boston, N.A.
Boston, Massachusetts

⑈005292⑈ ⑆011001742⑆ 841 397 5⑈

11/10/92

14

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 11/4/92

TO: The Board of Selectmen
FROM: John Murray
SUBJECT: COA Center Gas Line

The Council on Aging has requested that the Town release \$1800 of the monies approved by Town Meeting for the installation of a natural gas line to the Proposed Senior Center. The Town Accountant and I agree that this type of expenditure is within the scope of the article.

The cost of a gas line installed by Boston Gas is approximately \$3,900. Due to the fact that the Highway Department has the manpower with the necessary skills and equipment, staff is able to do much of the work and the Council on Aging can reap a 50% discount.

I have been informed by Roy Trafton of COA that Roy Smith and the bank do not have the resources to make the change from propane to natural gas. Further he feels that COA can obtain additional donations for furnishings to offset this expenditure (the article was for labor, utilities, and furnishings). We seek your approval.



ACTON HOUSING AUTHORITY

Windsor Avenue
P.O. Box 681
Acton, Massachusetts 01720
508/263-5339

TDD #- 1-800-545-1833 EXT.120

11/10/92

15

November 3, 1992

Ms. Nancy Tavernier
Chairman
Acton Board of Selectmen
Acton Town Hall
Acton, MA 01720

Dear Nancy: *Nancy*

Enclosed please find four (4) copies of the Section 8 Annual Contributions Contract being submitted to the Board of Selectmen for their approval. This is for an existing contract and is only a cost adjustment. The contracts require your signature, the seal and attest to the seal.

Thank you in advance for your assistance in this matter. I will pick them up at the Town Hall on Thursday November 12th.

Sincerely,

Naomi E. McManus
Naomi E. McManus
Executive Director

Enc.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

11/10/92

16

DATE: October 16, 1992

TO: Board of Selectmen ✓

FROM: Don P. Johnson, Town Manager

SUBJECT: 4-Way Stop @ Parker & High Streets

Some time ago members of the Board suggested that we consider employing a 4-way stop at the subject location. In order to properly advise the Board on this suggestion, staff had Vanasse Hangen Brustlin, Inc. review the intersection. As you can see from their final report (copy attached), the intersection does not "meet the warrant" for such a control.

Given this report, we have not pursued the question further. We have, however, acted on the recommendation contained in their last paragraph. You will note that David Abbt has written to Kevin Sweeney (copy attached) to discuss improvements on the property. (He is the current owner.) I will advise you of any significant accomplishments in this regard.

Unless the Board directs further, I shall assume that the actions noted above are satisfactory to the Board.

cc: David Abbt





101 Walnut Street
Post Office Box 9151
Watertown
Massachusetts 02272
617 924 1770
FAX 617 924 2286

September 24, 1992

Ref: 03334.21

Mr. David Abbt
Engineering Administrator
Acton Engineering Dept.
472 Main Street
Acton, MA 01720

Re: High Street at Parker Street
Multi-Way Stop Sign Review

Dear David:

We have completed a review of traffic and accident data furnished by the Town for the subject intersection given our discussion of potential four-way Stop sign control. Our review has determined that multi-way Stop control at the intersection is not warranted under any of the three possible conditions as described in the 1988 Manual on Uniform Traffic Control Devices (MUTCD).

The MUTCD suggests that Multiway Stop installation is useful as a safety measure at some locations. Any of three conditions may warrant this type of control which is appropriate when the volumes carried by intersecting roadways is approximately equal. These conditions include an interim measure at a location where traffic signal control is warranted and urgently needed, the presence of five or more accidents per year which are correctible by Multiway Stop installation, and a combination of minimum vehicular/pedestrian volumes and delay.

Within the High Street, Parker Street area, traffic volumes are not of a level to warrant signalization. Accident occurrence in the past three years has totaled six (6), or only two (2) per year. The intersection should continue to be monitored through this year as three collisions have been reported through September 15. We have also determined that total traffic use of the intersection exceeds 500 vehicles per hour for only six (6) hours per day and that Parker Street use, the minor approaches, exceeds 200 vehicles per hour for only one (1) hour during the day. MUTCD requirements for the vehicle use are 500 vehicles per hour for a minimum of eight (8) hours with a minimum of 200 minor street approach vehicles during the same eight (8) hours. Should these volume levels be achieved, further study of vehicle delay on the Parker Street approaches would be required as the third part of the volume warrant requires average side street vehicle delay of 30 seconds during the peak hour.

Further review of the volume warrant was completed based upon the presence of an 85th percentile speed in excess of 40 miles per hour on the High Street approach. (This is unsubstantiated but analyzed as a possible warranting condition.) In this case, it is possible to reduce volumes and delays by 70 percent to 350 vehicles total with 140 on the side street for eight hours, and side street delays of 20 seconds during the peak hour. Total entering volume² exceeded the 350 vehicle total for 13 hours. However, the Parker Street approach volume exceeded 140 vehicles for only six (6) hours.

RECEIVED
SEP 25 1992

ACTON ENGINEERING DEPT.

SEP 25 1992



Mr. David Abbt
Ref: 03334.21
September 24, 1992
Page 2

The primary problem within the intersection area appears to be poor sight distance from the southbound Parker Street approach to the westerly leg of High Street. This is caused by an embankment and stone wall in the northwest quadrant coupled with the High Street and Parker Street approach grades. While accident incidence within the intersection area should continue to be monitored, the Town may wish to consider some improvements in the northwest quadrant such as wall relocation to the High Street right-of-way line and possible slope easements behind the right-of-way line.

If we may be of further assistance, please call.

Very truly yours,

VANASSE HANGEN BRUSTLIN, INC.

A handwritten signature in black ink, appearing to read 'John J. Kennedy'. The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends to the right.

John J. Kennedy, P.E.
Director Traffic Signals

JJK/seh

Enclosure

OCT - 1 1992



ENGINEERING DEPARTMENT

472 MAIN STREET
ACTON, MA 01720

September 30, 1992

Lunn & Sweeney Corp.
c/o Kevin Sweeney
P.O. Box 280
Pepperell, MA 01463

re: High Street/Parker Street Intersection

Dear Kevin:

I am enclosing a copy of a letter from Vanasse Hangen Brustlin, Inc. (the Town's traffic consultant) concerning the possibility of multi-way (four way) stop sign control at the High St./Parker St. intersection. As you will note, VHB has determined that this option is not warranted.

However, on page 2 they suggest some improvements to the northwest quadrant of the intersection to increase sight distance. Would it be possible to discuss changes at this location prior to the sale of the old Whittle house? Dick Howe, Dean Charter and I could meet with you at your convenience to review alternative options to improve public safety.

Please call me at 508-264-9628 if you have any questions.

Very truly yours,

David F. Abbt
Engineering Administrator

DFA/dmj

cc: Don P. Johnson, Town Manager ✓
Richard Howe, Highway Superintendent
Dean Charter, Tree Warden

11/10/92 (18)

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Selectmen DATE: October 28, 1992
FROM: South Acton Village Planning Committee R.B. to SAVPC
SUBJECT: Proposal - Market Study for South Acton Village

In the course of our planning efforts for South Acton Village it has now become apparent to us that we need detailed and realistic data on the market potential of South Acton Village as a small business center. Judging from our preliminary survey results it appears that most people find the location unattractive due to lack of business variety, traffic hazards, and a generally run-down appearance. On the other hand, a significant number of respondents stated that they would like to see more stores and business variety in South Acton Village.

It is apparent to us that the economic prospects of South Acton properties must be enhanced if their owners are to be enabled to finance infrastructure improvements, i.e. sewers in a small sewer district, or to simply keep up or renovate the buildings. While the lack of sewers, the general deterioration, the traffic conditions and pedestrian hazards may all contribute to the low level of business activity, we have no idea what the business potential of South Acton Village could be once some or all of these obstacles are removed.

We find it therefore essential that we study the market potential of South Acton Village based solely on the merits of its location, customer attitudes, demographics and income data. Only with this information can we proceed to formulate realistic planning recommendations for South Acton Village.

Based on a quote received from Economics Research Associates in Cambridge we believe that we can have a market study done for under \$30,000.00, which would give us quantitative data on the business development potential of South Acton Village. We ask that you authorize the expenditure of up to \$30,000.00 from the Great Hill gift account and direct the Planning Department to proceed with the study project.

Thank You for your consideration of this matter.

xc: Planning Board

[RHB.SAVPC.92*18]



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/431-2770

Serving 101 cities and towns in metropolitan Boston

11/10
20

cc: D. ABBT } PLEASE REVIEW AND
R. BARTL } PROVIDE COMMENTS FOR
SUBMISSION TO BOS AT
THEIR 11/10 MEETING.

October 23, 1992

Dear Chief Elected Official:

cc: BOS

The Metropolitan Area Planning Council has been engaged by the Federal Highway Administration and the Massachusetts Highway Department (MHD) to review the existing functional classification of all public roads and to recommend changes. Your review of these changes is, naturally, an important part of the process.

The federal Intermodal Surface Transportation Efficiency Act (ISTEA) requires every urban area in the country to review and update functional classifications of roads. These classifications include:

Interstate and Principal Arterials	No more than 10% of Urban road mileage primarily serving through traffic
Minor Arterials	15% of the system serving through traffic and land access
Collector Streets	Roads serving to collect traffic from local streets
Local Streets	Residential streets

The MAPC region had over 1,000 miles of Principal Arterials after the last reclassification (in 1980), or about 11% of our road miles. To meet new federal directives we must reduce Principal Arterial mileage by about 100 miles. The MAPC's MetroPlan 2000 committee has provided guidance to the staff on these changes.

Functional classification affects both roadway design standards and funding eligibility. The roads with the highest classification are eligible for inclusion in the new National Highway System, but would also have to meet the most rigid design standards. However all roads except local streets and rural minor collector streets are eligible for Chapter 90 reimbursement and some federal funding programs. Thus having a road reclassified from principal arterial to minor arterial will relax design standards while not affecting funding availability.

Marjorie A. Davis, *President* Edmund P. Tarallo, *Vice-President* Richard A. Easler, *Secretary* Marylou Batt, *Treasurer*

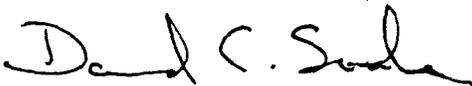
David C. Soule, *Executive Director*

Attached you will find a map illustrating the functional classification of roads in your community, a key for interpreting the color codes and a list of changes, if any, that MAPC is recommending in your community.

If you or your staff wish to recommend any changes to this map, please contact Daniel Fortier at MAPC no later than November 13th. Your suggestions will be reviewed for how they impact the regions compliance with the federal directive and for consistency with classifications in neighboring communities.

Thank you for your attention to this effort.

Sincerely,



David C. Soule
Executive Director

DCS/DJF/mlm

Attachment

cc: Community MAPC Representative
William Steffens, Mass. Highway Department
Daniel J. Fortier, Chief Transportation Planner

COLOR CODES USED FOR
BTP&D 2000' SCALE HIGHWAY FUNCTIONAL CLASSIFICATION MAPS

Within an Urban Area:

Black	Urban Interstate (*)
Solid Red	Urban Extension of Rural Principal Arterial (*)
Blue	Urban Extension of Rural Minor Arterial (*)
Dashed Red	Urban Other Principal Arterial (non-Connecting Link) (*)
Green	Urban Minor Arterial
Brown	Urban Collector
[No Color]	Urban Functional Classification Local

Outside of an Urban Area:

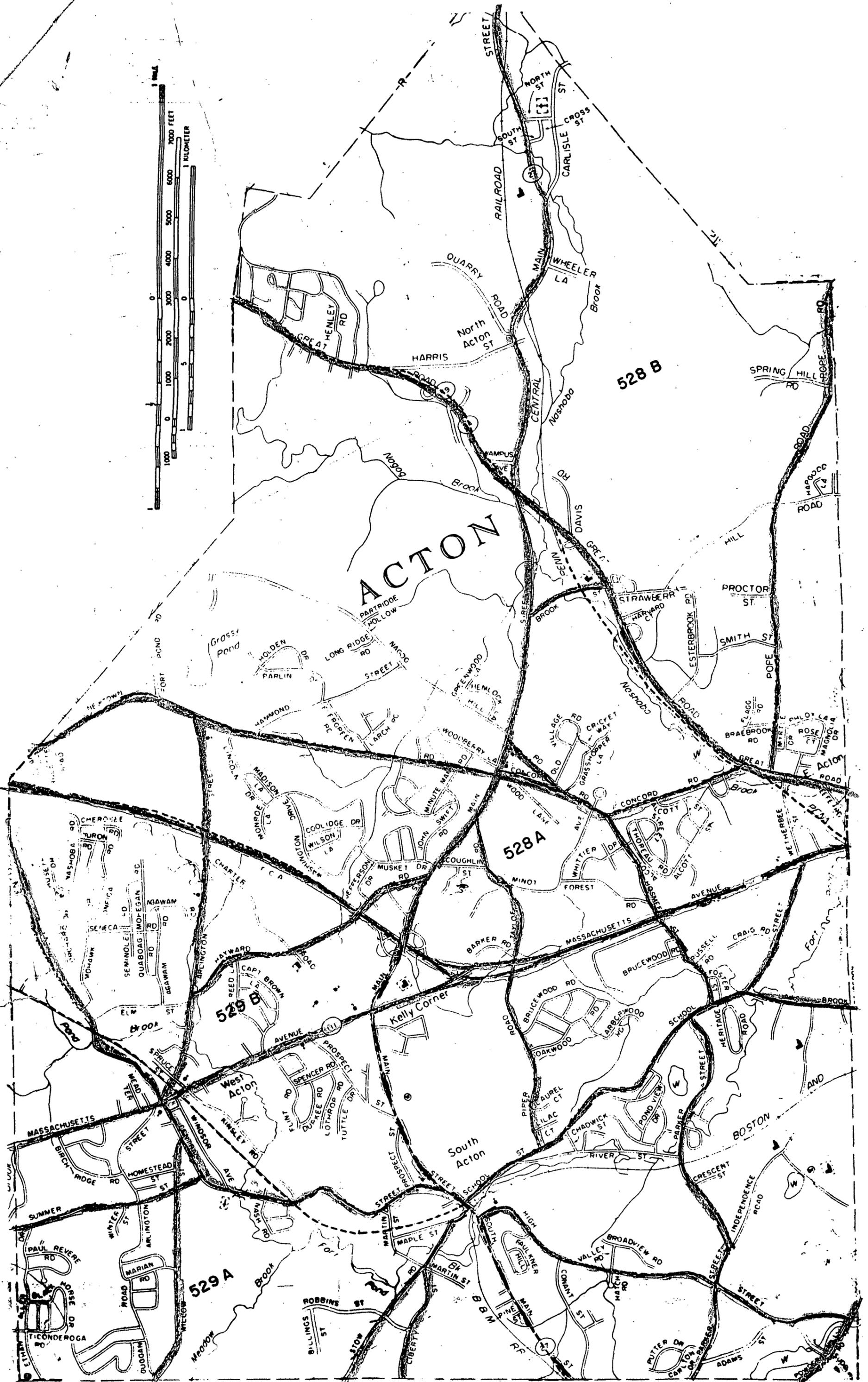
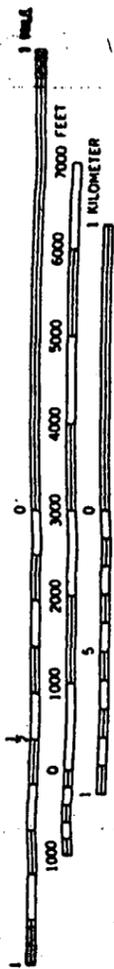
Black	Rural Interstate (*)
Solid Red	Rural Other Principal Arterial (*)
Blue	Rural Minor Arterial
Green	Rural Major Collector
Brown	Rural Minor Collector
[No Color]	Rural Functional Classification Local

Purple Federal-Aid Urban Boundary (Shading is inside the Urban Area) Before Expansion of Federal-Aid Urban Area Boundaries due to 1990 Census

(*) Denotes a Principal Arterial

9/24/92

607F



TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 12/2/92

TO: The Historic District Committee
FROM: Don Johnson, Town Manager
SUBJECT: The Town Common

The Board of Selectmen have asked me to transmit the attached diagrams of possible solutions to a traffic problem at the Newtowne Rd.- Concord Rd. and Main Street intersection. While the Board of Selectmen understand that the Committee does not have legal jurisdiction in this matter, they seek and will value your input.

Thank you for your time and consideration.

11/10/92 (19)

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: John Murray, Assist. Town Manager DATE: October 30, 1992

FROM: Roland Bartl, Town Planner *R.B.*

SUBJECT: Acton Center Traffic Management

Attached please find estimates/proposals by two firms for a traffic management study in Acton Center:

1. Bruce Campbell & Associates, Inc. runs at \$3,500.00.
2. Vanasse Hangen Brustlin, Inc. runs at \$4,500.00 for one option, and at \$16,000.00 for a second option.

I had also contacted HMM Associates, Inc. While they did not respond in writing, Andre Bover of HMM quoted to me over the telephone a figure of up to \$10,000.00.

I have no recommendations at this time. Once again I wish to express my hope that remaining Master Plan funds stay reserved for Village Plans.

cc: David Abbt

[RHB.IDC.92*13]

September 29, 1992

Bruce Campbell
Bruce Campbell & Associates, Inc.
38 Chauncy Street, Suite 701
Boston, MA 02111

REGARDING: Cost Estimate for Traffic Management Study - Acton Center

Dear Mr Campbell:

The Board of Selectmen has asked me to collect cost estimates for the study and design of traffic management solutions that could eliminate (or postpone) the need for a traffic signal in Acton Center at the intersection of Main Street (Route 27) with Newtown Road and Concord Road. Continuous and heavy traffic flow on Main Street causes left in/out turns and cross movements to be difficult and hazardous particularly during peak hours.

Alternatives to a signal may include, but need not be limited to turn restrictions and one-way rules. The study should deliver one or more possible alternative measures or combination of measures, an assessment and recommendation on their feasibility and effectiveness, and an assessment of the impacts on other roadway links and intersections within Acton's street network.

Would you be so kind and respond with a rough cost estimate or range for such a study at your earliest convenience. Thank You.

Sincerely,

Roland Bartl
Town Planner

Enclosures

cc: Don P. Johnson
David Abbt

[RHB.LET.92*2]

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

September 29, 1992

John Kennedy
Principal
Vanasse Hangen Brustlin, Inc.
101 Walnut Street
P.O. Box 9151
Watertown, MA 02272

REGARDING: Cost Estimate for Traffic Management Study - Acton Center

Dear John:

The Board of Selectmen has asked me to collect cost estimates for the study and design of traffic management solutions that could eliminate (or postpone) the need for a traffic signal in Acton Center at the intersection of Main Street (Route 27) with Newtown Road and Concord Road. Continuous and heavy traffic flow on Main Street causes left in/out turns and cross movements to be difficult and hazardous particularly during peak hours.

Alternatives to a signal may include, but need not be limited to turn restrictions and one-way rules. The study should deliver one or more possible alternative measures or combination of measures, an assessment and recommendation on their feasibility and effectiveness, and an assessment of the impacts on other roadway links and intersections within Acton's street network.

Would you be so kind and respond with a rough cost estimate or range for such a study at your earliest convenience. Thank You.

Sincerely,

Roland Bartl
Town Planner

Enclosures

cc: Don P. Johnson
David Abbt

[RHB.LET.92*2]

September 29, 1992

T. Andre Bover
HMM Associates, Inc.
196 Baker Avenue
Concord, MA 01742

REGARDING: Cost Estimate for Traffic Management Study - Acton Center

Dear Mr. Bover:

The Board of Selectmen has asked me to collect cost estimates for the study and design of traffic management solutions that could eliminate (or postpone) the need for a traffic signal in Acton Center at the intersection of Main Street (Route 27) with Newtown Road and Concord Road. Continuous and heavy traffic flow on Main Street causes left in/out turns and cross movements to be difficult and hazardous particularly during peak hours.

Alternatives to a signal may include, but need not be limited to turn restrictions and one-way rules. The study should deliver one or more possible alternative measures or combination of measures, an assessment and recommendation on their feasibility and effectiveness, and an assessment of the impacts on other roadway links and intersections within Acton's street network.

Would you be so kind and respond with a rough cost estimate or range for such a study at your earliest convenience. Thank You.

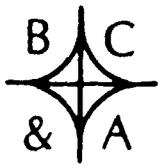
Sincerely,

Roland Bartl
Town Planner

Enclosures

cc: Don P. Johnson
David Abbt

[RHB.LET.92*2]



Bruce Campbell & Associates, Inc.

Transportation Engineers and Planners

PRINCIPALS

Bruce Campbell, P.E.
Georgy Bezkorovainy, P.E.
Michael Gruenbaum, P.E.
Gultekin Sultan, P.E.

ASSOCIATE

Vedat Alsan, P.E.

October 9, 1992

Mr. Roland Bartl
Town Planner
Town of Acton
472 North Main Street
Acton, Massachusetts 01720

Dear Mr. Bartl:

Bruce Campbell & Associates, Inc. (BC&A) is pleased to submit this proposal for conducting a traffic management study in Acton Center. We have presented two alternative measures that postpone or eliminate the need for a traffic signal in Acton Center at the intersection of Route 27 with Newtown Road and Concord Road. Alternative 1 deals with turn prohibitions and changes in one-way patterns; this alternative only postpones the need for a signal. Alternative 2 creates an Acton Center rotary and eliminates the need for a traffic signal. However, this alternative encroaches on the Acton Common and may not be viewed favorably by Acton public officials and residents. We include Alternative 2 only to illustrate the relative disruption to a sensitive and historical location caused by signalization vs. a non-signalization solution. Both alternatives (Alternative 1 and Alternative 2) will be fully analyzed, however.

I will serve as Project Advisor and Bonnie Polin and Bob Tong will be assigned as the Project Manager and Traffic Engineer, respectively. A copy of the firm's qualification and appropriate resumes are attached.

Our estimated fee for this traffic management study is \$3,500. If this is acceptable to the Town, please sign the attached agreement. A signed copy of this proposal will serve as notice to proceed. We are looking forward to hearing from you on this interesting project.

Very truly yours,

Georgy Bezkorovainy
Vice President

P594-92

ACTON CENTER TRAFFIC MANAGEMENT STUDY

INTRODUCTION

The Acton Master Plan identifies the intersection of Route 27 with Concord Road and Newtown Road as a high accident intersection and calls for the installation of a traffic signal. Prior to implementation of this measure, the Master Plan recommends a study of alternative transportation management solutions.

BC&A staff have reviewed the applicable sections of the Acton Master Plan, made a field visit of the Acton Center and offer the following alternatives for consideration.

Alternative 1 - Turn Restrictions and One-way Streets

This plan is illustrated in Figure 1 and contains the following changes:

- Make Concord Road one-way eastbound from Route 27 to Wood Lane.
- Make the other leg of Concord Road to the north one-way northbound from Concord Road to Route 27.
- Modify lane markings on Route 27 at Newtown Road to contain a left-turn lane into Concord Road.
- Modify lane markings on Route 27 at Nagog Hill Road to contain a left-turn lane on northbound Route 27.
- Modify the circulation of Nagog Hill Road, west of Main Street, to contain a one-way pattern around the island.
- Institute the following peak hour restrictions (7:00-9:00 AM and 4:00-6:00 PM):
 - Northbound Concord Road leg at Route 27--No Left Turn
 - Eastbound Woodbury Lane at Route 27--No Left Turn
 - Town Hall driveway exit--No Left Turn
 - Eastbound Newtown Road at Route 27--Right Turn Only

The first alternative imposes left turn prohibitions during the peak hours from Newtown Road, Woodbury Lane and the Concord Road leg to the north. Traffic from Concord Road and Wood Lane wishing to turn left (southerly) on Route 27 will need to turn right onto Route 27, proceed to Nagog Hill Road, make a left turn at that intersection and reverse direction by going around the island. The island becomes a "jug-handle." Alternatively, some westbound motorists may prefer to proceed to Route 27/Nagog Hill Road via the intersection of Concord Road/Nagog Hill Road.

Eastbound traffic from Newtown Road, Woodbury Lane, the Town Hall or the Acton Memorial Library wishing to turn left on Route 27 will be required to turn right from Woodbury Lane, proceed to the left-turn pocket at Concord Road, make a left turn into southbound Concord Road and re-enter eastbound Route 27 via the north leg of Concord Road. Newtown Road drivers will be required to divert to Woodbury Lane in order to access the left-turn pocket on Route 27.

This plan will place additional burden on the Nagog Hill Road/Route 27 intersection, and analysis will need to be performed to make sure that the diversion does not present a serious degradation in operation. Also, fire apparatus may be required to proceed the wrong way on the two newly-created one-way streets.

Alternative 1 is a short-term solution which will only postpone the installation of signals at the intersection of Route 27 with Concord Road and Newtown Road. When the signal is installed, both segments of Concord Road should be made two-way again, and turn restrictions should be removed from other intersections. Under the Build-out scenario, Alternative 1 will fail and Route 27 will have to be widened. Our traffic analysis will determine the estimated duration of this transportation management solution and when signalization will be required.

Alternative 2 - Acton Center Rotary

This plan creates a one-way southbound section of Route 27 and a parallel one-way northbound roadway through the Acton common area, as shown in Figure 2. The park area lost to roadway construction can be reclaimed in equal measure by narrowing Route 27 and constructing large traffic islands at Route 27. Concord Road and the leg to the north would be designated one-way, as in Alternative 1. Because of the close proximity of the fire station, corner radii will have to be designed to generous standards; otherwise, fire apparatus may have to travel the wrong way on the newly-created one-way streets. This plan would consist of the following elements:

- Left turns from the east side of Route 27 would be made where the north leg of Concord Street meets Route 27. This turn would be easier than today because of the one-way flow pattern.
- Left turns from Newtown Road would be prohibited at all times. Acton residents would be asked to detour to Woodbury Lane to accomplish that maneuver.
- Left turns from the Town Hall, Acton Memorial Library and Woodbury Lane would be accomplished by making a right turn and reversing direction via the newly-formed rotary.
- Speeds on eastbound Route 27 would be significantly reduced by rerouting northbound Route 27 around the Monument.

- Pedestrian safety should be enhanced due to the narrowing of Route 27 and minimizing the number of conflicts at any one point. Potential crosswalks are shown in Figure 2.
- No changes in traffic are anticipated at the Route 27/Nagog Hill Road with Alternative 2.

Whereas Alternative 1 is an interim solution that postpones the signalization of Acton Center, Alternative 2 can be viewed as a long-term solution which should not require future signalization. Traffic analysis of Alternative 2 will deal with existing volumes and built-out volumes as well.

Alternative 2 is presented herewith by BC&A not as a recommendation but as an alternative to signalization, which the Town wants to avoid. When signalization is viewed against the Acton Center Rotary concept, signalization might be preferred by most Acton public officials and residents. Once the analysis is complete, the decision might be posed as an Article in the Town Warrant. At that time, Acton residents will be aware that Alternative 2 can accommodate much heavier traffic volumes predicted for Route 27 in the future without a traffic signal. If this alternative is not used, Route 27 may have to be widened substantially.

SCOPE OF WORK

The following work effort will be involved in evaluating the two transportation management solutions:

Task 1 - Field Reconnaissance and Background Information Search

We will meet with Town officials to obtain a full copy of the Acton Master Plan and to secure backup data that may be contained in its appendices or in other Town files. We will request base drawings of the study area; if unavailable, aerial photos may be used instead. We will meet with the Acton Fire Chief and solicit his input regarding this project.

BC&A will conduct a field visit to obtain geometric measurements, traffic control and operating conditions, including sight distances at critical locations.

Task 2 - Perform Traffic Study

For Alternative 1, we will conduct a delay study at Route 27/Nagog Hill Road. Traffic operations are often more accurately described by measuring actual delays than through computer simulation. At the Acton Common, we will observe traffic operations and record queue lengths at the various conflict points.

Task 3 - Prepare Traffic Reassignments

We will prepare traffic flow diagrams for the AM and PM peak hours for all impacted locations in Acton Center for existing conditions (1989) for both Alternative 1 and Alternative 2. For Alternative 2, we will prepare the diagrams for the future year Alternative build-out.

Task 4 - Traffic Analysis

Level of service analysis will be performed for the impacted intersections for the AM and PM peak hours for the existing conditions. We will estimate the useful life of Alternative 1 and identify the year when signalization of the Acton Center or the Route 27/Nagog Hill Road intersection is required.

For Alternative 2 we will perform analysis of the rotary for the full build-out year.

Task 5 - Cost Estimate

We will provide a detailed cost estimate for Alternative 1. For Alternative 2 only an order-of-magnitude cost estimate will be provided.

Task 6 - Report

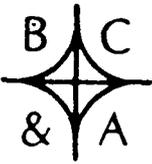
A report summarizing our findings of Tasks 1-5 will be produced. Included will be an assessment and recommendation on the alternatives' feasibility and effectiveness. The Town will be given an opportunity to review the Draft copy.

Task 7 - Meetings

In addition to the Task 1 meeting(s), one additional meeting is proposed under this phase. Any follow-up meetings will be billed at our standard hourly rates.

**BRUCE CAMPBELL & ASSOCIATES, INC.
 ACTON CENTER TRAFFIC MANAGEMENT STUDY
 MANPOWER AND FEE ESTIMATE**

A. ESTIMATED STAFFING (person hours)	Project Advisor	Project Manager	Traffic Engineer	Drafter/ Technician
Task 1 - Field Reconnaissance and Information Search	1	7	2	-
Task 2 - Perform Traffic Study	-	2	4	-
Task 3 - Traffic Reassignments	.5	3	3	3
Task 4 - Traffic Analysis	.5	3	4	1
Task 5 - Cost Estimate	.5	3	4	1
Task 6 - Report	1.5	6	3	2
Task 7 - Meetings	-	3	-	-
TOTAL PERSON HOURS	4.00	27.00	20.00	7.00
B. FEE ESTIMATE				
	Project Advisor	Project Manager	Traffic Engineer	Drafter/ Technician
Total Person Hours	4.00	27.00	20.00	7.00
Rate Per Hour	44.00	21.00	18.00	14.00
Subtotal Salaries	176.00	567.00	360.00	98.00
Total All Salaries	1,201.00			
Overhead & Profit	2,161.80			
Subtotal	3,362.80			
Direct Expenses (travel, printing, temporary hire technicians)	150.00			
GRAND TOTAL	3,512.80			
SAY	3,500.00			
Project Advisor (G.Bezkorovainy) Project Manager (B.Polin) Project Engineer (B.Tong)				



AGREEMENT BETWEEN
BRUCE CAMPBELL & ASSOCIATES
and
TOWN OF ACTON

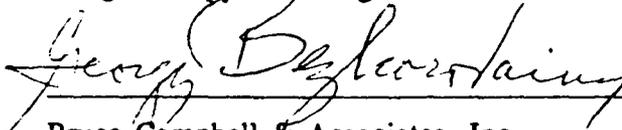
Attached please find our Scope of Work for providing a traffic management study in Acton Center, Massachusetts.

Our estimated fee for the project is \$3,500 and we can complete all work within three weeks of notice to proceed.

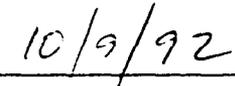
The estimated fee is considered a lump sum and invoices will be sent out periodically based on an estimated percentage of completion of work to date. Payments are expected within 30 days of the date of the invoice; an interest charge of 1.5%/month of the outstanding balance and minor administrative charges will be added for all overdue payments. Full payment of the fee is not contingent upon obtaining approvals or permits from any agency.

Georgy Bezkorovainy will serve as Project Advisor, Bonnie Polin will act as Project Manager and Bob Tong will act as Traffic Engineer for this project. Enclosed are the resumes of the key individuals assigned to this project.

If this is acceptable to the Town of Acton, please sign below and return a signed copy to BC&A. A signed copy of this agreement will serve as notice to proceed.



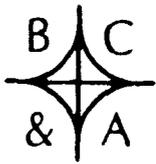
Bruce Campbell & Associates, Inc.



Date

Authorized Signature
Town of Acton

Date



**AGREEMENT BETWEEN
BRUCE CAMPBELL & ASSOCIATES
and
TOWN OF ACTON**

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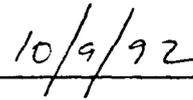
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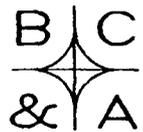
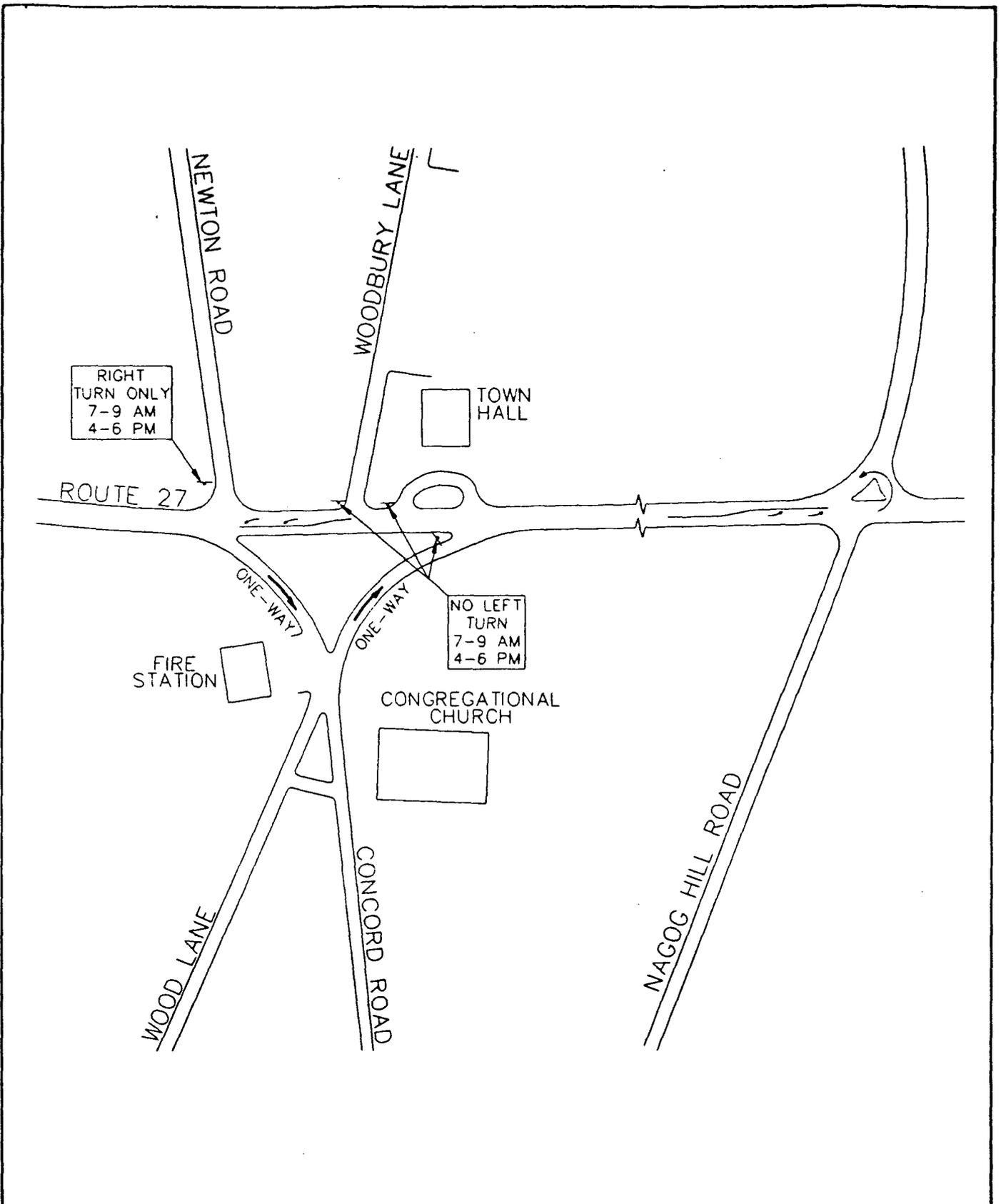
Bruce Campbell & Associates, Inc.



Date

Authorized Signature
Town of Acton

Date



Not to Scale

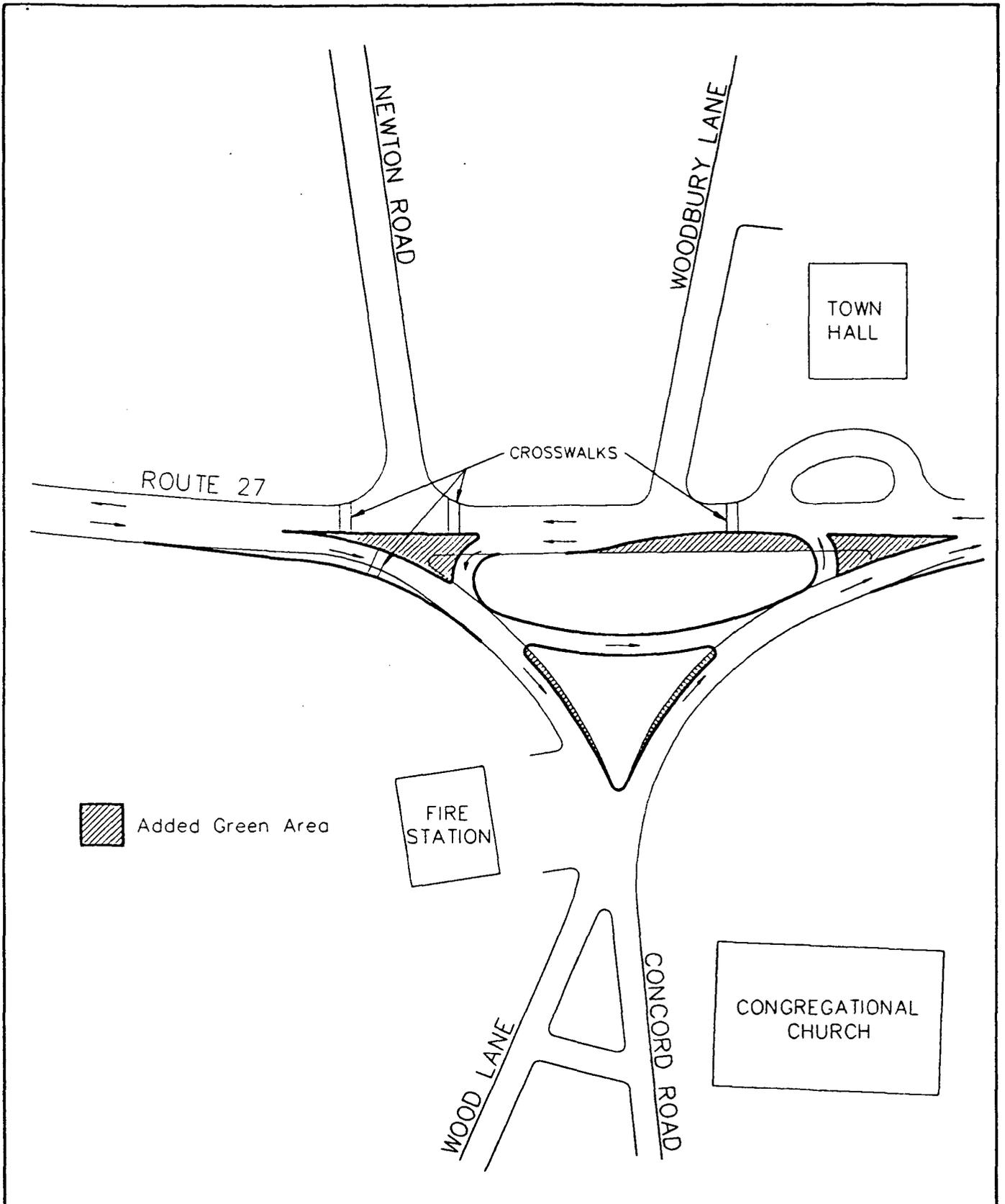


P594-92
Acton, MA

ACTON CENTER TRAFFIC MANAGEMENT STUDY

ALTERNATIVE 1

TURN RESTRICTIONS
AND ONE-WAY STREETS



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 & A
 Not to Scale


 P594-92
 Acton, MA

ACTON CENTER TRAFFIC MANAGEMENT STUDY

ALTERNATIVE 2
 ACTON CENTER ROTARY



101 Walnut Street
Post Office Box 9151
Watertown
Massachusetts 02272
617 924 1770
FAX 617 924 2286

October 30, 1992

Ref: 2956.21

Mr. Roland Bartl
Town Planner
472 Main Street
Acton, MA 01720

Re: Acton Center
Development of Alternative Improvements

Dear Mr. Bartl:

Enclosed is the Scope of Services you requested for the intersection of Route 27 with Newtown Road and Concord Road in Acton Center. The enclosed scope offers two options for the development of alternative improvements. The first option utilizes data from the Acton Master Plan and concentrates on developing additional improvements at the Route 27 and Newtown/Concord roads intersection. The second option involves the collection of new traffic data including the review of travel patterns through Acton Center and an expanded study area to explore circulation options in the Acton Center area. The second option also includes the preparation of conceptual level improvement plans for the enlarged study area.

It is estimated that the first option will take approximately four weeks to complete and cost approximately \$4,500. For the second option, it is estimated that it will take approximately eight weeks to complete and cost approximately \$16,000. The costs are broken out as follows:

	<u>OPTION 1</u>	<u>OPTION 2</u>
VHB Labor	\$4,200	14,000
VHB Expenses	300	800
Traffic Counts	---	1,200
PROJECT TOTAL	4,500	16,000

If the enclosed Scope of Services for either option is acceptable to you and the Board of Selectmen, I will prepare a contract in the standard form we have been following. Please feel free to call John Kennedy or me directly if you have any questions.

Very truly yours,

VANASSE HANGEN BRUSTLIN, INC.

David C. Wilcock, P.E.
Project Manager

Enclosure
DCW/mc



SCOPE OF SERVICES OPTION 1

1.0 PROJECT DESCRIPTION

The ENGINEER will provide transportation consulting services to prepare a study of traffic management solutions for the intersection of Main Street (Route 27) with Newtown Road and Concord Road located in Acton Center. The approximate project limits will extend several hundred feet along each intersection approach. Within this study area, the ENGINEER will review the previously prepared Acton Master Plan to assess the previous recommendations and to develop new recommendations for specific improvements at the intersection only.

2.0 MOBILIZATION AND DATA COLLECTION

The ENGINEER, having participated in the development of the Acton Master Plan, has most of the pertinent report information at hand. Traffic count data is available from the Acton Master Plan. This data will be used to assess intersection operations and in the development of new recommendations. To obtain the latest information on local conditions and development activity, the ENGINEER will meet with representatives of the CLIENT.

Specifically, the following elements will be completed by the ENGINEER as part of this task:

2.1 Traffic Volume Review

Review the traffic volume data presented in the Acton Master Plan for the study intersection and any new data relative to area developments supplied to the ENGINEER by the CLIENT.

2.2 Safety Data

The ENGINEER will review the accident data reported in the Acton Master Plan and any new safety data summaries for the intersection supplied to the ENGINEER by the CLIENT.

2.3 Peak Hour Delay Study

The ENGINEER will perform a peak hour delay study at the intersection of Route 27 with Newtown and Concord roads. This study will be performed in compliance with the traffic signal warrant requirements contained in the Manual on Uniform Traffic Control Devices for Streets and Highways.

3.0 ANALYSIS OF TRAFFIC OPERATIONS

There is no scope of work identified for this phase of work as a part of Option 1.



4.0 ALTERNATIVES ANALYSIS AND RECOMMENDATIONS

As part of this task, the ENGINEER will review the relevant operations and safety data in the development of alternatives to the installation of a traffic signal at the Route 27 and Newtown Road/Concord Road intersection. Specific elements of this task include:

4.1 Traffic Management Assessment

Using the traffic volume, safety and delay study data collected as part of Task 2.0, the ENGINEER will assess various options to address the existing safety and capacity deficiencies at the Route 27 and Newtown Road/Concord Road intersection.

4.2 Conceptual Plan Development

There is no scope of work identified for this phase of work as a part of Option 1.

4.3 Traffic Volume Analysis

The ENGINEER will assess volume-to-capacity (v/c) ratios and level of service (LOS) for the alternative improvement plans. The traffic analysis will be based on the proposed improvements and will be conducted using the existing traffic volume data contained in the Acton Master Plan.

5.0 TRAFFIC MANAGEMENT PLAN MEMORANDUM

The ENGINEER will compile the data reviewed and the technical analyses completed into a bound document for submission to the CLIENT along with the alternative conceptual plans. The memorandum will briefly summarize the alternatives examined and identify a recommended improvement plan for the intersection of Route 27 and Newtown Road/Concord Road.

6.0 PROJECT MEETINGS

There is no scope of work identified for this phase of work as a part of Option 1.

7.0 SUBMISSIONS

The following submissions related to specific tasks shall be made by the ENGINEER:

7.1 Traffic Management Plan Memorandum

8.0 ADDITIONAL SERVICES NOT INCLUDED

The following services are not anticipated and, therefore, not included in this Agreement at this time:

- 8.1** Preparation of a preliminary design plan
- 8.2** Preparation of a Preliminary Design Report
- 8.3** Preparation of any detailed engineering design
- 8.4** Preparation and/or filing of any permits or applications



Should services be required in these areas, or areas not previously described, the ENGINEER will prepare a proposal or amendment, at the CLIENT's written request, that contains the Scope of Services, Compensation and Schedule required to complete the additional items.



SCOPE OF SERVICES OPTION 2

1.0 PROJECT DESCRIPTION

The ENGINEER will provide transportation consulting services to prepare a study of traffic management solutions for the intersection of Main Street (Route 27) with Newtown Road and Concord Road located in Acton Center. The study area will include all the approach roads to Acton Center so that a comprehensive traffic master plan may be developed for the area. Within this study area, the ENGINEER will review the previously prepared Acton Master Plan to assess the previous recommendations for the intersection and to develop new recommendations for intersection and area improvements which may help to alleviate the situation at the intersection.

2.0 MOBILIZATION AND DATA COLLECTION

The ENGINEER, having participated in the development of the Acton Master Plan, has most of the pertinent report information at hand. New traffic volume data will be collected within study area to revise and update the data contained in the Master Plan. This traffic data can be used in the development of a Preliminary Design Report (PDR) for the proposed improvements if the CLIENT chooses to fund the project through Massachusetts Highway Department. To obtain the latest information on local conditions and development activity, the ENGINEER will meet with representatives of the CLIENT.

Specifically, the following elements will be completed by the ENGINEER as part of this task:

2.1 Traffic Volume Review

Collect new traffic counts within the study area. Both daily and peak hour counts will be collected at the following locations:

Conduct automatic traffic recorder counts for a minimum of 48 hours to gather weekday at the following locations:

- Route 27 south of Newtown and Nagog Hill roads
- Concord Road
- Newtown Road
- Nagog Hill Road south of Route 27
- Nagog Hill Road north of Route 27

Conduct manual turning movement/vehicle classification counts at the following locations during a weekday morning between 7:00 and 9:00 AM and a weekday evening between 4:00 and 6:00 PM:

- Route 27 and Newtown/Concord roads
- Route 27 and Nagog Hill Road

2.2 Safety Data

The ENGINEER will review accident data for study area roadways supplied by the CLIENT from the files of the Acton Police Department for the most recent



three-year period available. The data will supplement that reported in Acton Master Plan which covered the period from 1985 to 1987.

2.3 Peak Hour Delay Study

The ENGINEER will perform a peak hour delay study at the intersection of Route 27 with Newtown and Concord roads. This study will be performed in compliance with the traffic signal warrant requirements contained in the Manual on Uniform Traffic Control Devices for Streets and Highways.

2.4 Travel Pattern Study

The ENGINEER will conduct a peak hour license plate survey within the study area. The survey will help to define travel patterns through the area. As part of this effort the ENGINEER will establish a cordon area. License plate data will be collected at all points where a major street crosses the cordon line. This study will be conducted for one hour during the morning peak period and one hour during the evening peak period.

3.0 ANALYSIS OF TRAFFIC OPERATIONS

Traffic volume and safety data reflective of existing conditions will be reviewed to assess traffic operations in the study area. As part of this task, the ENGINEER will provide the following services:

3.1 Operational Analysis

The ENGINEER will assess volume-to-capacity (v/c) ratios and level of service (LOS) for existing conditions. The traffic analysis will be based on the existing street system.

3.2 Safety Analysis

Using the town of Acton's accident data, the ENGINEER will summarize the number and types of accidents. The data will be analyzed to identify high hazard locations.

4.0 ALTERNATIVES ANALYSIS AND RECOMMENDATIONS

As part of this task, the ENGINEER will review the relevant operations and safety data in the development of alternatives to the installation of a traffic signal at the Route 27 and Newtown Road/Concord Road intersection. Specific elements of this task include:

4.1 Traffic Management Assessment

Using the traffic volume, safety and delay study data collected as part of Task 2.0, the ENGINEER will assess various options to address the existing safety and capacity deficiencies at the Route 27 and Newtown Road/Concord Road intersection.



4.2 Conceptual Plan Development

Using base plans supplied by the CLIENT, the ENGINEER will prepare concept plans at an appropriate engineering scale of the previously proposed improvements for the study area.

4.3 Traffic Volume Analysis

The ENGINEER will assess volume-to-capacity (v/c) ratios and level of service (LOS) for the alternative improvement plans. The traffic analysis will be based on the proposed improvements and will be conducted using the existing traffic volume data contained in the Acton Master Plan.

5.0 TRAFFIC MANAGEMENT PLAN MEMORANDUM

The ENGINEER will compile the data reviewed and the technical analyses completed into a bound document for submission to the CLIENT along with the alternative conceptual plans. The memorandum will briefly summarize the alternatives examined and identify a recommended improvement plan for the intersection of Route 27 and Newtown Road/Concord Road.

6.0 PROJECT MEETINGS

The ENGINEER will attend up to two (2) project meetings as directed by the CLIENT. Services include preparation, travel, attendance, supporting graphics, and documentation in the form of meeting notes.

7.0 SUBMISSIONS

The following submissions related to specific tasks shall be made by the ENGINEER:

7.1 Traffic Management Plan Memorandum including concept plans

8.0 ADDITIONAL SERVICES NOT INCLUDED

The following services are not anticipated and, therefore, not included in this Agreement at this time:

- 8.1 Preparation of a preliminary design plan
- 8.2 Preparation of a Preliminary Design Report
- 8.3 Preparation of any detailed engineering design
- 8.4 Preparation and/or filing of any permits or applications

Should services be required in these areas, or areas not previously described, the ENGINEER will prepare a proposal or amendment, at the CLIENT's written request, that contains the Scope of Services, Compensation and Schedule required to complete the additional items.

11/10/92
20

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager DATE: November 6, 1992

FROM: Roland Bartl, Town Planner R. B.

SUBJECT: MAPC Request to review and correct MHD Road Classification

David Abbt and I reviewed the classification map which accompanied MAPC's request, and concluded jointly that state and federal agencies should make the necessary changes to bring their system in congruence with our system. Our system was developed for the Master Plan and is based on detailed local knowledge of traffic volumes and roadway geometry. In that sense, I have nothing to add to David Abbt's IDC in this matter dated 11/5/92.

For clarification of David's recommendation:

1. We assumed that Acton was within the urban area.
2. The purpose of the various arterial classifications (Solid Red, Blue, Dashed Red, Green) is not clear and seems rather meaningless in the context of Acton's roads and streets. Our Master Plan classification system contains one arterial category. If MHD and others want to continue several arterial classifications for Acton's arterials - fine.

xc: David Abbt

[RHB.IDC.92*15]

11/10/92
20

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 11/5/92

TO: Don P. Johnson, Town Manager

FROM: David F. Abbt, Engineering Administrator

D. Abbt

SUBJECT: Mass. Highway Department
Functional Classification of Public Roads

After reviewing the map and letter from the MAPC dated October 23, 1992, it is obvious that the functional classification of roads proposed by the Mass. Highway Department does not coincide with the classification system used in the Master Plan. Since the Master Plan functional classification is volume based using recent counts, I suggest that this be proposed to the MAPC as the preferred classification system for roads in Acton.

[.93*76]

11/10/92 (22)

Powers & Hall

Professional Corporation

Attorneys at Law

100 Franklin Street

Boston, Massachusetts 02110-1586

617-728-9600

Facsimile 617-728-9633

October 15, 1992

OCT 19 1992

FOR DISCUSSION IN
EXECUTIVE SESSION
11/10/92

Mr. Don P. Johnson
Town Manager
472 Main Street
Acton, Massachusetts 01720

Re: Marshall Trusts

Dear Don:

I appreciate the time which you took yesterday to discuss various matters concerning the Willam and Mary Marshall Trusts.

In regard to the Marshall property, notice has already been given to the Town as to its rights under Chapter 61. You indicated that the Town is not interested in acquiring the house and 6 acres now proposed to be sold. I would appreciate a formal prompt response as soon as possible because I could then accelerate the Closing date for the sale, and that would be very helpful to the Marshall Trusts. Anything you can do to expedite that formal response would be appreciated.

I also indicated to you that the current real estate tax assessment on the approximately 80 acres of land known as 31 Carlisle Road is pressuring the Mary Marshall Trust into an immediate sale and/or development of that property. This Trust is building up an indebtedness to the Town under Chapter 61 which, including interest, is probably in excess of any possible appreciation in value in future years.

The existing assessed value of the land in question is approximately \$1,858,000. That assessment exceeds the appraisal which we had done for estate tax purposes by more than \$1,000,000. As a result, I have filed an appeal with the Appellate Tax Board for the tax year 1992 and will plan to do the same for the current fiscal year.

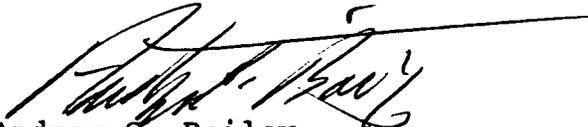
Powers & Hall Professional Corporation

Mr. Don P. Johnson
October 15, 1992
Page 2

My purpose in visiting you yesterday was to initiate a dialogue between the Trusts and the Town to explore possible areas of common concern. The Mary Marshall Trust would prefer not to sell the 80 acres at this time but cannot afford to continue holding the same so long as the assessments are piling up at the existing rate. I also want the Town to commence its thought process as to its needs for any portion of the 80 acres in question. I have been approached by various developers who have an interest in acquiring the property, but before any decisions are made, I want to fully explore the Town's interest in the property and the possibility of obtaining a more reasonable tax assessment for the unimproved land.

These are the issues I would like to explore. If the Town is willing to waive its right of first refusal in regard to the house and 6 acres now under contract, I would appreciate a response as soon as possible so that the sale may be accelerated. In regard to the 80 acres, I have no precise time deadline, but I would like to move the thought process along as quickly as possible because of the accrual of what I consider to be an unreasonable tax burden. I will plan to call you in about four weeks to see if a further meeting would be of any assistance in this regard.

Very truly yours,



Andrew C. Bailey

ACB:d

Powers & Hall
Professional Corporation
Attorneys at Law
100 Franklin Street
Boston, Massachusetts 02110-1586
617-728-9600
Facsimile 617-728-9639

11/10/92
(22)

OCT 19 1992

October 15, 1992

FOR DISCUSSION IN
EXECUTIVE SESSION
11/10/92

Mr. Don P. Johnson
Town Manager
472 Main Street
Acton, Massachusetts 01720

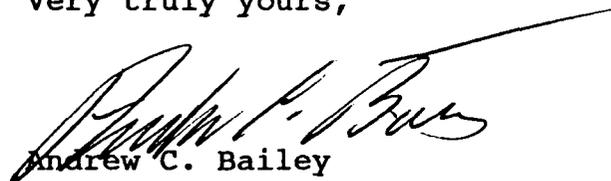
Re: Estate of John M. Whittier

Dear Don:

I appreciate the time which you took yesterday to discuss various matters concerning the John M. Whittier Estate.

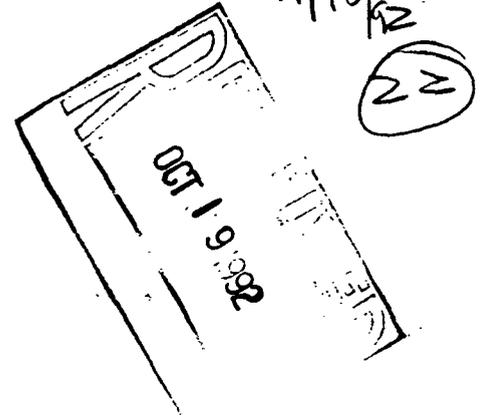
As I told you, John Whittier's Will leaves all but 3 acres and the house of his property on Main Street to the Department of Fisheries "for open-space-conservation purposes". The house itself and 3 acres will be listed for sale shortly, and due notice will be given to the Town as to its rights under Chapter 61. However, if the Town were willing to waive its rights of first refusal, a sale of the property would be expedited. I would appreciate your exploring this possibility further with the Selectmen at your early convenience.

Very truly yours,


Andrew C. Bailey

ACB:d

Powers & Hall
Professional Corporation
Attorneys at Law
100 Franklin Street
Boston, Massachusetts 02110-1586
617-728-9600
Facsimile 617-728-9633



October 15, 1992

Ms. Lela M. Rhodes
Assessor
Town of Acton
472 Main Street
Acton, MA 01720

Dear Ms. Rhodes:

Yesterday I requested your associate Brian McMullen to obtain some information for me as to the tax recapture in regard to the Estate of John W. Whittier. Mr. Whittier's Estate, of which I am one of the Executors, proposes to sell the house and 3 acres of land which surround it. A copy of the Plot Plan showing the lot is enclosed. It would be appreciated if you could give me your computation of the amount of tax recapture as of the present time for that 3-acre parcel and the home.

I am also a Trustee of the Mary Marshall and William Marshall Trusts which own property at 42 Carlisle Road in Acton. We are proposing to sell the existing house and barn and 6.1787 acres shown as Lot 4 on the copy of the Plan which is enclosed with this letter. I would also like to have your computation as to the tax recapture in the event that Lot 4 with the house and barn is sold. We anticipate closing on this transaction sometime around the middle of November. Consequently, I would like your computations as soon as possible.

If you have any questions, please call me at this number.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Andrew C. Bailey', written over a horizontal line.

Andrew C. Bailey

ACB:d
Enclosures

11/10/92

22

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: November 6, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: NESWC Update

Staff will provide a brief update on some of the current issues at NESWC during Executive Session on Tuesday, November 10. These include a preliminary report on the arbitration, personnel negotiations, etc.

TOWN OF ACTON
1992-1993 FINANCE COMMITTEE
ROSTER / ASSIGNMENTS / PROJECTS / INTERESTS

92FIN02E
 October 30, 1992

<u>Name/Year/Address</u>	<u>Assignment</u>	<u>Project / Interest</u>
Mark ALLAN, <u>1994</u> , Vice Chair 16 Agawam Road (508) 635-9884 (H) (617) 523-6400 (O), -3034 (F)	1/2 Coordinating Comm. Board of Assessors Town Govt. (except Fire, Police, Pub. Works) Back up Planning	Health Insurance Budget Guidelines
Camille CHAVEZ-GABBRIELLI, <u>1994</u> 5 Heather Hill Road (508) 263-4701 (H) (508) 480-5039 (O)	Board of Select. Planning Board Backup Master Planning Comm. Backup Board of Appeals	Budget process
Dr. Mary DONALD, <u>1994</u> 42 Taylor Road (508) 263-4747 (H), -7855 (O) (508) 796-6703 (O)	Minuteman School Regional Schools Backup Acton Public Schools Area Fincom	Recycling Health Insurance
Art HARRIGAN, <u>1993</u> , Chair 25 Robinwood Road (508) 263-7177 (H) (617) 275-5572 (O), -6578 (F)	1/2 Coordinating Comm. Back up Area Fincom Back up Selectmen's Mtg.	Audit Response Sewers Roles
Paul KOHOUT, <u>1993</u> 99 Drummer Road (508) 264-4284 (H) (617) 338-6800 (O), -8485 (F)	1/2 Enterprise Funds Acton Public Schools Backup Regional School Back up Minuteman School	Co-Generation Mirriam School 3 yr. Financial Plan
Tom MACKEY, <u>1993</u> 5 Houghton Lane (508) 263-4806 (H) (617) 271-5237 (O), -5161 (F)	Municiple Grant Backup Schools Planning Board Master Planning Committee	
Joe PETERS, <u>1995</u> 100 Hosmer Street (508) 263-5357 (H) (508) 658-3531 (O)	Back up Coordinating Comm. Back up Area Fincom	Early Retirement Budget/Borrowing Pension Fund
Charles OLMSTEAD, <u>1995</u> 18 Kinsley Road (508) 263-4320 (H, O, F)	Police, Fire, Public Works Back up Coord. Comm. NESWC - Waste Disposal	Infrastruc. Repair
Sandy SANFORD, <u>1995</u> , Clerk 4 Emerson Drive (508) 263-7793 (H) (617) 274-7321 (O), 7324 (F)	1/2 Enterprise Funds Back up Selectmen's Mtg.	Schools

Acton Town Hall 264-9615, -9612
 Fax. 264-9630

School Switchboard 264-4700
 Fax. 263-8409

11/6

COORDINATING COMMITTEE'S FY94 & FY95 DRAFT FINANCIAL PLAN

	1993	1994 2x	1995 5x INC.
TOWN GOV'T	\$9,906	\$10,465 <i>14%</i>	\$10,988
(town growth)		\$0	\$368
(infrastructure & capital maintenance)		\$0	\$420
(town self-funding tax collection program)		\$450	\$400
SCHOOLS	\$18,873	\$19,564 <i>12%</i>	\$20,857
(school growth)		\$300	\$0
MINUTEMAN	\$602	\$632	\$664
ENTERPRISE FUNDS (does not include merriam)	\$1,762	\$2,010	\$2,110
<hr/>			
TOTAL OPERATING EXPENSES	\$31,143	\$33,421	\$35,807
DEBT & INTEREST	\$1,430	\$1,331	\$1,331
<hr/>			
TOTAL EXPENDITURES	\$32,573	\$34,752	\$37,138
<hr/>			
			2.5 x inc
CHERRY SHEETS	\$1,350	\$1,309	\$1,342
REGIONAL INCOME	\$1,921	\$1,906	\$1,954
SCHOOL CHOICE	\$445	\$304	\$311
MOTOR VEHICLE FEES	\$950	\$950	\$974
ENTERPRISE FUNDS (does not include merriam)	\$1,000	\$1,000	\$1,025
DEFERRAL	\$973	\$1,182	\$1,241
	\$619	\$0	\$0
<hr/>			
NON-PROPERTY TAX REV.	\$7,258	\$6,651	\$6,846
<hr/>			
TOTAL LEVY & TRANSFER	\$25,315	\$26,137	\$28,099
<hr/>			
TOTAL REVENUE	\$32,573	\$32,788	\$34,946
LESS TOTAL EXPENSE	(\$32,573)	(\$34,752)	(\$37,138)
<hr/>			
TOTAL OVER/(SHORT)	\$0	(\$1,964)	(\$2,192)
<hr/>			
BEGINNING LEVY	\$23,345	\$24,178	\$26,997
& 1/2% INCREASE	\$584	\$604	\$675
NEW GROWTH	\$250	\$250	\$250
OVERRIDE	\$0	\$0	\$0
DEBT EXCLUSIONS	\$900	\$827	\$827
OVERLAY	(\$650)	(\$650)	(\$650)
<hr/>			
SUB-TOTAL	\$24,428	\$25,210	\$28,099
RESERVE CONTRIBUTION	\$263	\$870	\$0
E & D CONTRIBUTION	\$0	\$57	\$0
OTHER	\$624	\$0	\$0
<hr/>			
TOTAL REVENUE	\$25,315	\$26,137	\$28,099

- #100/attached grant FY 93 funds not used for FY 94
- Billed 195K NSWBs last yr Billed 30% higher this year
- #619K min outside
- What override can we support? Purpose of this mtg.
- Spent \$200K for 1st 2 parts of oil to gas conversion & gas generation. Other \$200K not spent and - being used - ie. not raising money - ie. covered it & paid it back
- \$1.36 rate increase for 8.9M +25
- C² process
 - 1) Single budget concept now
 - 2) \$65K \$90K \$1.2M 3rd O'Brien
 - 3) 20-? 1.7M
 - Regle voted
- Demonstrate on some cuts
- Revenues are level funded
- Opportunity for voters to decide or override voters did for
- No pay \$ but not issue, it's the content.
- Year 5 in Coverd Process Expenses cut 2% to zero.
- Don't break out years
- Ball budgeting

(a) Enterprise fund income increased 5% and (b) FY94 override of shortfall
 - Assume \$1.7M O'Brien need

10/22/92

Ann / Bill will suggest

⊛ New Accounting Program (tax collection) for the Town
 \$750K - Real cost will be reduced based on bonding,
 leasing, etc over period of time. Some costs will be
 one time - others recurring.

Staff - recurring

Hardware/software (lease/bond)

Conversion (1-time)

⊛ Local School - Additional 5 Sections \$ 300K

⊛ Commuter/Town - Come up with mechanism to
 deal with infrastructure/growth for the town in F.Y.'s

⊛ Deferral - Spread out amortization schedule - max.
 # of years.

Review Health Insurance % increase

Debt / Construction Aid / A.B.C.S.D. - Check #'s

Salaries 3% → 2.5% (total)

COORDINATING COMMITTEE
OVERRIDE PROCESS - 26

AGENDA
October 19, 1992 (MONDAY) 7:15 A.M.
ROOM 114 JR. HIGH SCHOOL

11/2/92

1) Continuing Discussion of Draft FY94 Budget Guideline Assumptions.

- 1) Fincom cannot support tax collection project (if there is to be one) until we have heard a presentation from Town on cost and plans ^{date} 10/28/92
- 2) Ask school com. to use school grant money to pay teacher deferral starting in FY 1994 => FY93 4/2/0
- 3 Max of \$1.4M override FY92 - defeated 3/4 Fail 10/28/92
- 4 Split issue. Being evaluated.
- 5 Any capital Expenses / Investments, over and above last years actuals, would be held outside the FY94 budget Passed 4/0/1 10/14/92
- 6 All Town and school ^{gross} revenue received will be included under revenue budget FY94 Passed 7/0/0 10/14/92
- 7. Make FY94 budget object line items similar schools & Town.
- 8. Break out salary growth ^{give}
- 9. Assumptions to include # nos. where % increases or decreases

ACTON FINCOM MEMO

To: Fincom Members
From: Art Harrigan
Date: October 14, 1992.
Subject: FY'94 Candidate Budget Guidelines.

92FIN015

Here are selected candidate budget guidelines for your consideration to assist in the communication process with the Coordinating Committee. Item numbers 2, 4, and 5 appear to have already received a measure of acceptance by the Coordinating Committee. Items 1, and 6 were discussed at the FINCOM meetings on 9/23/92 and 10/7/92 (see memo 92FIN011, dated 9/28/92). The remaining items are being raised for discussion with the Finance Committee at this time.

- ✓ 1. Make FY'93 budget object line items similar for traceability between Schools and Town.
- ✓ ② Set Legal Fees for Schools to pre-FY'93 level. Excess can be in E&D account.
- 3. No increase in Workman's Compensation & 111F budget. Excess can be in Free Cash actg. Hold
- ✓ ④ Assumption increases and decreases should show percentage and dollar amounts.
- ✓ ⑤ Salary and benefits should be on a combined basis for public consumption and for starting contract negotiations.
- ✓ 6. Salary growth should be broken out, ie: Basic Salary, Salary Increase, New Staff Salary.
7. Allow the Town and Schools combined FY'94 budget to increase an amount not-to-exceed 2 1/2 % of the FY'93 tax levy minus the FY'93 actual tax abatement. This would be a tough but fair guideline for both the Town and Schools governments and for the Acton Towns people and taxpayers, particularly during this time of recession and if fiscal restraint is thought advisable.
8. Any proposed Capital Expenses/Investments ^{over & above last yrs actual.} would be held outside the FY'94 budget for planning purposes to be funded through free cash transfer, 1 year capital override, grant programs, or creative revenue generating alternatives and projects (eg: such as ownership of an energy generating plant that generates revenue, or a dump land recreation project that generates revenue).
- ✓ 9. All Town and Schools ^{revenue} income that is received will be included under revenue within the FY'94 budget. Revenue may be earmarked for expenditure, or pooled for general expenses. The budget will reflect all general expense funds into or out of fund accounts to show traceability of sources and uses of funds. All special fund accounts will have their own individual opening balance, income, expenses, and closing balance financial statement at year end that will tie to the FY'94 budget, general budget expense statement, and balance sheet.
10. Tax levy shortages will not be shifted from one class of tax classification to another, or from one segment within a classification to another segment within the same classification. Hold

Bondable items read 2/3 note

Recommendation for Encl. FAILED 2/3 10/14/92

Passed
4/0
WFF
1 Abst.
10/14/92

Passed
5/0
10/14/92

A

To Don
 For Coordinating
 Committee
 Agenda

(3) 10/20/92

School Choice Revenue & Expenditures
F.Y. '92 Revenue & Expenditures

	<u>A.P.S.</u>	<u>A.B.R.S.D.</u>	<u>Total</u>
F.Y. '92 Actual Receipts	\$137,748	\$427,047	\$564,795
F.Y. '92 Actual School Choice Expenditures (Salaries)	\$-63,973	\$-86,660	\$-150,633
F.Y. '92 Projected Legal Costs	—	\$-201,751	\$-201,751
F.Y. '92 Projected Balances	\$ 73,775	\$ 138,636	\$ 212,411

F.Y. '93 Projected Revenue & Expenditures (75% Tuition)

	<u>A.P.S.</u>	<u>A.B.R.S.D.</u>	<u>Total</u>
Based on 9/29/92 Enrollment of 70.5 (FTE) A.P.S. Students and 188 A.B.R.S.D. Students	\$234,901	\$ 746,861	\$ 981,762
F.Y. '93 Revenue to Reduce Costs to Taxpayers	\$-72,850	\$ -450,000	\$ -522,850
F.Y. '93 Existing Staff	\$-87,052	\$ -95,374	\$ -182,426

+22% why?
 +10% why?

F.Y. '93 Reallocated From Appropriated Budget	\$-30,251	\$ -72,354	\$ -102,605
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F.Y. '93 Additional Staff/Costs For New Students (156 New Choice Students)	\$-32,076	\$ -300,300	\$ -332,376
	\$ 12,672	\$ -171,167	\$ -158,495

Will there be additional staff costs also escalate at 10.22% / year?

F.Y. '92 & F.Y. '93 Projected Balances	\$ 86,447	\$ -32,531	\$ 53,916
--	-----------	------------	-----------

9/29/92

Under what previously accepted Coordinating Committee guideline was this change proposed? Why? What to be spent for? I would like some further ventilation.

General Fund Only

Town of Acton
Local Receipts

<u>Source</u>	<u>Fiscal Year 1992</u>	<u>First Quarter 1993</u>	<u>Per Cent Of Prior Year</u>
Penalty & Interest on Taxes	\$169,570.39	\$41,120.65	24.2%
Payment in Lieu of Taxes	\$11,743.11	\$0.00	0.0%
Charges for Service, Other	\$98,116.79	\$17,493.00	17.8%
Fees	\$179,944.18	\$41,137.38	22.9%
Rentals	\$27,147.76	\$300.00	1.1%
Departmental Revenue, School	\$0.00	\$0.00	
Departmental Revenue, Libraries	\$23,665.51	\$4,517.55	19.1%
Departmental Revenue, Cemeteries	\$28,472.80	\$4,407.00	15.5.
Departmental Revenue, Others	\$43,637.70	\$6,130.24	14.0%
Licenses and Permits	\$261,206.10	\$59,023.81	22.6%
Fines and Forfeits	\$141,504.00	\$21,565.00	15.2%
Investment Income	\$261,850.63	\$52,415.05	20.0%

DRAFT

Revision #4

To: The Coordinating Committee
From: Staff
Re: FY94 Draft Plan
Date: November 2, 1992

This plan, like all plans, was constructed from the bottom up. The first step was setting the foundation, which means to determine the assumptions on which the plan is to be constructed. As you are aware, if one were to change all or any of the following assumptions, then the numbers in the financial plan would also have to be modified.

ASSUMPTIONS FOR FY'94

1. Staff will create a plan which optimizes service to the community and minimizes the cost to the taxpayer.
2. Special Ed. Tuition and SPED Transportation will be increased by 15%. (?) (Budgeted amounts for these line items will be based on actual costs. Please note that C.A.S.E. West SPED Transportation System will have to replace part of its fleet in FY '94.)
3. The NESWC enterprise fund would increase by 35%. (?) (Budgeted amount for this line item will be based on actual cost. This projected increase is approximately \$350,000 which will come out of appropriated funds.)
4. The Regional Schools' legal costs will be budgeted at \$45,000. Any unspent balance in this year's FY'93 legal account will go into the Regional Schools' E & D account and will be ear-marked as a contingency for FY'94 legal costs related to the pending McNulty litigation. This legal contingency will be in addition to the 1% held in the E & D account. (See #6)
5. Expense categories will be increased by the following amounts:

*NO VALUES
YET - WHY
AFTER IT
WAS
DEBID
9/92*

Utilities	2.5%
Health Insurance	10% (?)
Worker's Comp. & 111F (Police & Fire Ins.)	20%
Pension Expense	5% (?)
Unemployment Ins.	0%
(Will need to be increased if Prop. 2 1/2 override fails)	
Life Insurance	0%
Contingency Funds	0%
Salaries	2%
Debt and Interest	at actual level of 6/30/93
All Other Expenses	2.5% → 0%

- 6. Any excess monies above 1.0% in the Regional School's E & D account (as of 6/30/92 minus any extraordinary costs or emergencies in FY'93) will be used as revenue to offset the assessments for Acton and Boxborough. See #4 for separate legal contingency for FY'94.
- 7. Any excess monies above 1% in the Free Cash account (as of 6/30/92 minus any extraordinary costs or emergencies in FY'93) will be used as revenue to offset the property tax rate. The 1% calculation will be based on the total of the operating budgets for the local schools and town government plus the Minuteman assessment and the appropriated funds for the transfer station.
- 8. The remaining balances in the E & D account and Free Cash will be used only for Emergencies such as but not limited to, damage due to fire, burglary, and acts of God which are not covered by insurance, failures of major pieces of equipment, major fluctuations in energy prices, unplanned decreases in State Aid, etc. It will not be used for minor fluctuations in the operating budgets.
- 9. A portion of School Choice Funds will continue to be allocated for educational costs and viewed as a self-funding program consistent with #7 under Format Changes. The remaining balance of school choice funds will be pooled revenues.
- 10. All Educational State Aid (i.e., Chapter 70, Regional School Aid, Transportation, etc.) and the Town's General Revenue Sharing State Aid will be funded at the FY'93 Cherry Sheet level. (Actual Construction Aid amounts will be used for the Town and the schools and Transportation Aid will be reduced by 5% below FY'92 levels.)

FORMAT CHANGES PREVIOUSLY AGREED TO

- 1. Both the Schools and the Town would operate with a bottom line budget.
- 2. All revenues will be pooled as of this date with the exception of:
 - 1. Revolving Accounts, Grants, Trust Accounts
 - 2. Enterprise Funds
 - 3. New Self-sufficient Programs as of this date (6/30/90)
- 3. The allocation split for the Town and the Schools will remain at 67% for Schools and 33% for the Town for FY'92. In FY'93 the allocation split for the respective groups will be calculated by expenditures authorized by the FY'93 Financial Plan. If these calculated percentages are different from the one third - two third split, then the Schools and the Town will move halfway to the calculated allocation. In FY'94 the split between the Town and the Schools will be based upon the actual calculation of the budgeted numbers and thereafter.
- 4. The Cherry Sheet number will be adjusted from a gross number to a net number (revenues - minus ear-marked funds and State and County Assessments).

FINCOM WORKING

2

10,915

19,864

30,779

5,645

5. The Total Levy and Transfer line will be adjusted from a gross number to a net number (levy-overlay), and the expenditure line Assessments/Overlay will be eliminated.
6. Regional debt will be re-classed from the Schools' expenditure line to the Debt and Interest Line.
7. A new expenditure and a new revenue line called Self-Funding Projects will be added. These lines will reflect new programs (i.e., School Choice and Traffic Unit) as of 6/30/90, which are totally self-sufficient. The Self-Funding line will not be used in calculating the allocation split.
8. Deferral Compromise
 - 1) The Local and Regional Schools will accept Deferral for both years FY'92 & FY'93).
 - 2) An accelerated amortization will be adopted by written agreement between the three (3) parties. This will consist of a four (4) year pay-back period with the first year of amortization beginning in FY'94 and continuing in 1/4 installments for the following three (3) years.
 - 3) No formal amortization votes...other than one that is supportive of the written agreement...will be taken by the Selectmen (via placement of an Article before Town Meeting) or the Regional School Committee.
 - 4) Deferral amortization will be built into the budgets for the years FY'94-FY'97.
 - 5) The Selectmen, Regional School Committee, Fincom and Staff shall adopt and support this compromise.

/es

School / Town Split Possibilities

11/4/92 (40)

Purpose - to divide and ratio the expense reduction if ^{tax levy} override, does not pass.

Possible exclusions

- ① items (expenses) that are not supported by tax levy (ie: fees toward expense item)
- ② items of expense that are not or cannot be influenced by income (ie: M², Debt & Interest, enterprise funds except NESWC)
- ③ items of expense & areas we (Schools or Town) has no control over (see ②)

School calculation - "Simple ratio of expenses"

• Town	10,495K + 450K - 273K = \$10,672K (36.3%)	} \$10,672 (34%) \$20,137 (65.4%) 0 \$30,809K (100%)
• Schools	19,564K + 300K + 273K = \$20,137K (63.7%)	
• Net NESWC Appropriation	(2,000K - 1,182K) = \$828K -	
	TOTAL (Denominator) = \$31,637K (100%)	

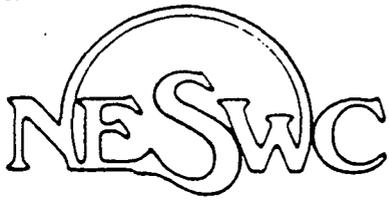
Town calculation - "Expenses net of income other than Tax Levy and Growth as % of Tax Levy and Growth Income"

• Schools	19,307K - ^{Regional} 1,659K - ^{CHERRY} 585K + 273K = 17,342K (79%)
• Town	10,327K - ^{MV} 950K - ^{Fees} 1,000K - ^{STATE} 785K = 8,002K (21%)
• Denominator	24,178K + 604K + 250K - 650K = 24,382K (100%)
	(Schools (71.1%), Town (18.5%), Debt (3.3%), NESWC (3.6%))

Status

$\begin{matrix} \text{or } 64/36 \\ 65/35 \end{matrix}$
 \longleftrightarrow
 $79/21$
 $\textcircled{72/28}$

A.



5

RECEIVED TOWN MANAGER

OCT 5 11 55 AM '92

NORTH EAST SOLID WASTE COMMITTEE MASS.

PER _____ October 2, 1992

Mr. John Murray
Assistant Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

Dear Mr. Murray:

This letter is in response to your letter of September 11, 1992 regarding the Community Stabilization Fund. It appears from your letter that you have misinterpreted the data on the CSF balance sheets and the management of arrearages.

The amounts shown as payments on the CSF balance sheet are the payments made to the CSF; not the total payment made by the Town for that month. The number shown on the CSF sheet for a given month should be the same number shown on the Summary of your monthly invoice as the actual CSF contribution for the previous month. Its relationship to the total invoice amount, which includes actual billings for the previous month and estimated billings for the current month, all combined into a single number, will follow no regular or discernable pattern.

No mistake was made on your CSF balance relative to invoice # F-207-01 and neither our records nor MRI's will be in any way adjusted.

With respect to the back charges, you, again, seem to be confusing several things and several issues. The concept of the back charge was that, at the end of the fiscal year, each community would have paid \$64.50 for the greater of its guaranteed annual tonnage or its delivered tonnage, plus that community's share of the NESWC operating budget, which was expected to be less than \$1.50 per ton. Since the \$64.50 tipping fee had been charged only on delivered tonnages through November 30 of 1991, it was necessary to backcharge the difference between what had been paid and what should have been paid for those five months. That amount was calculated and divided by 7 so that it could be paid off over the remaining months of the fiscal year rather than in one lump sum.

The back charge had absolutely no bearing on any delivery of tonnage subsequent to December 1, 1991.

Your assertion that Acton will not pay its outstanding obligation related to back charges is a blatant violation of the Town's service agreement and an insulting affront to all of the other member communities. There is an outstanding back charge against the Town of Acton only because the Town

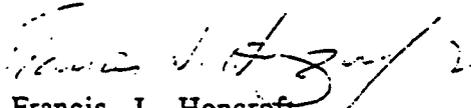
delivered tonnage between July 1 and November 30 of 1991. Therefore, Town must pay the bill or violate its contract. Violation of the contract is grounds for termination of services and a law suit to recover damages by the other 22 communities which would have to make up the shortfall in project revenues.

The quotations regarding this issue in your letter are not complete and only indicate about half of what I recall indicating about the back charge plan. For example, your quotation in paragraph 3, starting at line 10, is true only for a community which consistently underdelivered versus its GAT on both a monthly and annual basis. It is not true for a community which overdelivered on its GAT, either on a monthly or annual basis, as Acton did in January, March, April and May of 1992. It is irrelevant to the issue of back charges.

A community, such as Acton, which overdelivered in some months, but underdelivered in other months, would normally have seen a base fee credit amount come back to them at the end of the fiscal year. That is the only way any member community, including Acton, would pay less than \$64.50 in tipping fees for its total delivered tonnage. That did not happen because so many communities, such as Acton, tried to beat the system by underpaying their obligations and waiting for the credit to come to balance the books. Since there was no money there with which to pay the credits, however, no credits could be given. The total revenues, therefore, fell short and the CSF took a bigger hit than it should have. That will result in greater hardships for all member communities in FY93 than should be necessary. Those hardships will only be eased when all member communities, including Acton, meet their obligations to the NESWC project in an honorable fashion.

The amounts currently outstanding against Acton remain obligations of the community which must be satisfied. There is no apparent error in the Accounts Receivable report for Acton, or for any other listed community, and corrections to those reports will not be made. The only errors lie in the failure of member communities, such as Acton, to own up to and pay their legitimate and legal obligations to the NESWC project and, thereby, to the other member communities.

Sincerely yours,
North East Solid Waste Committee


Francis J. Hopcroft
Executive Director

cc: Executive Committee Members
Chief Executive Officers

ACTON FINCOM MEMO

To: Past Acton Fincom Chairpersons 92FIN016
From: Art Harrigan *Art Harrigan*
Date: October 31, 1992.
Subject: Expanded FINCOM Meeting - November 18, 1992.

Thank you for your interest and agreement to attend the Acton FINCOM meeting on November 18, 1992. The meeting will convene at 7:30 PM in the High School staff lunch room. Go into the school, facing West, through the large glass doors and go straight ahead into the large Common "C" cafeteria/lounge area. Swing to the left and you'll find the faculty dining room along that side of the large room, next to the guidance library.

The purpose of the meeting is to discuss key changes in the Town of Acton affecting finances over the past several years, to focus on challenges in the future, and to discuss the role of the Finance Committee.

The proposed agenda is:

1. Strengths of the Town and community (15 minutes)
2. Major changes in Acton affecting finances (15 minutes)
3. Brief overview FY'93 budget & potential items FY'94 budget (15 minutes)
4. Challenges for the Town in the 1990's (30 minutes)
5. Discussion on role (or changed role) of the Finance Committee (30 minutes)

Our Finance Committee looks forward to seeing you on November 18, 1992 and we thank you in advance for your participation. If you have any question or should you not be able to attend, please call me at 263-7177.

c.c.:

- Mr. Mike Rogers
- Mr. Charles Kadelec
- Mr. Craig Fingerman
- Mr. John Murray
- Ms. Gena Manalan
- Mr. Bill McCarthy
- Mr. Matt Mleziva
- Mr. Gerald Portyrata
- Mr. Ted Bubier
- Mr. Don McKenzie

1992-1993 Finance Committee:

- Mark Allan
- Camille Chavez-Gabrielli
- Dr. Mary Donald
- Paul Kohout
- Tom Mackey
- Joe Peters
- Charles Olmstead
- Sandy Sanford
- Art Harrigan

Legislative Bulletin



(7)

MASSACHUSETTS ASSOCIATION OF SCHOOL COMMITTEES, INC.

179 South Street, Boston MA 02111

617-542-3225 1-800-392-6023

DATE: October 28, 1992
TO: School Committee Members & Superintendents
FROM: Paul H. Gorden, Executive Director
SUBJECT: Education Reform Act

On October 23, 1992 Senate Education Committee Chairman Thomas Birmingham released a draft of his proposal for an Education Reform Act. While it is similar in many ways to the Roosevelt/MBAE draft summarized in our October 22, 1992 Legislative Bulletin, there are several significant differences. Those differences are summarized below:

SCHOOL COUNCILS

Council membership must be fully one-third of the total number serving. There would be no school committee involvement in determining the process defining composition or forming the group. Councils would be subject to the open meeting law and conflict of interest law. Powers and duties would include: establish attendance policies; interview and recommend to the principal candidates for teaching positions within the school; adopt and publish rules and regulations pertaining to conduct of students; facilitate recruitment and inclusion of volunteers and parents in order to improve education in the school.

CONFLICT OF INTEREST

No expansion of current law.

TENURE REFORM

Remains as present at three previous consecutive years with less restrictive "just cause" dismissal language.

School principals and assistant principals would retain full collective bargaining rights even though they could not be members of any union or labor organization in which teachers are members.

TEACHER DISMISSAL

A teacher having served at least three years shall not be dismissed only for inefficiency, incompetency, incapacity, conduct unbecoming a teacher, insubordination or other just cause. If a teacher seeks review, the powers of an arbitrator are not defined. Principals would be subject to "good cause" termination procedures.

COLLECTIVE BARGAINING

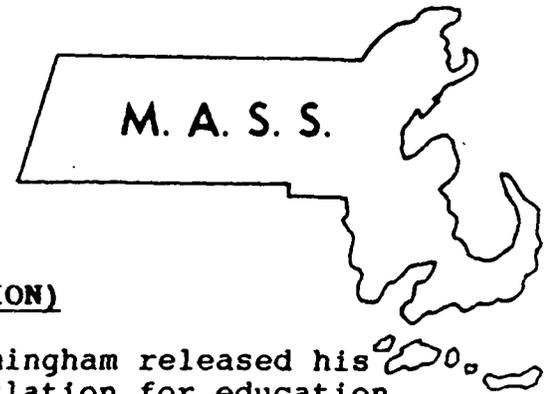
Within thirty days after the date on which a collective bargaining agreement is executed by the parties, the school committee would have to submit to the city council/town meeting a request for the appropriation necessary to fund the current year and an estimate of monies necessary for subsequent years of the contract. If the amount requested is not approved, the request shall be referred back to the parties for further bargaining.

October 26, 1992

TO: SUPERINTENDENTS AND ASSISTANTS

FROM: PETER R. FINN

RE: EDUCATION REFORM BILL (SENATE VERSION)



On Friday October 23 Senator Birmingham released his preliminary draft of the proposed legislation for education reform. Senator Birmingham's version of the bill is similar in many areas to that released by Rep. Roosevelt and the MBAE, but does contain some major differences. Enclosed is a copy of the Highlights of the bill as released by the senator, and also a copy of the Section by Section Summary. In an attempt to get the information to you quickly, and to hold down copying and mailing costs (a 73 page bill this time), we are not sending out the complete bill. If, after reviewing the summaries, you want copies of the actual language for some specific section(s), simply call the MASS office, and we will mail or fax them to you.

Some of the major differences in the senator's version compared with the Roosevelt/MBAE version, mailed to you last week, are the following:

- A slightly reduced foundation budget (average \$5400 with early childhood and professional development outside the foundation budget).
- A one cent increase in the sales tax with the revenue used to offset property tax increases for education.
- Exempts Overlay Account from 2 1/2 and requires unexpended balances to be used for education in communities spending below minimum requirement.
- A renewable 7 year certification process
- Changes tenure by including an arbitration system for dismissals similar to MBAE, but includes "just cause" dismissal language and no inclusion for dismissal for failure to meet local performance standards.
- Retains collective bargaining rights for principals.
- Is much more prescriptive in the make-up and duties of school councils.
- Requires municipal government approval of collective bargaining agreements signed by school committees.
- An early retirement provision for teachers 55 with 25 years service, allowing them to add 4 years to age or service. Good til August 93, local/state split cost 50%-50%.
- Requires all regions to be K-12 by 1997-98.
- Calls for a constitutional ammendment to ensure equal educational opportunity.

Call the MASS office for further information on any item.

TOWN ACTON
VALUATION BY CLASS

PRELIMINARY

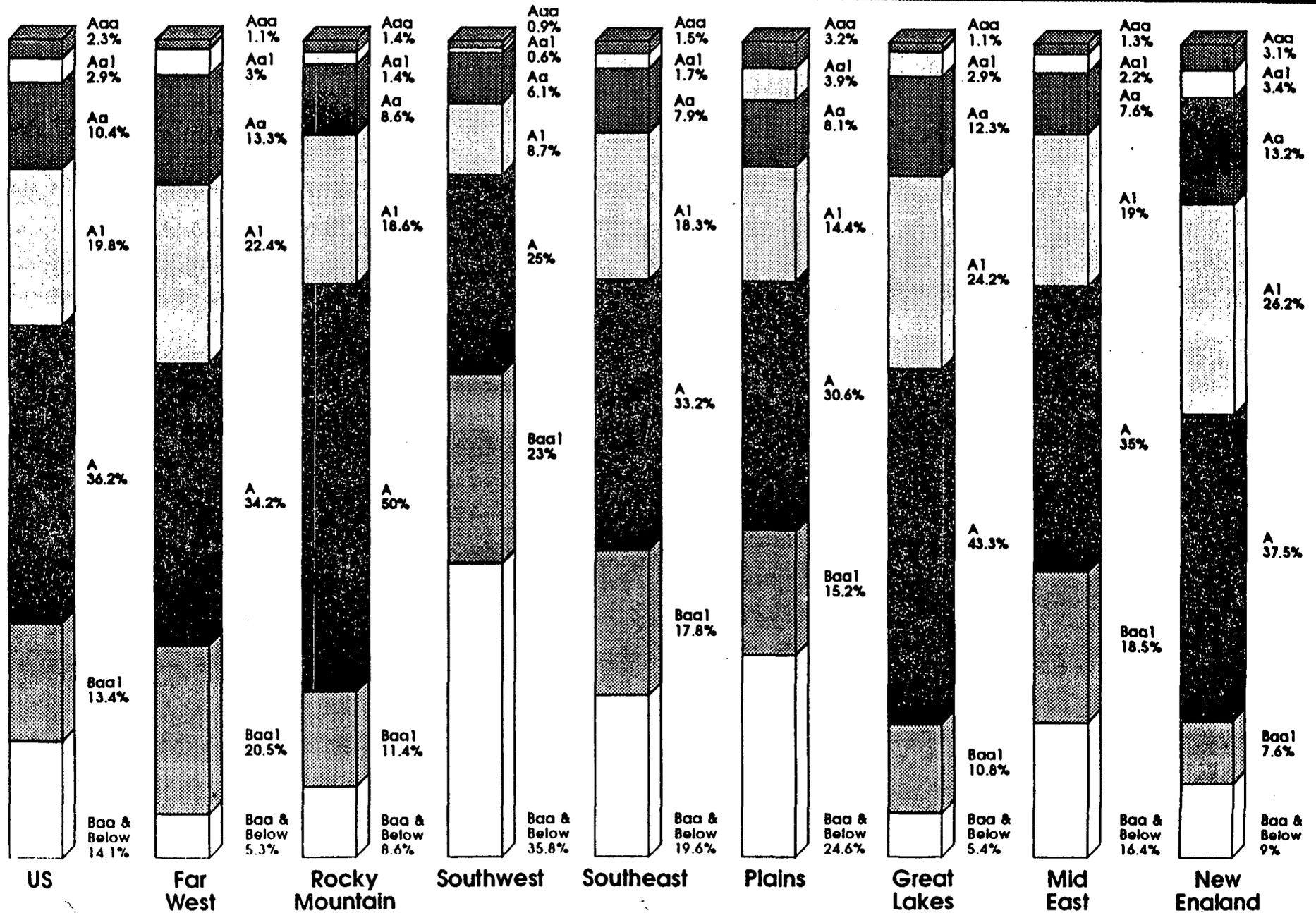
CLASS	FISCAL YEAR 1988	FISCAL YEAR 1989	FISCAL YEAR 1990	FISCAL YEAR 1991	FISCAL YEAR 1992	FISCAL YEAR 1993
RESIDENTIAL	754,957,700	1,369,874,250	1,376,116,650	1,395,856,050	1,146,902,050	1,169,489,000
COMMERCIAL	126,978,755	236,458,867	247,043,780	245,576,170	198,021,457	196,693,603
INDUSTRIAL	64,897,500	100,956,700	103,237,700	103,888,800	85,507,000	84,387,000
SUB-TOTAL	946,833,955	1,707,289,817	1,726,398,130	1,745,321,020	1,430,430,507	1,450,569,603
PERSONAL	15,305,681	18,329,760	18,278,882	18,669,473	20,231,356	20,231,356
TOTAL	962,139,636	1,725,619,577	1,744,677,012	1,763,990,493	1,450,661,863	1,450,569,603

PERCENT CHANGE BY CLASS

PRELIMINARY

CLASS	CHANGE 1988-1989	CHANGE 1989-1990	CHANGE 1990-1991	CHANGE 1991-1992	CHANGE 1992-1993
RESIDENTIAL	81.45%	0.46%	1.43%	-17.84%	1.97%
COMMERCIAL	86.22%	4.48%	-0.59%	-19.36%	-0.67%
INDUSTRIAL	55.56%	2.26%	0.63%	-17.69%	-1.31%
SUB-TOTAL	80.32%	1.12%	1.10%	-18.04%	1.41%
PERSONAL	19.76%	-0.28%	2.14%	8.37%	-100.00%
TOTAL	79.35%	1.10%	1.11%	-17.76%	-0.01%

Moody's Distribution of City General Obligation Bond Ratings By Region



(A)

* Declining local aid is largely responsible for the fall-off in total revenue. Local aid in 1992 is nearly 25 percent less than in 1989 when the state's contribution peaked. Aid declined by five percent in 1991 and another 12.3 percent in 1992.

Percent Change in Local Revenue and Spending

	<u>1991</u>	<u>1992*</u>
Revenue		
Property taxes	7.0%	5.0%
Local aid	(5.0)	(12.3)
Fees & charges	4.7	7.3
Total	2.8	(0.2)
Local Spending	2.8	(0.3)
Inflation	4.0%	2.6%

* 319 communities

* After four years of double-digit increases, revenue growth from fees and charges moderated, to about five percent in 1991 and seven percent in 1992.

* Income from fees and charges now actually exceeds local aid statewide. Aid has declined from 31 percent of total revenue in 1988 to 21 percent in 1992. Property tax revenue is now 53 percent of the total (in 1988 it accounted for 46 percent) and fees and charges are now 22 percent.

* For the first time since Proposition 2 1/2, the statewide average property tax rate increased. The 1991 rate is \$11.71 per \$1,000 of assessed value, up from \$10.60 in 1990. Tax rates are increasing despite slower growth in taxes because assessed values are now reflecting the downturn in the real estate market. Statewide value increased only one percent in 1991; during the preceding five years, the average annual increase was over 22 percent.

Multiple tax rate communities impose the state's highest rates on business property. Fiscal 1991 business rates in Hopedale (\$25.59) and Boston (\$25.09) exceed \$25.00. Other high-rate communities include Lynn (\$24.69), Everett (\$24.07) and Quincy (\$24.02).

* This year's booklet shows basic financial information in a new way to help identify differences among cities and towns. Each item includes an index — the per capita amount for the community divided by the per capita average for a group of similar communities.



FOR IMMEDIATE RELEASE

FRIDAY, JUNE 19, 1992

For More Information Contact: Donald Buckholtz

LOCAL REVENUE FALLS — FIRST TIME IN 10 YEARS

The Massachusetts Taxpayers Foundation today released the 22nd edition of Municipal Financial Data, a report on local taxes and spending in 1991 and 1992.

The report is based on budget information each city and town submits to the Department of Revenue. Data for 1991 is complete for all 351 cities and towns; for 1992 the report includes information for 319 communities, 91 percent of the total.

Some highlights from the report:

- * Total revenue for local government declined in 1992, by about \$20 million, or 0.2 percent. A 12 percent cut in local aid offset increases of five percent in property taxes and seven percent in local fees. This is only the second such decline in recent history. The first occurred in 1982, the first year of Proposition 2 1/2.
- * This absolute-dollar decline followed an inflation-adjusted fall in 1991. Total revenue increased only 2.8 percent last year, less than the four percent rate of inflation (see table on reverse).
- * Over one-third of all cities and towns, including 21 of 39 cities, had total revenue losses in 1992. The losses were 10 percent or more in eight communities: Norton (16.5 percent); Oakham (16.4 percent); Wales (15.3 percent); Rockport (14.9 percent); Dudley (13.4 percent); Wendell (11.1 percent); Leominster (10.6 percent) and Lancaster (10.0 percent).
- * The rate of property tax growth continues to decline. Statewide property taxes increased seven percent in 1991 (following an 8.3 percent increase in 1990) and five percent in 1992. In addition to the basic 2.5 percent allowance, new construction allowed a 1.7 percent increase in 1992 and overrides added 0.7 percent. The property tax has been constrained mainly by a sharp fall-off in new construction. Under Proposition 2 1/2, each community adds the value of tax base expansion to its tax limit. At its peak in 1989, construction added \$163 million to the statewide limit. Since then growth has declined by 13 percent in 1990, 22 percent in 1991 and 25 percent in 1992.
- * Overrides also fell sharply in 1992. In 1991, 182 communities attempted overrides and 99 approved, adding \$76 million to the statewide tax limit. In 1992, only 89 communities proposed votes; 60 approved, adding \$32 million statewide.

(over)

State ratings climb while communities struggle

STATE, From Page 1A
 Two factors which are viewed favorably by rating agencies

Cost of blame

While acknowledging times have been rough for the state's municipalities, Dominic Slowey, spokesman for state's Department of Administration and Finance, said cuts made sense: Having first moved in the past, towns must now face the blame.

Towns came to expect a free flow of cash from state, and boom - overnight, it was not there. And they have pressures - from unions to pay the same rates, from citizens to a certain level of services. It's difficult for them to cut back and still retain their jobs," Slowey said.

But it wasn't easy for the state either. The state was in such a state of chaos we had to make many tough cuts. We could not isolate cities and towns and say, 'You people don't need to take your share of the pain.'

"The towns were shell-shocked," Slowey said. "It took a while for them to understand it's just not going to be the same. And it doesn't help to have the relationship disintegrate at the same time," he added.

But the grip is not necessarily on local aid was cut, MMA's Beckwith said. The argument, he said, is that the state slashed more from local aid than from the rest of the state budget.

The cuts were disproportionately made at cities and towns, and therefore, there was greater impact on town services," said Beckwith.

Florence Dandurand, senior researcher for the Boston Municipal Research Bureau, agreed.

"And we've tried to remain pretty neutral," she said, of her business-linked fiscal watchdog group. "But the indicators seem to keep pointing to that. The balancing of the budget could have been done more profitably, instead of on the backs of towns."

Samuel Tyler, executive director of Dandurand's group, surmised that the state cut from local aid because it was the easy way out.

"Local aid made it easy not to push other areas, like Medicaid," Tyler said. "They didn't have to deal with courts and such. Local aid was the easiest place to make the cuts."

Blame on Weld is unfair

Nevertheless, Tyler admitted, blaming the towns' precarious bond ratings entirely on Weld is not fair, either.

"To say it is all the fault of local aid cuts is not entirely true. Some towns were downgraded because of poor management," he said, pointing out Melrose as an example. That town, Tyler explained, slid from an A rating to junk bond status because it counted on overrides to repair its deficit. "Which is not prudent in this economy."

The overall economy of the region also played a significant role. "It affects towns' own revenues - building permits go down, and defaulting on property taxes goes up."

Susanne Tompkins, research director for the Massachusetts Taxpayers Foundation, doesn't feel Weld is to blame, either.

"It's not a thing of blame," she said. "The state cut local aid. That reduced local revenues. That led to a lack of fiscal stability at local level. But pointing a finger and avoiding, no. It's an explanation. It happened and there were results."

And unless the state was going to raise taxes, there were going to be cuts to local aid, Tompkins said.

"And the majority of people in the

commonwealth did not want a second tax increase in the middle of a recession," she added.

"It's not reasonable to say only local aid was cut. The state went through tough times, and it cut deeply into almost every area of expenditures," Tompkins said. "It reduced its payroll by 20 percent, those few left haven't had raises, welfare recipients haven't had any kind of cost-of-living adjustment."

The laying of blame, Tompkins added, "is a natural position for the two sides to take, but it doesn't necessarily advance us toward solution of problems."

Solving the problem

"We need to find local government a way to get an income stream that they can depend on," said Tompkins, suggesting that adjustments to Proposition 2 1/2, such as tying it to inflation, would give them that more predictable revenue stream.

And those moves are on the way, according to Slowey, who said the Weld administration has already made strides toward offering relief.

For one, he said, the state's granting \$200 million in education aid to cities and towns this year makes up for the \$250,000 cut in local aid.

"They may argue they got more than their fair share of cuts," said Slowey, "but whether they ignore the \$200,000 in educational aid is up to them."

Slowey challenged the notion

some town officials have expressed that because those funds are earmarked for education they cannot be used for other costs - for which there is disproportionately reduced money.

"With it, they don't have to increase the portion of property tax that funds education. They can use the rest of Prop. 2 1/2 on general expenses. They can't possibly look at a \$200,000 increase and say it won't help. Otherwise, next year we won't give it to them and we'll see then what their reaction is."

But that question aside, Slowey said the governor's economic package also gets rid of some "overburdensome state mandates." Weld also favors tying Proposition 2 1/2 to inflation if an underdrive provision is attached allowing towns to reduce the amount, Slowey added.

Outlook mixed

Despite the complaints about the difficulties of balancing a budget with less income and higher expenses, some officials see the upgrading of the state's bond rating to an A as a hopeful sign.

Billerica's Mercier said that though the cuts may have hurt, the state is not totally to blame.

"My opinion of all this is we are all in this thing together. The state clearly has problems, but I'm not blaming them totally. We don't like it, and certainly didn't like the adjustments we had to make to our budgets, but overall it appears that for all of us here in Massachusetts,

"The state clearly has problems, but I'm not blaming them totally. We don't like it, and certainly didn't like the adjustments we had to make to our budgets, but overall it appears that for all of us here in Massachusetts, the situation has begun to stabilize."

Robert Mercier, Billerica town manager



the situation has begun to stabilize."

So too is the fact the state has a plan for recovery, said Lexington's Ryan.

"When times are tough, it requires tough decisions be made," Ryan said. "Moody's apparently feels the governor is making those decisions, and has enough faith in the decisions that it warrants an increase in their rating."

Others still feel the overall outlook remains grim.

Town officials said the economy is still miserable and local tax collections are not expected to im-

prove. They noted that as more local credit ratings drop, it will hurt the commonwealth's reputation.

Dandurand, who said she believes the local rating cuts are only a taste of things to come, agreed, saying that the state's benefiting now from local aid cuts could come back to haunt them as more towns faltered from the lack of income.

"In the long run it's not going to be good for the state either," she said. When towns go belly up the way Chelsea and Brockton did, she explained, "the ultimate responsibility will lie with the state to do something to help those towns."

"It is clear the state has been able to balance its budget in large part, or at least in some part, because of its reductions in local aid. Agencies look at reliability of revenue sources, and they do not feel as secure as in years before when local aid was more prevalent and came in larger amounts."

Paul Blazar, Hudson town manager



Bond ratings affect tax bills

BOND RATINGS, From Page 1A

New England regional manager.

"There are four factors we focus on: debt, economy, finances and administration," she said. "These factors are all included in measure financial flexibility."

With debt, Dougherty said, "we look at how much is outstanding, how much it pays to interest, and what its debt ratios are."

For the economy category, analysts look at a town's demographics and tax base. Dougherty continued. The wealth level of its residents and the diversity and health of the industries based in the town are among the considerations.

Finances refers to what a town's main revenue sources are, and whether it has reserves. Analysts also examine official budget management practices.

Dougherty said, analysts also look at whether voters tend to pass overrides. Between the recession and cuts in local aid, she explained, more cities have to count on override funds.

"Much of the credit standing of individual cities and towns depends on what steps a city or town takes to offset those pressures," she said. "Do they take action, such as expenditure cuts, overrides - actions that will respond to the declining revenues picture?"

The administrative category estimates just how much a town can benefit from its existing tax structure - is there the ability to collect enough revenue to provide promised services? Massachusetts' towns' inability to count on local aid could earn them reduced ratings in this category. Other factors analyzed in the category, Dougherty said, in-

Hepatitis B still on the rise in the state

By Geraldine A. Collier
 Special to the Chronicle

300,000 new cases

These chronic carriers can pass

Among other major groups recognized as high risk are people who use intravenous drug abusers, those

vaccinated against hepatitis B to reduce the incidence of the disease in the general population in the future.

7

MONEY

THOMAS WATTERSON

'90s economy means getting along on less

IT'S A FAMILIAR SCENE TO MILLIONS of people who grew up reading the "Blondie" comic strip: Dagwood Bumstead asks Mr. Dithers for a raise and is immediately boosted - literally - out of the house. He never gets a raise.

Dagwood's frustration is likely to be felt by people, at least in the near future, as a pattern of American earnings change. World War II annual raises have been a part of Americans' working lives as a regular paycheck. Everyone knew they were going to get a raise every year, even if they didn't know how much. Often, those raises were a little higher than the inflation rate. The prospect was factored into families' long-term financial planning.

Recent studies have confirmed that American pay is falling, not rising. In some ways, workers in many countries are getting paid more for their work. Earlier this month, for example, a study by the Joint Economic Committee in Congress found that Americans lost 3.5 percent in real compensation between 1986 and 1991. In other words, workers in 30 other industrialized countries made gains ranging from 0.1 percent in Australia to 6.6 percent in Japan. British workers' pay increased 3.8 percent, Germany's 5 percent, while Canadians gained 2.7 percent.

"People are saying, 'I deserve more pay.' Well maybe you do, but that doesn't mean you're going to get it."

JOHN SESTINA
Financial planner

Another study, by the accounting firms of Coopers & Lybrand, found that where companies are giving raises, pay hikes are the smallest in years. In a nationwide survey of 1,000 companies, Coopers & Lybrand found that adjustments for 1993 are expected to be 2.7 percent for nonmanagement jobs, 2.7 percent for managers and 3.9 percent for executives. That's one-tenth of a percentage point less than in 1992, the firm said.

Of course, a lot of people aren't even getting raises as well as the averages.

Last weekend, for example, USAir's pilots union agreed to a new contract that would raise members' wages by 2.5 percent over the next 18 months. While the airline has promised that the employees will begin to receive raises in November 1993, the contract also requires union members to contribute 10 percent of the cost of medical care, an expense they have not had to pay.

MONEY, F



LEROUX: As recently as December 1990 he listed a net worth of \$52 million.

LeRoux debt \$100m?

By John H. Kennedy
GLOBE STAFF

Edward G. "Buddy" LeRoux Jr., the athletic trainer-cum-entrepreneur who filed for bankruptcy protection Tuesday, listed potential liabilities topping \$100 million, including \$275,000 to three Atlantic City casino-hotels, according to court documents.

The documents also show a \$400,000 loan from a bank headed by famed Boston Celtics player Frank Ramsey, while a separate lawsuit filed against LeRoux says he owes the Internal Revenue Service more than \$5 million for nonpayment of income taxes from 1990.

That same Middlesex Superior

Court lawsuit, filed last August, also says the state has a \$1.9 million claim against LeRoux for unpaid personal income taxes from 1991.

As recently as December 1990, LeRoux, a former Red Sox partner, listed a net worth of \$52 million. And in his bankruptcy documents, filed Tuesday, LeRoux listed his potential assets at between \$10 million and \$99 million.

The so-called skeleton petition provided little detail, except for the top 20 unsecured creditors. More detailed financial statements, including claims from secured creditors, will be filed in the coming weeks.

LeRoux could not be reached for

comment. **LEROUX, Page 43**

Filing could speed track sale

By Doug Bailey
GLOBE STAFF

Suffolk Downs officials yesterday said the bankruptcy filing of Edward G. "Buddy" LeRoux Jr., the track's co-owner, will have no impact on racing, but may speed plans to sell the track.

LeRoux filed for protection from creditors late Tuesday, listing more than \$100 million in debt and assets of somewhere between \$10 million and \$99 million. Among those assets is LeRoux's share of Belle Isle Ltd., a partnership that owns the Suffolk Downs race track.

SUFFOLK DOWNS, Page 43

Digital's losses soar; will speed job reductions

By Josh Hvat
GLOBE STAFF

Digital Equipment Corp. said yesterday it had lost an unexpectedly large \$260.5 million on weak sales during its most recent fiscal quarter, and company executives revealed their plans for accelerated job cuts.

The nation's second-largest computer-maker said it would slash headcount by up to 23,500 by the end of 1993, including more than 3,000 jobs before year's end. Digital currently employs 108,500. The company will also continue to shut facilities.

It was the first time Digital had attached firm numbers to its newly energized cost-cutting efforts. On Oct. 1, his first official day in office, president and chief executive Robert B. Palmer promised that the company would cut expenses more aggressively, and said job cuts could total 25,000 over the next several years. Yesterday senior vice president John F. Smith gave more specifics, telling financial analysts that Digital's plans called for employing between 55,000 and 90,000 by next year's end.

"Palmer speaks Wall Street's language: make operations efficient and reduce expenses. He's moving straight ahead with no wasted motion," said Robert G. Herwick, an analyst with Hambrecht & Quist in San Francisco. "He may not be able to do anything about revenue, but he's going to take down expenses."

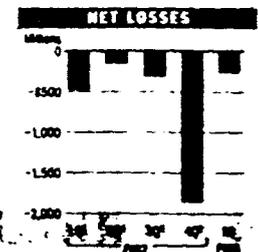
Indeed, Wall Street seemed to welcome the hard-hitting specifics. In New York Stock Exchange trading, Digital's shares - which had been falling in anticipation of today's numbers - rose 1 1/2 to \$74 on consolidated New York Stock Exchange volume of 731,200.

The stock uptick served as an unusual coda to a day on which the company announced a loss that was even larger than most Wall Street analysts had predicted. The \$260.5 million loss for the first fiscal quarter, which ended Sept. 26, amounted to \$2.04 a share. Sales during the three-month period rose slightly less than 1 percent over the same period last year, to \$3.24 billion.

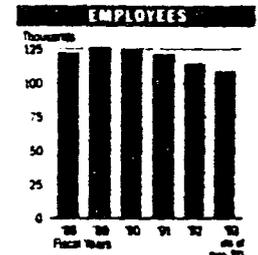
During its first fiscal quarter last year, Digital earned \$11.6 million, or 9 cents a share. But after taking a one-time charge for retiree health benefits, the company ended up with a net loss for the quarter of \$472.8 million, or \$3.90 a share. In fiscal 1992, which ended in June, Digital lost a total of nearly \$2.8 billion. That figure in-

digital

Red ink continued, won't lose strength



Estimated to reflect changes of two accounting methods for non-employee benefits after the September 26, 1992, earnings report. SOURCE: Accounting changes of \$1.5 billion.



NOTE: Fiscal years end in June. SOURCE: Digital Equipment Corp.

cluded a \$1.5 billion restructuring charge for layoffs and facilities closings.

As has become their practice - this is the company's fourth consecutive quarter of operating losses - Digital executives declined to predict when the \$14 billion company would return to profitability. Smith said only that he was "cautious relative to the return of profitability during the first half of the year." He added that "we have some level of optimism" that the current quarter, which ends Dec. 26, will be an improvement over the September quarter. Much of the company's cost-cutting effort, he said, weren't fully realized because they didn't occur until the end of the quarter.

Of the 3,000 positions that were cut during the first fiscal quarter, Smith said that about 1,000 were because of normal attrition. He estimated that 3 percent of the job losses came out of Massachusetts.

DIGITAL, Page 44

Excellence reins at AT&T plant

AT&T employees in N. Andover earn top quality award



Retail sales up; economy seen as growing - barely

Fees, cur give State

By Kimberly Blum
GLOBE STAFF

Fees paid to State Street Boston pension fund helped increase it by 54 percent in its fiscal third quarter in which it handled Turmoil in Europe in September company's profits up currencies, a result expected upcoming financial reports of Ne banks.

Boston-based State Street, which for big institutional investors, posted \$1.9 million, or 54 cents a share, in the September. That compared with 36 cents a share, in the same period last year.

"It's a good report, but not a big surprise," said James H. Schmidt, John Hancock portfolio manager for the \$2.5 billion Freedom Regional Bank. Large gains from currency trading in the third quarter, he said.

But State Street's earnings range predicted by Wall Street. A company, parent of State Street Bank, earned 46 cents and 55 cents in the third quarter, according to Bloomberg Business News.

State Street's stock closed off the New York Stock Exchange. "It was an excellent quarter. Our earnings and the financial results are strong," said David H. Spina, vice chairman and chief financial officer. Third-quarter revenue grew 31 percent from \$192.1 million a year ago.

The revenue growth was driven by payments by the \$65 billion California Retirement System, the nation's largest pension fund, and other retirement accounts this year outside the Boston Co. to form a new account from its cross-town count was transferred July 1.

Overseas, the company saw abnormally increased currency transactions at the same time as currency exchange rates rose up \$9.2 million over last year.

Houghton Mifflin Co. said its profit in the third quarter of 1992, reflecting a decline in sales of school books.

The publishing company said its profit rose 46 percent, compared with \$2.36 a share, during the same quarter. Total revenue was \$198.7 million, down from \$200.7 million last year.

Because of seasonal fluctuations, the third quarter is key to results. In the 1992 third quarter, its educational publishing sales declined 7.6 percent. But Nader F. Dareshtori, chief executive officer of Houghton Mifflin, said results for 1992 are planned. Also, he said the company's fourth quarter should be smaller than last year's.

For the first three quarters, reported net income of \$31.6 million, or \$2.14 a share, from \$30.6 million, or \$2.14 a share, in the same period last year. Sales for the nine

ncy market turmoils. 54% boost in net

million, a drop from \$398.3 million reported last year. Nashua Corp.

Nashua Corp. said third-quarter net income rose to \$2.29 million, or 52 cents a share, from \$2.53 million, or 40 cents a share, a year earlier. Sales rose to \$151.3 million from \$138.4 million.

Results for the most recent quarter included a pretax gain of \$1.2 million from the sale of Nashua's stake in Maxtor Corp., a supplier of magnetic and optical storage products.

For the nine months ended Sept. 25, the producer of office equipment and services said net income rose to \$3.9 million, or 61 cents a share, from \$3.4 million, or 54 cents a share, in the year-ago period. Sales climbed to \$407.3 million from \$401.5 million.

Haemonetics

Haemonetics Corp., a Braintree maker of automated blood processing and purifying equipment, said second-quarter net income rose to a record \$6 million, or 42 cents a share, from \$4.3 million, or 30 cents a share, a year earlier. Sales increased to \$53.07 million from \$43.24 million.

For the six months ended Sept. 26, net income rose to \$11.21 million, or 79 cents a share, from \$7.84 million, or 56 cents a share. Sales increased to \$101.68 million from \$83.36 million.

Lifeline Systems

Lifeline Systems Inc. of Watertown reported a dramatic decline in earnings and sales as it continues to struggle back from the effects of a slower-than-expected rate of revenue growth.

The maker of personal emergency response systems said net income fell to \$33,000, or 1 cent a share, from \$320,000, or 16 cents a share, in the year-ago quarter.

Revenue fell 18 percent to \$7.75 million from \$9.48 million. Lifeline said earlier in the year that it would have trouble meeting its revenue projections for the year.

For the nine months ended Sept. 30, Lifeline recorded a loss of \$1.1 million, or 20 cents a share, compared with net income of \$2.46 million, or 43 cents a share, in the year earlier period.

Revenue fell 22 percent to \$21.22 million from \$27.32 million.

Coca-Cola Co.

The Coca-Cola Co. of Atlanta reported an 18.5 percent profit increase in the third quarter to \$540.6 million on 10.6 percent higher sales.

Earnings per share were 41 cents, up from 34 cents in the 1991 third quarter, when net income amounted to \$456.3 million. Revenues rose from \$3.2 billion last year to \$3.5 billion.

"All this was accomplished in a quarter in which key markets had unfavorable weather and/or economic conditions," said chairman Roberto C. Goizueta. "The national economies of important world markets are either very soft or in depression."

For the first nine months of the year, Coca-Cola's net income was \$1.5 billion, up 15.4 percent from \$1.3 billion in the same period a year ago. Revenues were \$9.8 billion, compared with \$8.7 billion in the same period last year.

Coca-Cola's stock rose 6 1/2 cents to \$36.50 in active trading on the New York Stock Exchange.

Digital's losses soar, will speed job reductions

DIGITAL (Continued from Page 4)

where Digital now employs about 24,000.

On the revenue side, Digital's best hope for reviving sales rests with its new Alpha-based computers. The systems - some models are expected to be launched on Nov. 10 - employ Digital's own ultrafast Alpha microprocessor. But Smith said that he doesn't expect Alpha "to start clicking in" in terms of revenue until the next fiscal year. "We'd sure like to be surprised," he added.

Smith's comments may have been aimed at lowering expectations to a more realistic level. "Many analysts consider Alpha to be a miracle product line that would remarkably

'Palmer speaks Wall Street's language.'

ROBERT G. HERWICK
Hambrecht & Quist

transform the fortunes of this company," said William J. Milton Jr., an analyst with Brown Brothers Harriman. "Management was trying to get across that this will not change the company overnight."

Smith reiterated that the company did not expect to take further charges to pay for restructuring costs. But clearly the restructuring has drained Digital of some cash. Yesterday it said it had cash and equivalents on hand of about \$861 million, compared to \$1.3 billion at the end of the preceding quarter. William M. Steul, vice president of finance, reported that Digital had last week issued some \$250 million worth of 10-year bonds. In July, Digital filed papers enabling it to raise up to \$1 billion in bonds.

Though there were few encouraging signs in yesterday's numbers, analysts noted that sales of the company's flagship VAX computers were stabilizing.

"That's important because it means that customers have bought the company's story about migrating to Alpha," noted Marc G. Schulman, president of Technology Strategies Group in Stamford, Conn. "It would seem that Digital's situation had bottomed out. The wild card is what is going to happen to the world economy."

In that regard, Smith said yesterday that "economic indicators have not improved relative to the last time we had this discussion."

Market slips back 6 in erratic session

By Chet Currier
ASSOCIATED PRESS

NEW YORK - The stock market pulled back slightly in an erratic session yesterday, running out of momentum after the rally of the week's first two sessions.

The Dow Jones average of 30 industrials, up 64.84 points Monday and Tuesday, slipped back 5.94 to 3,195.46. The average closed out last week at its lowest level of the year.

Declining issues outnumbered advances by about 11 to 10 on the New York Stock Exchange. Big Board volume came to an estimated 173.44 million shares, down from 154.13 million in the previous session.

Analysts said hopes for interest-rate cuts in Japan and Germany as well as this country seemed to have faded.

Reports from meetings in Tokyo between Chairman Alan Greenspan of the Federal Reserve Board and Prime Minister Kiichi Miyazawa of Japan said the two hadn't discussed monetary policy.

In the domestic economic news, the Labor Department reported that the producer price index rose 0.3 percent in September.

The figure was in line with expectations, and Wall Streeters generally

took it as evidence that inflation remains subdued.

Separately, the Commerce Department reported a 0.9 percent increase in retail sales, slightly weaker than analysts had been estimating.

Coca-Cola rose 1/4 to 38 1/4 in active trading. The company reported third-quarter earnings of 41 cents a share, up from 34 cents a share in the comparable period last year.

US Surgical jumped 8 1/2 to 90 following new-product demonstrations that impressed analysts.

International Business Machines, which is due to report its third-quarter earnings on Thursday, dropped 1/2 to 78. Analysts' estimates for its period have been coming down steadily of late.

IBM stock, trading recently at 10-year lows, now stands at less than half its 1987 peak of 175 1/4.

Other losers among the big chips included General Motors, down 1/2 to 30 1/2; American Telephone and Telegraph, down 1/4 to 42; McDonald's, down 1/4 to 43; International Paper, down 1/4 to 61 1/2; Walt Disney, down 1/4 to 35 1/2; and Boeing, down 1/4 to 37.

Precious-metal stocks declined broadly as the price of gold drifted lower, reflecting the recent calm of currency markets after a period of currency turmoil in Europe.

Marriott bondholders to try to block spinoff

By David E. Kalish
ASSOCIATED PRESS

NEW YORK - Marriott Corp.'s largest bondholders, enraged by the company's plan to split its business, have formed a committee to try to block the transaction, sources close to the group said yesterday.

The 10-member committee, mainly comprised of institutional investors such as pension and mutual funds, expects to choose an attorney by today to explore retaliatory actions, including a possible lawsuit, the sources said.

Bondholders were stunned last week when Marriott announced it would spin off its real estate operations into a separate, debt-laden business called Host Marriott Corp. The move would give most of the old

company's revenue to a much healthier company, called Host International Inc., that would own the real estate.

After the announcement, Moody's Investors Service downgraded investment grade Marriott bonds to junk status. The value of these bonds tumbled.

Increased debt loads often prompt the bond-rating companies to lower ratings for bonds because the higher debt raises questions about the company's ability to pay.

When a bond's rating is lowered, its price usually falls. Bondholders say the proposed corporate makeover violates a tax-favored assumption that the new entities backing bonds would not unexpectedly divert to other needs.

Earnings & Dividends

Company	1992	1991	1990
Amway Bancorp Inc. (Pharm)			
Q3 Sep 30			
Net income	\$1.43 M	\$1.56 M	\$1.56 M
Per share	0.40	0.36	0.36
9 mos			
Net income	\$4.17 M	\$3.55 M	\$3.55 M
Per share	1.02	0.87	0.87
After non-recur provisions of 0.8-2.5 million, b-750,000, c-31.75 million			
Children's Hospital Corp. (Hosp, N.Y.)			
Q3 Sep 30			
Net income	\$160,000	\$204,000	\$204,000
Per share	0.27	0.36	0.36
9 mos			
Net income	2.46 M	3.11 M	3.11 M
Per share	0.71	0.80	0.80
After non-recur provisions of 0.515-0.5 million, b-1.04 million, c-1.92 million, d-2.42 million			
Colgate Group Inc. (Dental)			
Q3 Sep 30			
Revenues	\$27.5m	\$22.77m	\$22.77m
Net income	4.027m	3.131m	3.131m
Per share	0.56	0.41	0.41
9 mos			
Revenues	78.075m	65.299m	65.299m
Net income	10.948m	9.095m	9.095m
Per share	1.43	1.16	1.16
Community Bancshares Inc. (Bank, N.Y.)			
Q3 Sep 30			
Net income	\$389,000	\$41,000	\$41,000
Per share	0.23	0.02	0.02
After non-recur provisions of 0.000-0.000, b-750,000			

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After non-recur provisions of 0.000-0.000, b-750,000			

Dividends

Company	Dividend	Pay Date
Amway Bancorp Inc. (Pharm)	\$0.36	Oct 15
Children's Hospital Corp. (Hosp, N.Y.)	\$0.36	Oct 15
Colgate Group Inc. (Dental)	\$0.41	Oct 15
Community Bancshares Inc. (Bank, N.Y.)	\$0.02	Oct 15

New York bonds

Company	Yield	Price
Amway Bancorp Inc. (Pharm)	8.50	103.6
Children's Hospital Corp. (Hosp, N.Y.)	8.50	103.6
Colgate Group Inc. (Dental)	8.50	103.6
Community Bancshares Inc. (Bank, N.Y.)	8.50	103.6

BONDS SCOREBOARD

Index	1992	1991	1990
Net Change	100.6	85.5	103.6
Week ago	100.8	85.8	103.7
Month ago	100.9	85.9	104.1
Year ago	95.4	77.8	101.0
1992 High	101.6	86.0	104.2
1992 Low	96.2	79.2	102.5
1991 High	98.6	80.5	103.0
1991 Low	89.4	74.9	100.5
CRS Index today	201.37		
previous day	200.93		

Company	Yield	Price
Amway Bancorp Inc. (Pharm)	8.50	103.6
Children's Hospital Corp. (Hosp, N.Y.)	8.50	103.6
Colgate Group Inc. (Dental)	8.50	103.6
Community Bancshares Inc. (Bank, N.Y.)	8.50	103.6

Middlesex News

9/29/92

Combatting Use it, or lose it'

SCRIPPS HOWARD NEWS SERVICE

In an age of chronic budget deficits, most governments in America still use budget systems that give managers an incentive to waste money. This simple fact, startling as it may be to people outside government, explains why budget reform is the most important management change available to most governments today.

David Osborne

Most public budgets fence agency money into dozens of line items. A typical department manager has 30 to 40 line items for every program or division. In one branch of the military, base managers have 26 accounts for housing repairs alone.

Theoretically, a manager can request permission to move funds across the fences. But this is risky, because more often than not the answer is: "Money's tight, so we're glad to take back the surplus, but we can't let you move it to the other accounts." Hence managers rarely try to shift funds. Most managers stick with yesterday's priorities, even if today's needs have changed.

But it gets worse. If managers don't spend their entire budgets by the end of the fiscal year, they lose the money they have saved, and they get less next year. Not surprisingly, smart public managers spend every penny of every line item, whether they need to or not.

Most public managers know where they could trim 10 to 15 percent of their budget, but why go through the pain of transferring or laying people off, if you can't use the money for something more important?

It doesn't have to be this way.

In 1979, Fairfield, Calif., invented what it called an "Expenditure Control Budget." The new system did two things: It eliminated line items, and it allowed departments to keep what they didn't spend. Each department's annual budget was determined by a formula: It got the same amount as last year, increased to account for inflation and growth in the city's population. (The city manager could adjust these amounts, and when revenues fell short and the council failed to act, an automatic across-the-board cut kicked in.)

The new system assumed that departments would maintain the same level and mix of services, at a minimum. If the council wanted a major new initiative, it would appropriate additional money. Managers still used line items to track their expenditures, but the council never saw them. They became an accounting device to help managers, not a control device to hem them in.

The new approach transformed the way managers thought about their money. In the past, if the police chief needed more men, he asked for more money. If the manager or city council said no, he blamed them. It was never his fault. No one expected him to comb through the budget he already had to find savings.

Now the dynamics changed. "Spend it or lose it" gave way to "save it and invest it." Chuck Huchel, chief of public safety, saw the contrast every day. His city budget came the new way, but his police department hustled a fair number of federal grants, which came the old way.

"It's amazing," he says, "the same people behave differently with the two streams of money. With the federal grants, we spend everything that's on the list, whether we need to or not. You don't have incentives to make the cost savings, because if you don't spend it you give it back. With the city money, they know that any savings can be applied to other programs or equipment. So you say, 'Hey, I don't actually need this to make the program work, so I'm not going to spend it.'"

By 1981, California had named Fairfield one of its four most fiscally sound cities. Over the next decade, the city spent \$4.9 million less than it was appropriated. In addition, the general fund balance, combined with accumulated reserves, stood at \$30 million.

To: Town Manager
BOS
From: Nancy

The new system has allowed Fairfield to adjust to the current recession with ease.

The Expenditure Control Budget gives every employee an incentive to save money. It radically simplifies the budget process. It saves millions of dollars on auditors and budget officers. Perhaps most important, it frees city councils and state legislatures to focus on the real issues. Rather than debating the minutiae of thousands of line items, they can spend their time on the problems they were elected to solve.

David Osborne writes for *Govern-ing Magazine*.

art - 10/9/92

This article mirrors my philosophy of government spending.

Feel free to share it with Fincom.

Nancy

②

Finance Committee

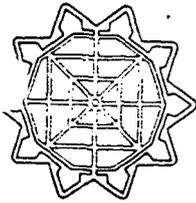
RCVD 10/13/92 Att

REMINDER

The Master Plan Coordinating Committee (MPCC) has not received a response from your Board or Department to our July 24 memo on Master Plan Implementation or the Master Plan Action Items Matrix that was included with the memo. We are continuing to review responses received and, although the September 15 deadline has passed, we would like to receive your response at the earliest possible date. Responses should be returned to the Town Manager's Office, c/o MPCC. Please call a member of the MPCC (included in the original mailing) if you have questions about the matrix or your response.

10/12/92

cc: BOS - FYI



**Massachusetts
Municipal
Association**

Sixty Temple Place
Boston, Massachusetts 02111

(800) 882-1498

(617) 426-7272 FAX (617) 695-1314

NOV 7 5 1992

October 22, 1992

The Honorable Lois Pines, Senate Chair
The Honorable Suzanne Bump, House Chair
Joint Committee on Commerce and Labor
State House, Room 421
Boston, MA. 02133

Dear Senator Pines, Representative Bump, and Members of the Committee,

The Massachusetts Municipal Association wishes to record its general support for the concepts contained in H. 6083, An Act Authorizing the Creation Of Economic Opportunity Areas, and H. 6084, An Act Relative to the Immediate Stimulation of Increased Job Creating Activity Within the Commonwealth. As you know, both measures have been filed by Governor William Weld as part of his administration's economic development policy.

The steep economic recession that has gripped Massachusetts over the past three years has had a severe negative impact on the ability of local government to provide basic public services. This is particularly true of the older, poorer urban areas of our state.

The MMA supports the concept behind H. 6083, which is to stimulate job growth and economic activity in economically distressed areas through the targeted use of state and local tax breaks for businesses. We are particularly enthusiastic about the partnership between state and local government that is required by H. 6083. Local officials have long believed that it is essential for the state and its cities and towns to work together to achieve lasting economic growth.

Many of the municipalities that have the greatest economic development needs have also suffered the greatest revenue loss, and would be least able to afford the five-year property tax loss envisioned in Section 4. Therefore, as a practical suggestion to make this bill even more useful for those communities, the state should establish a mechanism to fund at least a portion of the property tax losses. This change would make H. 6083 much more attractive to those communities most in need without dramatically increasing the cost of the program. Perhaps this could be done by creating a grant program for the neediest communities in order to make it feasible for them to participate.

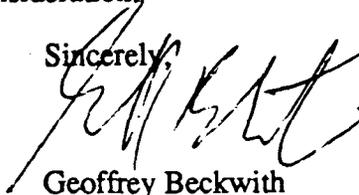
In addition, the association also wishes to convey its support for H. 6084, the legislation to leverage greater access to capital for small and medium-sized businesses. By focusing on those firms that have been hit the hardest by the current credit squeeze, and by targeting additional financing assistance to emerging technologies and exports, the Commonwealth can serve as a catalyst to bolster economic opportunities for its citizens.

The members of the MMA urge you to consider these issues as quickly as possible. The state's leadership in moving forward with a comprehensive economic development

plan can only help to reverse the downward spiral that has gripped our regional economy for so long. Including cities and towns in the state's strategy is essential, and the legislation before you, particularly H. 6083, begins that process.

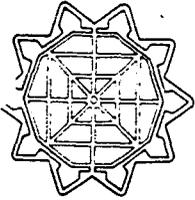
Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Geoffrey Beckwith', written over the word 'Sincerely,'.

Geoffrey Beckwith
Executive Director

cc: His Excellency William Weld
Secretary Stephen Tocco



**Massachusetts
Municipal
Association**

Sixty Temple Place

Boston, Massachusetts 02111

(800) 882-1498

(617) 426-7272 FAX (617) 695-1314

MEMORANDUM

To: MMA Board Members
LGAC Members
MMA Friends

Fr: Geoffrey Beckwith, MMA Executive Director

GCB

Re: November 10, 1992 LGAC Meeting

Dt: November 3, 1992

The upcoming November 10, 1992 LGAC meeting will take place at 1:00 p.m. in the Executive Council Chambers of the State House. Governor Weld will be in attendance.

The primary topic of discussion at the meeting will be the Governor's economic development plan. The administration will present their plan and the accompanying legislation, and ask for the support of local officials in pushing the blueprint forward. Drawing upon your own experiences, LGAC members should be prepared to offer comments and ideas on how local government can be fully incorporated into a broad and cooperative economic development strategy.

Also on the agenda will be a discussion of future LGAC meetings. The MMA Executive Committee, based on input from the MMA Board retreat, has recommended that each LGAC session should have a central issue focus, perhaps having one meeting for each of the five key areas that are addressed by our policy committees (Fiscal Policy, Environment, Municipal and Regional Administration, Labor Relations, and the Committee on Public Works, Transportation and Utilities). This would help us move from a "reactive" agenda to a "proactive" approach, leaving room, of course, for issues that require immediate attention and discussion.

Also on the agenda for November 10th, Governor Weld will present some of his ideas for framing a local/state partnership.

I have enclosed an agenda for the LGAC session, and background materials for the meeting, including information from the administration on their economic development plan, and an initial letter concerning part of the package from MMA to the legislature, sent pursuant to a discussion at the Board's October 13th retreat.

Local Government Advisory Committee

Sixty Temple Place
Boston, Massachusetts 02111
617/426-7272
800/882-1498

**LOCAL GOVERNMENT ADVISORY COMMITTEE
NOVEMBER 10, 1992 MEETING
1:00 to 2:00 p.m.
Executive Council Chamber
State House
Boston, MA**

AGENDA

1. Introductions (M. Hogan)
2. Presentation of Governor Weld's Economic Development Plan (Gov. Weld and Staff)
3. Discussion of Economic Development (M. Hogan)
4. A Framework for Local/State Partnership (Gov. Weld)
5. Discussion of Future LGAC Meetings (M. Hogan)



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

WILLIAM F. WELD
GOVERNOR

MARCO PAUL CELLUCCI
LIEUTENANT GOVERNOR

Weld-Cellucci Economic Development Package

September 17, 1992

- o **Quasi-Public Reorganization.** A Massachusetts Development Agency (MDA) would be formed as an umbrella organization for Massachusetts' existing quasi-public economic development corporations. To improve service to businesses in need of financial and other assistance, the MDA will create regional "one-stop shopping" offices throughout the state. This reorganization would be the basis for creating a "user-friendly" system that addresses the real economic development needs of the Commonwealth. MDA will be recapitalized to leverage significant levels of new private sector financing through three new programs.
- o **Emerging Technology Fund.** This fund would stimulate high quality job creation by enabling new manufacturing and R&D facilities for emerging technologies to be financed. The fund would use partial guarantees, subordinated debt financing and other techniques to fund facility construction. Companies making use of the fund would pay a fee and contribute warrants or other forms of equity to the fund. Each financing would involve partnership of private and public financing sources, and the fund will be structured to allow participation by private investors.
- o **Small Business Capital Access Program.** This program will enhance the availability of loans to Massachusetts small businesses for a variety of purposes. Banks would elect to participate in the program, using Commonwealth matching funds to create a credit enhancement for loans they would not otherwise make. Funds from the bank, the borrower, and the State would form loan loss reserves for loans made under the program.
- o **Export Finance Program.** This program is designed to assist small to medium size companies new to the export market. Currently it is difficult for companies to obtain bank loans based on foreign orders. The state would guarantee up to 85% of qualified loans made to finance export transactions, and provide assistance with the loan package enabling the bank to focus on the loan itself.
- o **Capital Gains Tax Phase-out.** This provision reduces the tax on capital gains by linking the tax rate to how long an asset is held by an investor. As of January 1, 1992, any capital gains from the sale of an asset which is held for more than one year

but less than two years would be taxed at a reduced rate of 5%. For every year thereafter an asset is held the rate declines by one percentage point. Therefore assets held for six years will incur no capital gains tax. The incentive for investors to hold assets for six years or more enables businesses to focus on a longer-term strategy providing growth and job creation.

- o **Investment Tax Credit Increase.** This proposal would increase the investment tax credit to three percent from the current one percent. This incentive will assist in attracting business to expand and subsequently produce jobs.
- o **Economic Opportunity Areas.** This legislation will provide incentives such as tax relief and public investment to attract new business to locate in distressed areas and those sections of the Commonwealth with high unemployment rates. This measure encourages new development in the Commonwealth's depressed cities, towns and rural areas.
- o **Economic Development Capital Program.** The Commonwealth will commit \$100 million per year of its five-year capital program to projects directly creating permanent, long-term economic development.

QUASI-PUBLIC REORGANIZATION

Purpose: Recommendations of Committee on Quasi-Publics

- o Individual quasi-public organizations were found to be exemplary. The *system* was found to be fragmented, confusing, inefficient, lacking in a coherent mission, and undercapitalized.
- o The Committee identified the goals of the reorganization to be:
 - o creating a "user-friendly" system
 - o assuring that system is strategically directed in response to the administration's economic development goals.
- o A Massachusetts Development Agency (MDA) should be formed as an umbrella organization for the non-housing-related quasi-publics.
- o MDA, in cooperation with the Massachusetts Office of Business Development, should establish a "one-stop-shopping" system for economic development assistance, to be delivered through 3 to 5 professionally-staffed regional offices.
- o MDA should be recapitalized to give it the critical mass necessary to leverage significant levels of new private sector financing.

How It Works

This legislation creates the Massachusetts Development Agency (MDA) by reorganizing the state's economic development agencies into a comprehensive and coordinated economic development delivery system.

Structure:

- o The MDA will serve as an umbrella organization for the state's non-housing-related quasi-public agencies, and will have three divisions:
 - o Business Development Division
 - o Non-profit Financing Division
 - o Distressed Area Revitalization Division

- o The MDA Board of Directors will replace the individual boards of its constituent quasi-public agencies.

This legislation will:

- o make the system more "user-friendly" by providing a single coordinated economic development assistance delivery system
- o establish regional centers throughout the Commonwealth to act as single source delivery points of assistance

The Massachusetts Housing Finance Agency and the Massachusetts Housing Partnership will not be placed within MDA.

EMERGING TECHNOLOGY FUND

Purpose

- o The Fund would stimulate high quality job creation by enabling new manufacturing and R & D facilities for emerging technology industries to be financed.
- o The problem is acute for the biotechnology industry. Several Massachusetts biotech companies will be making decisions regarding where to locate manufacturing facilities over the next 12 months. Other industries also could benefit, including industries making "low-tech" products through high-tech processes. The objective is to create high quality, permanent jobs by leveraging private financing for highly productive, state-of-the-art facilities.
- o Other states, such as Rhode Island, have developed very competitive programs to finance new biotech manufacturing facilities. Alpha Beta Technologies has already made the decision to locate its manufacturing in Rhode Island while maintaining its corporate headquarters in Massachusetts.
- o Without credit enhancement, private lending for manufacturing facilities for biotech and other capital-intensive industries may not be available for another 2 years or more. The industry won't wait if there are financing alternatives elsewhere.
- o It is critical that we be in a position to capture the broad employment benefit of our strong advantage in advanced R&D. We must be in a position to provide high quality jobs not just to our Ph.D's, but across the educational spectrum.
- o The state cannot and should not substitute itself for private sources of financing. However, the state can work in partnership with the private sector to stimulate private financing necessary for long-term, high quality job creation.

How the Fund Would Work Initially

- o The Fund would be empowered to utilize a variety of financing techniques, including partial loan guarantees and subordinate debt financing, to enable private financial institutions to make available the necessary loans for job creating emerging technology facility construction. The Fund would have the flexibility to offer the right financing technique on a deal-by-deal basis to obtain the maximum leveraging of Fund resources.

- o The Fund would provide financing assistance only if at least two, at-risk private parties were also involved in the transaction.
- o Companies making use of financing assistance would pay a fee, which could take the form of points up front or a premium added to the interest rate charged, and contribute warrants or other form of equity to the Fund.
- o Negotiation with individual companies would establish the terms under which the Fund's support for a transaction could be reduced or withdrawn – for example upon refinancing, the receipt of major product approvals, the achievement of certain cash flow projections, or if company sold a substantial equity offering. In this way the Fund's capacity could be "recycled."

The Fund's Capacity Can be Multiplied through Private Investment

- o One of the most exciting aspects of the Fund is that it is being structured so as to allow for participation by private investors, such as insurance companies, pension funds, or other investors. Investors would purchase shares or units of the Fund much as investors purchase units in a mutual fund. The particular attraction of the Fund would be the "up-side potential" of the equity interests owned by the Fund in the companies to which it extended assistance.
- o With substantial private participation, the Fund has the potential to be a significant source of patient, long-term financing now missing from real estate financing markets.
- o The Fund is needed now, whereas it could take 12 months or more to market the fund successfully to private investors. Accordingly an evolutionary approach is proposed under which the Fund establishes an initial portfolio of companies based on the Commonwealth's investment and structures that portfolio so as to attract private participation in the Fund.

Portfolio Concept

- o The underlying financial justification of the Fund is a concept of investment in a portfolio. Investment in any individual company is very difficult to evaluate due to the uncertainty of success.
- o There is a high level of confidence that the emerging technology will lead to a very successful industry. Some companies will fail while others will likely provide very large financial returns.
- o The Fund is therefore structured to include some equity features, so that the most successful of the investments will compensate the Commonwealth for the investment in the overall portfolio.

How Much Would the Fund Cost?

- o Properly managed, the Fund could be profitable in the long-term. This is the potential attraction of the Fund to private investors.
- o An initial investment of \$30 million would establish the capital reserves and liquidity necessary to allow the Fund to be operational. To give the Fund the credibility to establish an initial portfolio of companies over the next 2 years and to give both private lenders and potential Fund investors confidence in the stability of the Fund, a moral obligation of the Commonwealth should be established to maintain the Fund's capital reserves, up to a maximum additional outlay of \$45 million.
- o The per job cost of the Fund depends on the extent of assistance rendered to individual companies, the rate of loan loss, and the value of fees and warrants collected. Since Fund resources are loaned, not granted and are made available only in partnership with private financing sources, the per job cost under any credible "worst-case" scenario would be a fraction of the cost of creating jobs through infrastructure investments. A "best-case" scenario would allow the Commonwealth's position in the Fund to leverage hundreds of millions of dollars in investment in job-creating, advanced technology facilities that would otherwise be impossible to finance.

Who Administers the Fund?

- o The Fund can be placed administratively within the proposed new Massachusetts Development Agency or within an existing quasi-public agency, such as MIFA.
- o A special "loan committee" of experts in finance, engineering, real estate should be created to review financing proposals, given the complexity and sophistication of the facilities to be financed. The Fund should contract for professional fund management in anticipation of private investor participation. The Secretaries of Administration and Finance and Economic Affairs would have a veto over actions that increased the financial exposure of the Commonwealth through the moral obligation in order to assure sound management of the Fund, but would otherwise not substitute themselves for the expert board in evaluating individual deals.

EXPORT FINANCE PROGRAM

Purpose

Companies trying to enter export markets today generally finds banks unreceptive to requests for export financing. An export order from a foreign country is difficult to use as collateral for a loan because it can be difficult to determine the stability and creditworthiness of the foreign customer. Banks also find the administrative costs and risk of processing many small export transactions to be too great.

One of the most important ways the Massachusetts economy can grow is by having its companies enter export markets, taking advantage of free trade agreements and a low dollar. A flexible loan guarantee program to assist both exporters and banks to create financing tied to foreign orders will help Massachusetts firms overcome one of the greatest barriers to exporting.

How it works

- o This Program creates the Massachusetts Export Finance Program, through which the State will guarantee up to 85% of qualified loans made to finance export transactions.
- o The Program will create a flexible loan guarantee program to be used to reduce credit risk to banks. The Program will incorporate the Foreign Credit Insurance Association's receivable insurance program and the Export-Import Bank's pre-export working capital loan guarantee to reduce the State's credit risk.
- o The Program would be administered by the proposed new Massachusetts Development Agency or by the Massachusetts Industrial Finance Agency.
- o The maximum individual receivable guaranteed would not exceed \$500,000. Exposure to any individual company's receivables would not exceed five percent of the Fund.
- o The Program would be made available to banks in the Commonwealth. The banks would be the beneficiaries of the guarantee, enabling them to make loans to their customers secured by export receivables.
- o The guarantees would be short-term, unlikely to exceed one year.

An appropriation of ten million dollars would secure the necessary guarantees.

How Much Would the Program Cost?

- o \$3.7 million in state funds have stimulated over \$80 million in lending in the Michigan program, a leverage ratio of about 20:1. Some 1600 loans have been made over 5 years. The smallest loan was \$750. The largest was \$1.5 million.
- o \$10 million in funding would adequately capitalize the Massachusetts program.

How Is the Program Administered?

- o The Commonwealth maintains a reserve account at each participating bank to back loans made by the bank under the program.
- o After joining the program, banks make loans under the program based on a simple, one-page form without further approval.
- o Each bank may draw on the reserve account held at the bank for any bad loans made under the program.
- o Program administrators approve banks for participation in the program and monitor usage of program funds.

SMALL BUSINESS CAPITAL ACCESS PROGRAM

Purpose

- o The purpose of the program is to stimulate the making of loans to businesses for a variety of purposes. While there is no maximum loan amount, the program is particularly attractive for smaller loans to small and medium size businesses.
- o Small business lending is being particularly hard hit by the credit crunch, because profitability is low relative to perceived risk.

How the Program Would Work

- o The program is modeled after a very successful Michigan program.
- o Banks elect to participate in the program.
- o If a participating bank decides that it cannot underwrite a particular small loan without credit enhancement, it requests the borrower to pay an additional 1.5 to 3.5 percent of the loan amount, up front. The bank matches this and the Commonwealth matches the total amount contributed by the bank and the borrower. Thus, between 6 and 14 percent of the loan amount is made available.
- o These funds go into a reserve held at the participating bank. The reserve backs all of the loans made by that bank as part of the program.
- o Loans can be for any business purpose, provided:
 - o the primary economic impact is in Massachusetts
 - o lending for housing and "passive" real estate ownership is excluded
 - o refinancings of loans not already in program are excluded
 - o prior approval is required for heavy use of the program by any one borrower

LONG-TERM CAPITAL GAINS TAX REDUCTION

Purpose

Massachusetts' current capital gains tax discourages equity investment in start-up companies and other businesses that the Massachusetts economy depends upon to create new jobs. Faced with a 12 percent or 6 percent tax on capital gains, investors put their money into tax-free bonds and other, less-taxed forms of investment that have a smaller impact on job creation.

This incentive for investors to put their money into long-term equity holdings will especially help the start-up technology firms which need patient capital to see them through research and development phases. The incentive to hold assets longer also means that existing businesses can shift from a short-run focus on profits and stock prices to a longer-term strategy that fosters growth and job creation.

How It Works

Currently, capital gains on the sale of an asset held for one year or less are taxed at a 12% rate, while assets held for more than one year are taxed at 6%. This legislation would reduce the tax on capital gains by linking the tax rate to how long an asset is held by an investor.

- o Using January 1, 1992 as the starting point, any capital gains from the sale of an asset which is held for more than one year but less than two years would be taxed at a reduced rate of 5%.
- o For every year the asset is held after that, the rate declines by one percentage point so that, for assets held for six years before they are sold, no capital gains tax is incurred at all.
- o This special rate reduction shall not apply to gains from collectibles such as paintings, antiques and coins.

INVESTMENT TAX CREDIT INCREASE

Purpose

- o Massachusetts corporations face strong competition from competitors in other states and nations. Operating in a relatively high-cost location, these companies need high productivity and innovative, high-quality goods to compete successfully.
- o Investment in new manufacturing and research facilities and machinery is an essential part of raising productivity and increasing competitiveness.
- o By lowering the cost of investment spending for corporations, this credit will help to encourage business expansion and growth.

How It Works

- o This legislation permanently increases the existing Massachusetts Investment Tax Credit from its current rate of one percent (1%) to three percent (3%).
- o The credit applies to corporations primarily engaged in manufacturing, research and development, agriculture or fishing.
- o Qualifying investments include the construction of manufacturing facilities and the purchase of equipment used in manufacturing, research, farming or fishing.

ECONOMIC OPPORTUNITY AREAS

Purpose

Many of the areas hardest hit during the recession were also bypassed during the strong economy of the last decade. These distressed communities must be able to offer additional incentives in order to attract employers. Absent these additional tools to encourage development, these areas are likely to remain at their characteristic rates of high unemployment.

How it works

This legislation enables cities and towns to designate, subject to state approval, distressed sites or sections within their jurisdictions as "Economic Opportunity Areas." State and local governments would provide incentives including tax relief and other inducements to qualified businesses located and operating within these areas.

State incentives would include:

- o Credit for Investment in EOA of 5% would encourage investment in these resurgent areas. (This would increase the current Investment Tax Credit from its rate of 1%.)
- o Loss Carry-Forward of 10 years would enable an employer to take a long-term perspective toward doing business in an EOA during the difficult early years of new business formation. (This would increase the current loss carry-forward of 5 years.)
- o Export Tax Credit of 3% would be created to enable companies to explore more readily and take advantage of opportunities for their products in foreign markets.
- o Jobs Credit equal to \$1,000 for each new employee would be created to enable an employer to benefit from bringing new jobs into a community by employing them within the EOA.
- o Building Re-Utilization Deduction of 10% would be created to encourage renovation of blighted business property for re-use or new use.
- o Regulatory Relief, which could include one-stop licensing and waiving or modification of certain rules.

Local relief would include:

- o Property Tax Relief would provide to the business taking the initiative and calculated risk of going into an EOA the benefit of having one large yearly expense, property tax, phased-in over six years.
- o Planning for infrastructure investments, improved level of services, job training and other programs targeted at the Opportunity Areas.

October 26, 1992

FY

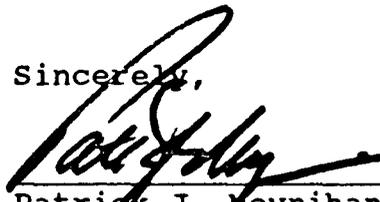
CC: BOS
D. ABBT

Kirk Ware
Acorn Park Realty Trust
One Nagog Park
Acton, MA 01770

Dear Mr. Ware:

Please find attached the amended Massachusetts Highway Department (MHD) Chapter 30, Section 61 Finding for the Acorn Park project (EOEA #5971) in Acton. To reflect the new district boundaries of the MHD, the finding has also been amended to reference the MHD District 3 office, to which the Town of Acton has been assigned. The amended finding will be incorporated into MHD permits issued for this project. If you or your staff have any questions regarding this amended finding, please call William T. Steffens, Director, Highway and Capital Planning, at (617) 973-7313.

Sincerely,



Patrick J. Moynihan
Deputy Commissioner

cc: Michael W. Swanson, Chief Engineer
William T. Steffens, Director, Highway and Capital Planning
Director, BTP&D
Charles F. Sterling, State Traffic Engineer
Paul Anderson, Deputy Secretary, EOTC
Robert Sloane, Assistant Secretary, EOTC
Janet McCabe, Assistant Secretary, EOEA
Peter Donohue, District Highway Director, District 3
Sherman Eidelman, Deputy Chief, Highway Engineering
Engineering Expediting
Planning Board, Town of Acton ✓
Metropolitan Area Planning Council

MASSACHUSETTS HIGHWAY DEPARTMENT
FINDING PURSUANT TO
M.G.L. CHAPTER 30, SECTION 61

This finding amends and supersedes the specified paragraphs of the original Section 61 Finding issued by the MHD on July 23, 1992.

PROJECT NAME: Acorn Park
PROJECT LOCATION: Acton - Route 2A/119 (Great Road)
PROJECT PROPONENT: Acorn Park Realty Trust
EOEA NUMBER: 5971

III. Specific Project Impacts and Mitigation Measures

Route 2A/119/Harris Street/Site Drive intersection

The 1996 Build with traffic mitigation scenario indicates that LOS for this new signalized intersection will be at Levels B/C (Average Delay = 14.7/22.1 seconds) during the weekday AM/PM peak hours.

Prior to any site occupancy, the proponent will construct this intersection, restripe Route 2A/119, and modify the geometry of the Harris Street approach to allow all vehicle movements in accordance with the conceptual plan entitled "Acorn Park, Safety Improvements to Great Road (Route 2A), Phase I - Traffic Improvement Construction Plan", dated September 25, 1992, prepared and submitted to the MHD on behalf of the proponent by HMM Associates, Inc. This plan will be refined as the design progresses from the conceptual to the 100 percent design level. Necessary preparation for eventual signalization that would require breaking the pavement surface, such as installing conduit, should be completed during the construction of the site drive. When signalization becomes warranted¹ and authorized by the MHD, the proponent will signalize this intersection.

Prior to any Phase II site occupancy, the proponent will widen Route 2A/119 to a five-lane cross section at this intersection in accordance with conceptual and 100 percent plans to be submitted to and approved by the MHD.

¹ According to the Manual on Uniform Traffic Control Devices, US DOT, FHWA.

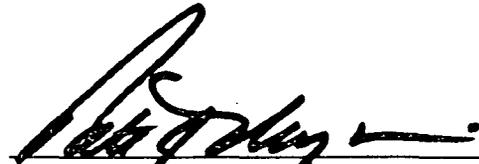
Trip Generation Reduction Measures

The on-site transportation coordinator will be required to submit progress reports to the MHD District 3 office six months and one year after the occupancy of each 100,000 square feet on the site or, at a minimum, once per year following the issuance of the access permit for this project. If two or more 100,000 square foot increments of site occupancy occur within six months, the proponent may combine the submissions into a single submission. Each progress report will cover all occupied space on the site.

Traffic Monitoring Program

The proponent will monitor the traffic entering and exiting all of the site drives once per year following initial occupancy of the site. Monitoring of traffic entering and exiting the site will continue for five years following full occupancy of the site. The monitoring program will include 24-hour Automatic Traffic Recorder (ATR) counts over a seven-day, week-long period. The proponent will submit the results of these monitoring studies to the MHD District 3 office.

10/27/92
DATE



Patrick J. Moynihan
Deputy Commissioner

Center for Survey Research

University of Massachusetts at Boston

100 Morrissey Boulevard
Healey Library, 10th Floor
Boston, Massachusetts 02125-3393

Telephone: 617/287-7200
Fax: 617/287-7210

T.Mgr.
FYI

October 20, 1992

George W. Robinson
Chief of Police
P.O. Box 2212
Acton MA 01720

cc: BOS
PLANNING DEPT.

7/11/6

Dear Chief of Police Robinson:

We want to take this opportunity to inform you that the Center will be working in your Town/City between now and the end of January. People who we refer to as "listers" will be counting housing units and listing street addresses in approximately 5 blocks or groups of blocks. In smaller towns this number will be fewer than five blocks. This is a step the Center takes in drawing a sample of households in the Standard Metropolitan Statistical Area of Boston. Attached is a list of people who will be doing this work for the Center.

In February interviewers will be calling on a random selection of these housing units in order to conduct an in-person interview with an adult. The interviewer will talk with that person about his/her feelings and views about the Boston area, his/her neighborhoods, and his/her work related experience. Each household will receive in the mail a letter and information sheet about the interview and our study.

Our listers always carry identification as employees of the Center for Survey Research, which is part of the University of Massachusetts, Boston. Occasionally someone in the area may want to check with the police to verify our responsibility, so we would appreciate your making this information available to your officers, particularly those most likely to receive calls for information. Perhaps a bulletin board posting would be helpful.

If you have any questions, please feel free to call me at 287-7200.
Thank you for your cooperation.

Sincerely,


Sean Sullivan
Assistant Study Director

LISTERS WHO WORK FOR THE CENTER FOR SURVEY RESEARCH

UMASS, BOSTON

LESLIE BAIN

JOHN BENGEL

SYLVIA DOUGLAS

ADRIENNE DYETT

THOMAS EGAN

NANCY FARINELLA

LARRY LOWN

NANCY MANSBACH

MARIAN PARKER

JOHN POST

CHRIS SPELLEN

JERRY WOLF

SUPERVISORS:

DOTTIE CERANKOWSKI AND MARTHA HOFFMAN

CC: BOS
FINCOM

7/1/92

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

November 4, 1992

Acheson H. Callaghan
Palmer & Dodge
One Beacon Street
Boston, MA 02108

NOV - 4 1992

REGARDING: Proposed Zoning Articles - Revised and Expanded

Dear Mike:

Enclosed please find a second draft of zoning articles proposed for the 1993 Annual Town Meeting Agenda. Thank you for your recommendations of 9/25/92 regarding Article B. They have been incorporated. Please review and comment on the articles as you see necessary.

The Planning Board has decided to propose additional changes to the sign bylaw. Part a) is as originally shown. Part b), c) and d) have been added to modify some of the scope and criteria for a Planning Board special permit. Part e) attempts to clarify the original intent of Section 7.12.5. However, maybe because of the clearer language it raises the question whether deference to the Historic District Commission amounts to the establishment of the Historic District Commission as a Special Permit Granting Authority. The draft language makes it clear that the Historic District Commission would not act under the Zoning Bylaw, but it effectively transfers the powers of the Planning Board to the Historic District Commission. As previously, the goal is to avoid a second layer of review for signs in Historic Districts. However, rather than to abdicate all sign bylaw standards in the Historic Districts, the intent is to provide reasonable flexibility as well as a safety net for the Historic District Commission which is based on law rather than regulations. Please look the section over with these questions in mind.

A new Article C was added to clarify the intent of Section 4.4.4.2. The minimum requirements were not meant to prevent smaller fee simple lots within a major affordable housing development but were intended to apply to the overall development site.

Sincerely,



Roland Bartl
Town Planner

cc: Don P. Johnson ✓

[RHB.ZONE.92*14]

ARTICLE A - SIGNS

To see if the Town of Acton will vote to amend Section 7 of the Acton Zoning Bylaw as follows:

- a) Delete Section 7.4.1.3 in its entirety and renumber Sections 7.4.1.4, 7.4.1.5 and 7.4.1.6 to become new Sections 7.4.1.3, 7.4.1.4 and 7.4.1.5 respectively.
- b) Delete Section 7.12.1.2 in its entirety and replace with new section 7.12.1.2 as follows:

7.12.1.2 SIGNS with dimensions in excess of those permitted under Sections 7.7 and 7.8, subject to the following limitations:

- a) No SIGN higher or wider than one and one half times the height or width otherwise permitted, and
 - b) no SIGN larger than twice the otherwise permitted DISPLAY AREA, and
 - c) no FREESTANDING SIGN larger than 40 square feet in DISPLAY AREA or higher than 10 feet, and
 - d) Any such other limitation as the Planning Board may find appropriate to further the purpose of this Section as stated in Section 7.1.
- c) Insert new Section 7.12.1.11 as follows:

7.12.1.11 A SIGN displaying more than one symbol, logo or drawing, and more than one feature product or service.

- d) Delete Section 7.12.2.6 in its entirety and renumber Sections 7.12.2.7, 7.12.2.8, 7.12.2.9 and 7.12.2.10 to become new Sections 7.12.2.6, 7.12.2.7, 7.12.2.8 and 7.12.2.9 respectively.

- e) Delete Section 7.12.5 and replace with new Section 7.12.5 as follows:

7.12.5 Where a SIGN is located in a Local Historic District, the Planning Board shall have no authority to require or grant a Special Permit under this Section 7.12. Instead, acting under the Acton Historic District Bylaw, Chapter P of the Town Bylaws, but not under this Zoning Bylaw, the Historic District Commission shall have the power and discretion to approve such SIGN. However, any SIGN approved hereunder shall comply with this Bylaw, except that the Historic District Commission may exercise, and shall be limited to the same authority given to the Planning Board under Section 7.12.1.

or take any other action relative thereto.

SUMMARY

If adopted, paragraph a) of this Article will delete the requirement that signs and advertising devices in the village zoning districts feature light lettering on a dark background. Since adoption of this standard it became apparent that it has the potential of creating substantial conflicts with corporate logos and name recognition. The zoning bylaw contains a number of other design controls specific for signs in village zoning districts regulating size, height, materials, illumination and other aspects, which together will continue to assure that signs in the village zoning districts are appropriately scaled and designed for the village setting. Paragraphs b), c) and d) will broaden the scope and set more flexible design review criteria for signs that may be authorized through a special permit. Paragraph e) clarifies the intent of Section 7.12.5. No fiscal impact is anticipated by the adoption of this article.

Direct Inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)
(P)

ARTICLE B - RECONSTRUCTION OF EXISTING NONCONFORMING MULTIFAMILY DWELLINGS

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

a) Insert new Section 8.7 as follows:

8.7 **Special Permit to Reconstruct Nonconforming Multifamily Dwelling** - The Planning Board may authorize by Special Permit the reconstruction or rebuilding of a Multifamily Dwelling, as defined in Section 3.3.4, which is nonconforming as to USE, LOT size or other applicable dimensional requirements, when such BUILDING was destroyed by fire or natural disaster, or by voluntary demolition, and it may authorize the continuation or resumption of the USE as a Multifamily Dwelling after completion of reconstruction. The following rules shall apply:

8.7.1 To the extent possible, the new BUILDING shall comply with the dimensional requirements applicable in the zoning district in which the BUILDING is located. However, the Planning Board may authorize or require smaller or larger dimensions as it finds appropriate to address public interest considerations, such as but not limited to the preservation or improvement of neighborhood atmosphere, historic architectural features or the spatial relationship between buildings, and to address public safety and health concerns.

8.7.2 The Planning Board shall consider an application for a Special Permit under this section only if it is filed before or within 1 year from the date of the issuance of a demolition permit by the Building Commissioner or within one year from the date of the fire or natural disaster which caused the destruction of the BUILDING.

8.7.3 The number of DWELLING UNITS shall not be increased as a result of reconstruction.

8.7.4 The Planning Board may impose conditions and require plan changes for the reconstruction as it deems appropriate and necessary to further the purpose of this Bylaw, including but not limited to conditions and changes affecting the architectural design and layout of the BUILDING, garages, driveways and other improvements.

or take any other action relative thereto.

SUMMARY

This article, if adopted, will authorize the Planning Board to grant a special permit for the reconstruction of an existing nonconforming multifamily dwelling, if such dwelling has been destroyed by fire or natural disaster, or if the owner wishes to demolish and replace the existing building. The provision of a special permit will ensure a public hearing and will allow the Planning Board to set appropriate conditions on such reconstruction. Nonconforming multifamily dwellings are scattered throughout Acton, but they occur more frequently within and near

the village centers. They represent some of the few affordable housing options in the Town of Acton and this article will encourage their continued use and existence. No fiscal impact is anticipated by the adoption of this article.

Direct Inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)
(P)

ARTICLE C - CLARIFICATION

To see if the Town of Acton will vote to amend Section 4.4.4.2 of the Acton Zoning Bylaw as follows:

- a) Delete Sub-sections a., b. and d. in their entirety and replace with new Sub-sections a., b. and d. as follows:
 - a. Minimum TRACT OF LAND area: 80,000 square feet.
 - b. Minimum TRACT OF LAND FRONTAGE: Fifty (50) feet.
 - d. Minimum TRACT OF LAND width: Fifty (50) feet.

or take any other action relative thereto.

SUMMARY

If adopted, this Article will clarify the current intent of the Bylaw to set minimum criteria for the size and dimension of land upon which a Major Affordable Housing Development may be built. No fiscal impact is anticipated by the adoption of this article.

Direct Inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

- (S)
- (F)
- (P)

[RHB.ZONE.92*14]



PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

Selectmen

ACTON PLANNING BOARD

Minutes of Meeting

September 21, 1992

RECEIVED & FILED
DATE 11/2/92

Catherine Belbin
Acton

Planning Board members in attendance were Gregory Niemyski, David Hill, James Lee, William Shupert, Mary Giorgio and John Pavan. Douglas Carnahan was absent. Town Planner Roland Bartl was also in attendance.

I Consent Agenda

David Hill moved that the Board vote to approve the Consent Agenda as written. His motion was seconded by James Lee and approved by unanimous vote.

II Update - Village Planning

David Hill reported that the South Acton committee has looked at the surveys and drafted a short list of items that need to be addressed. Roland Bartl added that the final tally is not complete, and that the goals and objectives should be ready in the near future.

William Shupert reported that the September 16th meeting of the West Acton Village Planning Committee was not held because neither the Chair or Vice Chair could attend.

III Marshall Land - Ch. 61A Notification

Board members discussed Roland Bartl's memo regarding this parcel of land. It was agreed that the memo would be sent to the Board of Selectmen from the Planning Board.

IV Mill Corner Definitive Subdivision Decision

Board members reviewed the draft decision approving the Mill Corner Definitive Subdivision and recommended minor changes. David Hill moved to issue the decision as amended. James Lee seconded the motion which carried by unanimous vote.

V Proposed Zoning Bylaw Amendments

Greg Niemyski stated the bylaw amendment is worth pursuing, but perhaps the affordable housing aspect of the amendment should be postponed for consideration at a later date. Mary Giorgio said that she agreed with this recommendation, but feels that the Board of Selectmen or Planning Board should be the permit granting authority due to their experience with site review and development issues. John Pavan stated that the proposed amendment is more like a special permit than a variance, therefore, the Planning Board should be the permit granting authority in this instance. William Shupert agreed that the Planning Board should be the permit granting authority.

David Hill moved that the Board go forward with the Article as drafted with the exception that the Planning Board should be the permit granting authority, and the affordable housing component be postponed for a later date. The motion was seconded and passed by majority vote.

VI Discussion of Sign Bylaw Amendment

The Master Plan Coordinating Committee recommended that the Planning Board reconsider their vote on the proposed amendment to the Sign Bylaw provision. Mary Giorgio stated that, unless the two Village Planning Committees believe otherwise, the Board should support the proposed amendment to the Zoning Bylaw. William Shupert reported that the West Acton committee hasn't really begun work on that area of village planning yet, but that the business surveys indicated some revision of the Sign Bylaw provisions would be beneficial to the business community. Board members discussed the proposed amendment at length. William Shupert moved that the Board vote to place Article A on the warrant for the annual Town Meeting. The motion was seconded by James Lee and passed by unanimous vote. It was agreed that staff should send a memo to the M.P.C.C. advising them of the Board's vote to place the article on the warrant.

VII Discussion - Responses to M.P.C.C. "Responsibility Matrix"

The Board agreed to postpone discussion of this item due to the full schedule and lateness of the hour. Board members agreed to schedule this item in the first agenda slot at the next Planning Board meeting.

Greg Niemyski asked Board members to prioritize their list of action items and develop a three year plan for implementation of these items in preparation for the next Board meeting. Roland Bartl advised the Board that three years would not be sufficient time to cover all of the Planning Board's action items unless additional staff is added to the Planning Department.

Members agreed to bring their prioritized three year plans to the next meeting. Roland suggested that members could forward their choice of the top 10 priority items to the Planning Department before the meeting and staff

would compile the list for distribution with the Board's packages for the next meeting.

Other Business

Haley Lane Bond Release

Town Planner Roland Bartl advised the Board that Haley Lane was originally scheduled for inclusion on the Consent Agenda, but was withdrawn based on comments from the Engineering Department.

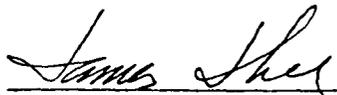
Mr. Dixon Wood, contractor, explained that only the final loaming remains to be done. Board members discussed a partial release of the bond. David Hill moved that the Board vote to release the bond up to an amount that the Engineering Department advises should be held to cover the work remaining to be done. James Lee seconded the motion. Board members discussed the request for a partial release. Roland Bartl stated that a partial release is an acceptable action. The motion passed by unanimous vote of the Board

Cancellation of the 10/5/92 Board Meeting

It was agreed to cancel the Planning Board meeting scheduled for October 5, 1992.

The Board meeting was adjourned at 10:20 PM.

Respectfully submitted,



James Lee, Clerk



Selectmen

PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

ACTON PLANNING BOARD

Minutes of Meeting

September 14, 1992

RECEIVED & FILED

DATE 11/2/92

Catherine Belkin
Asst. TOWN CLERK

Planning Board members in attendance were Gregory Niemyski, David Hill, James Lee, William Shupert, Mary Giorgio and John Pavan. Douglas Carnahan was absent. Town Planner Roland Bartl and Assistant Planner Donna Jacobs were also in attendance.

I Consent Agenda

The minutes of the 8/24/92 Board Meeting were called off the Consent Agenda By Gregory Niemyski. After reviewing the minutes and making a minor correction, James Lee moved that the Board vote to approve the minutes as amended. His motion was seconded by Mary Giorgio and passed by unanimous vote.

II Appointment with West Acton Village Planning Committee (WAVPC)

William Shupert introduced Ron Isaac, Norman Marvin and Rosalie DeQuattro of the WAVPC to the Board. Mr. Shupert provided the Board with a map showing the proposed reconfiguration of the WAV District and the proposed "Residence B" District. He informed the Board that the Village Plan is almost complete in draft form and should be ready for distribution in late October. The WAVPC is planning another public information meeting to present the draft plan and proposed zoning changes to the residents in early to mid-November.

Board members asked questions about the reconfiguration of the WAV District and what types of uses would be permitted in the proposed Residence B District. Mr. Shupert advised the Board that the committee is recommended that all general, residential and governmental/institutional uses allowed in the Residential District will be allowed in Residence B plus the following: retail store; restaurant; studio; personal services; business & professional office; veterinary care, and general services (all subject to size limitations and some uses requiring special permit).

The Board was also advised that the presentation of the West Acton Village Plan and related Zoning Bylaw amendments will most likely be postponed from 1993 Annual Town Meeting to a Special Town Meeting in Fall of 1993

due to the increased workload in the Planning Department.

III Mill Corner Definitive Subdivision - Public Hearing

Chairman Gregory Niemyski opened the public hearing at 8:00 PM. The Board voted to waive the reading of the public hearing notice. Mr. Niemyski read into the record of the hearing a letter received by the Planning Department on 9/14/92 from Mr. & Mrs. Antonio DaCosta, abutters to the proposed subdivision. The letter states that the DaCosta's have a right-of-way to pass over the property shown on the Mill Corner subdivision plan, and informed the Board that the right-of-way is not shown on the plan.

Mr. Harry Donahue of Acton Survey & Engineering represented the applicant. The subdivision roadway, as shown on the plan, has 1 entrance lane and 2 exit lanes. The Town staff is concerned with this design. As a result of this concern, the applicant has agreed to have the Town's traffic consultant, Vanasse Hangen Brustlin, Inc., study the intersection to determine the final design of this intersection. The proposed subdivision features a single-access roadway to provide access to 34 dwelling units, a common leaching facility, up to 5 deed-restricted affordable housing units, and 2 open space parcels. It is proposed that the surplus leaching capacity be offered to the Town for future sewage treatment facility. It is also proposed that land be offered to the Town for the purpose of providing a municipal parking lot for South Acton Village. Several acres of open space will abut the existing Great Hill Conservation Land, and the developer will offer some of that land to the Town as well.

James Lee asked whether the Town would want to accept the land as conservation land. Roland Bartl suggested that the Board may wish to take the offer under consideration and solicit the Selectmen's advice on this matter.

Mary Giorgio asked Mr. Donahue to indicate the location of the land proposed as a gift for conservation purposes. Mr. Donahue replied that the land is shown as parcel 2 on the plan and also contains both the gravel parking lot and the foundation for the sewage treatment facility.

David Hill inquired if the applicant has received and reviewed the staff comments. Mr. Donahue replied that he and Mr. Sweeney have met with staff on several occasions and have come to agreement that most of the staff comments would be addressed when the PCRC application is made. Mr. Donahue informed the Board that the PCRC application will be filed on or before September 28th.

David Hill asked what decisions will be made with regard to the underground structures slated for abandonment. Harry Donahue advised the Board that he met with Town staff on the site this morning to determine how the abandoned structures will be addressed.

John Pavan asked whether the area proposed to be donated to the Town for

future treatment facility will be shown as a separate parcel. Harry Donahue responded that it is likely that the PCRC plan will show the parcel separately.

David Hill asked if the land containing the gravel parking lot will be deeded to the Town or owned by the condominium association. Mr. Donahue replied that the land would be deeded to the Town.

Greg Niemyski asked for an explanation of the re-design of the intersection of the subdivision roadway and Main Street. Roland Bartl explained that the consultant has agreed to complete the work within a two week time period.

Mr. Niemyski asked if any progress had been made with respect to the easement to School Street. Kevin Sweeney responded that the attorney has advised that an easement does exist and that they are looking into whether it can be brought into conformance with the requirements of the Architectural Access Board.

Mr. Pavan questioned whether the easement along the frontage will give full rights for future expansion of Main Street without requiring alteration of condominium documents. Roland Bartl replied that the easement is to provide the Town with the rights for widening Main Street and installation of a sidewalk.

David Hill asked if the applicant has any problem with the DaCosta's right-of-way easement. Mr. Donahue replied that the attorney has researched this issue and that the deed is unclear as to the location of the easement because it provides an easement to Exchange Square and doesn't state whether it is to Main Street or School Street. The previous owner, Northbriar Development, surrendered the rights to a 30' right-of-way easement to Main Street in exchange for a 10' right-of-way easement to School Street.

Mr. Niemyski inquired whether the previous subdivision approval, Victoria Heights, should be rescinded. Mr. Bartl replied that staff is seeking the advice of Town Counsel.

Mr. Niemyski stated that the Board has been directed by the Board of Selectmen to seek funds from the applicant for traffic improvements in South Acton Village, and asked whether the applicant was open to providing additional monies for such improvements.

Mr. Sweeney replied that he would be open to conversation with regard to this issue. He stated that \$150,000 has already been provided to the Town by the previous developer and that he was being "assessed" those monies in his agreement to purchase the land. However, Mr. Sweeney will be willing to discuss reducing the number of affordable housing units he proposes to provide so that monies can be used for traffic improvements.

Mr. Antonio DaCosta asked why the right-of-way to his property can't stay where it is presently used? Mr. Sweeney replied that he would provide a 10' wide right-of-way for the DaCostas, but was unable to speak for the owner of Exchange Hall. Mr. Glenn Berger, owner of Exchange Hall, said that he

swapped easements with Northbriar Development to provide for the possibility of constructing a parking lot for Exchange Hall and would not want to lose that possibility. Mr. Sweeney stated that he would work with the DaCostas in providing a right-of-way easement.

Mr. Glenn Berger asked the Board when the future parking lot is likely to be provided. Mr. Bartl replied that the land will be set aside, but that no funds have been provided. Mr. Berger asked whether a business could petition the Town for use of the parking lot. Mr. Bartl suggested he speak with the Board of Selectmen.

Bart Wendell, abutter, suggested that the Board discuss the use of the \$150,000 gift very early to determine the availability of funds for traffic improvements. Mr. Donahue read from the letter which accompanied the \$150,000 gift which has traffic improvements as #1 on the list of recommended uses for the money. Mr. Niemyski assured Mr. Wendell that the Board is aware that the Selectmen have control over the use of the gift.

Mr. Berger asked what has been done on traffic improvement studies in the past. Mr. Donahue responded that BSC completed a study. Mr. Bartl replied that the study recommended a signal be sited and designed for South Acton Village square.

Mr. Bartl stated that the South Acton Village Planning Committee is also working on this issue and their recommendations should be forthcoming shortly.

The Board voted to close the public hearing at 9:00PM.

IV Response - M.P.C.C. Matrix

Mr. Niemyski distributed revised lists of planning board's responsibilities for implementation of the Master Plan for Board members to review. It was agreed to schedule this item for discussion at the next Board meeting.

V Discussion - Response Kirk Ware, Acorn Park

The Board discussed the memo prepared by staff in response to Mr. Ware's proposed reconfiguration of the Acorn Park subdivision. The Board agreed with staff recommendations as noted in the memo.

Jim Lee proposes that all of the cul-de-sacs be replaced with a loop road to provide better circulation.

John Pavan expressed concern about passing through a commercial area to reach the residential portion of the subdivision and suggested that Mr. Ware consider placing the residential section of the left of the road and the business portion on the right side. Members felt that it may be easier to buffer the residential use with the residential section located to the rear as proposed by

Mr. Ware.

The Board discussed providing some land for active recreational use and agreed to suggest that Mr. Ware consider providing a tot lot or ball field within the residential section of the development.

The Board directed staff to respond to Mr. Ware as discussed this evening.

VI Breezy Point - Response to Residents

Board members discussed the issues raised regarding the acceptance of Breezy Point Road as a Town way. The length of the roadway and lack of sidewalks have been identified as the two most significant problems in meeting the current standards of the subdivision rules.

Board members agreed to send a letter to the neighborhood stating that, at a minimum, the residents must install a sidewalk along the roadway, provide additional access, and request modification of the subdivision approval. Because the acceptance of roads as Town ways is accomplished by vote of Town Meeting, the Board wants the residents to understand that the completion of the above described improvements doesn't guarantee road acceptance.

The Board suggested that the residents submit a conceptual plan showing the additional access route for their review, if they decide to move towards bringing the road up to current subdivision standards.

VII Village Planning Update

David Hill reported that the South Acton Village Planning Committee has been enjoying a summer vacation and will return to its planning work at their next meeting, scheduled for September 16, 1992.

Other Business

Kennedy Estates Bond Calculation & Lot Release

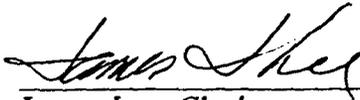
Town Planner Roland Bartl advised the Board that Jimmy Fenton of Authentic Homes has requested release of all but one of the Kennedy Estate lots from the provisions of the Restrictive Covenant. As previously directed by the Board, Mr. Fenton obtained two appraisals on the lots within the subdivision. The appraisal amounts were for \$110,000 and \$112-114,000.

Engineering Administrator David Abbt has provided the Board with an estimate of the cost of the work remaining to be done, including the construction of the sidewalk along the frontage of the subdivision. The estimated cost plus a 10% contingency factor is \$89,500. Therefore, retention of one lot under the Restrictive Covenant should be acceptable surety.

Mary Giorgio moved that the Board vote to release all lots except Lot 7A from the Restrictive Covenant. David Hill seconded the motion which passed by unanimous vote.

The Board meeting was adjourned at 10:20 PM.

Respectfully submitted,



James Lee, Clerk

To: Ft. Devens Task Force, Ann Fanton
Fr: John Ekberg

cc: BOS

Subj: MAC Public Meeting, Sept 30, 1992.

MAC held this meeting to discuss the scope of the Strategic Assessment Report; you may remember this as the ADL study that will look into the original data, and include high-speed rail, telecommuting, vertiports, etc. as it impacts air traffic projections. Much of the meeting was filled with public input (mostly done with a less than dispassionate tone). My comments:

- Study will not answer the question on the 2nd airport but only provide data; data will also be used in the New England Transport Initiative.
- While they will look at existing data, if they disagree with the underlying assumptions they will modify or eliminate the data.
- Technical Advisory Committee will contain people from the regional planning groups; this might be our interface. I did not get the MAPC persons name.
- Not sure whether we listed the transport of fuel, deicers, etc. via Route 2 as an impact if an airport is built, since they will have to be supplied from somewhere. Guy from Leominster brought this up.
- Since MAC uses local libraries as a public interface, and public meetings offer very little data, we should set up a direct and "official" link with John Connery, MAC project manager. That way, we get direct information without waiting. Note that Connery is on contract, not a MAC employee.
- Most of the concern from the public was directed at the amount of people with rail experience on the study group, the environmental issues being addressed by DEP versus others (e.g. Sierra), and the definition of "airport-affected communities" as it relates to the roundtable (part of the public process). Many people are predisposed to see conspiracy here, even after it was brought out that we pay MAC to promote aviation and that is what they are doing.

To answer Ann's questions:

- Same study as defined last March. Contract was delayed by the bid process.

Names for TAC were not readily given, even after many asked repeatedly (but got hung up on political affiliation or background). Check with MAGIC people; they will know.

Funding is not MAC but 90% FAA and 10% Massport. This is because, as the report states, "... to determine an appropriate role for the aviation system in the Commonwealth in the context of assessing alternative means of meeting those needs."

cc: BOS

Fort Devens Task Force
Meeting Minutes
September 3, 1992

Attendees: Carol Place, George Neagle, John Edkberg, Mark Donohue, and Marilyn Wolfson

Secretary: Marilyn Wolfson *Marilyn*

1. The meeting commenced at 7:30 pm.
2. **Minutes:** July 30 minutes were reviewed. Carol questioned the "second advisory board"; clarification: the government appointed Redevelopment Board dissolves at the end of the year and it is up to the legislature to appoint a legal Redevelopment Authority at that time. The JBOS has a proposal for an 11 member Development Corporation, with 2 residents from each of the 4 towns and 2 from the north-central region of the state as members, with 1 member appointed by the Governor. The minutes were accepted
3. **News:** Carol supplied copies of 2 newspaper articles sent to her by Al discussing drug-resistant TB outbreaks in several big prisons and New York hospitals.
4. **MEPA:** Carol provided copies of Nancy Tavernier's letter to the Secretary of Environmental Affairs MEPA unit re the Environmental Notification Form (ENF) for the redevelopment of Ft. Devens, and the proposal for reuse of the railroad facilities. Mark had written away for the response, and copies were provided to Carol who will distribute them next time. Basic result: an Environmental Impact Report is not required (Acton had strongly recommended that one be prepared) because the "use is not expanded". However, the redevelopment of Devens was deemed a "Major and Complicated Project" so a Citizens Advisory Committee will be formed.
5. **JBOS meeting:** John provided a review of the August 6, 1992 JBOS meeting which took place in Harvard. His 3 page summary is available. Handouts included: Meeting agenda, JBOS comments on the ENF, Ft. Devens Redevelopment Board Report to Governor, Mission Statement for the JBOS, JBOS Ft. Devens Development Corporation Legislation Overview (Q & A format), Commonwealth of Massachusetts Act creating the Ft. Devens Development Corporation, and the Harvard BOS Position Statement on the redevelopment of Ft. Devens. Highlights of the meeting summary:

Ted Kennedy called meeting of MA congressional delegation Sept 8-11; JBOS will attend as will some high level Fed. Bur. of Prisons & Dept. of Justice personnel. Kennedy has filed for funding to move ammo from Main to South post.

JBOS supports Citizens Advisory Committee. This MEPA does not include a 2nd airport - that would require new MEPA

Guilford Industries (railroads) rep. was there - expect 2 trains per day (20-40 cars) on Lowell route, expanded to 1 train (60-100 cars). Agreement with MBTA is for use of Lowell route only - apparently even that was tough - no one envisions use of Acton line anytime in the future.

6. **Devens Annex:** Carol noted Anne Fanton said Stow had prepared a statement on the Annex. The Annex property abuts Hudson, Stow, Sudbury, and Maynard. John had communicated with Jeff Waugh in the Environmental office at Ft. Devens [(508) 796 – 3839], whose office is responsible for clean up. Annex is not part of Devens closing; it has not formally been excised yet (expect in 1993). There are 2 areas that need clean up: land fill and oil burning ground. Right now: trying to find out just what is there. Chet Atkins is trying to get Fish & Wildlife to expand the Great Meadows sanctuary using the Annex property. There is a meeting in October of the Technical Review Committee. A woman named Alex Fletcher in the Public Affairs office at Devens is organizing a tour of the Annex property in October. John will contact her and see if it makes sense to have her give or organize a presentation for us. If we could get a knowledgeable person on Environmental issues to address us, we might invite other towns, e.g. Concord.

7. **Presentation to Acton Board of Selectman (BOS):** Carol will give the 15 min. presentation, and will provide a handout to the BOS. After discussion of ideas, we settled on these basic points:

Bring the map for reference, briefly review the major impacts, but rely on MAPC–MAGIC reuse forum (Oct. 1) to provide them full details

Discuss our sources of information (news, people we've talked to, JBOS mtgs., etc.)
Note willingness of people to talk to us – reuse is very important issue to lots of folks

Stress impact on Acton of potential reuse proposals, probability they will happen (Rail – different route through town?, Prison – traffic Rt. 2 – no major impact, lots of minor impact, etc.)

Review key upcoming dates (e.g., ADL report, etc.)

8. **Upcoming Meetings:**

The next JBOS meeting is in Shirley on September 10 (not 17). Mark will attend.

The Devens bus tour is also scheduled for September 10 at 5–6:30 pm. Meet tour bus just inside the Ft. Devens Barnum gate in the Army Reserve Center parking lot. Some Task Force members may carpool.

All should attend our presentation to the Acton Board of Selectmen on September 22 at 8 pm on the 3rd floor. (Meet before at 7:30 on 2nd floor.)

MAPC–MAGIC reuse forum at ABRHS on October 1 starts at 7:15. A notice appeared in the September 3rd Beacon.

We decided to continue meeting approximately once a month. The following meetings were scheduled:

September 22 at 7:30 pm – brief meeting before BOS presentation at 8 pm
October 29 at 7:30 pm

9. The meeting adjourned around 8:45 pm.

cc: BOS

- Volunteer Coordinating Committee - Oct. 19, 1992
Present: Kadlec, George, Whitcomb, Comstock, Lane & Powers
Absent: Husbands

Meeting was called to order at 7:35 and minutes of October 5, 1992 were read and accepted.

Interviews:

Edward Briggs: 7 Berry Lane has lived in Acton 15 yrs. for Assoc. on Planning Board. He is recommended by David Hill has a Masters in Management and is retired from DEC and the Air Force. He is Chairman for Boston Society of Quality Control until June 1993 which has a large time commitment. Now realizes he does not have the time needed to serve on this Board and would like to be considered after June 1993

Craig Stimmel: 460 Main St. 20 yr. resident of Acton for Cable Advisory. ~~Acton resident~~. In past years very active in town affairs but not recently. Wife is in Minn. awaiting surgery and his time commitment for this committee is uncertain. Can make 1 meeting per month.

Ray Buntliff: 2 Powder Horn Lane - 30 yrs. in Acton for Board of Assessors. Was member/Chairman 1981-1988. He has MA. Real Estate License and has completed Appraisal Course.

Oct 19, 1992

Selectmans Actions: NONE

Recommendations or Votes: NONE

Board Needs: LANE will Advertise for: Historic
District Commission, Fair Housing and Associate
members for Conservation Commission

Next Meeting October 26, 1992

Adjourned at 9:40 PM

cc: Town Clerk / [✓]selectmen

Jean Lane, VCC

GG: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Appeals

DATE: November 2, 1992

NOV - 4 1992

FROM: Roland Bartl, Town Planner R.B.

SUBJECT: Variance Petition #92-17; Kathryn J. McCarthy, 457 Great Road

The variance request is filed to allow yard set backs of lesser dimensions than required in the Limited Business District.

The Zoning Bylaw, in footnote 5 provides relief of the front yard requirement for shallow lots in existence before the adoption of current setback standards. However, this relief clause will not apply to land which is subsequently divided into one or more new lots as proposed here. The applicant proposes one new single family residential use, which will have little impact on Great Road. In addition, it is the Harris Street front yard for which the variance is requested. The front yard towards Great Road, which is the main target of the applicable setback rule, will be in compliance according to the proposed plot plan. Therefore, I conclude that the variance, if granted, will not be in conflict with the Master Plan provided:

1. The variance is limited to the Harris Street side.
2. The driveway will indeed access from Harris Street as shown on the plan.
3. The use will be restricted to a single family dwelling (along with its accessory uses) as proposed by the applicant.

The need for a variance from the side yard setback is not readily apparent to me.

xc: Don P. Johnson ✓
Planning Board

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Appeals **DATE:** November 2, 1992
FROM: Roland Bartl, Town Planner *R.B.*
SUBJECT: Variance Petition #92-19; W.E. Yetman, Meineke Muffler.

It appears that the variance is requested to allow one less parking space than required under the zoning bylaw in order to facilitate conveyance of the 10 ft. roadway easement required under a previous decision.

The easement will facilitate future roadway widening as recommended in the Master Plan. The variance, if granted, will therefore help the implementation of the Master Plan.

The recently constructed addition has received a great deal of public attention, mostly negative. While one may have different opinions on the merit of the building design, I think that a row of 8- or 12-pane windows in the front of the second floor would greatly improve the looks of the building. If you agree, you may want to suggest to Mr. Yetman the installation of such windows not only as a good will gesture to the community but also to improve the appearance of his business.

xc: ✓ Don P. Johnson
Planning Board

[RHB.IDC.92*]

cc: BOS

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Appeals **DATE:** November 2, 1992
FROM: Roland Bartl, Town Planner *R.B.*
SUBJECT: Variance Petition #92-18; Setra Systems, Inc.

The proposed addition for which the variance is requested would almost double the site's build-out and would double the build-out limit set under the zoning bylaw. The OP-1 district with its zoning limitation of FAR 0.10 was established based on findings and recommendations of the Master Plan. Granting of this variance request would be totally inconsistent with the Master Plan. In addition there is no hardship that would qualify under the definition of the law. The build-out limitation affects all lots in the OP-1 district in the same manner, except for those which by nature of the state law are grandfathered at a higher FAR.

Attached please find a listing of parcels in the OP-1 district with acreage and FAR. The list shows 7 parcels (including that of the petitioner) at or above the FAR limit of 0.10, and 13 parcels which currently are below the FAR ceiling.

xc: ✓ Don P. Johnson
Planning Board

cc: BOS

Record#	PARCEL	ZONING1	ACRES	FAR
13	A4 001000	OP1	0.40	0.00
14	A5 001000	OP1	0.37	0.00
15	B4 001000	OP1	1.50	0.00
16	B4 002000	OP1	8.67	0.01
17	B4 002001	OP1	0.01	0.00
18	B4 002002	OP1	4.79	0.28
20	B4 003000	OP1	6.70	0.16
21	B4 003001	OP1	6.54	0.35
22	B4 004000	OP1	11.19	0.16
28	B4 007003	OP1	4.71	.00
31	B4 008002	OP1	10.01	0.10
33	B4 009000	OP1	2.57	0.04
66	B5 002000	OP1	1.50	0.00
67	B5 003000	OP1	3.48	0.01
68	B5 004000	OP1	0.51	0.00
69	B5 006000	OP1	5.50	0.00
70	B5 007000	OP1	10.76	0.00
74	B5 011000	OP1	5.40	0.00
82	B5 019000	OP1	23.53	0.16
83	B5 019002	OP1	7.14	0.17



MASSACHUSETTS

BOARD OF APPEALS

(508) 264-9632

#92-19

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday,

December 14, 19 92, at 8:00 P.M. in the TOWN HALL, Room 126

on the following petition:

by Charles Kadison, Jr., Attorney, for William E. Yetman, Meineke Muffler, 263 Main Street, for a PETITION FOR A VARIANCE from the requirements of Section 6 of the Zoning Bylaw to allow the Petitioner to comply with the requirements of the Decision of the Board of Appeals in Case No. 91-14 or for a clarification or modification of that Decision to allow the Petitioner to grant a 10-foot wide easement to the Town of Acton and to construct and use the parking lot as shown on the plan accompanying this Petition.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Malcolm Burdine

Clerk

Selectmen
BOS: PLEASE NOTE!!
NOV - 2 1992

Selectmen



Date Received
TOWN CLERK
Oct 29, 1992 4:30
By *Conrad O. Huber*

Date Received 10/29/92
BOARD OF APPEALS
By *Van Syckle*

TOWN OF ACTON
MASSACHUSETTS

BOARD OF APPEALS
(FORM 5)
PETITION FOR VARIANCE

October 29 1992

I/We hereby petition the Board of Appeals for a public hearing and a variance from the requirements of Section 6 of the Zoning By-Law, as provided by G.L. Chapter 40A, Section 10 to allow:

the Petitioner to comply with the requirements of the Decision of the Board of Appeals in Case No. 91-14 or for a clarification or modification of that Decision

to allow the Petitioner to grant a 10-foot wide easement to the Town of Acton and to construct and use the parking lot as shown on the plan accompanying this

Petition.

OFFICE USE ONLY	
Four copies of petition?	<input checked="" type="checkbox"/>
Location map	<input checked="" type="checkbox"/>
Plot plans?	<input checked="" type="checkbox"/>
Additional briefs?	<input checked="" type="checkbox"/>
List of abutters and other interested parties?	<input checked="" type="checkbox"/>
Fee - \$100.00/1-25 abutters \$125.00/26+ abutters?	<input checked="" type="checkbox"/> 100.00
Next Hearing Date?	10/14/92 No 92-19 8:00 p.m.

Respectfully submitted
Signed *[Signature]*
Charles G. Kadison, Jr., Atty for
(Petitioner) Petitioner

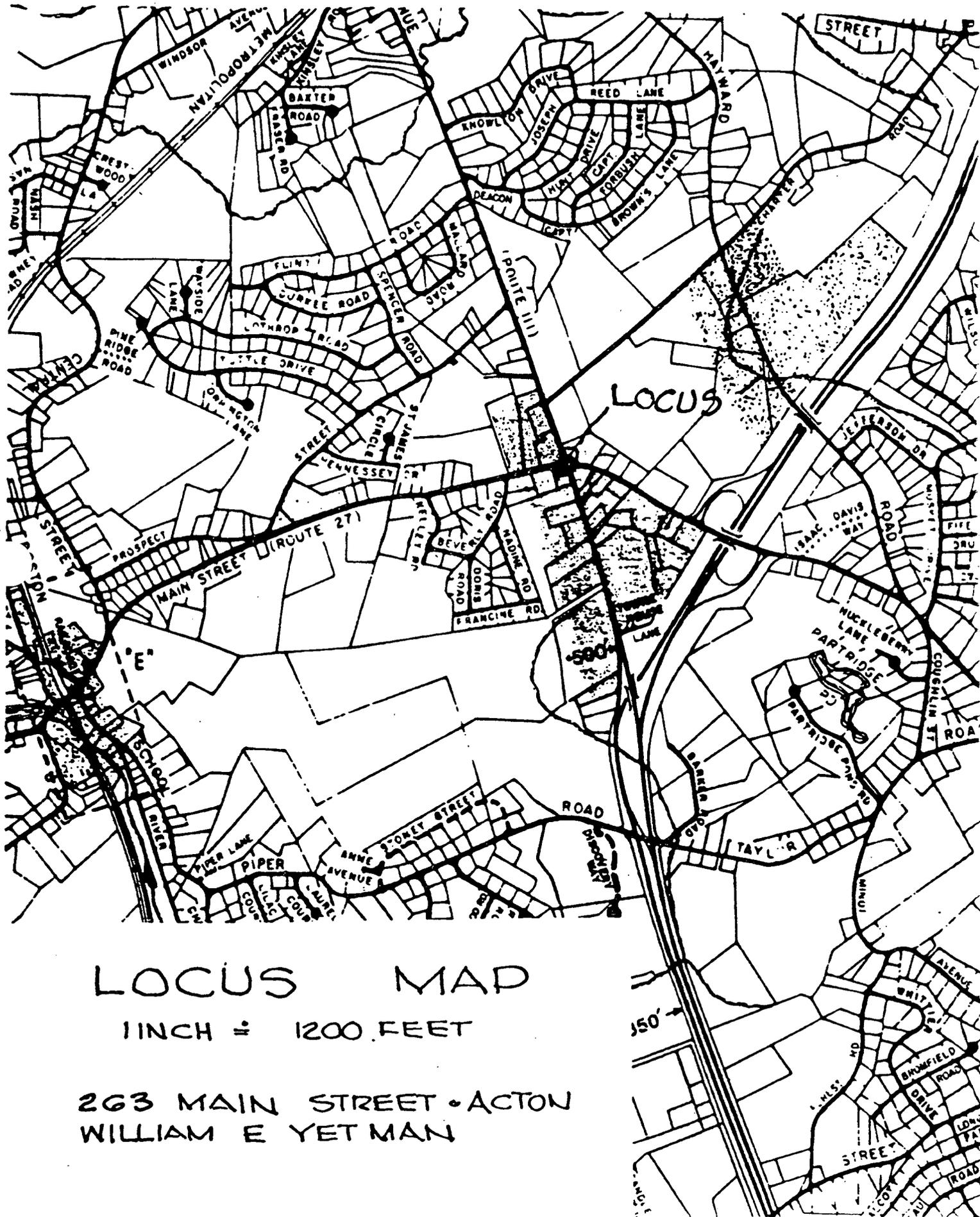
Name William E. Yetman
c/o Charles G. Kadison, Jr.
Address 179 Great Road, Acton, MA 01720

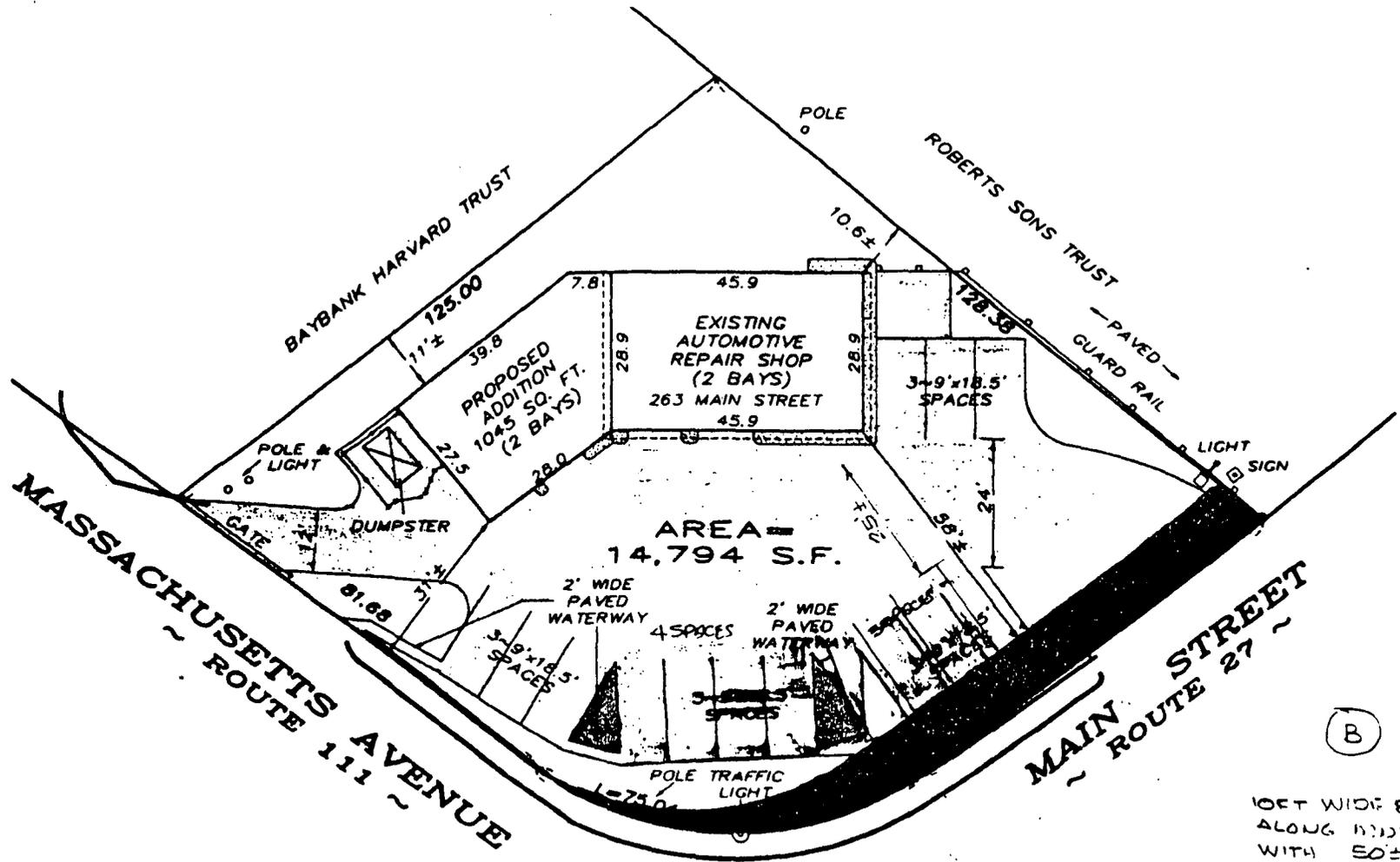
Phone # 264-4886
Signed *[Signature]*
Charles G. Kadison, Jr., Atty for
(Owner of Record) Record Owner

Name William E. Yetman and
Edward Yetman, Jr.
c/o Charles G. Kadison, Jr.
Address 179 Great Road,
Acton, MA 01720

Phone # 264-4886

A variance may be granted by the Board of Appeals only if all the conditions, given in Section 10.5.5 are met. The Board may impose conditions, safeguards, and limitations as a part of their decision (Section X-D).





(B)

10 FT WIDE EASEMENT
 ALONG NORTH ST
 WITH EASEMENTS TO
 MASS AVENUE
 REDUCED TO 10 FT
 FROM 15 FT
 FROM 15 FT

PROPOSED SITE CONDITIONS

TOWN OF ACTON
Board of Assessors
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9622
Fax (508) 264-9630

Lela Rhodes
Assistant Assessor

ABUTTERS LIST

<u>LOCUS:</u>	<u>F30 113 000</u>	<u>421 MASSACHUSETTS AVENUE</u>
<u>MAP & PLOT</u>	<u>OWNER</u>	<u>MAILING ADDRESS</u>
F30 103 000	N.E. Telephone	125 High Street, Boston 02110-2721
086 001	Louis Levine, Trustee	268 Main Street, Acton 01720
105	Sun Oil Company	Ten Penn Center, 1801 Market Street Philadelphia, PA 19103
117	BayBank Harvard Trust	1414 Mass. Avenue, Cambridge 02138
118 001	AD Realty Company c/o Gilbert Carley	418 Mass. Avenue, Acton 01720
121	Bolodrome Rlty. Tr. c/o R. Sunberg	P.O. Box 2131, Acton 01720
118	Northern Bank & Trust	6 Common Street, Woburn 01801
121 001	Sunberg Realty Trust	P.O. Box 2131, Acton 01720
121 002	Sunberg Realty Trust	

October 28, 1992

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:

Boxborough, MA 01719
Carlisle, MA 01741
Concord, MA 01742
Littleton, MA 01460
Maynard, MA 01754
Stow, MA 01775
Sudbury, MA 01776
Westford, MA 01886

Sincerely,



Lela M. Rhodes
Assistant Assessor



RECEIVED & FILED

DATE June 11, 1991

Barbara Brown
TOWN CLERK, ACTON

MASSACHUSETTS

BOARD OF APPEALS

Hearing 91-14

DECISION ON THE PETITION OF WILLIAM E. YETMAN

A public hearing of the Acton Board of Appeals was held in the Town Hall, Room 204, Acton MA on May 6, 1991 on the petition of Charles G. Kadison, Jr., Attorney for the petitioner, William E. Yetman, 236 Main St., Acton, MA for a Special Permit under MGL C. 40A, s 6 and/or a variance from Section 5 of the Zoning Bylaw as authorized by MGL C. 40A, s 10 to allow the expansion of a pre-existing non-conforming structure and the relocation of pre-existing non-conforming parking spaces to provide greenbelt screening as shown on a plan entitled "Plot Plan of 236 Main Street @ Massachusetts Avenue, Acton, Mass. Prepared for William E. Yetman 236 Main Street, Acton, MA 01720" dated August 8, 1990, modified February 1, 1991.

Members of the Board present were Matt Mleziva, Chairman; Marilyn Peterson, Member; and Malcolm Burdine, Clerk. Also present were Garry A. Rhodes, Acton Building Commissioner; Charles G. Kadison, Jr., Attorney for the petitioner; and interested parties.

Mr. Mleziva read the petition, reviewed the contents of the file and explained the Board's procedures.

The Board of Appeals, after considering the materials submitted with the request, together with the information developed at the hearing, finds that:

- (1) The factors that caused the Board to deny the previous request (Decision 90-17) have been substantially addressed by the revised plan.
- (2) The revised plan is deficient only in the planting of trees and/or shrubs. This aspect will be addressed in the conditions attached to the Board's decision.
- (3) The expansion, with suitable plantings, will be a net improvement to the attractiveness of this major intersection .
- (4) The petitioner has offered an easement to the Town for future road widening provided that the access to the business is not affected and that, as a result of the takings he is not deprived of any parking spaces. This offer is a substantial contribution to the improvement of a troublesome intersection in the Town of Acton and furthers the goals of the Town of Acton Master Plan, specifically High Priority Action 134.

Based upon the above findings, the Board of Appeals concluded that:

- (1) The request, augmented by suitable plantings, will not be substantially more detrimental to the neighborhood than the existing non-conforming structure.

(2) The request is in harmony with the intent and purpose of the Bylaw, and is appropriate for the site. Additionally, the request is consistent with the Town of Acton Master Plan.

Based upon the above findings and conclusions, the Board of Appeals voted unanimously to GRANT the request for the Special Permit, subject to the following:

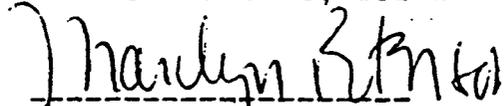
- (1) The petitioner shall plant three deciduous trees, at least eight feet tall at the time of planting, unbranched and located on the intersection sides of the lot at specific locations to be approved by the Municipal Properties Director.
- (2) The petitioner shall plant two shrubs/trees on the east and south sides (four total) to provide screening. The choice of shrubs/trees and the specific location shall be approved by the Municipal Properties Director.
- (3) The easement offered shall be conveyed to the Town of Acton.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17, within 20 days after this decision is filed with the Acton Town Clerk.

TOWN OF ACTON
BOARD OF APPEALS


Matt Mleziva, Chairman

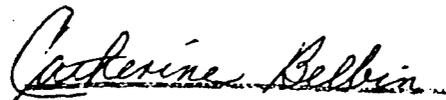

Malcolm Burdine, Clerk


Marilyn Peterson, Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on July 1, 1985


Norine Christian, Secretary
Board of Appeals

A True Copy. Attest:


Assistant Town Clerk Acton, Mass.

Record Owner: William E. Yetman and Edward Yetman, Jr.
Title Ref: Doc. #498 of 7/23/85
Book 16307 Page 650



Cornelia O. Huber
Town Clerk

TOWN OF ACTON
TOWN CLERK

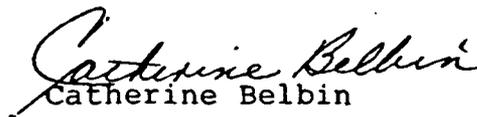
472 Main Street
Acton, Massachusetts 01720
(508) 264-9615

Catherine Belbin
Asst. Town Clerk

July 9, 1991

TO WHOM IT MAY CONCERN:

This is to certify that the attached Hearing #91-14 was filed with the Town Clerk's Office and the Planning Board on June 11, 1991. The 20-day appeal period has expired and there have been no appeals made to this office.


Catherine Belbin
Assistant Town Clerk

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Library
Junior High School

November 5, 1992

AGENDA

- 7:30 I. CALL TO ORDER
- 7:31 II. APPROVAL OF MINUTES OF OCTOBER 1, 5, & 13, 1992
- 7:35 III. PUBLIC PARTICIPATION
- 7:45 IV. EDUCATION REPORTS -
a) Report on Library Automation Project - Librarians
b) What's New at Minuteman Tech - Ron Fitzgerald, Supt./Dir.
- 8:25 V. SUPERINTENDENT'S REPORT FOR THE MONTH OF NOVEMBER -
William Ryan
- RECOMMENDATIONS
1. Goals and Objectives for 1992-93 School Year
 2. Approval of Calendar for SY93-94
 3. A-B Community Education Budget, FY'93
 4. Appointment of Coaches of Winter Sports
 5. Approval of Extra-Curricular Appointments
 6. Approval of Leave of Absence Request
 7. Approval of Exchange Program to France
 8. Acceptance of Gifts of Equipment
 9. Acceptance of Cash Gifts
 10. Recommendation to Reject Co-Generation Bids
 11. Approval of Out-Of-District Tuition Rate for Jr. High SPED Students
- 8:40 VI. FOR YOUR INFORMATION
1. Status of Boys' Gymnastic Team
 2. MASC Bulletin article - School Choice
 3. Memo from Director of Curriculum & Instruction
 4. NEASC Review of Special Progress Report - R.J. Grey JHS
 5. Report of School/Community Mtgs - Summary by J.A. Roy
 6. *The Spectrum*
 7. News Release from Mass. Taxpayers Foundation
 8. Letter from Director of Admissions, MIT
 9. High School News
 10. PPEA Grant Award Notification
 11. Boston Gas Commercial and Industrial Energy Savings Plan
 12. Senate Version/Education Reform Bill
 13. ESL Program for Adults in Community
 14. ODP Program Student Guide
 15. Junior High School News
- 8:45 VII. WARRANT DISCUSSION
- 8:50 VIII. CONCERNS OF THE BOARD
- 9:05 IX. NEXT MEETING - December 3, 1992, Library, Junior High School, 7:30 p.m.
- 9:10 X. EXECUTIVE SESSION
- 9:45 XI. ADJOURNMENT

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

MINUTES

Conference Room
Junior High School

October 1, 1992

Members Present: Steve Aronson, Pam Harting-Barrat, Jean Butler, Harry Hersh, Lees Stuntz, Mary Anne Vogel, Micki Williams

Also Present: Bill Ryan, Mac Reid, Steve Desy, Fran Leiboff, Arthur Goodall, Don Gilberti, James Chace, student representative Lisa Napoli, Bill Noeth, citizens and press.

The meeting was called to order at 7:30 p.m. by Vice-Chairperson, Pam Harting-Barrat in the absence of the Chairperson.

Minutes of September 3, 1992 were approved as written.

Warrant #93-011 in the amount of \$272,769.64, Warrant #93-012 in the amount of \$77,197.63, Warrant #93-013 in the amount of \$349,687.83, Warrant #93-014 in the amount of \$217,034.12 and payroll warrants totaling \$727,057.02 were signed by the vice-chairperson and circulated to other members of the Committee.

PUBLIC PARTICIPATION: None

EDUCATION REPORT

Art Goodall, Faculty Externship Coordinator, spoke about the Externship Program, the National Workplace Program, America 2000 and School-Business Partnerships for the 90's.

Art spoke of the externs' experiences, in particular, Fran Boyle's work on the development of a new science textbook at D.C. Heath and Pam Knapp's continued involvement with the company. He cited the ongoing externship at MIT's Lincoln Lab, and the workplace education program at Haartz. He was enthused about the possibility of an externship at Tufts University's Floating Hospital working on an attention-deficit disorder project. Polaroid has offered an externship to a chemistry teacher.

Art referred to the coalition formed to apply for a grant under "A New Generation of American Schools" which included Tufts and other school districts. Although they they did not receive a grant (only eleven were awarded), their application was ranked in the top 17% of those received.

Lees said that the energy and synergy created by these efforts have led into unexpected opportunities and contacts. Steve Aronson said that this program is more unique than most people understand. In the past, most relationships between schools and business consisted of schools asking for handouts. Art's efforts have brought business into the schools in political and philosophical ways. He added that another positive was that the program was self-funding. The Committee thanked Art for his efforts.

Don Gilberti was asked by Micki Williams and Steve Aronson to look at possibilities for changing the way the Committees' meetings were broadcast on cable. Don said the issues were (1) how to improve the presentation and quality and make the communities aware of what the School Committees are dealing with and (2) to look at the facility where the meetings are held in respect to ease of televising. He met with the cable company, department heads, high school principal, the *Spectrum* staff and advisors to the Academic Decathlon. Technically, it is possible to televise the meetings live in Acton. However, Boxborough has a license with a different cable company and it is not possible to air live there at this time. It may be in the future, however, it would require an expenditure of large sums for equipment. Acton's contract with Cablevision will be up for renewal in six years and they may be willing to do this.

Don said that the conference room was a poor location for filming and recommended the Junior High Library for future meetings. He also said there was a possibility of having our own educational channel, 24 hours a day. Such things as Committee agendas, lunch menus, No-school days, student productions, athletics, curriculum, etc. could be aired. The cable system exists, but we are not using it as other communities are. Mary Anne Vogel asked if Boxborough could receive this channel at the end of the licensing period. Don said it was technically not possible under the existing contract. He said we do provide tapes to Boxborough. Mary Anne had a concern about meetings being shown live in Acton but on tape in Boxborough. Don said the difficulty was that the head ends for Nashoba cable were located in Maynard and microwave dishes were expensive and not in the cable companies' contracts now. Steve Aronson felt Mary Anne's concern was valid, and there was need to think about the tape delay to Boxborough which would get information later than Acton. He suggested that the Acton School Committee meetings could be used as a pilot program to be expanded when the two cable companies come to some understanding.

Pam asked the Committee how they felt about moving the meetings to the Junior High Library. Jean had concerns about the seating arrangements which Don said could be rearranged. He said the cable company will rewire the library free of charge to broadcast live and improve the process. Mary Anne said she was interested in improving the quality of the taping, not the live broadcast.

Micki Williams moved that the Committee move their meetings to the Junior High Library for the purpose of enhancing the quality of programming on a taped basis until it is possible to broadcast live to Boxborough. Lees Stuntz asked to amend the motion. She moved that the School Committee move to the Junior High Library and not broadcast live but continue to pursue live broadcasting although not do so at this time.

Mary Anne Vogel said there must be another vote before deciding to broadcasting live. Harry said before the Committee moves to the Library someone needs to look at the optimal arrangement.

The amended motion was seconded and unanimously voted.

The consensus of the Committee was that Don Gilberti should pursue getting a long range educational channel.

Jim Chace informed the Committee of the process of applying for the PPEA Grant. He set up two sub-committees, members of which were asked to come back with staff input. The items listed on the proposal are a direct result of that input. Funds must be expended exclusively for educational purposes. Recipients cannot use these funds to supplant amounts previously expended in FY92 or budgeted for FY93 for educational purposes. Acton-Boxborough was allotted \$182,000 which will be used for staff development, technology training, and equipment. Acton Public Schools' allotment was \$180,000, \$100,000 of which was directed to systemwide needs and goals. Each elementary school would have \$20,000 for their particular needs.

Dr. Mary Donald from the Acton Finance Committee asked the Committee if they considered the Fincom's request to submit waivers along with the applications requesting approval to use subject grant funds for the teacher-deferral payback on a contingency basis. Bill Ryan said that he had spoken with Art Harrigan and informed him that he did not support the waiver application, and it was not his intent to include such a request in the proposal. Mary Anne Vogel said it was stated clearly that the money was to be used only for educational purposes. Dr. Donald said teaching is payback deferral. Mary Anne said it was not a direct service to children. Dr. Donald said she differs on that statement. The directions state that you have to apply for a waiver with the application. Bill Ryan said it allows you to apply. He said he might have felt differently if the deferral decision was a joint one made by the Coordinating Committee. He added that in no way would he recommend use of this money to pay back deferral where we did not support it.

Allocation of this money grew out of state's effort to improve education. Dr. Donald said in no way did she support teacher salary deferral but we have it and if we don't pass an override, we will need that money.

Lees Stuntz asked Jim Chace for a brief summary of computer capability at the high school and junior high school. Jim said all Macintosh equipment has been brought up to maximum capacity in both buildings by installing four megabytes of memory and a hard drive.

Steve Aronson returned to Dr. Donald's statement. He said he was pleased the Finance Committee brought up the issue - it was an area of concern. ~~He said Bill did provide the Committee with a copy of Art Harrigan's memo. The School Committee members have an option of moving to adopt something even without the superintendent's recommendation. Steve recommended that we share with the Coordinating Committee the suggested list of proposed items to be acquired. He also commended Jim and the process and the lack of selfishness on the part of the staff in their willingness to contribute a good chunk to the system. Dr. Donald asked if there was a deadline for submitting the application. Bill said there was no deadline, just told ASAP and we plan to mail it tomorrow. Dr. Donald asked if it was possible to delay. Bill said it was not his intent. Dr. Donald asked if the School Committee would vote on this. Pam asked if the Committee wanted to vote on the waiver. Steve Aronson said that was answered by our silence and a vote would be subverting the superintendent's authority.~~ The consensus of the Committee was not to vote on this issue.

Mac Reid said that student representatives to the Committee were elected that day. They are Lisa Napoli, who was present, Jason Chautin, Colin Brannen, Brian Palmer and Jen Johnson. He congratulated them on their election.

SUPERINTENDENT'S RECOMMENDATIONS FOR OCTOBER

It was moved, seconded and unanimously

VOTED: To approve the following coaching appointments:

Senior High

Ron Dunham

Jim Kelly

Jeff Johnson

Eileen Flannery

Nancy Thomson

Robert Jackson

Joseph Marashio

Junior High

Joyce Kelly

Bill Maver

Varsity Boys' Basketball

Girls' Diving Coach

Boys' Swim Coach

Indoor Track Coach

Girls' Gymnastics

Wrestling

Varsity Ice Hockey

Girls' Basketball

Boys' Basketball

It was moved, seconded and unanimously

VOTED: To approve the appointment of the following to extra-curricular positions:

Senior High School

Mary Ellen Hammann

Bill Seymour

“ “

Kay Steeves

James Guter

“ “

Vincent Parrella

SADD Leadership Advisor (replacing Joe Marashio).

Speech & Debate Coach

Director, Fall Play

ABCO Advisor

Summer Band Camp Director

Orchestra Director - Musical

State Play

Anthony Salamone	Stage Director - Musical
“ “	Choreographer - Musical
Alex Molnar	Technical Director - Musical
<u>Junior High School</u>	
Judith McKendry	Yearbook Club
John Furey	Silk Screen Club
Laura Crowell	Art Club
Whitney Davis	“
Liz Mackay	“
Mary Beth Fincke	A-V
David Wilson	“
Richard Bartolomeo	Jazz Band
Tim Nolan	Student Council
Gerrit Kischner	“ “
Mark Toporoff	Environmental Club

It was moved, seconded and unanimously :

- VOTED: To approve the renovation completion at Raymond J. Grey Junior High School - Project #2666.
- VOTED: To approve an out-of-district tuition rate of \$7,553 for students in the Occupational Development Program.
- VOTED: To authorize the Superintendent to file the Application for School Assistance in Federally Affected Areas - Assurances - P.L. 81-874.
- VOTED: To approve the Home Instruction Plan for Sarah Sawdo, ninth grader, for the 1992-93 school year.

It is understood that Sarah will be periodically tested and the results of those tests will be evaluated by the Christian Liberty Academy. Steve Aronson asked if there would be an opportunity for our district to review any evaluation by Christian Academy. Mac Reid said a letter to the parents will include this request.

FOR YOUR INFORMATION:

Mac Reid reviewed the plans for Professional Day on October 23. He said the speaker is not only an expert on technology but on re-structuring of schools. After the guest speaker, the High School will concentrate on professional development activities for the remainder of the day. The Junior High staff will focus on assessing and measuring performance strategies.

Steve Aronson asked Fran Leiboff how we stood with the new eligibility guidelines for special education. Fran said each system received a booklet that gives the guidelines, some of which we have been doing for several years anyway. She said we are in the process of identifying and achieving some of the changes regarding how time is being spent and re-structuring the classroom environment.

Bill Ryan referred to the fall athletic schedules, the New Driver Education Handbook, letter of recognition for Bill Noeth and the High School Band schedule.

Mac referred to the C.A.S.E. Parent Attitude Survey. The replies came from all the communities that are part of C.A.S.E, not just from Acton-Boxborough.

CONCERNS OF THE BOARD:

Jean Butler distributed notes she took at the last EdCo Board Meeting and an update of the Community Needs Assessment sub-committee activities.

Bill Ryan said there was a major effort on the part of the MBAE to support the reform bill and encouraged the Committee to look at the MBAE proposal. It addresses such issues as tenure and seniority, receivership if a school fails, would eliminate Regional School Aid except for transportation, etc. It would aid suburban districts in dealing with Prop. 2 1/2.

Bill said that he, Mac Reid and others held a number of meetings discussing the process for hiring and evaluating coaches. The most important things for our coaches to transmit are values and ethics. This will be an objective this year. Pam suggested athletes be given the opportunity of evaluating their coaches.

Bill reviewed the FY94 Draft Plan submitted to the Coordinating Committee. Bill said whatever salary increase we have will come out of the "choice" budget. Steve asked if that money was likely to erode. Bill said the commitment is to fund students through graduation and at the same level. Lees asked if any of the questions raised at the last meeting were resolved. Bill said no. He also said until NESWC was resolved, all was in flux. !!!!!

Lees moved that the Acton-Boxborough Regional School Committee reaffirm their intent to work with the Coordinating Committee. The motion was seconded and approved by a 6 to 0 vote, Mary Anne Vogel abstaining.

Steve Aronson reported on a symposium he attended which was sponsored by selectmen and school committee groups and dealt with sharing services. Issues discussed included fire safety, recycling efforts, inspection services, purchasing consortiums, etc. All of those present agreed such efforts were not working as it is a very complicated process putting two towns together. He felt we are already further along with our participation in EdCo. He suggested this was an area we ought to continue pursuing through the Coordinating Committee.

WARRANT: There were no questions.

NEXT MEETING: November 5, 1992, 7:30 p.m. Room 114 or the Junior High School Library.

At 10:10 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to negotiations under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session and adjourned at 11:30 p.m.

Respectively submitted

Evelyn I. Smith, Secretary

ACTON SCHOOL COMMITTEE
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Conference Room
Junior High School

October 13, 1992
7:30 p.m.

Present: Donald Wheeler, Stephen Aronson, Pam Harting-Barrat, Jean Butler, Harry Hersh (9:25 p.m.), Rick Sawyer, Lees Stuntz, Micki Williams (8:05 p.m.) Mary Anne Vogel

Also: William Ryan, Malcolm Reid, Robert Evans, Jacqueline Roy, citizens

The meeting was called to order at 7:35 p.m. by Donald Wheeler, Chairman.

At 7:36 p.m., it was moved, seconded and unanimously

VOTED To go into executive session to discuss strategies relative to negotiations under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

At 8:05 p.m., the Committee returned to public session.

Jacqueline Roy was present to report to the Committee on the results of her meetings with school and community groups. She said she had met with forty-two separate groups (well over 300 people) which was twice the number she had ever met with before in a single search. Ms. Roy said the individual group meetings were very solid, interactive and there was a lot of consistency. She handed out copies of her report (included with these minutes). She reviewed the perceived strengths of the Schools/Community and the Challenges, Concerns and Issues facing the districts. Lastly, Ms. Roy listed the qualifications desired for the Superintendent which seemed to be a combination of the qualities and skills possessed by Ray Grey and Bob Kessler.

Jackie had prepared a sample ad which pin-pointed those things which described the school systems. The Committee made some minor revisions in the wording. Ms. Roy said she would like to place the ad in *EducationWeek* (cost - approximately \$300-400), *LeadershipNews*(\$35), *ExecutiveEducator*, *NECO* (a job bulletin for women educators), *AASA* publications, Massachusetts Association of School Committees and similar associations in other states, and college alumni bulletins, all of which are free. In addition, she has an extended list of contacts.

There was a discussion about advertising in the *New York Times* at a cost of \$3,000. Steve Aronson felt that this venue might draw interest from somebody unusual

with the kinds of creativity leadership found in the business spectrum. Jackie said we need someone who is certifiable, have to make sure we are looking for an educator. Don asked the Committee if they wanted to move out of the education community to the business world. Rick was not interested in spending \$3,000 to find someone outside the educational field. It was suggested waiting to see what applicants responded. Mary Anne Vogel and Lees Stuntz agreed with Steve and did not want to wait to see whether the applicant pool was good or not. Jean Butler was not sure she wanted to spend this kind of money. Don said we are not talking which paper, but talking about going outside the educational field, and his sense was that more people wanted to go outside the educational trade periodicals. Rick asked Jackie how many viable candidates would we get through the *Times*. She said it was hard to say, she had not done this in a couple of years. It was the consensus of the Committee to advertise in the *Times*, and Jackie was asked to formulate another ad with a caveat attached (i.e., must be certifiable).

Harry Hersh and Lees Stuntz will prepare the brochure. Discussion of what should be included followed.

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Evelyn I. Smith
Secretary

ACTON BOXBOROUGH REGIONAL SCHOOL COMMITTEE
ACTON SCHOOL COMMITTEE

Conference Room
Junior High School

October 5, 1992

Minutes

Present: Donald Wheeler, Stephen Aronson, Jean Butler, Pam Harting-Barrat, Harry Hersh, Rick Sawyer, Lees Stuntz, Mary Anne Vogel, Micki Williams

Also: Jacqueline Roy, Mac Reid

The meeting was called to order at 4:30 p.m. by Donald Wheeler, Chairperson.

Ms. Roy asked the Committee what they were looking for in a superintendent, i.e., positives, strengths, talents; what were their concerns and what they saw as the major issues facing a new superintendent; their vision and long range plan for the systems, etc.

The Committee covered the above issues. and there was a consensus to offer a salary "in the 90's with attractive fringe benefits". Ms. Roy will prepare a profile from the information she has received from the Committee and the many groups she has talked with and come back to the Committee on October 13, 1992 at 8:00 p.m.

The meeting was adjourned at 7:04 p.m.

Respectively submitted,

Evelyn I. Smith
Secretary

cc: BOS

ACTON BOARD OF HEALTH

MINUTES

JUNE 22, 1992

MEMBERS PRESENT: Jonathan Bosworth (Chairman)
Cordelia Alfaro
James Barbato
Mark Conoby
Bill McInnis
Peter Vaillancourt (Associate)

STAFF PRESENT: Doug Halley (Health Director)
Sheryl Ball

OTHERS PRESENT: Bart Wendell
Joe Glannon
Harry Donahue
Ken Goldberg
Thomas Royer
Richard Quilling

The meeting opened at 7:33 P.M.

MILL CORNER:

Mr. Harry Donahue, of Acton Survey & Engineering, presented a letter and supporting information to the Board to address the Board's concerns as expressed at the Board's previous meeting on June 8, 1992. Mr. Donahue on behalf of the property owners seek a variance from Acton regulation 11-15.1 to allow an application rate of 1.58 square feet of leaching area per gallon of design flow. Mr. Donahue stated that the designed system which is proposed for the development can provide at least the same degree of environmental protection as required by Acton and State regulations using an application rate of 1.58 square feet per gallon instead of the Acton regulation of 2.0 square feet per gallon due to the nature of the design of the proposed system which utilizes a system of prefabricated leaching galleries and by requiring a series of additional requirements as outlined in his letter of June 16, 1992. Mr. Donahue stated that the use of the gallery system with the attendant advantage of increased side wall capacity and decreased tendency towards bottom clogging when coupled with the additional requirements of individual septic tanks and flow equalization due to the size and nature of the system should provide the same degree of environmental protection in his professional opinion. There was then a discussion about the possibility that a portion of the land from this development and the excess capacity of the existing leaching system could be donated to the Town for possible construction of a sewage treatment plant. The board briefly discussed the desirability of this proposal.

On a motion made by Mr. Conoby, seconded by Mr. Barbato, the Board unanimously voted to grant a variance from regulation 11-15.1 to Lunn & Sweeney Corporation on behalf of property owners of Mill Corner Subdivision pursuant to the project proposal plans submitted to the Town of Acton and the special project permit application subject to the following conditions:

1. Each dwelling unit shall have an individual 1,000 gallon septic tank.
2. Individual tanks at each dwelling unit shall be pumped on an annual basis.
3. The existing settling tanks will be inspected annually and pumped as required with an inspection report submitted to the Board of Health.
4. Prior to the issuance of a sewer connection permit or occupancy permit for the first unit of this development, the Town will be granted, through its Board of Selectmen, the right and option, at its sole discretion, to construct a treatment plant on site and utilize the excess capacity of the existing leaching field and all right, title or interest necessary or incident to the performance, use or maintenance of a treatment plant and system.
5. Water usage into the complex will be monitored and records of water usage will be submitted to the Board of Health every six months.
6. The development shall not exceed 98 bedrooms at any time.
7. The Condominium agreement will be structured to cover the expense of replacing the septic system in 15 years.
8. All other applicable laws and regulations shall be met.

IRRIGATION WELL VARIANCES - 35 & 48 STONEYMEADE WAY:

The owners of 35 & 48 Stoneymeade Way seek variances from regulation 9-6.4 to allow the installation of irrigation wells, in a public water supply area. The Board briefly discussed the impact that these wells have on groundwater supply.

The Board felt a separate approval was necessary for each address.

On a motion made by Mr. McInnis, seconded by Mr. Conoby, the Board unanimously voted to grant a variance from regulation 9-6.4 to 35 Stoneymeade Way to allow the installation of a private well, for irrigation purposes, in a public water supply area with the following conditions:

1. The proposed well must be a bedrock well with a minimum depth of fifty (50) feet.
2. A chemical and bacterial analysis pursuant to 310 CMR 22, et seq shall be conducted prior to the initial operation of the well and every three (3) years thereafter with a report submitted to the Board of Health.
3. If any of the parameters of the test results are greater than 50% of the allowed state drinking water limit requirements, the owner of the property shall immediately cease use of the well or immediately implement a treatment program to remove the identified contaminants.

4. Any underground water sprinkler system shall have all water lines installed at a minimum of ten (10) feet from the septic system and all sprinkler heads a minimum of twenty (20) feet from the septic system. Prior to installation a plan showing the proposed location of the underground water sprinkler system shall be submitted to the Health Department.
 5. There shall be no cross connections with any public water supply.
 6. All wells or well borings shall be registered with the D.E.M. and the Town.
 7. At no point shall the withdrawal rate exceed 10,00 gallons per day.
 8. This well shall be used only for irrigation purposes for 35 Stoneymeade Way.
 9. If a irrigation well is not used in a time period of one year it shall be properly closed and sealed as required by the Acton Health Department.
 10. All appropriate setbacks and Town regulations shall be imposed.
- On a motion made by Mr. McInnis, seconded by Mr. Conoby, the Board unanimously voted to grant a variance from regulation 9-6.4 to 48 Stoneymeade Way to allow the installation of a private well, for irrigation purposes, in a public water supply area with the following conditions:
1. The proposed well must be a bedrock well with a minimum depth of fifty (50) feet.
 2. A chemical and bacterial analysis pursuant to 310 CMR 22, et seq shall be conducted prior to the initial operation of the well and every three (3) years thereafter with a report submitted to the Board of Health.

3. If any of the parameters of the test results are greater than 50% of the allowed state drinking water limit requirements, the owner of the property shall immediately cease use of the well or implement a treatment program to remove the identified contaminants.
4. Any underground water sprinkler system shall have all water lines installed at a minimum of ten (10) feet from the septic system and all sprinkler heads a minimum of twenty (20) feet from the septic system. Prior to installation a plan showing the proposed location of the underground water sprinkler system shall be submitted to the Health Department.
5. There shall be no cross connections with any public water supply.
6. All wells or well borings shall be registered with the D.E.M. and the Town.
7. At no point shall the withdrawal rate exceed 10,00 gallons per day.
8. This well shall be used only for irrigation purposes for 48 Stoneymeade Way.
9. If a irrigation well is not used in a time period of one year it shall be properly closed and sealed as required by the Acton Health Department.
10. All appropriate setbacks and Town regulations shall be imposed.

15 TICONDEROGA ROAD - VARIANCE:

Mr. Thomas Spuller, owner of 15 Ticonderoga Road, seeks a variance from regulation 11-14.1 which would allow the use and retention of an existing 1,000 gallon septic tank for the existing five bedroom home. The septic system presently consists of a 1,000 gallon tank and a 1,118 square foot leaching system. The permit issued in 1967 was for a four bedroom home. The house actually has five bedrooms. Under the current regulations the leaching system is more than adequate, however, the tank does not meet the 1,250 gallon minimum.

The Health Department recommends approval of this variance with the condition that the septic tank be pumped annually.

On a motion made by Mr. Conoby, seconded by Mr. McInnis, the Board unanimously voted to grant a variance from regulation 11-14.1 to 15 Ticonderoga Road with the following condition:

1. That the septic system be pumped annually.

REVIEW FOR SELECTMEN'S OVERSIGHT MEETING:

The Board discussed their agenda for the Selectmen's meeting on June 23, 1992. The Board reviewed a document entitled "Desirability of Sanitary Sewers in Acton", which Mr. McInnis created and would like to present to the Selectmen. The Board also reviewed an outline by Mr. Halley.

On a motion made by Mr. McInnis, seconded by Ms. Alfaro, the Board unanimously voted to adjourn at 9:31 P.M.

NEXT MEETING:

The next regularly scheduled meeting will be held on July 13, 1992 at 7:30 P.M. The following meeting will be held on July 27, 1992.

Respectfully Submitted,

Sheryl Ball

Signed and Approved,

Jonathan Bosworth
Jonathan Bosworth, Chairman

Selectmen



MASSACHUSETTS

BOARD OF APPEALS

(508) 264-9632

NOV - 2 1992

#92-18

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday,

December 14, 19 92, at 7:30 P.M. in the TOWN HALL, Room 126

on the following petition:

by Charles Kadison, Jr., Attorney for Setra Systems, Inc.,
45 Nagog Park, for a PETITION FOR A VARIANCE from the
requirements of Section 10.4.3.8 of the Zoning Bylaw to
allow an addition to the existing building at 45 Nagog Park
as shown on plans accompanying this petition.

CC: BOS - HEARING NOTICE -
FULL FILING W/PLAN IN RF

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Malcolm Burdine

Clerk

PALMER & DODGE

NOV - 5 1992

One Beacon Street
Boston, Massachusetts 02108

Acheson H. Callaghan, Esq.
(617) 573-0178

Telephone: (617) 573-0100
Facsimile: (617) 227-4420

November 2, 1992

Mr. Don Johnson
Town Manager
P.O. Box 236
Acton, MA 01720

Dear Don:

I enclose our bill for services through September 30, 1992.

If you have any questions, please let me know.

Very truly yours,



Acheson H. Callaghan

AHC/dcb

Enclosure

CC: BOS - PLEASE NOTE \$925.00 RE CAFETERIA
PLAN. THIS IS WORK WE HAD TO DO FOR
THE SCHOOLS INSURANCE/COLLECTIVE
BARGAINING ISSUE RE MOVING TO 85/15
SPLIT.

CC: GARRY RHODES
DAVID ABBT
TOM TIDMAN

CHRIS -
INCLUDE COVER LTR.
& 2 PAGE SUMMARY
TO ALL CC'S.

PLEASE PREPARE FOR PAYMENT.



November 2, 1992

Town of Acton
P.O. Box 236
Acton, MA 01720

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108-3190
Telephone: (617) 573-0100
FEDERAL I.D. NUMBER 04-2170788

For professional services through September 30, 1992, as follows:

General Town Matters

Review and advice concerning proposed cafeteria employee benefits plan;	\$ 925.00
Research and advice on various zoning and subdivision issues;	850.00
Research and advice concerning abatement of hazardous conditions at Foster Masonry property;	1,950.00
Review of file and preparation of answer in Land Court petition to establish boundaries of land abutting Charter Road;	1,200.00

Litigation and Related Matters

Services in connection with <u>Co-Operative Bank v. Conservation Commission</u> , including attendance at remand hearings;	1,700.00
Services in connection with Appellate Tax Board matters;	100.00
Services in collective bargaining matters;	2,200.00
Services in connection with Farm Hill subdivision and zoning appeals;	600.00
Services in connection with Coughlin lien and requirements; regarding physical exams;	500.00

CHARGES INCURRED BUT NOT POSTED PRIOR
TO THE BILLING DATE WILL APPEAR ON A
SUBSEQUENT STATEMENT.

DUE AND PAYABLE WITHIN THIRTY DAYS

Preparation of agreement for judgment in <u>Acton v. Rose of Sharon</u> , and related services;	800.00
Services in <u>Wagner v. Board of Appeals</u> ;	400.00
Services in <u>McGregor v. Board of Appeals</u> ;	<u>175.00</u>
TOTAL SERVICES	\$ 11,400.00

DISBURSEMENTS:

Duplication	\$ 68.45	
Excess Postage	0.52	
Official Fees	10.00	
Publication	12.60	
Sheriffs' Fees (Rose of Sharon)	73.96	
Telecopier	30.00	
Telephone	37.02	
Title & Title Insurance	20.00	
Travel & Related Expenses	<u>31.50</u>	
	TOTAL DISBURSEMENTS	<u>284.05</u>
	AMOUNT DUE	<u>\$ 11,684.05</u>

cc: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: John Murray, Asst. Town Manager DATE: November 6, 1992
FROM: Roland Bartl, Town Planner *RB*
SUBJECT: Audubon Hill - Request for Unit Release

Attached is a copy of the request, dated 10/27/92.

Request arrived in my office on 10/28 or 10/29.

The request was preceded by a telephone call some time before by June Thornton asking for a release. June was advised, as usual, to put the request in writing.

Once we had received the request in writing, we needed input from the Engineering and Building Departments to ensure completion of work.

A unit release requires the vote of the Planning Board.

The next Planning Board meeting following the date of the request occurred on 11/2 and the request for the unit release was not on the agenda.

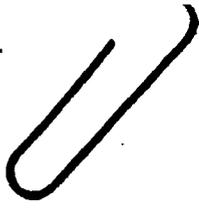
The next Planning Board meeting is scheduled for 11/23.

Under the law the Planning Board has up to 45 days to respond to a request for bond releases.

xc:

[RHB.IDC.92*14]

could be a citizen concern



• TEL. (508) 263-0011

292 GREAT ROAD • ACTON, MA. 01720

October 27, 1992

Planning Department
Mr. Roland Bartl
Town of Acton
472 Main Street
Acton, MA 01720

re: Audubon Hill Unit Releases

Dear Roland:

This is a request for a "Release of Units" from the Planning Board for Phase S-5 at Audubon Hill, Units 2, 4, 6 & 8 Brewster Lane.

The landscaping at the entrance and the road have been completed.

Please add this to your November 4, 1992 agenda.

Enclosed is the form which should be signed and notarized.

Very truly yours,

Eric J. Smith
Eric J. Smith

EJS/jt

Draft

**SELECTMEN'S MEETING
OCTOBER 20, 1992**

The Board of Selectmen held their regular meeting on Tuesday, October 20, 1992, present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

Norman Lake introduced Pack 32 Weeblos to the Board and the viewing audience.

PUBLIC HEARINGS AND APPOINTMENTS

**WALDEN COMMUNICATIONS
AMENDED SITE PLAN**

Lloyd Simon, partner of Walden Communications outlined the proposed modifications to the site plan required to split off the 4 acre parcel to the abutters. This would reduce the parcel owned by them to 18.3 and have little effect on the tower locations. DORE' HUNTER - Moved to approve the modifications as drafted and presented by the Building Commissioner. ANNE FANTON - Second. UNANIMOUS VOTE.

**PHILLIPS COFFEE EMPORIUM
SPECIAL PERMIT - 8/17/92-337**

The petitioners came before the Board for permission to have four seats in the coffee shop located on Spruce Street. Questions were asked regarding the trigger number for restrooms. It was decided that 30-40 was the trigger number that required them. WILLIAM MULLIN - MOVED to approve the special permit to allow a 4 seat restaurant. DORE' HUNTER - Second. UNANIMOUS VOTE.

PRISON ADVISORY OVERVIEW MEETING

Jean Schoch and Hal Gordinier members of the committee discussed the recent major reorganization of the prisons and explained what is discussed at the quarterly meetings with prison officials attended by them and neighboring communities. The major change is that the Governor has privatized health services the prison system and it appears to be working out well in Concord, especially since they are somewhat of a clearing center. They have 6 work crews out working in the communities. They have them throughout the state and more specifically one of the six is assigned to the School Dept. The prison population at Concord was 1,265 in June. The Board asked what impact Fort Devens Federal Prison would have. The Committee felt little or none since it is a Federal Prison, but perhaps they might take an overload when the house was too full, but could did not

anticipate any advantages or disadvantages to having the Federal Prison at Devens. Dore' said that the original reason for the formation of this committee was to be a channel to the community. Nancy asked that they keep tabs on the sewer issue as it might impact Acton in a positive way.

CONSENT CALENDAR

The Board approved the Consent Calendar with number 6 pulled. NORM LAKE - Moved to accept with Number 6 held for discussion. DORE' HUNTER - Second. UNANIMOUS VOTE.

The Board discussed VCC's recommendation to increase the membership of the COA. It was decided that to increase the number would make the committee unmanageable and Anne felt that not everyone would be able to express themselves with a committee with membership higher than nine. NANCY TAVERNIER - Moved to appoint Margaret Beddoe to a one year term as a full Member of the COA. DORE' HUNTER - Second. Motion Passed with Norm Lake abstaining. DORE' HUNTER - Moved to appoint the balance of the list with the exception of C. Poirer. WILLIAM MULLIN - Second. UNANIMOUS VOTE. Staff was asked to have VCC hold her sheet for future openings. Bill wanted to be sure she was not discouraged from future committee openings.

SOUTH ACTON REVITALIZATION COMMITTEE

The members of SARC updated the Board on what they have been working on. They as an advisory board to the Board of Selectmen have been working with the South Acton Village Committee and by working with them have avoided working on overlapping issues.

They had their 4th annual cleanup day recently. They find by holding these each year it raises awareness and gives residents and businesses a way to express ways to improve South Acton. Betsy Eldridge wanted to improve communications with the board. She wanted SARC to be more involved with what is discussed for South Acton so they may comment on issues such as the bridge and sewers. Anne wanted to be sure we presented a coordinated communication on issues especially in regard to the Bridge. She has found that coordinated communications are received better and given attention more promptly.

SARC wanted to be included in planning with regard to the detour when the bridge was under construction. Nancy updated them on the whistle issue. It appears that we will put a Home Rule article on the Spring warrant to prohibit the use in Acton.

Dore' asked if given the organization of the Village Committee if they still feel there is a continued need for them to continue as a committee. Betsy said the yes, they did want to see it continue since it gives the residents a since of connection and an outlet as well as a way to be aware of what is going on in South Acton. Dore' asked if the charge or purpose

should be changed. Sandy Whaley said she felt it would be addressed better at a later time after the Village Committee report is finished.

SELECTMEN'S CONCERNS

Nancy suggested that we contact VCC to put out a notice to attract people interested in doing projects such as assisting in reading and writing grants other projects as they arise. She also notified the Board that the Recycling Taskforce had applied for recycling containers and had received on or one 40yd. open container, and thanked the volunteer who helped her prepare the grant application.

Tax Classification Hearing - The Board asked for an update on the issue for the 10th. Don informed the Board that things were moving ahead. The Board of Assessors will be making the presentation as the Assessor has tendered her resignation effective the end of the month.

COORDINATING COMMITTEE UPDATE - Nancy said the presentation made by John, Don and Roy on efficiency of the proposed software was made and was a wonderful presentation. She asked that it be made to the Finance Committee and to have Cable film it. Bill Mullin also said they did a great job, and he felt the arguments were persuasive. Dore' urged the numbers be further defined so they would be more doable. Bill wanted to be sure we are getting the right package at the right price and thought an outside independent should look at it. Don said he was currently contacting A.D Little seeking that information.

Legal Services - Bill Mullin mentioned the letter to Koplemen and Paige. Don explained that it was not an intentional error. Staff had faxed the notice, however, it never appeared in the Globe as we thought. Don said that in addition to placing the Ad we had sent the notice to the top 10 firms in Mass., and that it was not a legal requirement that it be published. Dore' mentioned that he had told staff not to bother sending to Kopleman since in a conversation with John Georgio where it was stated that they didn't bid on work in town's where principals reside. Dore' asked that when we repeated the exercise that we be sure that Kopleman & Paige be notified.

Capital Requests - Anne asked about the list and asked for more clarification and expanded justification on the requests.

Kelly's Corner - The Board discussed the recent addition to the muffler shop and they thought the board may want to comment on future Board of Appeals decision on non-conforming uses. Anne wanted to see if Planning Board should review side lines, cubic feet vs. sq. feet for possible amendments. Dore' felt the whole issue was a monument to a failure in planning. Garry is talking

to the BOA to see if they would have granted the variance if they knew what visual impact it would have. The Town Manager is going to inquire of the BOA what steps could take place to avoid this type situation in the future. Don felt that the cubic feet issue needed to be addressed in future bylaws, it was an issue that he has had concern with for years. Bill wanted to know if the submissions were false or misleading, and if there would be an opportunity to correct the situation. Anne wanted the issue of comments made by board and committee members on variances be considered as unbiased by the BOA at future hearings.

Newspaper Headlines - Nancy wanted to clarify that there is not an override in the amount of 3-4 million being considered at this time. Darrin Garnick reminded the Board that he did not prepare the headline, just the story.

TOWN MANAGER'S CONCERNS

AC CHEVROLET - Don outlined the bond release issue and the interest aspect of the release. The site was tied to the development of the Federal Investment site. They had a right of way and AC was a not fault for not completing the landscaping on time since the adjacent property had been tied up in court. The board discussed whether or not the interest would be kept by the Town. Anne felt that if it was of no fault of AC that the interest should be returned, but referred the issue back to the members who were on the Board at the time of the decision for their views. Bill asked for clarification on Garry Rhodes memo. DORE' HUNTER - Moved to release the Bond, the Town to retain the interest accrued. BILL MULLIN - Second. UNANIMOUS VOTE.

AC CHEVROLET SIDE WALK - The Board reviewed the agreement regarding the sidewalk construction which said they would construct a sidewalk when either of the abutting properties had constructed one. NORM LAKE - Moved to require the sidewalk be constructed. DORE' HUNTER - Second. BILL MULLIN - Abstained. Motion Passed.

ENERGY PROJECT - Don updated the Board on the status of the school energy project. They have proceeded with the Boston Edison Program vs. the Co-generation. Bill wanted to know if the bond would be returned. It was thought that the bond could be used to finance a similar energy project. Bill was sure that that was not the case. He remembered that he was on the Finance Committee and one of the stipulations of them granting permission was that if the project did not proceed the monies would be returned.

Don said the Town has been approached by Mr. Patterson and others for endorsement of energy programs in Acton. This endorsement would allow them to explore ways to secure grants for projects. Nancy was concerned that it should be community wide and that she didn't feel we would have the staff to support such a project. Dore' asked about their past experience, and why the

Board should even endorse them over any one else. Don said he wanted to get the Board's feelings, maybe we could get money, and he really didn't have any specifics but had said he would bring it before the Board at Mr. Patterson's request. Anne was not satisfied with the letter presented and felt it was too long and made no sense. Dore' did not see why we should give them an endorsement without looking at other organizations. Nancy agreed with Anne and Anne further stated that she would have little faith in the project if it were written like the information they have submitted thus far. Dore' felt we had to let others make similar proposals. Nancy wanted to know what the town had to do, how much money would this proposal involve, what jobs and what benefits would be attained. Basically, what was in it for the Town to endorse this proposal. It was felt they would look at a resubmittal of the materials if it were prepared in a coherent manner. DORE' HUNTER - Moved to take no action on the seven pieces of paper presented to them. NORM LAKE - Second.
UNANIMOUS VOTE.

The Board adjourned at 10:30 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(301)



CC: BOS

ENERGY GRANTS FOR SCHOOLS & HOSPITALS

The Commonwealth of Massachusetts
Division of Energy Resources
is pleased to announce that
federal energy conservation grants
will be awarded under Cycle 15 of the
INSTITUTIONAL CONSERVATION PROGRAM (ICP-15)

ICP-15 PROGRAM HIGHLIGHTS

FUNDING LEVELS:

50% matching grants with \$80,000
limit per institution.
Supplementary "hardship" funding available.

GRANT APPLICATION WORKSHOP:

Friday, December 4, 1992
Memorial Municipal Center, Grafton, MA

APPLICATION DEADLINES:

TA Applications -- January 22, 1993
ECM Applications -- March 5, 1993

TYPES OF PROJECTS FUNDED:

Technical Assistance Energy Audits (TAs) -- Grant funding for detailed engineering studies that identify and analyze all appropriate ECMs in school and hospital buildings.

Energy Conservation Measures (ECMs) -- Capital improvements in school and hospital buildings, with paybacks between 2 and 10 years, as described in qualified TA reports or TA updates.

ELIGIBLE BUILDINGS:

Owned and occupied by a public or private, non-profit school or hospital.
Construction completed by May 1, 1989.

TO OBTAIN MORE INFORMATION OR TO REGISTER
FOR THE GRANT APPLICATION WORKSHOP, PHONE:

Helen Hannon or Laura Merrill
at the Division of Energy Resources
(617) 727-4732

October 30, 1992

CC: BOS.

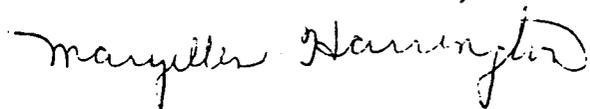
DICK HOWE - HERE IS
YOUR AUTHORIZATION.Board of Selectmen
Town Hall
Acton, MA

Gentlemen:

Enclosed is your signed copy of Agreement No. 34703 for reimbursing approved projects to be done in your Municipality pursuant to the provisions of the General Laws, Chapter 90 section 34, subsection 2 (a).

You will notify the District Highway Director before starting the work which was approved for reimbursement under this Agreement.

Very truly yours,

MARYELLEN HARRINGTON
Acting Department Secretary
Massachusetts Highway Commission

ET/mls

Enclosure

cc: District Highway Director

MASS HIGHWAY

Office of the Commissioner

William F. Weld
Governor

Argeo Paul Cellucci
Lieutenant Governor

Richard L. Taylor
Secretary

James J. Kerasiotes
Commissioner

Board of Selectmen
Town of Acton

In accordance with the provisions 1992 Mass. Acts 133 (6000-2000), the Massachusetts Highway Department is authorized to apportion the sum of \$36,898,940.00 among the cities and towns of the Commonwealth. By vote of the Public Works Commission on March 23, 1973, your municipality is eligible to receive grant funds for payment of documented expenditures under the provisions of Mass. Gen. L. ch. 90, s. 34 on approved projects to the amount of \$118,972.00.

The stated amount of apportionment assigned to this memorandum shall be \$118,972.00.

These funds shall be used for "construction, reconstruction and improvement including surface treatments so-called" on all approved public ways which qualify under the State Aid Highway guidelines adopted by the Public Works Commission. This means the funds must be allocated to roadway projects, such as resurfacing and related work (the minimum for resurfacing shall be 3/4" course with a continuous length of 500'), and other work incidental to the above such as preliminary engineering including State Aid/Consultant Design Agreements, right-of-way acquisition, shoulders, side road approaches, landscaping and tree planting, roadside drainage, structures (including bridges), sidewalks, traffic control and service facilities, street lighting (excluding operating costs), and for such other purposes as the Department may specifically authorize.

This allocation for funds will provide one hundred percent (100%) payment of the cost for those projects which are located on the State Aid Primary System, as well as for projects on all other Chapter 90 local roads.

After the duly authorized officials have signed the memorandum and returned it to the District Highway Director for validation, the executed document shall be evidence of an entitlement for grant funds to the state amount through June 30, 1993.

Only projects recommended by the duly authorized municipal officials and approved for funding by the District Highway Director shall be eligible for payment.

The Governor or his designee, the secretary of administration and finance, and the state auditor or his designee shall have the right at reasonable times and upon reasonable notice to examine the books, records and other compilations of data of vendors which pertain to the performance of the provisions and requirements of this agreement. (Executive Order No. 195-April 27, 1981)

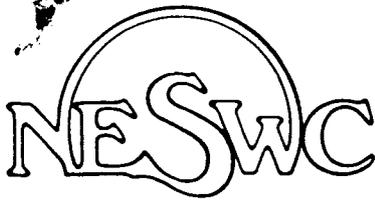
CITY/TOWN OF ACTON
By Don P. Johnson
DON P. JOHNSON
TOWN MANAGER

duly authorized 10/26/92

THE COMMONWEALTH OF MASSACHUSETTS

[Signature]

Massachusetts Highway Department



cc: BOS

NORTH EAST SOLID WASTE COMMITTEE

MINUTES
of the
EXECUTIVE COMMITTEE MEETING
of
OCTOBER 29, 1992

This meeting of the Executive Committee was called to order by Chairman Robert Moroney at 1:37 pm. Those present were:

Robert Moroney (Manchester)	Henry Rugo (Lincoln)
Richard Spiers (Lexington)	Mel Kleckner (Belmont)
Robert McQuade (Andover)	John Seites (Peabody)
Donald Marquis (Arlington)	Ed Barker (Winchester)
Steve Casazza (N. Reading)	Don Johnson (Acton)
Jeff Hull (Wilmington)	Peter Buhler (Financial Advisor)
Marilyn Devaney (Watertown)	Ruth Ellen Fitch (Palmer & Dodge)
John McMahan (Watertown)	Bob Hale (Palmer & Dodge)
Michael Caira (Wilmington)	Craig Blais (Arlington)
Richard Reed (Bedford)	Robert Halpin (Westford)
John Murray (Acton)	

The minutes of the Executive Committee meeting of October 22, 1992 were offered for consideration. There being no objection, the minutes were approved as submitted.

The minutes the Executive Committee meeting of September 24, 1992 were passed over until the next meeting.

Item 3 of the agenda (Arbitration update by Peter Terris) was postponed until the next meeting.

Ms. Nancy Winkler of Public Financial Management (NESWC's Refinancing Consultants) then entered into a general discussion about the refinancing of the project bonds. She stated that the Community Stabilization Fund is close to being insolvent. PFM is concerned that the bond rating agencies will question the project stability if the contract communities do not deal with the short-term liquidity problems. Mr. Rugo then strongly recommended that the communities be informed of this issue. Mr. Marquis MOVED to get the information to the rating agencies as soon as possible. Mr. McQuade SECONDED the motion. Mr. Murray then raised the issue of GAT reductions for FY93. It was approved to instruct each community to recheck its Guaranteed Annual Tonnage figures and report those numbers to NESWC within 5 days.

Mr. Halpin then updated the members on the search for an Executive Director. The members discussed the proposals and the costs associated with the search. Mr. Rugo raised the issue of payment for these services. Mr. Rugo then related his

preference of a fixed rate instead of a contingency fee. Mr. McQuade stated that the decision should not be postponed, and that the search need not be nationwide. Mr. Marquis noted the advantages of limiting the search to the New England area. Mr. Spiers noted that the firm of Isaacson Miller & Boulware had substantial experience with the Massachusetts Municipal Association. Mr. Marquis concurred that experience with the MMA is a positive factor. Mr. McQuade MOVED to hire the consulting firm Isaacson Miller & Boulware. Mr. Spiers SECONDED the motion. It was VOTED (7 for, 2 against).

The next item on the agenda was the contract value adjustment on the Landfill Closure Design requested by Camp Dresser and McKee. It was MOVED (McQuade) to lower the contract by \$25,463. Mr. Spiers SECONDED the motion. It was VOTED (unanimous) to adjust the contract as submitted. Mr. Marquis asked for further discussion about the need for a leachate collection system.

The Committee then raised the issue of the contract adjustment for the Scrubber Study. An increase of \$24,600 has been requested by CDM for the completion of the study. Mr. McQuade MOVED to accept the increase in the contract amount. Mr. Spiers SECONDED the motion. It was VOTED to adjust the value of the contract to reflect the new increase.

There being no further business to come before the members, the meeting was adjourned at 4:25 pm.

**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION**

DATE: November 6, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: West Acton Mobil/553 Massachusetts Avenue

The letter written by D.J. Salamack, dated October 20, 1992, is correct. The sale of retail food is a permitted use. The site plan shows this area as a store. The parking has been approved. They are permitted to sell gasoline 24 hours a day. If they relinquish their 24 hour permit, they would be allowed to sell any food, as of right, 18 hours per day.

(927)

Mobil Oil Corporation

10 N E BUSINESS CENTER DRIVE
SUITE #308
ANDOVER, MASSACHUSETTS 01810-1022

October 20, 1992

Attn: Don Johnson
Acton Town Manager
472 Main Street
Acton, MA 01720

Re: STATION 01-JFH
WEST ACTON, MA

Dear Mr. Johnson:

Currently the West Acton Mobil Station is licensed to sell snack foods twenty-four (24) hours each day. It is our understanding that if we relinquish the permit to sell between midnight and six a.m., we could then sell all food products during the remaining eighteen hours. It is also understood that by relinquishing this permit, we may continue to sell both petroleum and tobacco products on a twenty-four hour basis.

If our understanding of this situation is correct, as described by Gary Roads, then we would prefer to relinquish our late night permit.

Sincerely,

[Signature]
D. J. Salamack
District Manager
Northern New England

REMINDER -
I NEED YOUR COMMENTS
BY FRI., 11/6.
TKS.

LGR:lfm
10/20/92

TO
CC: GARRY RHODES
DOUG HALLEY
GEORGE ROBINSON

10/23
PLEASE COMMENT AS
TO WHETHER MR. SALAMACK'S
UNDERSTANDING IS CORRECT.

CC: BOS - FYI



environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

November 3, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I, 90 Canal Street
Boston, MA 02114

and
Mr. Edmond Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, MA 01605

CC: BOS - TRANSMITTAL LTR. ONLY.
FULL REPORT IN RF.

RETAIN

NOV - 5 1992

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. (CDM) hereby submits revised Appendices A and B to the draft October 1992 **Other Source Area (OSA) Monitoring Workplan**. The reproduction quality of the boring logs in the initial Appendix A was poor; we apologize for any inconvenience this may have caused. Also, the Health and Safety Plan included as Appendix B in the October 30, 1992 workplan submittal was a draft which had not been finally approved by CDM's Corporate Health and Safety Director. The revised Appendix B contains our proposed Health and Safety Plan with the appropriate approvals.

Please call me directly at 617-252-8832 with any questions or comments on this submittal.

Very truly yours,

CAMP DRESSER & McKEE INC.

Bruce R. Conklin

Bruce R. Conklin, P.E.
Associate

BRC:paa

Enc.

DISTRIBUTION:

Lynne Jennings (6)
Edmond Benoit (2)

cc: D. Halley, Acton (3)
P. Reiter, GZA (2)
D. Kronenberg, Grace (1)
J. Swallow, Pine & Swallow (1)
B. Leach, Concord Board of Health (1)
W. Cheeseman, FHE (1)
D. Johnson, Acton (1)

C. Tuttle, DEP Boston (2)
J. Ayres, GZA (1)
S. Anderson (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP (1)
R. Eisengrein, ACES Tag Mgr. (1)

File: 798-113-RT-WKPL



CDM

environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

October 30, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I
90 Canal Street
Boston, MA 02214
and
Mr. Edmond Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, MA 01605

CC: BOS - COVER LTR
FULL REPORT IN RF /
RETAIN

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. (CDM) hereby submits the draft **Other Source Area (OSA) Monitoring Workplan**. This document was prepared in accordance with the Government Parties' comments of October 1, 1992.

Please feel free to contact me directly at 617-252-8832 with any questions or comments regarding this document.

Very truly yours,

CAMP DRESSER & McKEE INC.

Bruce R. Conklin

Bruce R. Conklin, P.E.
Associate

BRC:paa
Encs.
#798-113-RT-WKPL

DISTRIBUTION: Lynne Jennings (6)
Edmond Benoit (3)

cc: D. Halley, Acton (3)
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J. Swallow, Pine & Swallow (1)
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C. Tuttle, DEP Boston (2)
J. Ayres, GZA (1)
S. Anderson (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP (1)
R. Eisengrein, ACES Tag. Mgr. (1)

(2)



cc: BOS

Town Manager Information.

October 26, 1992

Chief George W. Robinson
Acton Police Department
365 Main Street
Acton, MA 01720

Dear Chief Robinson:

Congratulations to you and your staff for achieving accredited status.

Accreditation is the benchmark of law enforcement. The residents of your community can take great pride in knowing that they are being served by such an outstanding department.

Again, congratulations, and please contact me if I can be of any assistance to you.

Sincerely,

A handwritten signature in cursive script that reads 'T. J. Sardino'.

Thomas J. Sardino
Chief of Police



T. J. Sardino
Chief of Police
(202) 906-2236

A Nationally
Accredited
Police Department



1992

cc: BOS

Water Supply District of Acton

P.O. BOX 953

MASSACHUSETTS AVENUE

ACTON, MASSACHUSETTS 01720

BOARD OF WATER COMMISSIONERS
HARLAN TUTTLE BUILDING
693 MASSACHUSETTS AVENUE
ACTON, MA 01720

NOVEMBER 9, 1992

AGENDA:

7:30 P.M. - CALL TO ORDER

7:31 P.M. - COMMENTS FROM CITIZENS AND OPEN DISCUSSION

ACCEPT MINUTES OF MEETING OCTOBER 26, 1992

NEW BUSINESS

WARRANTS & COMMUNICATIONS

GARAGE BIDS

CONANT SITE #2

WAIVER OF DEMAND FEES

NEW OFFICE BUILDING

TELE-METERING

OLD BUSINESS

L & S BUILDERS SUBDIVISION IN SOUTH ACTON

CHANGE WORDING ON DISTRICT REGULATIONS

MANAGER'S CONTRACT - INSURANCE

REGULATION - CHANGES IN WORDING

MAGIC



Acton
Boxborough
Carlisle
Concord
Hudson

Littleton
Marlborough
Maynard
Stow
Sudbury

Minuteman Advisory Group on Interlocal Coordination

60 Temple Place, Boston, MA 02111 617 / 451-2770

cc: BOS

MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION
A Subregion of Metropolitan Area Planning Council

NOV - 4 1992

MEETING NOTICE

November 12, 1992
7:30 p.m.
Acton Town Hall
Room 204

Please note: the Land Resources Protection presentation, which is likely to be of special interest to MAGIC, will start promptly at 7:30 p.m.

7:30 p.m. MetroPlan 2000 Land Resources Protection Element

MAPC's Joan Blaustein will present information on MetroPlan's Land Resources Protection Element and its applicability to MAGIC. This discussion is intended to stimulate renewed preservation efforts and to promote direct involvement in this venture by MAGIC representatives.

8:30 p.m. Planning for December meeting with legislators

MAGIC is inviting state and federal legislators to the December meeting. We will need to plan the format, agenda, and issues for that meeting.

9:00 p.m. Updates and briefings

Fort Devens CAC

As MAGIC/MAPC representative to the newly formed Ft. Devens CAC, Donna Jacobs will report on the first meeting of that group.

Other Devens developments
MAGIC vote on MAPC's legislative priorities
MAGIC contributions

9:15 p.m. Proposed revisions of MAGIC by-laws and MOA

(if time permits)

MAGIC reps should review the proposed revisions enclosed in their packets.

The housing discussion will be held till after the meeting with legislators. Housing surveys have not been received from Hudson and Sudbury.

*Interesting shift in the T's attitude toward parking fees.
See below - Anne*

Central Artery Tunnel Emergency Response Plan

Imagine you are traveling through the new depressed Central Artery in 2007. You are near Rowes Wharf. Traffic is heavy. Ahead, a large truck is carrying a load of plate glass. Suddenly, the truck swerves to avoid a car. There is now the equivalent of 400 broken windows in the roadway between you and the Charles River Crossing. Traffic comes to a complete halt.

Back in the 1980s and 1990s, planners had foreseen such an event. They prepared a plan and now it is put into action. A safety officer in the Central Artery operations center sees the accident through a remote camera, and identifies the problem. He or she then decides on an appropriate response and dispatches emergency equipment to clear the vehicles, sweep up the glass, and get traffic moving. These emergency response vehicles are supposed to arrive in just seven minutes and are to have traffic moving again in seven more minutes. You are once again safely on your way.

And just in time. The reason for the emphasis on rapid response to an accident is that if you had to sit in the tunnel for more than 15 minutes, the carbon monoxide (CO) levels from the automobile emissions would exceed safe levels. Thus the operations center, emergency vehicles staging area, hundreds of personnel, many with large brooms, and a staff standing by to address any problem.

When the Massachusetts Highway Department issued its emergency operations plan in June 1992, it spared no expense to ensure drivers and the Environmental Protection Agency that no one would be exposed to high CO concentrations for more than 15 minutes. Engineers can solve design or operations problems given enough money. So drivers should not be concerned about their well being in the Artery tunnel—the cameras are on, vehicles are ready, and in 15 minutes traffic will be moving.

Still, check that your oxygen bottle and mask are available...

Too Hot to Handle: MBTA Locks In Heat on Buses

The summer of 1992 was one of the coolest on record—hardly the weather needed to convince skeptics that the \$4 million spent on air conditioning MBTA buses was well spent. But the MBTA spent \$4 million to air-condition 200 buses and plans to spend more so all the RTS II buses will have air conditioning.

Critics of the original air-conditioning plan said that because people would continue to open the windows, the air conditioning would be ineffective. To prevent this problem, the MBTA has tightly locked the Allen wrench-keyed windows.

However, the MBTA decided to give control of the Allen wrenches to only the inspector at a route's terminus; the MBTA does not provide the driver on the bus with a wrench to unlock the windows if necessary. This has been a serious problem when the air-conditioning has broken down in the middle of a trip, leaving passengers trapped in a virtual sauna until the bus reaches the end of the run and the windows can be opened. Further, there are many instances when there is no substitute for an air-ventilated bus—urban buses can be quite close—but the driver is powerless to provide relief. The result often has been that the windows are forced open and the locks broken.

The obvious solution to this problem is to give the drivers window keys and allow them to control the climate of the buses they are in charge of. MBTA management needs to recognize that drivers must be given the means to improve passenger comfort—after all, wasn't passenger comfort the reason for the air conditioning in the first place?

Report on 1991 Fare Hike Available

The MBTA's long-awaited Draft Environmental Impact Report, (DEIR #8684) on the 1991 fare increase is available for public review and comment. Mandated by the Secretary of Environmental Affairs, the DEIR is a analysis of the impacts of the fare increase on ridership, the environment, and socioeconomic conditions.

The report also includes the Draft Fare Policy Statement adopted by the MBTA Board of Directors in May 1992. In this statement the Board declared that the MBTA shall not increase fares again before January 1, 1994, and should increase the revenue recovery ratio (the percentage of total operating costs that revenues represent) to 40 percent. The Board also declared that the MBTA should improve its marketing and public information to increase ridership; select new fare-collection equipment; and evaluate off-peak fares, reduced-rate transfers or free transfers, and a broader-base pass program. The DEIR also contains a discussion of possible alternative funding sources for the MBTA, including gas taxes, tolls, parking and driver's license fees, etc.

The Fare Increase DEIR will be reviewed by the Executive Office of Environmental Affairs (EOEA) which will consider the

comments submitted by the public. The DEIR is available for the public to review at libraries including the State Transportation Library, at APT, and other places. Comments on the DEIR will be accepted at EOEA until October 22, 1992.

For copies of the DEIR, call the MBTA at 722-3152.

Potential Methods for Increasing Ridership:

The Fare Increase DEIR contains the MBTA's ideas and suggestions to boost ridership, including:

- Re-introduction of discounts for bulk-pack tokens
- Elimination of parking fees at commuter rail lots
- Elimination of weekend parking fees at subway stations
- Express commuter rail trains
- One-day visitors pass
- Pass-by-Phone

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 11-04-92

TO: The Finance Committee
FROM: John Murray *JM*
SUBJECT: Proposed FY94 Budget Preparation Schedule

AS you are aware, The Coordinating Committee, The Finance Committee, The Selectmen, and The School Committee were to have adopted the Fy94 Budget Guidelines on or before 10-26-92. Due to the fact that the Coordinating Committee has not completed their discussions as of this date and are not scheduled to meet prior to Nov. 9, 1992, the Town Manager's budget will be delayed at least two weeks. I will present you with a new schedule once the committees have acted.

Bcc: DPJ

cc: BOS

NOTE TO BOS: THIS DID NOT GET OUT IN TIME
FOR BILL TO SEE IT BEFORE THE COORD.
COMM. NEXT MONDAY. I WILL BE DELIVERING
TOWN OF ACTON IT TO HIM MONDAY, ALSO TO COMMITTEE.
WANTED YOU TO SEE IT ASAP THOUGH.

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE



DATE: November 6, 1992

TO: Bill Ryan, Acting Superintendent of Schools

FROM: Don P. Johnson, Town Manager

SUBJECT: FY94/95 Budget Guidelines Agreement

With developments in the Coordinating Committee over the last week or so I feel it is very important to restate my understanding of the agreement that you and I reached regarding the FY94 Guidelines. I am not at all confident at this time that the Committee will accept our recommendations; however, if they do, we must be perfectly clear as to their meaning and emphasize the key points that make our compromise acceptable.

Taken point-by-point, the agreement is as follows:

1. Integrated Financial System

We both have agreed as to the importance of maintaining the integrity of our financial system. The proposed system would integrate all aspects of the Town's work so that the Assessing, Collection and Accounting functions are a logical product of the construction and development processes. This system will allow us to maintain the extraordinarily high level of tax collection efficiency that we have managed to achieve for the past couple of years through brute strength. We can no longer sustain that level of effort, not to mention the fact that the Town will be

losing our three key financial people next year. It is absolutely imperative that our entire financial system be converted while we still have access to the people who have been doing this work. Much of the current system is in their heads.

We have estimated the cost of such a program to be approximately \$750,000. A breakdown of the anticipated costs of this program was provided to the Coordinating Committee on October 5 (copy attached). (In accordance with a subsequent element of this agreement, we have temporarily withdrawn the Town's "Growth" category. The costs of the Collector and two Accounting Clerks were originally included under "Town Growth". All are significant elements of the new program that was originally estimated at \$650,000 so they have been added to the base cost ... bringing the full program estimate up to \$750,000.) Since that time we have determined that some of the costs might be financed over 5 years. The numbers were subsequently adjusted to reflect such a distribution. The Coordinating Plan now contains a proposed expenditure of \$450,000 in the first year with the balance being paid over the following 4 years.

You will note that \$425,000 is estimated for hardware and software costs. These are the monies we expect to be able to finance over time. They would not become part of our base. Personnel costs are estimated at \$160,000 and would necessarily become part of the Town's base. A one-time cost of conversion has been estimated at \$75,000. As stated, this would be a one-time cost and would not become part of the Town's base.

2. Local Schools - Additional 5 Sections

After discussion, I agreed that your need in this area was compelling. In recognition of the immediacy of your problem and the need to reduce proposed overall expenditures for the FY94 Coordinating Plan, I agreed to temporarily delay the Town's proposals for both Growth and Infrastructure from Fy94 to FY95. I stressed at the time of our meeting, and I do so again, that the Town must have a full commitment from the Coordinating Committee, the School Committees, the Finance Committee and the Superintendent that if the Town backs off and allows your growth issue to be addressed outside of the budget this year, all agencies will support the Town's programs, in the same fashion, next year. This is the most critical element of the entire agreement between you and me. I am particularly concerned that when you presented the agreement to the Coordinating Committee, this was the single element that you failed to mention. Make no mistake, if this is not understood and agreed by all parties, you and I have no agreement.

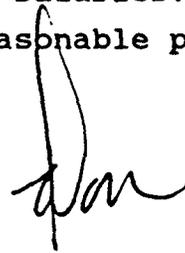
As I review the numbers proposed for these 5 sections I observe that we have been estimating the current cost of a new teacher (including benefits package) to be approximately \$32,300. At \$60,000 per section we are left with a \$27,700 start-up cost for each classroom. I have no idea what the costs are and do not question that amount here, what I do wonder is why these costs were not covered by the Per Pupil Grant instead of asking our taxpayers to foot the bill? (This question is underscored by your Per Pupil Grant requests for \$38,020 to purchase "necessary classroom furniture for Merriam" and an additional \$13,100 for equipment at

Merriam.) I further observe that these are apparently one-time costs so the School's base should not increase by the full \$60,000 per section in FY95.

3. After working through the individual elements of this year's Staff Recommendation, you and I again reviewed the magnitude of the total program. At that point we both agreed that the Deferral pay back should be pushed to the maximum period allowable. For obvious reasons, I told you that I would leave it to you to make the presentation of that revelation.

In all seriousness, we expect to place the pay back of the Deferral option in a General Override. From that standpoint, the most appropriate action for our taxpayers is to use the lowest possible pay back amount. That way we do not inflate the base Override, pay off Deferral in a short time and then have a windfall of over \$300,000 for expenditures after year 4.

4. Finally, we agreed to look closely at our projections for Health Insurance increases, Debt (especially A.B.R.S.D. Construction Aid) and Salaries. In the case of Salaries, we agreed that a reasonable proposal would be 3% on the base.



cc: Coordinating Committee
Board of Selectmen

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: November 6, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Year End Spending

Last week I provided a report on "extraordinary" expenditures during FY92. This was provided in response to Dore Hunter's request for a "year end" spending report.

I took special care to title my report properly and not mislead you. In addition to items that were, in fact, year end types of purchases, the report dealt with numerous items that were not necessarily handled at the end of the year but were unique to the bottom line budget format. I am aware that the Board wishes to discuss a policy concerning the year end aspect of the budget but the two elements are closely tied together.

Due to the magnitude of your agenda this week I have chosen not to add this subject. Instead, I would propose that staff develop a recommended policy, submit it for your review and then discuss it at a later meeting.

In the meantime, there are several aspects of the report that I simply did not have time to explain when it was prepared ...

- The agreement that we made with the Finance Committee was that with a bottom line budget we would handle virtually every problem within our allocation ... without going to the traditional Reserve Fund. We

intend to honor that agreement. Accordingly, early in the year, when we identified a potential problem of approximately \$400,000 at NESWC, your staff moved immediately to control the situation. A freeze was placed on the replacement or filling of vacant positions and the purchase of goods and services was severely restricted. This provided a partial resource in the event that the NESWC problem should occur. You can see from the monies identified on my report that we were not able to handle the entire problem but we had a big jump on a solution.

Ultimately, Dick Howe was able to solve the problem through the development of additional revenue. This allowed many of the programs that were on hold to go forward. Unfortunately, our confidence in the solution did not develop early enough to allow some of the programs that had been held to go forward, hence some monies were not able to be expended for their intended purposes. These were identified as available for other purposes through this process.

- Some of the expenditures that were reported were for circumstances that developed during the year and decisions were made that these problems had to be addressed. In those circumstances we would have previously handled the problem with the Reserve Fund. In the bottom line format I authorized the expenditure and looked toward a reconciliation at the end of the year to identify the actual resource for the monies.

In the final analysis I believe that the availability of funds last year was probably a fluke that we will not experience again. The fact that Dick Howe was able to develop a solution bailed us out of a major problem and more than likely will not recur. With that said, I must point out that we have now been

served with an unexpected invoice from NESWC for approximately \$170,000. This amount promises to escalate at the rate of approximately \$40,000 per month through the end of the year. If this problem continues we will be charged \$530,000 more than we budgeted for FY93. The beat goes on and we will have to decide soon whether we need to implement the same kind of restraints that we did last year ... just to defend ourselves. Like last year, we would not be able to handle the entire problem but we would again have a good start.

With your indulgence Staff will prepare a recommended policy for Board consideration.

A handwritten signature in black ink, appearing to be 'J. M. ...' or similar, written in a cursive style.

TO: BOS

ACTON FINCOM MEMO

To: Bill Ryan, Interim School Superintendent 92FIN017
John Murray, Assistant Town Manager

From: Art Harrigan 

Date: November 5, 1992.

Subject: Consolidated Schools/Town Tax Levy Income Split - Proposal.

The purpose of this subject proposal is:

1. to provide a fair and equitable formula/ratio/split/division of the Schools' and Town's expenses downward if the (an) override fails for FY'94 and beyond
2. to provide an explanation to the Townspeople as to where the tax levy revenue dollars that are collected are used.

The following methods have been considered:

1. Reversal of Schools' and Town's dollars added to get from the B to A budget
2. Simple ratio of expenses
3. Expenses net of income except for tax levy revenue
4. Gross expenses net of gross income except for tax levy revenue.

The following proposal is made without any approval indicated by the Acton Finance Committee or any other Committee or Board at this point in time.

1. Adopt a modified expenses net of non tax levy income based on FY'94 Coordinating Committee plan, dated 10/22/92 and as modified at the 11/2/92 Coordinating Committee meeting to reduce the indicated override to \$1.7 million. The Schools and Town split calculation for this approach are shown on the attached chart as 71.9%/28.1%. Expenses of debt, Minuteman School, and NESWC appropriation are excluded because the Schools and Town lack control over, and cannot influence, these accounts.
2. The split ratio for the Schools and Town would move approximately halfway from the FY'93 to the FY'94 calculated number to 70%/30% for FY'94.
3. During calendar year 1993, a budget will be prepared for FY'95 that will reflect and consolidate all income and expenses for the two profit centers, the Schools and the Town. This will not be viewed as contrary to possible Massachusetts statute provisions, but rather as a consolidation within the Town founded on a cooperative and coordinating process basis.
4. For FY'95 and beyond, the split will be recalculated and will be based on gross expenses and gross income from all sources.

Note: This is not for disclosure at this time!

Art presented this to Bill + John late Tuesday, and John + Don, Bill, + Art will meet for further discussion next Fri.

COORDINATING COMMITTEE'S FY94 & FY95 DRAFT FINANCIAL PLAN

	1993	1994 2%	1995 5% INC.
TOWN GOV'T	\$9,906	\$10,465	\$10,988
(town growth)		\$0	\$368
(infrastructure & capital maintenance)		\$0	\$420
(town self-funding tax collection program)		\$450	\$400
SCHOOLS	\$18,873	\$19,564	\$20,857
(school growth)		\$300	\$0
MINUTEMAN	\$602	\$632	\$664
ENTERPRISE FUNDS (does not include merriam)	\$1,762	\$2,010	\$2,110
TOTAL OPERATING EXPENSES	\$31,143	\$33,421	\$35,807
DEBT & INTEREST	\$1,430	\$1,331	\$1,331
TOTAL EXPENDITURES	\$32,573	\$34,752	\$37,138
			2.5 % inc
CHERRY SHEETS	\$1,350	\$1,309	\$1,342
REGIONAL INCOME	\$1,921	\$1,906	\$1,954
SCHOOL CHOICE	\$445	\$304	\$311
MOTOR VEHICLE FEES	\$950	\$950	\$974
ENTERPRISE FUNDS (does not include merriam)	\$973	\$1,182	\$1,241
DEFERRAL	\$619	\$0	\$0
NON-PROPERTY TAX REV.	\$7,258	\$6,651	\$6,846
TOTAL LEVY & TRANSFER	\$25,315	\$26,137	\$28,099
TOTAL REVENUE	\$32,573	\$32,788	\$34,946
LESS TOTAL EXPENSE	(\$32,573)	(\$34,752)	(\$37,138)
TOTAL OVER/(SHORT)	\$0	(\$1,964)	(\$2,192)
BEGINNING LEVY	\$23,345	\$24,178	\$26,997
2 1/2% INCREASE	\$584	\$604	\$675
NEW GROWTH	\$250	\$250	\$250
OVERRIDE	\$0	\$0	\$0
DEBT EXCLUSIONS	\$900	\$827	\$827
OVERLAY	(\$650)	(\$650)	(\$650)
SUB-TOTAL	\$24,428	\$25,210	\$28,099
RESERVE CONTRIBUTION	\$263	\$870	\$0
E & D CONTRIBUTION	\$0	\$57	\$0
OTHER	\$624	\$0	\$0
TOTAL REVENUE	\$25,315	\$26,137	\$28,099

(a) Enterprise fund income increased 5% and (b) FY94 override of shortfall

	School's	Town's	Debt	Minuteman	NESWC-Appro.
Gross Amount per plan	\$19,564	\$10,465	\$1,331	\$632	\$828
School Growth (number subject to further review)	\$300				
Finance computerization (# subject to review)		\$235	\$100		
Less: regional income	(\$1,659)				
Less: local cherry sheet	(\$585)	(\$780)			
School expenditures in town budget	\$279	(\$279)			
Less: fees		(\$1,000)			
Less: motor vehicle		(\$950)			
Less: Free cash and E&D	(\$57)	(\$870)			
Less: cheery sheet reimbursement			(\$347)		
Less: debt exclusions			(\$827)		
Less: Net School Choice	(\$300)				
Total Adjusted spending	\$17,542	\$6,821	\$257	\$632	\$828

Beginning Levy
 2.5 x INC
 New Growth
 Override Needed
 Overlay
 Adjusted levy
 PERCENT OF ADJ. LEVY
 SPLIT

26,732
 - 650
 26,082

\$24,178					
\$604					
\$230					
\$1,964	1,700				
(\$650)					
\$26,346	26,082K				
67.2%	26.2%	1.0%	4%	3.2%	= 100%
56.50%	25.0%	0.98%	2.40%	2.14%	
71.9%	28.1%				

Choice \$1,000K
 Grant 350K
 Fund
 ABSAF
 2,000K

2 yr deal FY 94 & FY 95
 Then we have new agmt. 2 week
 Either: net-net —
 or: gross-gross —

All revenue + Incentive (is on School but not on Town).
 make for Schools and for Town.

67/33 > 69.5/30.5
 72/28