JANUARY 3, 1992

TO: Board of Selectmen

FROM: NORMAN LAKE, Chairman

SUBJECT: SELECTMEN'S REPORT

##

AGENDA

ROOM 204

7:30 P.M.

JANUARY 7, 1992

I. **CITIZEN'S CONCERNS**

II. **PUBLIC HEARINGS & APPOINTMENTS**

1. 7:31 BOSTON EDISON- POLE LOCATION - LILLIAN ROAD - Enclosed please find staff comment. (NOTE: This has been pre-installed)

2. 7:45 BEAN'S INC. - SPECIAL USE PERMIT #11/14/91/335- Enclosed please find staff information comment for Board review and action.

3. 7:50 BEAN'S INC. - COMMON VICTUALLERS LICENSE- Enclosed please find request and staff comment for Board action.

4. 8:15 LAST NATIONAL WINE CO. - ALCOHOLIC BEVERAGE TRANSFER - Enclosed please find a request from the Last National Wine Co. to transfer location of the All Alcoholic Beverage Package Store license from 82 Powdermill Road to 18 Powdermill Road along with staff comment for Board action.

5. 8:30 RUSTY SCUPPER- CHANGE OF MANAGERS - Enclosed please find a request for manager change approval for Board action.

6. 8:45 ACTON COMMUNITY HOUSING CORPORATION

III. **CONSENT AGENDA**

7. SELECTMEN'S MINUTES - Enclosed please find minutes of the Regular and Executive Session held on December 3, 1991 for Board approval.

8. APPOINTMENT - Enclosed please find recommendation from the VCC to appoint Katherine Reiner as a member of the Fair Housing Committee for Board action.

9. ACCEPT GIFT - Enclosed please find a a request to accept 24 quilts donated by Mt. Calvary Ladies Guild to the Acton Nursing Service for Board action.

10. ACTON HOUSING AUTHORITY - Enclosed please find a request from Acton Housing to support the Section 8 Certificates for Board action.

IV. SELECTMEN'S CONCERNS

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.

Jan 21, 1992
Pam Resor - Coordinate for the new year
Papa Gino's - Transfer Liquor License
Bob Wiltse - Minuteman Tec.
Feb 4, 1992
Feb 18, 1992 - No Public Hearings Scheduled
March 3, 1992- Stoneymead,Ayer Rd., Street Acceptances
March 17, 1992

726 acs

1/7/92 - (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 **7th** day of **January** 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:

Lillian Road - Westerly approximately 522 feet northeast of Nashoba Road.

A Distance of about 7 feet - Conduit.

(pre-intsall approval granted)

BOARD OF SELECTMEN

BY _____
Clerk

Form 518D
648ACS

BOSTON EDISON
15 Blandin Avenue
Framingham, Massachusetts 01701

November 26, 1991

1/7
@ 7:31

Board of Selectmen
Town Hall
Acton, MA 01720

RE: 13 Lillian Road
Acton, MA
Work Order #653360

Dear Members of the Board:

The enclosed petition and plan are being presented by the Boston Edison Company for the purpose of obtaining a Grant of Location to install approximately seven (7) feet of conduit at pole 118/4 Lillian Road, Acton. This work is necessary in order to provide underground electric service to a new home located at 13 Lillian Road, Acton.

All correspondence and questions regarding this petition should be directed to me. Your prompt attention to this matter would be greatly appreciated. If I can be of any further assistance, please contact me at (508) 626-2804.

SFK/rbb
Enclosures

Very truly yours,

Stephen F. Kane

Stephen F. Kane, Jr. - Supervisor
Distribution Division - Western District

11/19/91-(8)

F

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Nov. 15, 1991

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Edison Emergency Hookup

Mr. Pittorino came to us with an emergency situation that could not reasonably wait for handling by the Board on Nov. 19. In seeking to determine whether staff could help him with the problems he faced we observed that, indeed, residential hookups may be excluded from the statutory requirements related to Public Hearings and Board approval.

At my request, David Abbt reviewed the law and summarized his findings in the attached memo dated Nov. 13. Upon receipt of David's report I determined that we could best assist Mr. Pittorino by issuance of my letter to Boston Edison (also attached, dated Nov. 13) authorizing hookup prior to the Public Hearing. Concurrently, I have asked David to pursue this matter, or any other approach, that might allow flexibility in this process. He is consulting Town Counsel for any legal impediments.

In the meantime, Mr. Pittorino's petition is before you with a recommendation for approval. If approval is required, this should resolve the matter ... if not, no harm will have been done.

I apologize if my actions in this matter have exceeded my authority.

cc: David Abbt

DPJ:180

TOWN OF ACTON

1 4 1991

INTER-DEPARTMENTAL COMMUNICATION

DATE: 11/13/91

TO: Don P. Johnson, Town Manager

FROM: David F. Abbt, Engineering Administrator D. Abbt

SUBJECT: Boston Edison Petitions for Underground Service Connections from Existing Poles

The authority for the Selectmen to regulate the installation of utility poles and underground conduits in public ways is contained in MGL Ch. 166 S.22 and S.25. Section 22 outlines the procedure for granting permission to utility companies to install poles and conduits in specific locations in public ways, and Section 25 allows the Selectmen to establish reasonable regulations for the erection and maintenance of such lines.

It is interesting to note that in granting such locations the Selectmen act not as representatives of the Town, but as an independent board on behalf of the Commonwealth.

Section 22 does not contain any authority or procedure for allowing emergency locations. However, on the subject of repairing and replacing existing poles and conduits, Section 22 states "no order of the Board of ... Selectmen shall be required for ... making house connections or connections between duly located conduits and distributing poles" (I deleted language dealing with repairs and replacements). From this it appears to me that Boston Edison may not need to petition the Selectmen for new conduit locations in public ways in connection with supplying power from an existing duly authorized pole to a house.

The Selectmen "by ordinance" (presumably by vote of Town Meeting) may establish reasonable regulations for the erection and maintenance of such utilities in public ways. As to the extent that such regulations could permit emergency hookups is unclear to me. To my knowledge the Town has never adopted regulations under this section of the General Laws.

This is probably a matter for Town Counsel to review. The simplest solution would be for the Town to determine that no hearing and order for such hookup is required and convince Boston Edison of that fact. Failing that, we could pursue the adoption of an ordinance to outline a procedure for emergency hook-ups.

[92*93]

1/7/92 - (2)

TOWN OF ACTON
NOTICE OF HEARING

The Board of Selectmen of Acton will hold a public hearing on Tuesday, Janaury 7, 1992 at 7:45 P.M. in the Selectmen's Hearing Room, Town Hall on the application of Bean's Inc. d/b/a KeyWest Coffee and Tea under Section 3.5.4 of the Zoning Bylaw for approval of a Restaurant use at 342 Great Road and Under Section 10.4 to amend the existing Site Plan #3/9/83-230 to modify Condition H.

The application and accompanying plans may be inspected at the Town Hall during normal business hours.

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

(for 12/19 and 12/26 Legal)
702

TOWN OF ACTON

BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

DATE: December 27, 1991

TO: Board of Selectmen

FROM: Garry A. Rhodes
Building Department

SUBJECT: Special Use Permit #11/14/91 - 335
Amendment to Site Plan Special Permit #3/9/83 - 230

The applicant is proposing to establish a restaurant in the Acton Woods Plaza. This use is permitted by special use permit in the Limited Business Zone. It should be noted that there will not be any external expansion.

The site is also in zones 2 and 3 of the Groundwater Protection District. As it was pointed out by the Town Planner, the 2,104 gallons of wastewater effluent is in excess of the permitted flows as allowed by section 4.3 of the zoning bylaw. It should be pointed out that this usage was already permitted and is therefore grandfathered. If they were increasing their septic system size a special permit may have been required by the Planning Board, but not in this case.

The parking is adequate for this change in use.

The applicant has also requested that their site plan special permit be amended. They are requesting that condition H be changed. Condition H reads as follows:

> H. From the information submitted it has been assumed that only dry goods stores are intended for the locus. It is to be clearly understood that no "wet" uses such as restaurants, markets, laundromats, barber shops, beauty salons, etc. will be acceptable (from either a septic design, parking or potential pollution standpoint).

This condition was added at the request of the Board of Health. If this condition remains in place, Bean's Inc. will be unable to operate a restaurant at this address. The current health staff is amenable to removing this

condition. It is my recommendation that this condition be eliminated and not replaced. In the future, the monitoring of septage flows would fall under the Board of Health and not by the Building Department, under the site plan special permit. In either case, any future proposed hazardous uses would be regulated under section 4.3 (Groundwater Protection).

I am enclosing all staff comments for your review.

November 21, 1991

TO: Gary Rhodes, Building Commissioner

FROM: Doug Halley, Health Director

SUBJECT: Special Use Permit - Bean's Inc. - 342 Great Road

The Health Department has reviewed the request submitted by Bean's Inc. regarding a site plan amendment. Based on this information the Health Department recommends that all future uses at this site be based on the capacity of the septic system (2,104 gpd) rather than the present language of limiting "wet" uses.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

November 22, 1991

TO: Garry Rhodes, Building Commissioner

FROM: Dean A. Charter, Municipal Properties Director DAC

SUBJECT: Special Use Permit 11/14/91-335

****

Due to the fact that this special use permit will have no impact on the landscaping of the site, I have no comment.

cc: Town Manager

DAC:ahm
922

RECEIVED
DEC 13 1991
ACTON BUILDING INSPECTOR

Town of Acton Planning Department

472 Main Street Acton, Massachusetts 01720 (508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson DATE: November 20, 1991

FROM: Roland Bartl R. B.

SUBJECT: Special Use Permit #11/14/91-335 - Beans Inc., 342 Great Rd.

I note that the minimum number of parking spaces required for a shopping center pursuant to Section 6.3.3.1) of the Zoning Bylaw and according to the building square footage indicated on the application is 117. The application indicates that 234 spaces are actually provided. This is far in excess of requirements and probable need.

The site is located in both Zones 2 and 3 of the Groundwater Protection District. Depending on the location of the septic system an increase in the rate of wastewater effluent flow might be problematic since the proposed rate exceeds maximum permitted levels in Zone 2. However, if the proposed maximum rate of 2104 gallons per day does not represent any increase over existing flow rates, then this level is grandfathered.

xc: Garry Rhodes

1/7/92 (4)

TOWN OF ACTON

NOTICE OF HEARING

Notice is hereby given under Chapter 138 of the General Laws, that the Board of Selectmen will hold a hearing in Room 204 in the Acton Town Hall on January 7, 1992 8:15 P.M. on the application of Peter B. Masters, President, The Last National Wine Company, 100 Powdermill Road, Acton, for a Change of Location of an All Alcoholic License as a Package Store, at 100 Powdermill Road, Acton to 18 Powdermill Road, Acton, a freestanding building with approximately 3500 s.f. of first floor sales space and approximately 1800 s.f. of storage and office space with container recycling abilities.

Norman D. Lake
Nancy E. Tavernier
Dore' F. Hunter
Anne B. Fanton
ACTON BOARD OF SELECTMEN

DEC 1 0

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

DATE: December 10, 1991

TO: Don P. Johnson, Town Manager

FROM: Garry A. Rhodes, Building Commissioner

SUBJECT: Liquor License Transfer of Location
100 Powder Mill Road to 18 Powder Mill Road
Last National Wine

I have reviewed the application and I do not have any comments.

(729)

BOS HRG.
FILE

INTERDEPARTMENTAL COMMUNICATION

****

TO: BUILDING COMMISSIONER

FROM: DON P. JOHNSON, TOWN MANAGER

SUBJECT: LIQUOR LICENSE TRANSFER OF LOCATION 100 POWDERMILL ROAD TO 18 POWDERMILL ROAD - THE LAST NATIONAL WINE

Enclosed please find a copy of the application for liquor license Transfer for Peter MASTERS, 100 Powdermill Road.

The public hearing is scheduled for January 7, 1992 at 8:15 P.M. Please send your comments and recommendations.

cc: Police Chief
Fire Chief

RECEIVED
DEC 6 1991
ACTON BUILDING INSPECTOR

PETITION FOR CHANGE OF LOCATION OR MANAGER

THE COMMONWEALTH OF MASSACHUSETTS

December 3, 1991

To the

Licensing Board for the Town of Acton.

The undersigned respectfully petition for

permission to transfer our All Alcohol beverage license from 100 Powdermill Road to 18 Powdermill Road, Acton. 18 Powdermill Road is a free-standing building with approx. 3500 square feet of first floor sales space and approx 1800 s.f. of storage and office space. This additional space will greatly enhance our sales and container recycling abilities.

Thank you—

Peter B. Masters, Pres.
Last National Wine Co. Inc.

THE
LAST NATIONAL
WINE COMPANY
100 Powdermill Road
Acton, MA 01720
(508) 897-6611

1/7/92

(5)

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

Norman D. Lake
Chairman

December 10, 1991

Ms. Charlene R. Mandat
Stouffer's
30003 Brainbridge Road
Solon, Ohio 44139-2290

RE: Rusty Scupper - Acton Manager Change

Dear Ms. Mandat:

I have received and processed your request for Change of Managers. Following ABCC regulations, I have scheduled the New Manager, Nancy Hamlin, to appear before the Board of Selectmen at 8:30 P.M. on January 7, 1992, in room 204, Acton Town Hall, 472 Main Street, Acton, MA.

Ms. Hamlin will be interviewed by the Board concerning her experience in the management of alcoholic beverages and will be asked to provide the policy the restaurant exercises in the management and service of alcoholic beverages to patrons for review and file purposes.

Please inform Ms. Hamlin of her appointment and let me know if you have any questions prior to January 7th.

Very truly yours,

Christine M. Joyce
Town Manager's Office

Stouffer's

THE STOUFFER CORPORATION
A NESTLE COMPANY

30003 BAINBRIDGE ROAD • SOLON, OHIO 44139-2290 • (2[illegible] 248-3600

VIA DHL EXPRESS

1/7/92

December 6, 1991

Ms. Christine Joyce
Town of Acton
Town Manager's Office
472 Main Street
Acton, Massachusetts 01720

Re: Manager Change - Nancy Hamlin

Dear Ms. Joyce:

Enclosed please find the documents required in order to effectuate the appointment of Nancy Hamlin as General Manager of the Rusty Scupper restaurant in Acton, Massachusetts, together with a Cashier's Check in the amount of Fifty Dollars ($50.00).

In the event you should require additional information regarding Ms. Hamlin, please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,

Charlene R. Mandat

Charlene R. Mandat
Paralegal

Enclosure
/cm

PETITION FOR CHANGE OF LOCATION OR MANAGER

THE COMMONWEALTH OF MASSACHUSETTS

December 2 19 91

To the

Licensing Board for the

The undersigned respectfully petition for

Change in Manager for the premises located at:

Route 2A, Acton, Massachusetts 01720

from Craig A. Robbins to Nancy E. Hamlin

STOUFFER RESTAURANT COMPANY

By: [signature]
Jack D. Wyatt, Secretary

STOUFFER RESTAURANT COMPANY

ACTION OF THE DIRECTORS HELD BY WRITTEN CONSENT AND WITHOUT A FORMAL MEETING EFFECTIVE NOVEMBER 4, 1991

Pursuant to the authority of the General Corporation Law of the State of California, the undersigned, being all the Directors of Stouffer Restaurant Company (the "Corporation"), do hereby take and adopt the following actions by their written consent effective the 4th day of November, 1991:

> RESOLVED, that in connection with the application to and issuance of a 7-Day All Alcoholic Beverage Common Victualer (Restaurant) License by the Licensing Board for the Town of Acton; to appoint Nancy E. Hamlin of 381 Bedford Street, Concord, Massachusetts, as its manager or principal representative, with full authority and control of the premises described in the license of the Corporation, to wit: Route 2A, Acton, Massachusetts, known as the Rusty Scupper restaurant. Said Manager is to conduct all business on behalf of the Corporation therein relative to alcoholic beverages as if it were a natural person residing in the Commonwealth of Massachusetts, and a copy of this vote duly certified by an authorized officer of the Corporation and delivered to said manager or principal representative shall constitute the written authority required by Section 26, Chapter 138, Massachusetts General Law.

John Quagliata

Anthony J. Martino

R. Smith Associates
• TEL. (508) 263-0011 292 GREAT ROAD • ACTON, MA. 01720
REALTOR

1/7/92 (6)

CC: BOS
DAVID BANNARD, PALMER & DODGE

DEC 23 1991

December 23, 1991

Don P. Johnson, Town Manager
Town of Acton
472 Main Atreet
Acton, MA 01720

Re: Audubon Hill

Dear Don:

In response to your letter dated December 16, 1991 regarding a Third Supplemental Agreement to the Comprehensive Development Agreement for the Audubon Hill development, I wish to withdraw my request, without predjudice to our rights, for a Third Supplement Agreement.

Very truly yours,

Roy C. Smith
President

RCS/jt

cc: Stanley L. Gordon
David Y. Bannard

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

Norman D. Lake
Chairman

December 16, 1991

Roy C. Smith, President
R. Smith Associates, Inc.
292 Great Road
Acton, MA 01720

Re: Audubon Hill

Dear Mr. Smith:

I have received your draft of a Third Supplemental Agreement to the Comprehensive Development Agreement concerning the Audubon Hill development which would allocate four more "Restricted Units" to the second phase of the project. I strongly urge you to withdraw your request. It is my sense that the Board of Selectmen would reject this amendment because of their concern that a majority of the Restricted Units will be concentrated in one area of the project. As I am sure you remember, this was a concern of the Selectmen originally, which is why the documents require that 35% of the units constructed be Restricted Units.

Under Section 3.3(c) of the Comprehensive Development Agreement, 35% of the units constructed at Audubon Hill must be Restricted Units. The provisions of Section 9.2(b) of the Master Deed establishing the Audubon Hill South Condominium, which allow the Developer to substitute units within the condominium for previously designated Restricted Units, is inapplicable in this case and in any event is subordinate to the provisions of the Comprehensive Development Agreement. The decision of the Selectmen in August to grant your previous request to reallocate four other Restricted Units to the second phase of the project was made solely at the discretion of the Selectmen. Accordingly, I ask you to withdraw your request that the Town execute the Third Supplemental Agreement to the Comprehensive Development Agreement.

Sincerely,

Don P. Johnson
Town Manager

DPJ/db

cc: David Y. Bannard
Stanley L. Gordon

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

Don P. Johnson
Town Manager

December 18, 1991

Mr. David Bannard
Palmer & Dodge
One Beacon Street
Boston, MA 02108

RE: Audubon Hill

Dear David:

The Board of Selectmen have scheduled the Acton Community Housing Agency to meet with the Board on Janaury 7, 1991 at 8:45 P.M. in Room 204 at the Acton Town Hall for the purpose of discussing Audubon Hill issues.

If you have any further questions before then, please feel free to contact my office.

Very truly yours,

Don P. Johnson
Town Manager

REC'D AS HANDOUT
@ 1/7/92 MEETING OF BOS

ACTON COMMUNITY HOUSING CORPORATION

BOX 681

ACTON, MASSACHUSETTS, 01720

263-5339

TO: ACTON HOUSING AUTHORITY
ACTON BOARD OF SELECTMEN
ACTON COMMUNITY HOUSING CORPORATION
DATE: JANUARY 6, 1992
SUBJECT: AUDUBON HILL AGREEMENT
FROM: WILLIAM GOTHROPE
KEVIN MCMANUS

The agreement between the Town of Acton, the Developers of Audubon Hill and the Acton Housing Authority was intended to achieve the following objectives:

total complex	70 units
deed restrictions	55 and older
added consideration	clustered building site
	public access to conservation land
	19 units to be restricted for moderate income and sold @ 75% of market rate units
	5 units (2 handicapped) designated for the Acton Housing Authority at an agreed purchase price of $65,000.00
	Developer agrees to construct and donate the Acton Senior Center

Due to the amount of time this project has been in the Development, a number of factors have changed and we request consideration of the following changes in the original agreement:

1). The State funds originally earmarked for the AHA to purchase the Audubon Hill units are not envisioned to be available within the development life of the project. Therefore, we propose the five units at $65,000, designated for AHA be given to the Acton Community Housing Corporation at the price of $1.00.

2). In consideration of the value of #1 (5x65,000=325,000) the required number of restricted units would decrease from 19 to 8. To the eligible buyer the estimated value of the restricted vs the unrestricted unit is $30,000 and the removal of 11 restrictions has a total value of $330,000.

Benefits of change

1). Continuation of the agreement in its present form will result in a forfeiture of 5 units by the AHA and therefore, a loss of 5 low income elderly units for Acton residents.

2). Allows the Town of Acton to receive the same financial benefit envisioned in the Audubon Hill Agreement.

3). Ownership by the ACHC vs AHA allows additional local preference in renting to Acton low income elderly.

4). Provides the ACHC with an asset and long term source of revenue that will enhance its mission of affordable and moderate housing for the Town of Acton.

5). Provides for a change in the agreement at no cost to the Town. ACHC will reimburse the Town for legal expenses incurred in the redrafting of the agreement.

6). Creates an innovative approach of preserving one of the major components of Audubon Hill Agreements.

~~Approach~~

Approach

In order to achieve the changes in the Audubon Hill Agreement we are reviewing this proposed approach with the following:

Developer-Roy Smith
Board of the Acton Community Housing Corporation
Bank- Boston Federal Savings
Board Of the Acton Housing Authority
Board Of the Acton Selectmen
Executive Office of Communities and Development

1/7/92

7

SELECTMEN'S MEETING
DECEMBER 3, 1991

The Board of Selectmen held their regular meeting on Tuesday, December 3, 1991. Present were Norm Lake, Nancy Tavernier, Dore' Hunter, Anne Fanton and Town Manager Johnson

CITIZENS' CONCERNS

None expressed

PUBLIC HEARINGS AND APPOINTMENTS

TRAFFIC RULES AND ORDERS AMENDMENT
JOSEPH REED/HAYWARD ROAD

NANCY TAVERNIER - Moved to approve the proposed amendment to the Traffic Rules and Orders as specified by staff. DORE' HUNTER - Second UNANIMOUS VOTE

BOSTON EDISON POLE LOCATION
Parker Street

NANCY TAVERNIER - Moved to approve with staff comments included. DORE' HUNTER - SECOND. UNANIMOUS VOTE

BOSTON EDISON POLE LOCATION
Larch Road

DORE' HUNTER - Moved to approve with staff comments included. NANCY TAVERNIER - Second. UNANIMOUS VOTE

HANSCOM FIELD ADVISORY COMMITTEE OVERVIEW MEETING

Ken Klemmer for the Committee outlined the committees involvement with Hanscom Field and how it effected Acton as a community. He felt that the noise had little effect on the citizens of Acton and outlined the operations at the field and concerns of the abutting towns. Anne said she had hard concerns from a few people in N.E Acton. Norm asked about the number of flights now as opposed to the year 2000. Ken felt the field was currently at or nearing the saturation point presently so he foresees no additional impact. Anne asked about his possible participation in the second airport siting issue. He said that he would like to get involved, as long as everyone understood he would not be available during Jan-May each year, but would be very interested in assisting. He further said that Frank McIntyre was a very capable stand-in in his absence. The Board thanked him for his report and continued desire to volunteer on this Committee.

TAX CLASSIFICATION HEARING

Each Board member expressed their feelings about classification and the reasons why they were voting for or against classification and the amount shifted. All but Norm Lake felt that the present 10% shift was fair in this economic climate. Norm reiterated his plilosophical view on classification. He feels it is not fair to separate the rate and has not changed his mind on the issue.

Bill Lawrence from the Acton Chamber asked the Board to consider a reduction of the split to 7.5%.

DORE' HUNTER - Moved to continue the 10% tax classification shift. NANCY TAVERNIER - Second. Motion passed 3-1 NORM LAKE voting NO.

TRANSPORTATION ADVISORY COMMITTEE OVERVIEW MEETING

Al MacAdoo and Martin Gratz outlined the issues surrounding the operation of the committee with regard to the current slump in tasks assigned and the continued problem with getting and keeping members. Anne asked that they become more proactive in their actions and expressed concern with the LRTA representative not being on the TAC. She also suggested they come up with a creative way to get sidewalks since the funding has ended and thought they could become involved in a number of transportation issues, including the second siting of the airport. Dore' asked about changing this appointed committee to the Town Manager's Office since the duties are involved with many staff related projects and duties. Anne asked them to draft a charge and outline of their committees projects for the Board's review. The Board instructed staff to notify the VCC to put a hold on the search for members until a decision was made on the current committee and organizational issues.

HISTORIC DISTRICT COMMITTEE INTERVIEW Ms. MORAN

The Board interviewed Michaela Moran for an Alternate appointment. Ms. Moran felt that the historic character of the community was important in Acton. Nancy Tavernier asked if a full membership was offered if she would accept. She reply she would be willing. Staff was directed to contact Anne Forbes for her input and to notify Ms. Moran of the outcome. DORE' HUNTER - Moved to appoint Ms. Moran as an Alternate Member to expire 1994 pending clarification of the openings available on the committee. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar as submitted with the additional item of a request to sell Christmas Trees at Warren Rental. Nancy Abstaining from item 11 as it concerned her family member. DORE' HUNTER - Moved to accept the Consent Calendar with additional item. ANNE FANTON - Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

ROUTE 2 Corridor Advisory Committee - Anne Fanton asked the Board for their input regarding this issue. The Board felt that Anne would be a fine candidate to represent the Board. NANCY TAVERNIER - Moved to appoint Anne Fanton as the Town's representative in the Meeting with Laurinda Bedingfield and MAGIC. DORE' HUNTER - Second. UNANIMOUS VOTE

Anne asked if we wanted to be on the list for Phase II information relative to the Second Airport siting. Dore' felt we certainly should take action to get on the list as they move forward in the study process. DORE' HUNTER - Moved to direct the Town Manager to draft a letter for the Chairman's signature asking to have Acton included in the Siteplan critique process. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

NESWC - The Board discussed the legislation and felt we should let Resor and Durand know our position on the proposed amendments. Nancy wanted clarification of contracts. Don said his review found no benefit to us. The Board directed the Town Manager to look into the bill and comment on tipping views. Don said NESWC is always looking out for themselves and not the participation communities. He will contact Sen. Durand to drop the language.

COORDINATING COMMITTEE - Dore' outlined the latest meeting. They will be looking at the base budget, as requested by Art Harrigan, as well as revenues must be fully developed. Dore' felt that we at the Town side said were not in favor of an override, and the School side felt that there should be one. Dore' suggested that consensus was not reached on whether there would be one at all. Bill Ryan suggested an override figure of $700,000. Dore' felt assumptions would have to be made especially on the deferment issue before final override decision could be made.

TOWN MANAGER'S CONCERNS

Kavanagh Homes - The Town Manager reviewed with the Board staff memos concerning the request to cut the street after the November deadline. Staff has recommended against the issuance due to unknown weather factors and the risk of having the street

torn up into the travel lane up to six feet. They felt staff had indicated that permission to cut would be a more favorable situation in mid-February if weather conditions permitted. The Board suggested Mr.Kavanagh request this cut in February and at that time they would again consider the request after staff review. DORE' HUNTER - Move to deny the request and have the applicant apply when they close on the house in February. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SIGNS - The Town Manager asked the Board for a policy decision on what kind of signage placed in the public way the Town wants to address. MPCC/Planning Board should have a meeting to discuss the policy of this type of sign, Nancy felt we needed to expand the sign bylaw to address short term special event signs by private organizations also. Anne Fanton asked that churches be notified on restrictions in the Sign Bylaw. Dore' felt a draft policy would be needed prior to the public hearing and notification of all interested parties. It was the consensus that community organizations need some relief from the bylaw since there is no place in town to display event signs since the Kelly's Corner area use was discontinued.

1992 Annual Town Meeting Warrant- The Town Manager asked the Board to establish the closing date for articles. DORE' HUNTER - Moved to close the warrant on December 20, 1991. NANCY TAVERNIER - Second. UNANIMOUS VOTE

EXECUTIVE SESSION

The Board voted to adjourn into Executive Session for the purpose of discussing and litigation and Labor Negotiations. NORM LAKE took roll call all Ayes.

The Board adjourned into executive session at 10:30 P.M.

_____
Clerk

_____
Date

_____
Christine Joyce
Recording Secty.
cmjW11-(175)

EXECUTIVE SESSION MINUTES

DECEMBER 3, 1991

MS. JUDITH DUNN

John Murray and Don Johnson updated the Board on the Judith Dunn abatement situation. DOR has denied relief to Ms. Dunn for the abatement variance. The Board after discussion asked John to notify Ms. Dunn that we were unable to assist her in the return of the $1,300 overpayment.

AUDUBON HILL AGREEMENT

John Murray discussed the latest request for change to the Agreement. Nancy Tavernier updated the Board on what she had discussed with ACHC about possible trade off's on units under the Agreement. Dore' Hunter didn't feel we had enough information to make a decision to sign the agreement this evening. Don Johnson asked that the Board deny the request. John Murray wanted board direction in how much involvement the board wanted to take in the agreement amendments. Dore' felt that Bank should understand that the Town should be involved in any plans proposed for that site.

BARKER ROAD BUS TURN AROUND REQUEST

The Board reviewed the information from the Town Manager and it was the consensus that if it was to be done at all that it would be at no cost to the Town of Acton. Nancy suggested that betterments be assessed if the project proceeds.

The Board adjourned at 11:20 P.M.

_____
Clerk

_____
Date

_____
Christine Joyce
Recording Secty.
cmjW11-(175)

1/7/92 (8)

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

Date : Dec 11 91

To : Board of Selectmen

From : Volunteer Coordinating Committee

Subject : Recommendation for Appointment

At its 12-09-91 meeting, the VCC voted to recommend Katherine A. Reiner as a Regular Member of the Fair Housing Committee. While Dr. Reiner filed her application as a result of our call for Board of Health, she evidenced interest in getting involved with the Town in any way that she could be of service. When we asked concerning Fair Housing, she indicated an interest and said that she had had exposure to this area since her parents, residents of Lexington, had been involved in fair housing in that community. Dr. Reiner has considerable enthusiasm and we feel she could make a real contribution in revitalizing this committee.

[illegible]

TOWN OF ACTON VOLUNTEER APPLICATION

Residents interested in serving on a Town Board, Committee, or Commission are requested to complete this form and forward it to the office of the Town Manager at the Acton Town Hall.

(Please print or type)

Date: AUG. 25, 1991

Mr / Mrs
Ms / Dr (circled)

Last Name	First Name	Middle Initial
REINER	KATHERINE	A

Street Address	Home Phone	Business Phone
128 PARKER ST. #3B ACTON	508 635-0779	263-3769

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee, or Commission which is of interest to you:

1) BOARD OF HEALTH
2) CONSERVATION COMMISSION
3) _____

Have you been a member of a Board, Committee, or Commission previously (either in Acton or elsewhere) ? If you have, please list name(s) and dates (approx):

EASTERN MASS LITERACY COUNCIL BOARD LEXINGTON, MA 1987-1991

Do you have any time restrictions ? NOT USUALLY

How long have you lived in Acton? 6 MOS. in Massachusetts? 30 yrs.

Are you a US citizen ? YES

Present occupation and employer (optional - attach resume) VETERINARIAN SELF-EMPLOYED

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? NO

Education or special training B.S. ANIMAL SCIENCE UVM 1980, DVM TUFTS 1980

2-06-90, CK

over>

Katherine A. Reiner, D.V.M.

PERSONAL

Name--Katherine Ann Reiner
Birth Date--February 27, 1958
Marital Status--Single
Health--Excellent

EDUCATION

Tufts University School of Veterinary Medicine, Boston, Massachusetts. D.V.M., 1984

University of Vermont, Burlington, Vermont.
B.S., Animal Science, 1980

LICENSES

Massachusetts 1984

PROFESSIONAL MEMBERSHIPS

American Veternary Medical Association 1985
American Association of Feline Practitioners 1988

EMPLOYMENT

June 1984-December 1985
Countryside Veterinary Clinic, Chelmsford, Massachusetts
Associate of Robert W. Carlson, D.V.M. Practiced small animal medicine and surgery.

January 1986-December 1985
Hudson Animal Hospital, Hudson, New Hampshire
Associate of Allan J. Conti, V.M.D. Practiced small animal medicine and surgery. One of staff doctors for Benson's Wild Animal Park in conjunction with Hudson Animal Hospital.

March 1988-Present
Opened my own business, The Katmobile. This is a house call practice specializing in feline medicine.

August 1990-November 1990
Tufts University School of Veterinary Medicine
Part-time Anatomy Instructor. Taught feline anatomy to first year veterinary students.

OUTSIDE INTERESTS

President of the Tufts University School of Veterinary Medicine Alumnae/i Council, Reader for Recording for the Blind, Literacy Volunteer, skiing, birding, and travel.

1644 Massachusetts Avenue Lexington, Massachusetts 02173 Phone: (800)-696-KATS (5287) or (508) 263-3769

OFFICE OF THE
BOARD OF HEALTH
ACTON PUBLIC HEALTH NURSING SERVICES
472 MAIN STREET
ACTON, MASSACHUSETTS 01720
TEL: 508-264-9653

1/7/92

Lucy A. Saia, M.S., R.N.C.
ADMINISTRATOR/SUPERVISOR

December 23, 1991

TO: Don Johnson, Town Manager
John Murray, Assistant Town Manager

FROM: Lucy Saia, Administrator/Supervisor

Re: Acceptance of gift

The Acton Public Health Nursing Service wishes to accept a gift of 24 quilts donated by the Mt. Calvary Ladies Guild, Quilt Committee. This gift has been offered to us by Dawn Campbell and her group, and we may use the quilts as we wish. It is difficult to estimate the cost of this gift as they are all hand done.

cc: Doug Halley, Health Director

Nursing Service To Report any monies from sale of Quilts.

cc: Lucy S.

ACTON HOUSING AUTHORITY

Windsor Avenue
P.O. Box 681
Acton, Massachusetts 01720
508/263-5339
TDD #- 1-800-545-1833 EXT.120

1/7/92

(10)

JAN 2 - 1991

January 2, 1992

Mr. Norman Lake
Chairman
Acton Board of Selectmen
Town of Acton
Acton, MA 01720

Dear Norm:

Enclosed please find the Acton Housing Authority's application for twenty-five (25) Federal Section 8 Existing Housing Certificates. Basically, this is a resubmission of the Authority's July application which went unfunded by HUD. The new funding allocation is contingent on the development of a Self-Sufficiency Program by the Authority for the new Certificates.

Our application needs another letter of support from the Selectmen. I have included a copy of your July letter and ask that one be written to accompany this application. (The application submission deadline is January 10, 1992)

Thank you in advance for your prompt attention to this request. Should you have any questions regarding this matter I will be at the Selectmen's meeting on January 7, 1992.

Sincerely,

Naomi E. McManus

Naomi E. McManus
Executive Director

enclosurers

Application for Existing Housing

Section 8 Housing Assistance Payments Program

Send original and two copies of this application form and attachments to the local HUD Field Office

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0123 (exp. 11/30/90)

Name of the Public Housing Agency (PHA) requesting housing assistance payments: ACTON HOUSING AUTHORITY

Application/Project No. (HUD use only)

Mailing Address of the PHA
P.O. BOX 681
Acton, Ma. 01720

Requested housing assistance payments are for: How many Certificates? 25 How many Vouchers? -0-

Signature of PHA Officer authorized to sign this application
X

Have you submitted prior applications: No Yes
... for Section 8 Certificates? [ ] [X]
... for Section 8 Housing Vouchers? [ ] [ ]

Title of PHA Officer authorized to sign this application: Barbara Yates, Chairman

Phone Number: (508)263-5339

Date of Application: 1/6/92

Legal Area of Operation (area in which the PHA determines that it may legally enter into Contracts)
68 Windsor Avenue
Acton, Ma. 01720

A. Primary Area(s) from which families to be assisted will be drawn.

Locality (City, Town, etc.)	County	Congressional District	Units
Acton/Boxboro, Metropolitan	Middlesex	fifth	25

B. Proposed Assisted Dwelling Units

Housing Program	Number of Dwelling Units by Bedroom Count: Elderly, Handicapped, Disabled: Efficiency	1-BR	2-BR	Non-Elderly: 1-BR	2-BR	3-BR	4-BR	5-BR	6+BR	Total Dwelling Units
Certificates		5			13	5	2			25
Housing Vouchers										

C. Need for Housing Assistance. Demonstrate that the project requested in this application is consistent with the applicable Housing Assistance Plan including the goals for meeting the housing needs of Lower-Income Families or, in the absence of such a Plan, that the proposed project is responsive to the condition of the housing stock in the community and the housing assistance needs of Lower-Income Families (including the elderly, handicapped and disabled, large families and those displaced or to be displaced) residing in or expected to reside in the community. (If additional space is needed, add separate pages.)

SEE ATTACHED ADDENDUM

D. Qualification as a Public Housing Agency. Demonstrate that the applicant qualifies as a Public Housing Agency is legally qualified and authorized to carry out the project applied for in this application. (check √ the appropriate boxes)

	Submitted with this application	Previously submitted
1. The relevant enabling legislation		X
2. Any rules and regulations adopted or to be adopted by the agency to govern its operations		X
3. A supporting opinion from the Public Housing Agency Counsel		X

Retain this record for the term of the ACC.
Previous editions are obsolete

form HUD-52515 (7/88)
ref. handbook 7420.3

E. Financial and Administrative Capability. Describe the experience of the PHA in administering housing or other programs and provide other information which evidences present or potential management capability for the proposed program.

SEE ATTACHED ADDENDUM

F. Housing Quality Standards. Provide a statement that the Housing Quality Standards to be used in the operation of the program will be as set forth in the program regulation or that variations in the Acceptability Criteria are proposed. In the latter case, each proposed variation shall be specified and justified.

The Acton Housing Authority will adhere to the Housing Quality Standards in the Operation of the Program as set forth in 24CFR 882.109 and 24 CFR 887.251

G. Leasing Schedule. Provide a proposed schedule specifying the number of units to be leased by the end of each three-month period.

First Quarter=8
Second Quarter=8
Third Quarter=8
Forth Quarter=1

H. Average Monthly Adjusted Income (Housing Vouchers Only)

Efficiency	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR
	392	430	540	592		

I. Attachments. The following additional items must be submitted either with the application or after application approval, but no later than with the PHA executed ACC.

	Submitted with this application	To be submitted	Previously submitted
1. Equal Opportunity Housing Plan			X
2. Equal Opportunity Certifications, Form HUD-916			
3. Estimates of Required Annual Contributions, Forms HUD-52672 and HUD-52673		X	
4. Administrative Plan			X
5. Proposed Schedule of Allowances for Utilities and Other Services, Form HUD-52667, with a justification of the amounts proposed			X

HUD Field Office Recommendations

Recommendation of Appropriate Reviewing Office	Signature and Title	Date

form HUD-52515

C. NEED FOR HOUSING ASSISTANCE

This application is consistent with the Acton Housing Authority's Housing Assistance Five Year Plan adopted in 1986. (see attached 5 Year Housing Plan) In the Housing Assistance Plan the Authority's Statement of Goals identified a need for an additional 100 subsidized units by 1991. In 1986 the Plan was written with the assumption that the Great Massachusetts' Miracle of the 80's would continue to aggressively address housing the elderly/handicapped and families of Massachusetts. The Authority in developing the Housing Plan never anticipated the current need for emergency housing that is depicted on our Waiting Lists.

As of July 15, 1991 the following identifies the actual numbers of applicants per bedroom on the Authority's Waiting Lists: 54 applicants on the 1bd. W.L. with 11 designated as Priority #1 or #2, 217 applicants on the 2bd. W.L. with 130 designated as Priority #1 or #2, 100 applicants on the 3bd. W.L. with 45 designated as Priority #1 or #2, and 11 applicants on the 4bd. W.L. with 8 designated as Priority #1 or #2.

PRIORITY #1 IS HOMELESS

PRIORITY #2 IS LIVING IN SUBSTANDARD HOUSING

HUD'S favorable review of this application would enable the A.H.A. to begin to address the housing crisis we are seeing in the Acton/SMSA Metropolitan area served by the Authority. Over the past twelve (12) months the housing stock in the Acton area has had a consistently high vacancy rate, therefore, would provide the housing stock necessary to house the twenty-five certificates should they choose to live in the Acton area.

E. Financial and Administrative Capability

The Authority's financial and administrative capabilities to administer an additional 25 Certificates are supported by the documentation provided with this application. The Single Audit Report for 1989 and the draft copy of 1990 which verify that the Authority is without any findings are enclosed. There are no outstanding Management Findings as verified by the last communication sent by Richard Kluck of HUD area office. Additionally, the Leasing schedules are outlined in a separate sheet attached for verification of the effective administration of the Certificate Program in the Acton area. Please note a twenty-two month period has been outlined to depict the well administered program. As of September 1990, 97% of the Certificates were under Lease.

The Acton Housing Authority currently subsidizes 79 Section 8 Certificate Holders, has been a member of the Section 8 Administrators Mobility Program since 1982, is currently subsidizing 11 Section 8 Certificates from other communities, has 40 clients currently housed under the Chapter 707 State Program, 8 under the Chapter 707 Single Room Occupancy Program, 91 Elderly/handicapped under the Chapter 667 conventional program, 12 under the Chapter 689 Handicapped program and 35 under the Chapter 705 Program. In addition there are 6 units in Development under the Chapter 667 elderly/handicapped and 7 family units under the State's Chapter 705 Program.

The AHA employs a full time Executive Director, a full time Assistant Executive Director, a full time Clerk/Typist and a part-time Single Parent Coordinator/Housing Inspector.

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

William F. Weeks
Chairman

July 17, 1991

Mr. John Mastropietro
Regional Administrator-Regional Housing Commissioner
U.S. Department of Housing and Urban Development
Boston Regional Office, Region 1
Boston Federal Building, 3rd Floor
10 Causeway Street, Room 375
Boston, MA 02222-1092

Dear Mr. Mastropietro:

The Board of Selectmen, at their meeting of July 16, 1991, voted to approve the Acton Housing Authority's Section 8 Existing Housing Application to the Department of Housing and Urban Development.

Please be advised that the Housing Authority's submission is consistent with the Town's local Housing Assistance Plan and that this letter should be considered our final comment.

Very truly yours,

William F. Weeks
Chairman

acs

cc: Housing Authority

(NO HEADER DUE TO TECHNICAL DIFFICULTIES WITH OUR PRINTERS.)

1/3/92

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: 3rd Quarter Tax Bills

Staff is being hit quite hard by complaints over the Real Estate Tax bills. Apparently two (2) themes are predominant; one is the question of how an individuals taxes could be going up while their property value is going down, the other relates to a great deal of animosity over the expenditure for Legal costs in the Schools.

We will be preparing a handout sheet early next week to help taxpayers understand the first question and relate their personal situation to the Town-wide picture. Copies will be provided for your information. With regard to the Schools, we are advising that School expenditures are totally the responsibility of the School Committees and the School Administration and suggesting that those questions be pursued "over there".

Don

DPJ:238

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Jan. 3, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Update on Projects

In a recent work report David Abbt provided several project updates that I believe you will find interesting.

Post Office Square Signal - Roy Smith apparently has his attorney working on the agreement for this light. I am informed that we should receive this document or their comments in the near future.

Kelley's Corner Signal - The new time switch for this traffic signal is in and working. This completes this project. We will watch to see if it is effective in resolving the queue problems.

Main Street/Prospect Street Intersection - Mobil Oil has apparently decided (at least for the present) not to proceed with their renovation at this location. That means the funding for this intersection upgrade is also on hold. I will advise you further if the project comes back on line.

Don

cc: D. Abbt

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Jan. 3, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Retiree's Health Ins. Costs

At the Board's request I asked Roy Wetherby to prepare the attached analysis of incremental costs associated with increasing the Town's share of our retirees' health insurance benefits. We currently contribute 50%. The analysis is in 5% increments through a 75% contribution rate.

I bring your attention to the 75% contribution page. When the retirees' presentation was made to the Board in December, they projected the cost of moving to this level at approximately $0.02 on the tax rate. As you can see, the cost is closer to $0.07. This represents an added expenditure of nearly $100,000.

Don

cc: Don Nylander - w/attachment

DPJ:235

TOWN OF ACTON
RETIREE'S HEALTH BENEFITS
COST FOR FISCAL YEAR 1992

RETIREE'S PLANS:		TOWN	LOCAL SCHOOL	REGIONAL SCHOOL	MONTHLY PLAN COST	CURRENT CONTRIBUTION IS 50% ANNUAL TOWN COST	ANNUAL LOCAL COST	ANNUAL REGIONAL COST	ANNUAL GRAND TOTAL	CHANGE TO 55% CONTRIBUTION ANNUAL TOWN COST	ANNUAL LOCAL COST	ANNUAL REGIONAL COST	ANNUAL GRAND TOTAL
BLUE CROSS/SHIELD													
FAMILY	50%	9	2	8	$650.00	$35,100	$7,800	$31,200	$74,100	$38,610	$8,580	$34,320	$81,510
FAMILY**	90%		1	1	$650.00	$0	$7,020	$7,020	$14,040	$0	$7,020	$7,020	$14,040
INDIVIDUAL	50%	12	8	12	$299.00	$21,528	$14,352	$21,528	$57,408	$23,681	$15,787	$23,681	$63,149
INDIVIDUAL**	90%		0		$299.00	$0	$0	$0	$0	$0	$0	$0	$0
CARVE-OUT	50%	2	3		$182.00	$2,184	$3,276	$0	$5,460	$2,402	$3,604	$0	$6,006
MEDEX III	50%	15	17	29	$106.92	$9,623	$10,906	$18,604	$39,133	$10,585	$11,996	$20,464	$43,046
SUB-TOTAL		38	31	50		$68,435	$43,354	$78,352	$190,141	$75,278	$46,987	$85,485	$207,751
HAVARD HEALTH													
FAMILY	50%	1	0	0	$438.82	$2,633	$0	$0	$2,633	$2,896	$0	$0	$2,896
INDIVIDUAL	50%	0	2	2	$199.46	$0	$2,394	$2,394	$4,787	$0	$0	$2,633	$2,633
SENIOR CARE*	50%	9	5	5	$97.00	$5,239	$2,910	$2,910	$11,058	$5,762	$3,201	$0	$8,963
SUB-TOTAL		10	7	7		$7,871	$5,304	$5,304	$18,478	$8,658	$3,201	$2,633	$14,492
GRAND TOTAL		48	38	57		$76,306	$48,657	$83,656	$208,619	$83,936	$50,188	$88,118	$222,243
INCREASE COST													$13,624
TOTAL BURDEN ON TAX RATE						$0.0526	$0.0335	$0.0490	$0.1352	$0.0579	$0.0294	$0.0579	$0.1451
INCREASE BURDEN ON TAX RATE													$0.0094

TOWN'S CONTRUBTION IS: 50%
TOWN'S CONTRUBTION IS: 55%
TOWN'S CONTRUBTION IS: 60%
TOWN'S CONTRUBTION IS: 65%
TOWN'S CONTRUBTION IS: 70%
TOWN'S CONTRUBTION IS: 75%
TOWN'S CONTRUBTION IS: 80%
TOWN'S CONTRUBTION IS: 85%
TOWN'S CONTRUBTION IS: 90%

TOWN VALUATION **********

NOTES:

85% of REGIONAL COST ON ACTON'S TAX RATE

ENROLLMENT IS AS OF 12/31/91

*RATE EFFECTIVE 1/1/92

**SPECIAL CONTRACT BY SCHOOL

TOWN OF ACTON
RETIREE'S HEALTH BENEFITS
COST FOR FISCAL YEAR 1992

RETIREE'S PLANS:		TOWN	LOCAL SCHOOL	REGIONAL SCHOOL	MONTHLY PLAN COST	CURRENT CONTRIBUTION IS 50% ANNUAL TOWN COST	ANNUAL LOCAL COST	ANNUAL REGIONAL COST	ANNUAL GRAND TOTAL	CHANGE TO 60% CONTRIBUTION ANNUAL TOWN COST	ANNUAL LOCAL COST	ANNUAL REGIONAL COST	ANNUAL GRAND TOTAL
BLUE CROSS/SHIELD													
FAMILY	50%	9	2	8	$650.00	$35,100	$7,800	$31,200	$74,100	$42,120	$9,360	$37,440	$88,920
FAMILY**	90%		1	1	$650.00	$0	$7,020	$7,020	$14,040	$0	$7,020	$7,020	$14,040
INDIVIDUAL	50%	12	8	12	$299.00	$21,528	$14,352	$21,528	$57,408	$25,834	$0	$25,834	$51,667
INDIVIDUAL**	90%		0		$299.00	$0	$0	$0	$0	$0	$0	$0	$0
CARVE-OUT	50%	2	3		$182.00	$2,184	$3,276	$0	$5,460	$2,621	$3,931	$0	$6,552
MEDEX III	50%	15	17	29	$106.92	$9,623	$10,906	$18,604	$39,133	$11,547	$13,087	$22,325	$46,959
SUB-TOTAL		38	31	50		$68,435	$43,354	$78,352	$190,141	$82,122	$33,398	$92,618	$208,138
HAVARD HEALTH													
FAMILY	50%	1	0	0	$438.82	$2,633	$0	$0	$2,633	$3,160	$0	$0	$3,160
INDIVIDUAL	50%	0	2	2	$199.46	$0	$2,394	$2,394	$4,787	$0	$2,872	$2,872	$5,744
SENIOR CARE*	50%	9	5	5	$97.00	$5,238	$2,910	$2,910	$11,058	$6,286	$3,492	$3,492	$13,270
SUB-TOTAL		10	7	7		$7,871	$5,304	$5,304	$18,478	$9,445	$6,364	$6,364	$22,174
GRAND TOTAL		48	38	57		$76,306	$48,657	$83,656	$208,619	$91,567	$39,762	$98,983	$230,312
INCREASE COST													$21,693
TOTAL BURDEN ON TAX RATE						$0.0526	$0.0335	$0.0490	$0.1352	$0.0631	$0.0274	$0.0580	$0.1485
INCREASE BURDEN ON TAX RATE													$0.0150

TOWN'S CONTRUBTION IS: 50%
TOWN'S CONTRUBTION IS: 55%
TOWN'S CONTRUBTION IS: 60%
TOWN'S CONTRUBTION IS: 65%
TOWN'S CONTRUBTION IS: 70%
TOWN'S CONTRUBTION IS: 75%
TOWN'S CONTRUBTION IS: 80%
TOWN'S CONTRUBTION IS: 85%
TOWN'S CONTRUBTION IS: 90%

TOWN VALUATION **********

NOTES:

85% of REGIONAL COST ON ACTON'S TAX RATE

ENROLLMENT IS AS OF 12/31/91

*RATE EFFECTIVE 1/1/92

**SPECIAL CONTRACT BY SCHOOL

TOWN OF ACTON
RETIREE'S HEALTH BENEFITS
COST FOR FISCAL YEAR 1992

RETIREE'S PLANS:		LOCAL TOWN	LOCAL SCHOOL	REGIONAL SCHOOL	MONTHLY PLAN COST	CURRENT CONTRIBUTION IS 50% ANNUAL TOWN COST	ANNUAL LOCAL COST	ANNUAL REGIONAL COST	ANNUAL GRAND TOTAL	CHANGE TO 65% CONTRIBUTION ANNUAL TOWN COST	ANNUAL LOCAL COST	ANNUAL REGIONAL COST	ANNUAL GRAND TOTAL
BLUE CROSS/SHIELD													
FAMILY	50%	9	2	8	$650.00	$35,100	$7,800	$31,200	$74,100	$45,630	$5,070	$40,560	$91,260
FAMILY**	90%		1	1	$650.00	$0	$7,020	$7,020	$14,040	$0	$7,020	$7,020	$14,040
INDIVIDUAL	50%	12	8	12	$299.00	$21,528	$14,352	$21,528	$57,408	$26,834	$0	$27,986	$53,820
INDIVIDUAL**	90%		0		$299.00	$0	$0	$0	$0	$0	$5,897	$0	$5,897
CARVE-OUT	50%	2	3		$182.00	$2,184	$3,276	$0	$5,460	$2,839	$14,178	$0	$17,017
MEDEX III	50%	15	17	29	$106.92	$9,623	$10,906	$18,604	$39,133	$12,510	$0	$24,185	$36,695
SUB-TOTAL		38	31	50		$68,435	$43,354	$78,352	$190,141	$86,812	$32,164	$99,752	$218,729
HAVARD HEALTH													
FAMILY	50%	1	0	0	$438.82	$2,633	$0	$0	$2,633	$3,423	$0	$0	$3,423
INDIVIDUAL	50%	0	2	2	$199.46	$0	$2,394	$2,394	$4,787	$0	$3,112	$3,112	$6,223
SENIOR CARE*	50%	9	5	5	$97.00	$5,238	$2,910	$2,910	$11,058	$6,809	$3,783	$3,783	$14,375
SUB-TOTAL		10	7	7		$7,871	$5,304	$5,304	$18,478	$10,232	$6,895	$6,895	$24,021
GRAND TOTAL		48	38	57		$76,306	$48,657	$83,656	$208,619	$97,045	$39,059	$106,646	$242,750
INCREASE COST													$34,131
TOTAL BURDEN ON TAX RATE						$0.0528	$0.0335	$0.0490	$0.1352	$0.0669	$0.0269	$0.0625	$0.1563
INCREASE BURDEN ON TAX RATE													$0.0235

TOWN'S CONTRUBTION IS: 50%
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TOWN'S CONTRUBTION IS: 75%
TOWN'S CONTRUBTION IS: 80%
TOWN'S CONTRUBTION IS: 85%
TOWN'S CONTRUBTION IS: 90%

TOWN VALUATION **********

NOTES:

85% of REGIONAL COST ON ACTON'S TAX RATE

ENROLLMENT IS AS OF 12/31/91

*RATE EFFECTIVE 1/1/92

**SPECIAL CONTRACT BY SCHOOL

TOWN OF ACTON
RETIREE'S HEALTH BENEFITS
COST FOR FISCAL YEAR 1992

RETIREE'S PLANS:		TOWN	LOCAL SCHOOL	REGIONAL SCHOOL	MONTHLY PLAN COST	CURRENT CONTRIBUTION IS 50% ANNUAL TOWN COST	ANNUAL LOCAL COST	ANNUAL REGIONAL COST	ANNUAL GRAND TOTAL	CHANGE TO 70% CONTRIBUTION ANNUAL TOWN COST	ANNUAL LOCAL COST	ANNUAL REGIONAL COST	ANNUAL GRAND TOTAL
BLUE CROSS/SHIELD													
FAMILY	50%	9	2	8	$650.00	$35,100	$7,800	$31,200	$74,100	$49,140	$10,920	$43,680	$103,740
FAMILY**	90%		1	1	$650.00	$0	$7,020	$7,020	$14,040	$0	$7,020	$7,020	$14,040
INDIVIDUAL	50%	12	8	12	$299.00	$21,528	$14,352	$21,528	$57,408	$30,139	$20,093	$30,139	$80,371
INDIVIDUAL**	90%		0		$299.00	$0	$0	$0	$0	$0	$0	$0	$0
CARVE-OUT	50%	2	3		$182.00	$2,184	$3,276	$0	$5,460	$3,058	$4,586	$0	$7,644
MEDEX III	50%	15	17	29	$106.92	$9,623	$10,906	$18,604	$39,133	$13,472	$15,268	$26,046	$54,786
SUB-TOTAL		38	31	50		$68,435	$43,354	$78,352	$190,141	$95,809	$57,887	$106,885	$260,581
HAVARD HEALTH													
FAMILY	50%	1	0	0	$438.82	$2,633	$0	$0	$2,633	$3,686	$0	$0	$3,686
INDIVIDUAL	50%	0	2	2	$189.46	$0	$2,394	$2,394	$4,787	$0	$3,351	$3,351	$6,702
SENIOR CARE*	50%	9	5	5	$97.00	$5,238	$2,910	$2,910	$11,058	$7,333	$4,074	$4,074	$15,481
SUB-TOTAL		10	7	7		$7,871	$5,304	$5,304	$18,478	$11,019	$7,425	$7,425	$25,869
GRAND TOTAL		48	38	57		$76,306	$48,657	$83,656	$208,619	$106,828	$65,312	$114,310	$286,450
INCREASE COST													$77,831
TOTAL BURDEN ON TAX RATE						$0.0528	$0.0336	$0.0490	$0.1352	$0.0736	$0.0450	$0.0670	$0.1856
INCREASE BURDEN ON TAX RATE													$0.0537

TOWN'S CONTRUBTION IS: 50%
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ENROLLMENT IS AS OF 12/31/91

*RATE EFFECTIVE 1/1/92

**SPECIAL CONTRACT BY SCHOOL

TOWN VALUATION **********

TOWN OF ACTON
RETIREE'S HEALTH BENEFITS
COST FOR FISCAL YEAR 1992

RETIREE'S PLANS:		TOWN	LOCAL SCHOOL	REGIONAL SCHOOL	MONTHLY PLAN COST	CURRENT CONTRIBUTION IS 50% ANNUAL TOWN COST	ANNUAL LOCAL COST	ANNUAL REGIONAL COST	ANNUAL GRAND TOTAL	CHANGE TO 75% CONTRIBUTION ANNUAL TOWN COST	ANNUAL LOCAL COST	ANNUAL REGIONAL COST	ANNUAL GRAND TOTAL
BLUE CROSS/SHIELD													
FAMILY	50%	9	2	8	$650.00	$35,100	$7,800	$31,200	$74,100	$52,650	$11,700	$46,800	$111,150
FAMILY**	90%		1	1	$650.00	$0	$7,020	$7,020	$14,040	$0	$7,020	$7,020	$14,040
INDIVIDUAL	50%	12	8	12	$299.00	$21,528	$14,352	$21,528	$57,408	$32,292	$21,528	$32,292	$86,112
INDIVIDUAL**	90%		0		$299.00	$0	$0	$0	$0	$0	$0	$0	$0
CARVE-OUT	50%	2	3		$182.00	$2,184	$3,276	$0	$5,460	$3,276	$4,914	$0	$8,190
MEDEX III	50%	15	17	29	$106.92	$9,623	$10,906	$18,604	$39,133	$14,434	$16,359	$27,906	$58,699
SUB-TOTAL		38	31	50		$68,435	$43,354	$78,352	$190,141	$102,652	$61,521	$114,018	$278,191
HAVARD HEALTH													
FAMILY	50%	1	0	0	$438.82	$2,633	$0	$0	$2,633	$3,949	$0	$0	$3,949
INDIVIDUAL	50%	0	2	2	$199.46	$0	$2,394	$2,394	$4,787	$0	$3,590	$3,590	$7,181
SENIOR CARE*	50%	9	5	5	$97.00	$5,238	$2,910	$2,910	$11,058	$7,857	$4,365	$4,365	$16,587
SUB-TOTAL		10	7	7		$7,871	$5,304	$5,304	$18,478	$11,806	$7,955	$7,955	$27,717
GRAND TOTAL		48	38	57		$76,306	$48,657	$83,656	$208,619	$114,459	$69,476	$121,973	$305,908
INCREASE COST													$97,289
TOTAL BURDEN ON TAX RATE						$0.0528	$0.0336	$0.0490	$0.1352	$0.0789	$0.0479	$0.0715	$0.1983
INCREASE BURDEN ON TAX RATE													$0.0671

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TOWN OF ACTON
RETIREE'S HEALTH BENEFITS
COST FOR FISCAL YEAR 1992

RETIREE'S PLANS:		TOWN	LOCAL SCHOOL	REGIONAL SCHOOL	MONTHLY PLAN COST	CURRENT CONTRIBUTION IS 50% ANNUAL TOWN COST	ANNUAL LOCAL COST	ANNUAL REGIONAL COST	ANNUAL GRAND TOTAL	CHANGE TO 90% CONTRIBUTION ANNUAL TOWN COST	ANNUAL LOCAL COST	ANNUAL REGIONAL COST	ANNUAL GRAND TOTAL
BLUE CROSS/SHIELD													
FAMILY	50%	9	2	8	$650.00	$35,100	$7,800	$31,200	$74,100	$63,180	$14,040	$56,160	$133,380
FAMILY**	90%		1	1	$650.00	$0	$7,020	$7,020	$14,040	$0	$7,020	$7,020	$14,040
INDIVIDUAL	50%	12	8	12	$299.00	$21,528	$14,352	$21,528	$57,408	$38,750	$25,834	$38,750	$103,334
INDIVIDUAL**	90%		0		$299.00	$0	$0	$0	$0	$0	$0	$0	$0
CARVE-OUT	50%	2	3		$182.00	$2,184	$3,276	$0	$5,460	$3,931	$5,897	$0	$9,828
MEDEX III	50%	15	17	29	$106.92	$9,623	$10,906	$18,604	$39,133	$17,321	$19,631	$33,487	$70,439
SUB-TOTAL		38	31	50		$68,435	$43,354	$78,352	$190,141	$123,183	$72,421	$135,418	$331,021
HAVARD HEALTH													
FAMILY	50%	1	0	0	$438.82	$2,633	$0	$0	$2,633	$4,739	$0	$0	$4,739
INDIVIDUAL	50%	0	2	2	$199.48	$0	$2,394	$2,394	$4,787	$0	$4,308	$4,308	$8,617
SENIOR CARE*	50%	9	5	5	$97.00	$5,238	$2,910	$2,910	$11,058	$9,428	$5,238	$5,238	$19,904
SUB-TOTAL		10	7	7		$7,871	$5,304	$5,304	$18,478	$14,168	$9,546	$9,546	$33,260
GRAND TOTAL		48	38	57		$76,306	$48,657	$83,656	$208,619	$137,350	$81,967	$144,964	$364,282
INCREASE COST													$155,663
TOTAL BURDEN ON TAX RATE						$0.0526	$0.0335	$0.0490	$0.1352	$0.0947	$0.0585	$0.0849	$0.2381
INCREASE BURDEN ON TAX RATE													$0.1073

TOWN'S CONTRUBTION IS: 50%
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TOWN VALUATION **********

NOTES:

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ENROLLMENT IS AS OF 12/31/91

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**SPECIAL CONTRACT BY SCHOOL

MAGIC

Minuteman Advisory Group on Interlocal Coordination

Acton
Boxborough
Carlisle
Concord
Hudson
Littleton
Marlborough
Maynard
Stow
Sudbury

MINUTEMAN ADVISORY GROUP ON INTERLOCAL COORDINATION
A Subregion of Metropolitan Area Planning Council

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

JAN 3 - 1991

MEETING NOTICE

January 9,1992

Carlisle Fire Station
Westford Street (Route 225)
Carlisle

6:30 p.m. DRI Subcommittee

Review comments received to date; propose revisions; plan for final outreach (Marlborough, Bolton, Lincoln, Boxborough)

7:30 p.m. MAGIC Meeting

DRI Subcommittee Report: Brief Update

Transportation: Route 2 CAC

Plan for meeting with Laurinda Bedingfield (MDPW District #4 Project Engineer), scheduled for Jan. 15 at 3:00 p.m.in Arlington; hear report on other CACs' experiences; decide who should attend, organizational strategies, etc.

Land Bank: Outreach Strategy

Continued planning for development of support; report on interest level of potential proponents; next steps

MetroPlan 2000: Concentrated Development Centers

Reconsideration of designation of centers, including municipal and suburban/rural centers

Mass. Air National Guard Facility, Stow

Update on Stow's appeal and MAGIC's role

Second Major Airport

Brief status update; assessment of urgency of action; next steps

MAGIC

Minuteman Advisory Group on Interlocal Coordination

Acton
Boxborough
Carlisle
Concord
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60 Temple Place, Boston, MA 02111 617 / 451-2770

MINUTEMAN ADVISORY GROUP ON INTERLOCAL COORDINATION
A Subregion of Metropolitan Area Planning Council

MEETING NOTES

DRI SUBCOMMITTEE

December 12, 1991

Present were: Rosemary Marini and Paul Smith for the subcommittee; Hal Sauer, MAGIC Chair; and Ed Bates and Judy Alland of MAPC. Paul reported that Stow was responsive and voted to participate. Rosemary described the Maynard presentation; the Selectmen were favorable and are likely to endorse the process pending discussion with the Planning Board. The group discussed other comments on the DRI, agreeing that the purpose was the process itself and that particular planning goals (e.g., affordable housing) did not belong in the document. Because many of the issues raised require in-depth discussion, the subcommittee agreed to meet for an hour in January to formulate revisions to the text.

MAGIC MEETING

DRI Subcommittee

Rosemary reviewed the DRI subcommittee's progress (see above). The group discussed Maynard's role in MAGIC, praising the work of former rep Bill King and deciding to write to Maynard urging them to designate a Selectman or Planning Board member.

Mass. Air National Guard (MAANG) Facility, Stow

Donna Jacobs explained the status of the MAANG Communications/Training Facility. The FEIR has been approved by EOEA, and the Town of Stow has filed a notice of intent to appeal. The property is a Superfund site, and there are serious concerns about groundwater protection and wastewater discharge, in addition to traffic and other issues. MAGIC agreed to support Stow by stating its concerns in a letter to Secretary Tierney with copies to state and federal legislators.

Route 2 Corridor Advisory Committee (CAC)

Hal Sauer reported on his conversation with Warren Flint of Lincoln, who expressed strong interest in the CAC. Each community stated its level of interest: Stow is interested and will probably designate a public safety officer; Hudson supports the effort but defers for active involvement to

communities closer to Route 2; Acton is strongly supportive; and Carlisle and Littleton are also interested.

Judy Walpole expressed Concord's concerns about jeopardizing its progress to date; Concord, after much effort, is on its way to an short range agreement with Mass DPW and fears that initiating a CAC at this point might sidetrack its plans. Acton's Anne Fanton made a distinction between the local process, which Concord has used successfully to address local issues, and the regional process of a CAC, which she envisions as focusing on regional and long range issues (e.g., the potential second airport; Route 2 as a throughway; using regional strength to seek more funding). Hal suggested that the CAC would be especially useful in exploring the relationship between short and long range issues and between local and regional concerns. Concord is weighing its role and will attend a first meeting.

In light of MDPW's commitment to a Route 2 CAC, the group authorized Hal to set up a meeting with Laurinda Bedingfield (MDPW District #4) in Concord on January 15 at 3:00 p.m. (back-up dates: Jan. 14 and 17, same time) to plan the CAC. Anne agreed to call participants in other CAC's to learn from their experiences.

Land Bank Legislation

Hal reported that he wrote to each subregion asking for a contact person and is planning to seek active support at the subregional chairs meeting scheduled for January 13. Judy Alland circulated a list of potentially supportive associations. She and Ed will call key organizations to assess their level of support and their interest in helping to spearhead organizing efforts.

MetroPlan 2000

Judy asked participants to reconsider seeking designation of concentrated development centers and described the relationship to the capital investment program (CIP). The group agreed to discuss the matter further in January. As a sense of the meeting, it was

> VOTED to urge that the CIP set aside infrastructure funds for the suburban-rural areas of the region. (There's more here than it appears. Cities are lobbying MAPC to dedicate all capital investment funds (sewers, roads) to growth areas. ag.

Next Meeting

The next meeting will take place at the Carlisle Fire Station on Thursday, January 9, 1992. In addition to further discussion of the CAC, Land Bank, and MetroPlan 2000, the agenda will include an update on the status of the second airport and preliminary discussion of an action plan.

MAGIC ATTENDANCE

DATE: 12/12/91

NAME	ADDRESS	AFFILIATION PHONE
Paul E. Smith, Jr.	189 Whitcomb Ave. Littleton 01460	Selec. Delegate 486-4592
Rosemary Marini	42 Church St. Hudson	Selectmen 562-2507
Anne Fanton	43 Fort Pond Rd. Acton	Selectmen 263-4989
John Pavan	235 Browne Bear Cr. Acton	Planning Board 264-4370
Gail Jewell	27 Seymour St. Concord	Planning Board 369-5048
Judy Walpole	58 Allen Farm Ln. Concord	Selectmen 369-7581
Hal Sauer	546 Westford St. Carlisle	Selectmen 369-7942
Donna Jacobs	456 Gleasondale Rd. Stow	Planning Board 562-5490
Ed Bates	MAPC	
Judy Alland	MAPC	
Norman Lake	35 Quaboag Rd. Acton	Chm. Acton Bos.
Claudia Geary	3 Sequoia Rd. Westford	Carlisle Mosquito 692-6719
Pam Resor	State Rep.	

JA/mlm
12/19/91

MS\MAGATTEN

CC: BOS

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND, MASSACHUSETTS 01778

STEERING COMMITTEE MEETING

- AGENDA -

Wednesday, January 8, 1991
3:30 P.M.

Wayland Town Building
School Committee Room
(2nd Floor)

1. Approval of Minutes of Steering Committee Meeting of November 13, 1991 (Annual Meeting).....*Wm. G. Zimmerman*

2. Report of Executive Director/Treasurer.....*Jack Wilson*

3. Local Option Taxes, Definitions and Proposals.....*Steve Cirillo*
Leon Churchill
Robert Hilliard

4. Proposal for Legislative Contacts.....*Jack Wilson*

5. Goals for Legislative Action.....*Linda Greyser*
Louise Haldeman
Jack Wilson

6. Local Aid for Secondary Level Busing.....*Linda Greyser*

7. Old/New Business.....*All*

8. Date for Next Meeting.....*All*

Enclosure: Minutes of Steering Committee Annual Meeting of 11/13/91

TELEPHONE: (617) 358-2489 OR 358-7701

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND, MASSACHUSETTS 01778

STEERING COMMITTEE MEETING

- Minutes -

Wednesday, 3:30 P.M.
November 13, 1991

Annual Meeting

Wayland Town Building
School Committee Room

Members Present: Frank LeBart (Chairman, Duxbury); Ted Tarr (Rockport); Linda Greyser (Wayland); Louise Haldeman (Concord); Leon Churchill (Hyannis); Jack Wilson (Wayland); Bob Hilliard (Wayland); Steve Cirillo (Newton); Dan Kehoe (Millis); Sandy Dutkevitch (Marshfield); Gary Osmond (Wayland).

1. Approval of Minutes.--Upon a motion duly made and seconded, the Minutes of the meeting of September 25, 1991 were approved.

2. Treasurer's Report.--Jack Wilson reported a balance in the Treasury of $4,716.28. Twenty-eight communities have paid dues for 1991-1992. Upon a motion duly made and seconded, the Committee voted to accept the Treasurer's Report.

3. Position Statement on Tax Reform.--Jack Wilson distributed a summary of the Tax Revision Proposal developed by Steve Cirillo (Newton). Steve will prepare a brief fact sheet with financial data to support each of the four main points.

   Leon Churchill reported on the research he has been reviewing regarding relative tax burdens throughout the country. He proposed a local option sales tax (and/or other local option taxes) as a vehicle for lessening communities' reliance on property taxes and increasing local financial autonomy.

   Moved by Bob Hilliard, seconded by Linda Greyser, the Committee voted to develop a proposal that incorporates local option taxes.

4. Status of Legislative Issues.--Frank LeBart reported that the Mass. Municipal Association, Mass. Association of School Committees, Mass. Federation of Teachers, Mass. Teachers Association, Mass. Association of School Superintendents, Professional Firefighters Association have joined the Suburban Coalition in supporting an override of the Governor's veto of the plan to exempt overlay accounts from the 2½% levy limit.

   Frank distributed copies of a position paper on the Mass. Business Alliance for Education proposed by PRIDE, a Duxbury organization, supporting public education. Elements of the MBAE proposal are currently being discussed by the Joint Legislative Committee on Education.

   The concensus of the Committee was to monitor the legislation being formulated by the Joint Committee on Education and defer taking a position.

(other side, please)

TELEPHONE. (617) 358-2489 OR 358-7701

5. Proposal to Refund Local Aid for Secondary Busing.--Moved by Jack Wilson, seconded by Linda Greyser, the Committee voted to oppose the reduction in funding for busing at the secondary level. Linda Greyser will prepare a letter outlining the Coalition's position, to be sent to the Governor, Legislative leaders and Coalition representatives.

6. Report of Nominating Committee.--Linda Greyser reported that Frank LeBart, Jack Wilson, and Bill Zimmerman have agreed to serve in their present capacities of Chairman, Executive Secretary and Clerk. Louise Haldeman offered to serve as Vice-Chairman.

   Moved by Steve Cirillo, seconded by Dan Kehoe, the Committee voted into office the slate of nominees.

   Jack Wilson reported that the by-laws provide for up to twenty (20) members of the Steering Committee. There are currently nineteen (19) members. Upon a move by Jack Wilson, seconded by Ted Tarr, it was voted unanimously to name Leon Churchill to the Steering Committee.

7. Date for Next Meeting.--The next meeting of the Steering Committee will be held on Wednesday, January 8, 1992 at 3:30 P.M. in the School Committee Room, Town Building.

8. Adjournment.--Upon a motion duly made and seconded, the meeting adjourned at 5:15 P.M.

Respectfully submitted,

Gary Osmond
Clerk Pro Tempore

Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection
Central Regional Office

William F. Weld
Governor
Daniel S. Greenbaum
Commissioner

CC: BOS
D. HALLEY
S. ANDERSON

December 30, 1991

James F. Murphy, Jr.
Assistant Vice President
Polyfibron Division
W.R. Grace & Co.l - Conn.
55 Hayden Avenue
Lexington, MA 02173

RE: Government Parties' contingent approval of the "Landfill Settlement Report" October 1991, and "Study of The Feasibility of Monitoring And Recovering Contamination Directly Under The Landfill", October 1991.

Dear Mr. Murphy:

The purpose of this letter is to document U.S. Environmental Protection Agency (EPA) and Massachusetts Department of Environmental Protection (DEP) ("the Government Parties") contingent approval of the subject Phase I, remedial design documents.

The Government Parties' approval of the Landfill Settlement Report is contingent upon review and approval of the landfill cap design and the landfill settlement monitoring program which shall be submitted during subsequent phases of the remedial design. In addition, this conditional approval does not constitute approval of any monitoring program discussed and proposed in these reports or in the Phase Four Report. Comments on the monitoring programs will be provided at a later date when additional information on the design has been reviewed and approved by the government parties.

The following discussion provides additional information on the Government Parties' contingent approval.

Landfill Settlement Report

Section 3.0

This section contains a brief description of a proposed landfill cap design. As stated in comments on the preliminary

draft report, the Government Parties do not approve of the design as presented in this report. The Government Parties will require a composite cap consisting of a flexible membrane layer and an underlying low permeability layer. W.R. Grace has not demonstrated that the proposed cap will be as protective as a composite cap. Therefore, an alternative to the cap design presented in this report may be required and additional analysis of the landfill cap's integrity under differential settlement may have to be performed.

Section 4.5

The report concludes that primary mechanical settlement after preloading will occur within one to three months after placement of solidified material on the existing landfill is complete. This conclusion is based on a variety of assumptions which have not been verified. While the Government Parties agree that a quantitative evaluation of the magnitude of primary mechanical settlement is not needed prior to design of the landfill cap, W.R. Grace must demonstrate that primary settlement due to preloading is complete prior to commencing construction of the cap. This demonstration must be based on a comprehensive settlement monitoring program implemented during preloading. This issue is further discussed below under Section 6.3.1.

Section 6.3.1

This section contains a brief discussion of a settlement monitoring program for both the preloading and post construction periods. As stated in the Government Parties' comments on the preliminary draft report, the details of the settlement monitoring program will be reviewed by the Government Parties' at a later date after the Government Parties have review and approved the landfill closure design and post closure monitoring plans. While the Government Parties intent to fully review the settlement monitoring program, we do offer the following preliminary draft comments.

- It is not clear how the settlement hubs will be used to determine if primary settlement during preloading is complete. Furthermore, it is not clear how the 50 foot grid relates to the location of the settlement hubs. Will each grid point be surveyed or just the settlement hubs?

- Will measurements at these three points be taken more often than at three months and six months? Two measurements (after three months and after six months) will not be enough to determine if primary settlement is complete.

Feasibility study

The purpose of this study is stated in the Remedial Plan Of Action. The purpose is to evaluate the feasibility of installing a comprehensive horizontal and vertical monitoring network for the unsaturated soils between the bottom of the industrial landfill and the ground water table under the landfill for the purpose of detecting and quantifying the movement of contaminants and/or the active removal of contaminants through the vadose zone.

The Government Parties concur with the conclusion that monitoring and recovery under the landfill is not feasible. This conclusion is based on an evaluation of the effectiveness, implementability and costs of the available technologies.

This report contains a proposed groundwater monitoring program for the landfill. The Government Parties will comment on the horizontal and vertical monitoring program after reviewing the "Landfill Well Workplans, Monitoring Wells and Recovery Wells".

If you have any questions please call Lynne Jennings of EPA at (617) 573-9634, or Michael LeBlanc of DEP at (508) 792-7653.

Sincerely

Lynne A. Jennings
FOR Richard C. Boynton
Chief
Rhode Island Superfund Section
U.S. EPA

Edmond G. Benoit
Regional Engineer
Bureau of Waste Site Cleanup
Massachusetts DEP

cc: BOS
D. HALLEY
S. ANDERSON

Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection
Central Regional Office

William F. Weld
Governor
Daniel S. Greenbaum
Commissioner

James F. Murphy, Jr.
Assistant Vice President
Polyfibron Division
W. R. Grace & Co. - Conn.
55 Hayden Avenue
Lexington, MA 02173

December 30, 1991

RE: W.R. Grace, Acton
Site No. 2-0010
Emission Control
BACT Analysis.

Dear Mr. Murphy:

The Department of Environmental Protection and the U.S. Environmental Protection Agency (the Government Parties) have reviewed the May 24, 1991 W.R. Grace & Co. (Grace) "BACT Analysis and Recommendations for Air Stripping Tower Emission Control Program" (the BACT Report). The Government Parties approve of the proposed emission control technology, the Hoyt Canister System, with the two conditions below.

- The Government Parties approval of the proposed emission control technology is contingent upon the conclusion that the risks from all sources of air emissions at the site do not pose a risk which is outside of the acceptable risk range as specified in the NCP. Due to some concerns raised by ACES, please be advised that the Government Parties are currently evaluating the risk assessments conducted for the site, particularly as they pertain to air emissions. If the conclusion noted above is found to be incorrect, the Government Parties may require additional controls on the air stripper.

- The replacement for the carbon canisters for the proposed Hoyt Canister system was stated to be 24 months. The changeout criteria selected appears to be without scientific basis. During design of the system, Grace must provide more detailed specifications regarding the criteria for change-out frequency and the sizing of the canisters. Furthermore, because the system is not intended to control emissions, and since the odor-causing compounds have not been identified, Grace will be required to replace the carbon immediately upon odor complaints received by EPA, the DEP, or Grace.

The Government Parties have informed Grace at the December 6, 1991 technical meeting held at CDM that the design capacity of the Air Stripping Tower is approaching its maximum. The design capicity of the stripper should be evaluated for treating groundwater from existing recovery wells and also the strippers cabability for treating groundwater from additional recovery wells that may be required in the future.

Please contact Michael LeBlanc of the DEP telephone # (508) 792-7653 or Lynne Fratus of the EPA telephone # (617) 573-9634 with any questions or comments.

Sincerely,

Edmond G. Benoit
Regional Engineer
Bureau of Waste Site Cleanup

Lynne A. Jennings
FOR Richard C. Boynton,
RI Superfund Section

cc: Richard C. Boynton, U.S. EPA, Region 1
Steve Anderson, Esq., Anderson & Kreiger
Don P. Johnson, Acton Town Manager
Robert Eisengrein, TAG Project Manager
William J. Cheesman, Esq., Foley, Hoag, & Eliot
Charles Jutras, CDM

DRAFT

SELECTMEN'S MEETING
DECEMBER 17, 1991

The Board of Selectmen held their regular meeting on Tuesday, December 17, 1991. Present were Norm Lake, Nancy Tavernier, Dore' Hunter, Anne Fanton and Town Manager Johnson

CITIZENS' CONCERNS

Webelos Cub Scouts from Troop 23 Den 2 were present at the Meeting and introduced themselves to the Board. They are working toward their citizenship badge and were in to observe the Board of Selectmen during their meeting.

Pam Kelley representing the group that had submitted the non-binding question to the Town Clerk for inclusion on the March Ballot urged the Board to vote to approve the requested placement. Dore' felt that although the request provided very short notice, it would be better handled on the ballot as opposed to Town Meeting floor. NANCY TAVERNIER - Moved to place the question as submitted on the ballot as a non-binding resolution. ANNE FANTON - Second. UNANIMOUS VOTE.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON POLE LOCATION
WILLOW STREET

NANCY TAVERNIER - Moved to approve with staff comments included. ANNE FANTON - SECOND. UNANIMOUS VOTE

BOSTON EDISON POLE LOCATION
ARLINGTON STREET

DORE' HUNTER - Moved to approve with staff comments included. NANCY TAVERNIER - Second. UNANIMOUS VOTE

BROWN LAND TAKING

The Board reviewed the information submitted regarding the land taking on School Street. NANCY TAVERNIER - MOVED - to approve the transfer of land and accept the gift of $500.00 for the purpose as stated for the costs associated. DORE' HUNTER - Second. UNANIMOUS VOTE.

RETIREE'S HEALTH INSURANCE PRESENTATION

Don Nylander represented the Committee and read the Board several letters from the members absent requesting the Town

increase its contribution to the retirees from 50% to 75%. The Board thanked Mr. Nylander and suggested that he make his presentation to the Coordinating Committee on January 6. Dore' asked the Town Manager to run numbers representing the increased split on the tax rate and Norm wanted to see how many of the retirees were eligible for Medicare. Norm further explained the uses of school choice monies.

COMMITTEE INTERVIEW - WILLIAM McINNIS
Associate Member Board of Health

The Committee asked Mr. McInnis's views on several health issues affecting the Town. They also asked about his participation in Town meeting and his educational and professional background. Mr. McInnis said he had chosen Acton to move to from Marlboro for the school system and other qualities that he found attractive. NANCY TAVERNIER - MOVED to appoint Mr. McInnis as an Associate Member of the Board of Health for a one year term. DORE HUNTER - Second. UNANIMOUS VOTE.

CLASS I LICENSE REQUEST
G&M MOTORS - MIDDLESEX FORD - POWDERMILL ROAD

Mr. Moran and Mr. Gordon outlined to the Board the proposed reopening of the former Anderson Ford dealership. They agreed with the changes to the lighting and signs as outlined in the Building Commissioners memorandum. The Board asked that the issues outlined in the memorandum be addressed prior to occupancy. DORE' HUNTER - MOVED to approve the request for a Class I license at 76 Powdermill Road. NANCY TAVERNIER- Second. UNANIMOUS VOTE.

COMMITTEE INTERVIEW - BOARD OF APPEALS
BEATRICE PERKINS

Bea Perkins was asked several questions by the Board regarding her views on the Board of Appeals. Mrs. Perkin's is well known to all on the Board. Board thanked her for her willingness to once again serve the community in an Alternate position on the Board of Appeals. NANCY TAVERNIER - MOVED to appoint Mrs. Perkins to a term of three years as an alternate membership on the Board of Appeals. DORE' HUNTER - Second. UNANIMOUS.

COMMITTEE INTERVIEW - BOARD OF APPEALS
JANET CLARK

Janet Clark outlined her experiences with the Board of Appeals while representing a client (Concord Auto Auction). The Board asked if she felt that a training session would be helpful, and she agreed that it would be and would be willing to

participate along with Mrs. Perkins. The Board thanked her for her volunteering for this appointment. DORE' HUNTER - MOVED to appoint Ms. Clark to a three year Alternate Membership on the Board of Appeals. ANNE FANTON - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar as submitted, limiting the Class II licenses of G&S Auto Sales and Superior Trading to three months, and staff to review the sites during that time. The additional item of a request to sell alcoholic beverages on the Sundays before Christmas and New Years by the Country Cupboard was also approved. NANCY TAVERNIER - Moved to accept the Consent Calendar with additional item as noted. DORE' HUNTER - Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

COORDINATING COMMITTEE - Dore' outlined the latest meeting. They have come to agreement concerning the deferral issue as outlined in the Memo from Joint staff to the Committee dated December 16th. DORE' HUNTER - MOVED to adopt and support the compromise as set forth in the December 16, 1991 memo from Joint Staff and that we shall adopt Deferral and address pay back issues as outlined in the memorandum (attached). NANCY TAVERNIER - Second. UNANIMOUS VOTE.

DORE' HUNTER - Moved to place an article on the April Meeting seeking a decision on the Local Deferral to be worded to fulfil our agreement. ANNE FANTON - Second. UNANIMOUS VOTE.

SOUTH ACTON VILLAGE - Anne Fanton updated the board regarding the SARC dispute with the Planning Board. She asked the Board for permission to continue to work on this to resolve the issue. The Board urged her continued effort.

METRO WEST PARENTS FOR A DRUG FREE COMMUNITY - Nancy outlined her conversation with the representative from this organization. She asked for a representative (volunteer) to sit in on a meeting to see if Acton should commit to this board. Dore' felt it would be worthwhile to send someone to check it out.

ASSESSORS - Anne Fanton asked about the possibility of having an overview meeting with the Board of Assessors in the near future. The Board suggested January 21st as a possible date. The board asked staff to review the file for the letters that have been suggested to the BOA in previous years to accompany denials.

WHITE FUND - The Board approved the awards as suggested by the Committee for the White Fund distribution and proposed letter to be sent to the recipients of this years gifts.

TOWN MANAGER'S CONCERNS

STONEYMEADE - The Town Manager recommended the acceptance of the gift in conjunction with the acceptance by the Planning Board as outlined in the letter from the Cooperative Bank. DORE' HUNTER - Moved to approve the acceptance of the gift of $51,000 from the Cooperative Bank - NANCY TAVERNIER - Second. UNANIMOUS VOTE.

BUDGET - Don updated and presented the budget as best he could as several issues have to be addressed before the budget can be finalized. Don said he was trying to present a budget without an override. The budget is presented on the assumptions as they stand now. He announced that he had reached an agreement and had a signed contract with the Police Union. DORE' HUNTER - Moved to adopt the pro-forma budget for the purpose of presenting a budget to the Fin Com to include further revisions. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

HURRICANE BOB - Don will update the Board after the meeting with staff. Dore' felt we could/should ask for citizen comment to be forwarded to DPU and to include the minutes of the August Meeting as well as correspondence from the citizens who experienced outages.

COMMUNITY SUPPER - Don felt it was an appropriate use, however, he felt that the free use could create a problem and wanted to see what costs would be associated such as heating. Staff was asked to review this with the Minutemen who occupy and assist in the maintenance , ie. heating of the building presently.

WEST ACTON CITIZENS LIBRARY - Don updated the Board on the request from the WACL to fund the attendance of the Director at the staff meetings. Don could not recommend and Nancy felt that the funds couldn't be used to cover meeting times according to the State grant regulations. Dore' wanted more information and did not want to vote on it tonight.

EXECUTIVE SESSION

The Board voted to adjourn into Executive Session for the purpose of discussing and litigation and Labor Negotiations and confidential letters. DORE' HUNTER took roll call all Ayes.

The Board adjourned into executive session at 10:30 P.M.

_____
Clerk

_____
Date

_____
Christine Joyce
Recording Secty.
cmjW11-(187)

EXECUTIVE SESSION MINUTES

DECEMBER 17, 1991

Budgets - Dore' asked that the agreement to pay back the Cogeneration conversion costs in the Budget for Utilities issue be addressed to the School and copied to the Fin Com. for discussion at the Coordinating Committee on the 6th. Dore' also asked that the School, Fin Com. be sent a memo informing them of the successful completion on negotiations with the Police Department.

Mobil Oil Suit - Anne asked about the possibility of securing the name of a high ranking official at Mobil Oil to inform them of the communities interest in this issue and hopefully urge them to drop the case. Don wanted to make sure Town Counsel reviewed the requested letter.

The Board adjourned at 11:20 P.M.

_____
Clerk

_____
Date

_____
Christine Joyce
Recording Secty.
cmjW11-(175)

1/2/92

DAC - PLEASE SEE ME RE STATUS.

CC: BOS - INFO.

December 26, 1991

Mr. Richard Buck
4 Milldam Road
Acton, MA 01720

Dear Mr. Buck,

As you have probably noticed, the rear lot line of your property has been staked out by a Registered Land Surveyor employed by the Acton Engineering Department. This work was done at my request, to verify the lot line and to determine if a boundary encroachment had taken place onto Town Conservation Land.

It is quite obvious from looking at the site that you have undertaken a great deal of unauthorized work on conservation land, which includes the cutting of a large number of trees and brush, apparently to enhance you view of Nashoba Brook, and to be used as fire wood. Willful cutting and destruction of timber, wood and shrubs on the land of another is specifically prohibited by Massachusetts General Law (MGL) Chapter 266, Section 113, and is punishable by imprisonment and/or a fine. Under MGL Chapter 242, Section 7 the Town could also sue in civil court for triple damages for the trees you destroyed, and the Rules and Regulations for the use of Acton Conservation Land also established a $100 fine for cutting trees without authorization. The cutting you have done is in a wetland, and is so severe that it has had an impact upon the wetland in violation of MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Wetland Protection Bylaw.

During my inspection I also noted that you had constructed a shed, which is located at least partially on conservation land. This structure must be removed within 30 days of your receipt of this letter, or I will send in a Town crew to demolish the portion of the structure that is on town property. Prior to moving the shed you should talk to the Building Commissioner to verify setback distance required for this shed from the lot line, and make sure that you are not in violation of the Zoning Bylaw.

As the public official charged with the care of conservation and other public lands, I hereby order you to cease all cutting of brush, trees, grass, and other plants on the conservation land adjacent to your property immediately,

and that you refrain from performing any work of this nature without authorization in the future. I further order you to remove any structures or other man-made items you have placed on conservation land, and to refrain from placing such items there in the future. All brush and wood from town trees that remains on conservation land is to be left where it fell, and the area is to be allowed to grow back to its' original condition.

It is entirely possible that the Town may seek to exercise its legal rights in this matter to protect its interests, but at this time I am most interested in making sure that the destruction of public property and the boundary encroachment ceases immediately, and it not resumed. If you have any questions about the issue, please feel free to contact me.

Sincerely,

Dean A. Charter
Municipal Properties Director

cc: Town Manager
Conservation Commission
Police Chief
Building Commissioner
Engineering

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

Don P. Johnson
Town Manager

December 30, 1991

Representative Pamela Resor
House of Representatives
Room 33
State House
Boston, MA 02133

Dear Pam:

I recently made my FY93 Budget presentation to the Board of Selectmen. This year, for the first time in the last four years, I was able to express a slight bit of optimism.

As you are no doubt aware, we have gone to the voters of Acton in each of the past three consecutive years seeking General Overrides. Each time, our voters responded with extraordinary votes of approval. Now, for several reasons, we may be in a position to provide a well deserved year of relief to our taxpayers.

I am pleased to advise you that my optimism for FY93 comes, in large part, as a direct result of your efforts. Many times you have heard me complain that we in Acton could, and would, fend for ourselves if the Legislature would only provide the necessary financial tools. Your diligence and support in pursuing legislative changes to address many of our frustrations has allowed us this window of opportunity.

Acton was one of the few communities to adopt Quarterly Tax Bills in the first year the Legislature made them available. This "tool" allowed us to break the annual cycle of expensive short term borrowing to meet our cash flow needs. Thereby, providing thousands of dollars for services to our citizens, rather than expending those dollars for borrowing costs.

The Acton School Systems were among the first to recognize the benefits of School Choice and moved quickly to embrace this legislation. Through the diversity of educational opportunity and funding provided by this program, we anticipate that many children from surrounding communities will now be able to enjoy the benefits of our outstanding educational system without placing an additional burden on the taxpayers of Acton.

More recently, Acton has again gone "out in front" by accepting Deferral. This legislation was offered as short term relief from FY92 Local Aid cuts and we have accepted it with that understanding. While we believe that constructive changes in Proposition 2 1/2 would have provided long term solutions and been more desirable, we are not willing to discard the opportunities inherent in Deferral. Others have dismissed it without regard for its benefits. We believe they are doing their citizens a grave injustice.

We anticipate that these three programs, combined with a new, aggressive local tax collection effort, will allow Acton to rise above the Prop 2 1/2 quagmire for FY93. Though this break from the urgent need for annual Overrides is projected to last only one short year, it comes as welcome relief. The Board of Selectmen, upon hearing this good news, asked me to share it with you and to convey their appreciation for your efforts.

On behalf of the Board, and myself, thank you for your strong support of Local Government in general and Acton in particular. The courage you have shown in addressing these difficult issues is recognized and greatly appreciated.

Very truly yours,

Don

Don P. Johnson
Town Manager

cc: Board of Selectmen

DPJ:232

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

Don P. Johnson
Town Manager

December 30, 1991

Senator Robert A. Durand
Massachusetts Senate
Room 413B
State House
Boston, MA 02133

Dear Bob:

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On behalf of the Board, and myself, thank you for your strong support of Local Government in general and Acton in particular. The courage you have shown in addressing these difficult issues is recognized and greatly appreciated.

Very truly yours,

Don

Don P. Johnson
Town Manager

cc: Board of Selectmen

DPJ:232

CC: BOS

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Conference Room
Junior High School

January 2, 1992

AGENDA

DEC 31 1991

7:30 I. CALL TO ORDER

7:31 II. APPROVAL OF MINUTES OF DECEMBER 5, 1991 AND STATEMENT OF WARRANT

7:35 III. PUBLIC PARTICIPATION

7:55 IV. EDUCATION REPORT - Middlesex Shelter - Gerry Duggan

8:25 V. SUPERINTENDENT'S REPORT FOR THE MONTH OF JANUARY
- Robert Kessler

RECOMMENDATIONS

1. Second Reading - Drug Free Workplace Policy
2. Recommendation for Approval of Position of Sr. Talent Show Advisor
3. Extra-Curricular Appointments
4. Recommendation for FY92 Acton-Boxborough Regional School District Budget and Reduction of Assessments
5. Recommend Acceptance of Computer References and Software

8:35 VI. FOR YOUR INFORMATION

1. The Spectrum
2. Senior Music District Concert Selectees
3. Winter Athletic Schedule
4. Letter from NEASC
5. First Reading - Modifications to Policy and Procedures on AIDS
6. Mass. Assoc. of Mathematics Leagues
7. Students Visit to MIT Plasma Fusion Lab
8. Winter "Interaction"
9. Junior High News
10. Senior High News

8:40 VII. WARRANT DISCUSSION

8:45 VIII. CONCERNS OF THE BOARD

9:00 IX. NEXT MEETING: February 6, 1992, Junior High School Conference Room - 7:30 p.m.

9:01 X. EXECUTIVE SESSION

10:00 XI. ADJOURNMENT

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Conference Room and Auditorium
Junior High School

December 5, 1991

Members Present: Sally Campbell, Stephen Aronson, Pam-Harting Barrat, Jean Butler, Harry Hersh, Lees Stuntz, Mary Anne Vogel, Donald Wheeler

Also Present: Robert Kessler, Mac Reid, Steve Desy, Fran Leiboff, Stephen Donovan, Arthur Goodall, Student Representatives: Emily Hersh, Lisa Napoli, Meighan McCrea and Colin Brannen, citizens and press.

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

Minutes of November 5, 7, 13, 16, and 19, 1991 were approved as written.

Warrant #92-019 in the amount of $189,548.94, warrant #92-020 in the amount of $137,534.21,warrant #92-021 in the amount of $229,712.14, warrant #92-022 in the amount of $93,165.69, warrant #92-023 in the amount of $318,495.03, warrant #91-105 in the amount of $990.00 and payroll warrants totaling $727,025.06 were signed by the chairperson and circulated to other members of the Committee.

PUBLIC PARTICIPATION

Student rep, Meighan McCrea asked who decides whether to have school or not on stormy days. Mrs. Campbell said that Dr. Kessler has that sole responsibility.

EDUCATION REPORT:

Art Goodall, Director of the Faculty Externship Program, is also involved in America 2000 which is a nine-year strategy for educating students in new and exciting ways. It consists of four tracks - (1) better and more accountable schools, (2) a new generation of American Schools, (3) a nation of students learning throughout their lives and (4) communities where learning can happen. The New American Schools Development Corporation means to do all they can to see track 2 carried out. Art has received a call of interest from MIT Lincoln Laboratory regarding connecting to a design effort. It is the Federal Government's intent to select 20 or 30 schools by February, 1992 and start funding in June of '92. Art has met with most of the faculty to see if they would like to go forward with a proposal. (At this time, 7:50 p.m., the Committee moved to the Jr. High Auditorium to accommodate the number of people in attendance.) Harry Hersh asked if we have a plan for substance. Art said the design team takes this on, and he was meeting with all interested faculty K-12 to brainstorm how, what, and who should be on design team. He said he would value the help of the School Committee. We do intend to answer the NASDC by December 15. Steve Aronson wondered about up front costs for phase 1, i.e., giving staff time off for research. Art said said he did not know yet how much release time would be required. Steve asked if collaboration between districts was allowed. Art said you can add other school systems, companies, hospitals, libraries, etc. Dr. Kessler said we do a lot of things here that are not done in other communities for example, MESTEP, Faculty Externships, SPED Transportation Collaborative, EDCO Collaborative. If faculty are interested, we can move these things along. The consensus of the Committee was to encourage Art to proceed and to keep them posted.

SUPERINTENDENT'S RECOMMENDATIONS FOR DECEMBER

Regarding the appointment of the varsity basketball coach, the Superintendent asked Steve Donovan to summarize the issues that had been raised. Steve Donovan said last summer, the Student Assistance Team related to him a parental concern regarding an incident on the Cape with Coach MacLeod and basketball players where some alcohol was consumed. Shortly after that time, Jack Schofield set up the procedures for hiring a coach - three finalists were to be submitted to the Superintendent. They asked Rich MacLeod, a candidate, about the incident. Mr. MacLeod said there was an incident which involved recent graduates. Parents were informed, some provided food. A few of the young men had a couple of beers which he did not purchase for them. He stated he would not do it again and wanted to continue to coach. He felt he could continue as a candidate and meet the procedures. Mr. Donovan interviewed the three finalists and saw Mr. MacLeod as the superior candidate. He informed the Superintendent of the Cape incident. The Superintendent met with Jack Schofield and Steve Donovan and then scheduled a meeting with Rich MacLeod, with Mac Reid present. Mr. MacLeod was apologetic, willing to apologize to the School Committee and parents. At the December 4 meeting of the Alcohol and other Drug Abuse Advisory Council it was noted that some juniors were present at the Cape. There was another meeting with Rich MacLeod, the Superintendent, Steve Donovan and Mac Reid. Mr. MacLeod said two juniors came uninvited and did not drink. Steve Donovan said Mr. MacLeod impressed him as one of the best coaches who went the extra mile for his players and that his recommendation to the Superintendent remains the same.

Dr. Kessler said there were specific points Rich will be making to parents and players: among them a clear understanding as to practice time - 5:30 -8:00 p.m. in High School gym; if needed on weekends can only practice one day out of the two with respect for religious services. Dr. Kessler said he has always taken a strong stance against alcohol use by high school students and his first inclination was to say no to Rich MacLeod. He said that there was a need for strong people in coaching who are respected by young people and that Rich MacLeod was an effective coach. He made a mistake and has owned up to it.

Don Wheeler was concerned about an article in "The Middlesex News" referring to [Coach MacLeod's] support of Larry McNulty which was misinformation about an earlier discussion of the School Committee. Mrs. Campbell said there was an executive session in regards to this appointment because the basketball season was starting and a coach was needed. At that time, the Committee took a consensus. Dr. Kessler said the discussion was held in executive session as it affected Rich's character. Rich knew of the meeting but did not come to it.

Steve Aronson said he was a traditional skeptic -although he respected Bob Kessler and Steve's input, he was not happy with facts which represented an error in judgment. He attributed greater harm to the incident as it occurred after he left the position with the schools and might have felt there would be no repercussions. Steve said he thought there was too little, too late. Rich MacLeod might be the best basketball technician but the message given to the team was wrong and he could not support this recommendation.

Pam Harting-Barrat said this has been a very, very difficult process, She said if one of the players were caught drinking they would be suspended. For any person under age 21 drinking was illegal, and if a parent wanted to press charges they were entitled to. She said she could not support the recommendation. Harry Hersh said he also had trouble with the recommendation, that the coach is a role model. To have somebody engage or condone this type of behavior as a condition to getting a job does not ring true and sends the wrong message to the community. Sally said a student is out for two games if it is a first violation, not off the team. Pam said a student can't say I made a mistake and be forgiven - they cannot play for two games. Dr. Kessler said he did not not view this as to whether a coach produces a winning team - he based it on the influence Rich had on young people. He said he was willing to say the things stated. He does affect young people and it is certainly worth trying.

Lees Stuntz said she would vote for this because she truly respects Steve Donovan's word in this matter; respects his feelings as a counselor that Rich MacLeod has a positive effect on kids. She said she needed the assurance by Steve, Bob Kessler and Jack Schofield that this will be monitored and if Rich does not comply, he is out.

Sally said she was upset at first, but has respect for the Superintendent's stand - he is very, very tough on drinking. She said it was important for young people to have a role model - he was not perfect - when he made a mistake he stood up and said so. She said she had been assured that he will be watched carefully by parents and that she was willing to give him a second chance.

Don Wheeler said he wanted someone to look into who put that information into the paper - that was a violation.

Bill Weeks said are you asking the Superintendent to investigate the Board? Mr. Wheeler said "That's right."

Marge Matson was strongly opposed to the appointment. She felt there was a very serious violation of the law, poor judgment had been used, that the coach was verbally abusive and showed favoritism to certain players. She said she had spoken to 10 parents of players, nine of whom were concerned.

John Martin, Richard Klau, Linda Morris and Art Dean, who had sons play under Rich MacLeod, spoke in his favor. Colin Brannen, student rep and JV player last year, said all the players look up to Rich, he is not verbally abusive and shows no favoritism.

Mary Anne Vogel said she was initially opposed because of the Cape incident and has serious problems with his credibility. She was disturbed by the article in "The Middlesex News".

It was moved, seconded and

VOTED: To approve the appointment of Richard MacLeod as Varsity Boys' Basketball Coach for the 1991-92 season.

The vote was five to three, Harry Hersh, Pam Harting-Barrat and Steve Aronson voting against.

It was moved, seconded and unanimously

VOTED: To approve the following extra-curricular appointments:

Bruce Oetinger	Ass't. Varsity Ice Hockey Coach
Rich Glynn	Ass't. Varsity Ice Hockey Coach
Kristen Connell, JoAnne Connell	Co-Ass't. Girls' Gymnastics Coach
John S. Tilton	Jr. Boys' Varsity Basketball
Rich Kilpatrick	Freshman Varsity Boys' Basketball
Aaron Axelrod	Alpine Ski Coach
Sue Ann Thyng	Cross Country Ski Coach
Joline Small, Karen Killoy	Co-Varsity Hockey Cheerleading Advs.
Barbara Linnard, Lucille Hogan	Co-Varsity Basketball Cheerleading Advs.
Debbie Sparrow	JV Basketball Cheerleading Adv.

Rich Glynn will be paid by the Boosters.

It was moved, seconded and unanimously

VOTED: To appoint Helen McLellan as School Psychologist at the Junior High School for the remainder of the school year.

VOTED: To approve a varsity and junior varsity wrestling program at the High School for the 1991-92 school year..

Steve Aronson wanted to make sure that the Committee and Boosters were aware there would be no incremental costs to the system this year.

VOTED: To approve the appointment of Dr. Robert Jackson as Varsity Wrestling Coach.

Dr. Jackson's salary will be paid by the Boosters' group.

VOTED: To accept the gift of $250. from Peter Mele, Tournament Director of the Digital Seniors Classic, to be deposited in the Athletic Gift Account for use by the golf team.

VOTED: To accept a Houston Instrument PC Plotter 695 A and a Y Series Plotter valued at $900 from Eric C. Silverberg, Ph.D. for use in the High School Technical Drawing Classroom.

FOR YOUR INFORMATION

Dr. Kessler referred to the update of the Energy Project.

He also spoke about the first reading of the policy "Drug Free Workplace" which will be voted on at the January 2 meeting. Steve Aronson asked if it was mandated language. Mac Reid said the concepts are mandated but the specific language was not.

Mac Reid prepared enrollment projections for the next school year using the Cohort Survival Method which he said has been very accurate except for kindergarten figures which have been low in the past.

Also referred to were the dates of the holiday concerts, a letter in praise of Eileen Flannery as a coach and teacher and the efforts of the Field Hockey Team to reach out to inner city kids.

Sally Campbell said she thought the High School newspaper "The Spectrum" was wonderful - a fantastic job.

Meighan McCrea, student rep, has been selected for the United States Senate Youth Scholarship Program which includes a $2000 scholarship and a trip to Washington, D.C.

WARRANT DISCUSSION

One question dealt with an Externship payment to the Town of Acton. Bill Ryan said the check was misdirected, should have been made out to the Town instead of the Region.

CONCERNS OF THE BOARD:

Sally Campbell read a letter from Mary Jane Merrill, President of the AEA, regarding teachers' concern about having delayed openings on days when the weather is stormy.

Mrs. Campbell proposed going into Executive Session and then returning to open session to discuss legal bills and possibly a vote.

Steve Aronson said he had already signed the warrant and this was an unusual procedure she was invoking - should have pulled the warrant. Bill Ryan said there were three invoices from Ropes & Gray covering September, October and November - $275,320.77 for dismissal hearings of Larry McNulty; $23,717.89 for defamation suit against the Superintendent, Gary Baker, Don MacLeod and Pat Haras; Professional Services which had nothing to do with any of those matters but for special education, teachers' salary deferral, co-generation energy project, etc. in the amount of $19,456.37. Total legal services bills to date for this fiscal year are $372,582.60 (July 1, 1991 through November 30, 1991), $342,038.66 of which were for all issues involving Larry McNulty. He did not as yet have an invoice from Bob Fraser. Last fiscal year totals were $94,773.16, $66,000 of that related to Larry McNulty, Therese Sliwa and Don MacLeod. Bill said there were bills of $27,000 which were submitted to the insurance company. He added that Ropes & Gray had discounted their bill by the amount of approximately $55,000 which they

explained in a letter. A member of the public present asked if there would be any more bills. Mrs. Campbell said that depends on what Larry McNulty does. Bill said there would be bills from Stoneman, Chandler and Miller. Mr. Ryan said we went out to bid on insurance and are locked into a package for three years so did not anticipate a significant increase in rates - except for workmans' comp and car insurance - cannot exceed 5%.

Steve Aronson said he heard on the cable broadcast of the Selectmen's meeting that there were concerns where the relationship with the schools was going especially with the budget process. Dr. Kessler said a meeting had been scheduled for Friday, December 6.

A member of the public asked how a determination is made each year as to what legal firm to use. Don Wheeler said the Committee was very satisfied with Ropes and Gray, that their rulings had served us very well and there never was an issue about changing law firms. They have done quality work over the years, not all of which gets as much publicity as recent events.

Bill Weeks asked why they discounted the $55,000. Bill Ryan said they did not give us a formula - clearly, it was their decision. He said he had asked them if they could discount the bill and they went to the partners. They gave us three bills and indicated in a letter they had discounted $55,000 but did not give us a reason.

NEXT MEETING: Next regularly scheduled meeting, January 2, 1992 Room 114, Junior High School at 7:30 p.m.

At 9:40 p.m., it was moved, seconded and unanimously

> VOTED: To go into executive session to discuss strategies relative to litigation and negotiation issues 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 the Conference Room #114.

The Committee returned to open session at 11:19 p.m.

It was moved, seconded and unanimously

> VOTED: To make a copy of the transcript of the hearings available in the administrative offices except for anyone under 18 pursuant to law and a copy may be purchased for a fee of $250

A reporter from The Middlesex News was present and asked for a copy. He was invoiced for $250.

The meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Evelyn I. Smith, Secretary

CC: BOS -
DORE' PLS. TAKE NOTE.

JAN 2 - 1991

TOWN OF ACTON
BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts 01720 (508)264-9632

January 2, 1992

Michael Perrault, P.E.
Commonwealth Engineers and Consultants
1244 Broadway
Raynham, MA 02767

Dear Mr. Perrault:

I am writing as a follow-up of our telephone conversation regarding modifications to the Concord Auto Auction. You had requested five changes of which, I believe, three are within the scope of the original permit and will need no further approval.

A) I believe that the installation of a "Cape Cod" style bituminous concrete berm between Hosmer Street and the Colonial Pines driveway is within the scope of the permit and needs no further approval.

B) The original approved plan required a guardrail on the eastern side of Hosmer Street. This was required so as to prevent this area from remaining a parking zone. You have suggested the installation of Curve-Flex Delineator Post at 10 ft. intervals would accomplish this. You are requesting this change because an underground gas main and telephone lines are located there and it is not possible to install the guardrail post. Before it can be decided if this is the best possible solution a plan should be prepared showing the exact location of both the gas main and telephone lines. We also need information as to how close a guardrail post can be located adjacent to a gas main. You should also investigate other options.

C) The installation of a guardrail on the southern side of the Auction driveway will help protect the landscaping and I consider this within the scope.

D) A guardrail along the southern side of the Auction driveway from the gate to the guard house will add a level of safety to drivers entering the site. I do not see any objections to installing it, however I do not consider that paving this area is acceptable. It may improve maintenance but would decrease landscaping which is contrary to zoning bylaw and the master plan.

E) It is not certain at this time if a paved fire lane is needed. This question has been asked of both the police and fire departments. Until this has been decided, the fire lane should not be added.

I hope this outlines for you what you can proceed with at this time. As soon as I hear from the police and fire departments, I will let you know about the fire lane.

I would also like an update on the improvements required for the corner of Hosmer Street and Rte. 2. I believe that the final approved plans may be ready. If I can be of further service, I can be reached at 264-9632, Monday thru Friday between 8:00 and 5:00.

Very truly yours,

Garry A. Rhodes
Building Commissioner

cc: Town Manager
Board of Selectmen

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COMMONWEALTH Engineers & Consultants, Inc.
▶ 38 Pond Street
Franklin, MA 02038
▶ Tel. 508-520-1141
Fax. 508-528-8004

Naomi
Please review
and Comment
Thanks

RECEIVED
OCT 11 1991
ACTON BUILDING INSPECTOR

October 9, 1991

Mr. Garry Rhodes, Building Inspector
Town Hall
Acton, Massachusetts 01720

SUBJECT: MODIFICATIONS TO HOSMER STREET AREA
CONCORD AUTO AUCTION
CE&C PROJECT NO. 88057.01

Dear Mr. Rhodes,

As discussed during our September 16, 1991, site meeting, the Concord Auto Auction would like to make some minor adjustments to the proposed construction in the Hosmer Street Area. The following is a list of these adjustments:

A. Provide a "cape cod" style bituminous concrete berm on the western side of Hosmer Street from the auction driveway to the Colonial Pines driveway;

B. Install Curve-Flex Delineator Posts at 10 ft. intervals along the eastern side of Hosmer Street instead of 350 ft. of guardrail;

C. Provide a guardrail on the southern side of the auction driveway at the intersection with Hosmer Street;

D. Provide a guardrail along the southern side of the auction driveway from the gate to the guard house. The narrow earthen area will be paved for maintenance purposes; and

E. A paved fire lane, properly striped will be added on the northern side of the auction driveway from Hosmer Street to the gate. The width will vary, and will conform to the 10 ft. setback requirement.

These adjustments are shown on the enclosed plan. The reasons for requesting these adjustments is as follows:

A. The Town road does not have a berm. The new berm will control erosion, and undermining of the pavement at the roadway shoulder;

B. There is a gas main and underground telephone in the area where the guardrail was shown to be installed. The guardrail posts could not be installed properly. The delineator posts can be hand dug, and slight shifting can be accommodated. The intent is to keep vehicles off this shoulder, and the delineators will accomplish this goal;

C. The intent of the driveway configuration is to discourage right turns for vehicles leaving the property. The guardrail will prevent vehicles from crossing the mulched shoulder area;

D. The parking area previously had a fence between the parking area and the driveway. The new plan eliminated the fence, and created a narrow grassed strip. To prevent cars from driving across the grass strip, a guardrail is proposed. The rail will be provided with pedestrian breaks. In order to provide for maintenance of this area, the narrow strip will be paved; and

E. The Owner is concerned for safety at the driveway to the auction facilities. The new driveway was designed to be very restrictive in order to control the turning movements at Hosmer Street. The area is so restricted that there is no room to allow an emergency vehicle to gain access. This fire lane will provide a stable surface for vehicles to shift onto which will enable an emergency vehicle to pass and gain access to the site. At the present time, the Owner is only addressing the area from the gate to Hosmer Street. Operation of the section between the gate and the guard house will be evaluated during the next few months.

It is the intention of the Owner to have the above adjustments constructed this Fall. Should you have any questions in regard to these items, please contact me. Should a meeting with the Selectmen or other Town Agencies be required, please contact me in order to arrange a schedule to accommodate the construction for this season.

Very truly yours,
COMMONWEALTH ENGINEERS & CONSULTANTS, INC.

Michael E. Perrault, P.E.

MP/cg

cc: Mr. Thomas Caruso, CAA
Ms. Barbara Cesaro, CAA
Mr. Michael McLaughlin, H&W
File

FILE COPY

TOWN OF ACTON
DEPARTMENT OF MUNICIPAL PROPERTIES
472 MAIN STREET
ACTON, MASS. 01720

DEAN A. CHARTER, M.C.A.
DIRECTOR
508-264-9629

TOM TIDMAN
CONSERVATION ADMINISTRATOR
508-264-9631

December 27, 1991

CC: BOS - FYI
RE: FOOD PANTRY

Acton Minutemen
c/o Mr. Robert Werner
64 School Street
Acton, MA 01720

Dear Mr. Werner,

Pursuant to the Board of Selectmen's decision to allow the Community Supper Inc. to temporarily use the ground floor of the Town owned building at 18 Windsor Avenue as a food pantry, I visited the building with a mechanical contractor and the Building Commissioner.

The heating system is being rehabilitated at Town expense, and the Town will pay to have the tank filled to provide heat for this winter. Due to the fact that the plumbing was not properly drained, the restrooms and kitchen will be left dry.

During his inspection the Building Commissioner took note of the condition of the exit door and fire escape, and has determined that they are in such bad shape that a safety hazard exists (See attached I.D.C.). Until this situation can be remedied one way or another, I am therefore prohibiting the occupancy of the second floor by anyone, for any reason. Please notify all your members who have access to the building to this prohibition.

Over the next few weeks the Town Manager and I will be inspecting the building and preparing a list of recommendations for the Selectmen regarding the long term use of the building. I will keep you appraised of all relevant information in this regard.

Sincerely,

Dean A. Charter

Dean A. Charter
Municipal Properties Director

cc: Town Manager ✓
Building Commissioner
Fire Chief

DAC:ahm
940

cc: BOS - FYI

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

DEC 23 1991

Telephone: (617) 573-0100

Facsimile: (617) 227 4420
Telex: 951104

December 16, 1991

CONFIDENTIAL & PRIVILEGED

Mr. Roland Bartl
Town Planner
472 Main Street
Acton, MA 01720

Dear Roland: (Farm Hill Subdivision)

Thank you for your letter summarizing the Board's reasons for the traffic conditions included in this decision. I have no question that the conditions reflect sensible traffic mitigation goals. The real question, as your letter suggests, is whether the Board has authority under the subdivision control law and its rules to impose these conditions. The courts have been reluctant to recognize the impact of a subdivision on streets outside the subdivision proper, even when the subdivision will have a demonstrable impact. In some cases, however, there may be authority for the Town, acting under different statutory authority to control adverse impacts.

I think it best for me to meet with the Board to review the decision in this case. Would you set up such a meeting? I anticipate that we will need one and half to two hours.

Very truly yours,

Acheson H. Callaghan

AHC/dcb

cc: Don P. Johnson
Jonathan L. Weil, Esq.

necsa
new england convenience store association
48 Lexington Street, Suite 6
Newton, MA 02165 · (617) 969-1400

DEC 23 1991

December 16, 1991

Norman Lake
Chairman, Board of Selectmen
472 Main St.
Acton, MA 01720

Dear Mr. Lake,

The New England Convenience Store Association represents convenience stores which operate in your community. Many of these small business operations are family owned single store operations or franchisees which are being hurt by supermarkets that are opening in violation of Massachusetts law before noontime on Sundays.

Convenience stores are open seven days per week, and Sunday morning sales not only provide a community service, but represent an important part of overall sales.

Since 1983, supermarkets have been allowed to open on Sundays, **after noontime**, and during the Thanksgiving/Christmas season, all day long. Yet, due to some confusing communications from the Department of Labor and Industries, supermarkets are also opening **before noontime**, all year long.

According to Massachusetts General Law, Chapter 136, Section 7, Sunday morning permits for supermarkets should be granted only for "necessary work and labor which could not be performed on any other day without serious suffering, loss, damage, or public inconvenience."

In a memo dated, May 3, 1991, the Attorney General stated, "These are stringent standards. They cannot be met simply because it would be more convenient for some citizens to shop on Sunday mornings or because those citizens will otherwise cross state lines to shop on Sunday mornings. Nor do the current difficult fiscal conditions in the Commonwealth justify issuing permits. Rather permits may be granted only to respond to serious, unique conditions, such as a natural disaster, or other true public emergency."

The Attorney General also clarified in his memo that permits may only be issued for one day at a time and that violations of the statute may be enforced by "district attorneys, a mayor or city manager and city council, the board of selectmen of a town, or the Attorney General."

It is my hope that you will take steps in your community to ensure that supermarkets are not operating in violation of this law and we would appreciate the opportunity to meet with you to discuss this issue. I will call you after the holidays to arrange a mutually convenient time to meet. Have a happy healthy holiday!

Thank you for your cooperation.

Sincerely,

Catherine A. Flaherty
Executive Director

1/2

NOTE TO BOS-
THIS IS AN ON-GOING BATTLE BETWEEN JURISDICTIONS @ THE STATE. THE ADMINISTRATION CONTENDS THAT THE LAW IN QUESTION ONLY APPLIES TO INDUSTRIAL SITUATIONS, NOT COMMERCIAL.

cc: BOS

Town of Acton

DEC 27 1991

ransportation Advisory Committee

Minutes of the Meeting, 16 December 1991

Present: Martin Graetz, Bill Litant, Al McAdoo

The meeting was held at Town Hall in Room 46 on Monday, rather than Tuesday, owing to members' schedule conflicts.

The sole topic for discussion was the recent appearance of TAC members Graetz and McAdoo at the Selectmen's meeting on 3 December, at which the Board expressed concern over recent resignations and apparent lack of activity on the committee during the past year. The outcome of the appearance was that the Board asked TAC to prepare a statement of purpose that could be the basis for a new charge for the Committee that might lay out more specifically the Committee's responsibilities.

To that end, Al McAdoo prepared a description of TAC activities and responsibilities in the past few years. We discussed both this and the Board's expectations, principal among which was that TAC take a more initiative ("pro-active") role in identifying and gathering information about transportation issues that affect the town. Board members also expressed concern that TAC is inhospitable to women members, a perception which apparently was part of the reason for Betsy Comstock's resignation.

As an example of the format of a new committee charge, Selectman Anne Fanton sent TAC a copy of that for the new Recycling Task Force, and a list of suggestions for the content of the charge as well.

After much discussion, we agreed to prepare a synthesis of the various proposals and examples, to be submitted to the Board of Selectmen in January after TAC's next meeting. At the same time, we will prepare a more specific "job description" that the Volunteer Coordinating Committee can use in advertising for volunteers to join TAC.

We also agreed that because TAC often deals in technical matters, especially when reviewing site plans and traffic studies, we might prepare a members' kit that would contain a glossary of technical terms used in traffic studies, an explanation of the concept of "Level of Service", and examples of a site plan, a traffic study, and a typical TAC site-plan review.

martin graetz
Martin Graetz,
Clerk (acting)

HIGHWAY DEPARTMENT

~~TOWN OF~~ ACTON, MASSACHUSETTS

OFFICE OF
SUPERINTENDENT

CC: BOS
RECYCLING COMMITTEE

DEC 23 1991

NOTICE TO ALL HAULERS

THIS IS TO INFORM YOU THAT AS OF DECEMBER 30, 1991, NO MIXED LOADS THAT INCLUDE LEAVES OR WHITE GOODS WILL BE ACCEPTED AT THE ACTON TRANSFER STATION.

LEAVES AND WHITE GOODS THAT ARE SEPARATED WILL BE ACCEPTED. WHITE GOODS ARE TO BE PLACED IN THE METAL PILE AND LEAVES ARE TO BE PUT IN LEAF BINS

THESE ARE NEW STATE REGULATIONS.

THANK YOU FOR YOUR COOPERATION.

RICHARD HOWE
HIGHWAY SUPERINTENDENT

cc: FRANK TOWNE/OPERATOR
KEVIN FARRELL/ATTENDANT
CHARLES WENTZELL/GATE CHECKER
JAMES MCGIVER/PLANT MANAGER, MASS. REFUSETECH, INC.

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CC: BOS - FYI

December 31, 1991

Dear Ben -

I hope you had a pleasant, peaceful Christmas and that 1992 will be one of the better years for you and your family.

From our previous telephone conversation, you are aware of my distress over the revenue - or lack thereof - that comes to Acton from the School of Choice students in the elementary schools which by School Committee direction goes to the Regional District entirely, even though the Town incurs substantial expenses as a result of these new students.

There are now 59 students under the Choice program spread through grades K through 6 and Bill Ryan's secretary says that the Town is reimbursed about $5000 per student or roughly $175000 for the school year. This is a substantial sum!

The Town supports the elementary schools completely and it seems only fair that the School Committee should take an equitable and reasonable approach and return this money to the Town.

The Regional District should support its programs with the funds it is entitled to and provide the same opportunity to the Town.

This may be a cock-eyed approach to the Choice situation, but I believe it is a fair and realistic one.

After all this, Happy New Year!

Dr. [illegible]

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

December 26, 1991

TO: Those Listed

FROM: Dean A. Charter, Municipal Properties Director DAC

SUBJECT: Open Space and Recreation Plan Draft

Attached please find the draft of the 1992-1997 Open Space and Recreation Plan, which I have been working on for the last few months. This document is a prerequisite for State funding for any conservation or recreation projects, and more importantly, it will provide a framework for town decision making regarding utilization of open space.

This draft document is being circulated among various town boards and committees, and well as interested individual citizens. Please feel free to make whatever comments you feel are relevant about this document, including correcting any errors of fact or perception you might find. Although the plan is quite voluminous already, I want to consider as much input as possible from a wide range of individuals.

The public comment period will run from January 1 to February 17, 1992. Written comments would be most helpful, and will be used to produce a final report which should be available for distribution in the spring after it has received state review. All comments should be addressed to: Dean Charter, Director of Municipal Properties, Town Hall, 472 Main Street, Acton, MA 01720

DISTRIBUTION:

Town Manager
Board of Selectmen (5)
Conservation Commission (9)
Planning Board (7)
Recreation Commission (2)
Historic Commission
Water District
Recreation Director
Town Engineer
Health Director
Finance Director
Highway Superintendent
Police Chief
Fire Chief
Memorial Library (2)
Citizen's Library (3)

Friends of the Acton Arboretum
Playground Committee
Cemetery Commission
Acton Boxboro Youth Soccer
Colonial Little League
Pop Warner Football
Twi-Lite Softball League
Interested Citizens

935

DRAFT

TOWN OF ACTON
OPEN SPACE AND RECREATION PLAN
1992-1997

DRAFT

DRAFT

SECTION 1

PLAN SUMMARY

The Acton Open Space and Recreation Plan has been written to provide both an inventory of existing facilities, and a framework to make decisions regarding utilization and expansion of open space.

Through its' various sections, the Open Space Plan documents the success the Town has had in protecting open space, and the vast amount of public support that exists for the continuation of the protection program. The plan provides a brief overview of the development of the Town, including its' history, growth patterns, and demographics. The plan then examines the environmental base of the Town, including its' geography, vegetation, and wildlife habitat. The most voluminous section of the plan is an extensive inventory of protected parcels (which is detailed into eight subsections), and unprotected parcels (detailed into three subsections).

Using the community setting, environmental analysis, and inventory of lands, the plan develops an analysis of what future actions, both on a macro and micro scale should be taken to continue the protection of open space, in keeping with the wishes of the taxpayers, as established in the Master Plan process and direct contacts since the acceptance of the Master Plan.

Finally the plan ha an extensive appendix and map section that goes into greater detail than shown in the plan itself, and which provides an easy reference section for persons wishing to conduct further research.

DRAFT

SECTION 2-A

STATEMENT OF PURPOSE

The purpose of this plan is to formalize the Open Space Planning and Management process as it exists in Acton today, and to provide a framework of realistic, tangible goals for the next five years.

This is Acton's third open space and recreation plan; The most recent plan, entitled "Patterns for the Future" covered the period 1985-1990. A great deal of progress has been made in accomplishing many of the goals of the plan in the six years since that plan was published.

Soon after the 1985-1990 plan was published, some very basic changes to the Town's organizational structure were undertaken. An overall department - Municipal Properties, assumed control of all land, natural resources, and facilities management under broad policy guidelines from the Recreation Commission, Conservation Commission, and the Board of Selectmen. The Conservation Administrator came under the direct supervision of the Municipal Properties Director. This reorganization allowed the new Administrator to spend a great deal more time working on the lands, coordinating volunteer activities and conducting inspections, and now many of the administrative and clerical duties are performed by the Secretary and the Director. The realignment also provides a process whereby the department labor and equipment pool became more available for use on conservation lands, and triples the amount of work performed on the lands.

Significant progress has also be made in the field of bylaws, rules and regulations. The local Wetlands Protection Bylaw and Rules and Regulations were rewritten by the Commission and staff, and adopted by the Town. This Bylaw now is substantially more protective than the State law. The Town adopted an aquifer protection bylaw and zone map. The Planning Department sponsored substantial changes to zoning to preserve open space and reduce the potential overall density of Town. Finally, the Town accepted a Master Plan, which lays out a framework for town growth into the next century. The Master Plan executive summary, which is included in the Appendix, is a integral part of the Open Space Plan, and is cited repeatedly in this plan.

Fiscal constraints and skyrocketing real estate costs could have stifled the Town's attempt to preserve open space. Since 1985, however, two significant parcels of land have been obtained, due to zoning and development incentives. These areas are Nashoba Brook Conservation Area (123 acres), and Stoneymeade Conservation Area (43 acres). In the years to come it is very likely that this method of obtaining land will continue to exceed the actual purchase of land.

In summary, the purpose of this plan is to review the progress in the last six years in acquiring and managing open space, and in providing methods to protect open space in the future. The plan will also provide an outline for proposed actions that should be taken in the next five years to continue this process.

DRAFT

SECTION 2-B

PLANNING PROCESS AND PUBLIC PARTICIPATION

The major author and compiler for this document is Dean Charter, Director of Municipal Properties, with extensive assistance from Tom Tidman, Conservation Administrator and Andrea MacKenzie, Municipal Properties/Conservation Secretary. Individual articles were also contributed by Andrew Sheehan, Ann Shubert, and Peter Shanahan, all of the Conservation Commission. Graphics and maps were drawn by Tom Tidman.

The 1985-1990 Open Space and Recreation Plan was used as a base, but was extensively revised, expanded, and updated to comply with the State format. Where possible, existing information has been incorporated into this document, rather than do new research.

In February, 1991 the completed Master Plan for the Town of Acton was accepted by the Board of Selectmen. This document represented several years of effort by the Planning Department, the Planning Council, and their consultant, I.E.P.. The Master plan process incorporated an extensive public hearing and information gathering process, surveys, opinion polls, and town meeting discussion. The author of this report attended many of the public meetings associated with the Master Plan, and the comments in the Master Plan that are pertinent to the Open Space and Recreation Plan are addressed in this plan. As noted above, no attempt is made in the Open Space and Recreation Plan to re-write the Master Plan. The author's concept for the Open Space Plan is that it should be very tangible, very grounded in reality, and provide concrete, achievable goals for the next five years. If the Master Plan was a concept document, the Open Space and Recreation Plan is an implementation document.

Specific suggestions were solicited from many individuals prior to the preparation of the draft Open Space and Recreation Plan. Those contacted included: the Conservation Commission, Recreation Commission, Recreation Director, and the major athletic leagues. As noted earlier, the relevant comments generated in the master plan hearing process are also addressed in the plan.

Copies of the draft document were circulated to all relevant boards and community groups for comments for inclusion in the final document. Groups submitting comments for the final documents include:

DRAFT

SECTION 3-A

REGIONAL CONTEXT

Acton is an upper middle class suburban community, located approximately 25 miles west of Boston, equidistant between Routes 495 and 128. Route 2 bisects the town, and serves as a major commuting route into Boston for residents of Acton and towns located to the west. Route 2A, which also runs east to west, is a commercial and retail zone, providing stores and offices that are used by residents of Acton, Westford, Littleton, Carlisle, and Concord. The M.B.T.A. trains run through West and South Acton, and the town maintains a "de facto" regional parking facilities in South Acton.

The socioeconomic class of the majority of Acton's residents, the historic use of the majority of Acton's land, and the patterns of development, all have had an impact upon the use of open space and recreation lands. The older residents of Acton remember what the town was like when it was a farming community, and the newer residents are wealthy enough to be able to vote in favor of public purchases of land to provide open space and to protect property values; as a result, over 1000 acres of land were set aside from 1960 to 1980. Acton, as a suburban commuting town, is situated in such a fashion that many of the new residents moved here to live "in the country", even though the town is no longer really rural. As forests and farmlands have become available to development there has been pressure to keep the area open. There has also been pressure to have parcels of land adjacent to all major subdivisions, so conservation lands are fairly evenly distributed throughout town.

There are several parcels of conservation land in Acton that abut neighboring towns, and there is a potential for a regional trail system. However, at least one town east of Acton has stated, through their Property Director, that they "don't want Acton residents using our land". However, the Town will continue to pursue such linkages.

Acton is closely associated with Boxborough, through regionalized schools, fire department dispatch, and athletic leagues. Around 20% of the participants of local athletic leagues that use Acton's fields are not Acton resident, yet they are allowed to use our fields without any charge. Acton is, in effect, providing a regional recreation program, funded entirely with Acton's local tax dollars.

A few years ago, the state had a proposal to convert the underutilized railroad spur that runs from South Sudbury to Lowell into a regional bikeway, similar to the Cape Cod Rail Trail. Lack of funding on the State level has caused the program to be temporarily shelved, but it should be pursued in the future. In Acton, approximately 30% of the proposed trail mileage would be directly abut public open space.

The Town of Concord controls Lake Nagog, which is split between Acton and Littleton, and Concord prohibits the public use of the land it owns that abuts the lake. Non-power boating, fishing, and nature study on this lake should not effect water quality, and should be considered.

Acton is providing a variety of "regional" services and facilities that are of value to the surrounding towns, yet receives virtually nothing in return. The cost of providing public facilities that are used by citizens of other towns are borne almost totally by Acton taxpayers, our open space is being used up to provide a regional commercial and retail district, and our quality of life is degraded by the influx of commuter traffic. Some sort of regional strategy should be examined to equalize the impact of Acton's regional prominence.

DRAFT

SECTION 3-B

HISTORY OF THE COMMUNITY

Acton was originally a portion of Concord, and was settled by Europeans soon after Concord was incorporated in 1635. The first settler was Captain Thomas Wheeler, who built a house in 1668 near Nashoba Brook, near the intersection of Concord Road and Alcott Street. European settlement continued through the 1600's, with most early settlement occurring along Nashoba Brook in East and North Acton, and Fort Pond Brook in South and West Acton. The extreme western section of Acton; near Fort Pond, was part of the Nashoba Indian Plantation. These "praying" or Christianized Indians were decimated by European diseases, and the remainder of the tribe were deported to Deer Island in Boston Harbor during King Phillip's war. Faulkner's Mill was established by the "Great Falls" of Fort Pond Brook in 1702.

By 1735 Acton had acquired enough population, had built a meeting house, and was incorporated as a town. In 1775 the Acton Minuteman, led by Captain Issac Davis, marched to the North Bridge in Concord to resist the British Army. Captain Issac Davis, Abner Hosmer, and James Hayward, all were killed on April 19.

Acton was primarily an agricultural community through the 18th and 19th centuries, but some small manufacturing and retail establishments grew up around the streams, and near the railroads in South, West and East Acton.

Quarrying was done in Acton throughout the 1800's but did not become a major industry until the 1880's. The Harris quarry was noted for its "slickened sides" granite. This was formed by faults in the ledge that rubbed together, heating and forming a polished look. When the final product was finished it had a look comparable to a light green and beige marble. In addition to the large quarries, there were many small scale quarry operations run by farmers to cut fence posts and foundation stones. A good example of this sort of operation can be found near a trail at the Arboretum.

After the Civil War, with the opening of prime agricultural lands in the west, Acton lost population, and there was very little "growth" until after World War II. Acton developed into three major villages: South Acton, West Acton, and Acton Center; these villages, although part of the same town, had their own volunteer fire companies, and neighborhood elementary schools. "North Acton"; that area of town north of Route 2A, remained very rural into the 1960's. Due to the traditional development patterns, virtually all town facilities and active recreation areas are clustered in the southern half of town; this has implications for the provision of recreational facilities in the northern half of town, which is now undergoing a surge of growth.

There are over 25 houses in Acton which pre-date the Revolution and many more which date back to the late 18th and early 19th Centuries. The Jones and Wetherbee Taverns, the James Billing and Walcott-Taylor homes used as stations in the Underground Railway. The Issac Davis Monument and the Issac Davis Trail, the route the Minutemen took to the battle at Concord Bridge, are two of the Town's noteworthy historic features.

Acton also has former mill sites and dams. One old dam is located next to Prescott's Paints off High Street. This has been repaired and is generating

power again. The Jones and Faulkner Mills located in South Acton operated fulling, saw and grist mills. Some of the original buildings are still standing.

Nashoba Brook Conservation Area, which was acquired in 1987 is filled with dams and related stone structures. Robbins Mill Pond Dam, first constructed prior to the revolution, was repaired by the Town in 1990. The Pencil Factory that Henry David Thoreau worked at is located downstream from the pond. The "Potato Cave"; a pillared stone chamber that has been attributed to either early colonial farm use or native American ceremonial use is also located in the Nashoba Brook Conservation Area.

An extensive history of Acton prior to 1950 can be found in Phalen's History of Acton, which is now out of print, but is available at the Acton Memorial Library.

Acton has approximately 110 miles of public roads: 10 miles consist of major state highways, approximately 50 miles consist of "historic" town roads, and around 50 miles consist of subdivision roads built since the mid 1950's. The 50 miles of subdivision roads built in the last 40 years says a great deal about the recent changes to Acton and the impact it has had on its' open space, culture, and environment.

In 1969, Acton changed its form of government, and it now consists of an open town meeting, a town manager, and a five member Board of Selectmen. The Board of Selectmen appoints the Conservation Commission, Recreation Commission, and Planning Board. As shown elsewhere in this plan. Acton experienced substantial growth in the period between 1950 and 1990, and town meeting, town staff, and the town boards all have spent a great deal of effort on trying to control this growth.

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SECTION 3-C

POPULATION CHARACTERISTICS

The total population of Acton in 1990 was 17,872. This figure shows a slight increase from the population in 1980, but it also shows that the tremendous population growth of the period 1951-1970 has slowed considerable. However, housing construction is continuing, and as a result there are more houses with less inhabitant per unit that was the case several decades ago; the average number of persons per household in 1990 is 2.69 and per family is 3.15. In 1970 the median age of Acton was 23.7, in 1980 it was 29.7, and in 1990 it was 34.78. Of the 1990 population of 17,872, 4,486 are persons under the age of 18. This group generally creates a large local demand for athletic fields type recreation areas. 95% of Acton's population is white, 3.6% is Asian, and .9% is black. 1.5% of Acton's total population is Hispanic.

Housing in Acton tends to be quite expensive. The largest price range (27.7%), is in the $200,000-$299,000 price bracket. In 1989 there were 24 new houses constructed in Acton, in 1990 there were 25, and in 1991, despite the recession, there is a building "blip" with a projection of 70 new housing starts. However, real estate values have plummeted recently, with the total valuation of the town going from $1,800,000,000 in 1987 to $1,500,000,000 in 1991.

The continued consumption of open space to construct large, expensive, sparsely populated houses has had a continuing impact on all facets of the Town, including the need for purchase of publicly owned open space. The Master Plan projects the need to obtain an additional 500 acres of Town open space by 2030 to maintain the present ratio of open space to the population.

In the 1985 open space plan specific notice was made on the un-addressed recreation needs of the very young, the elderly, and the handicapped; some actions have taken place since that date to address these needs, and these actions are noted elsewhere in this document.

A more detailed analysis on Acton's population may be found in the Appendix.

Table 1 - Population and Density

Date	Population	Pop/per square mile
1930	2482	124
1940	2710	135
1950	3510	174
1960	7238	359
1970	14770	732
1980	17544	875
1990	17872	894
Projected Growth (from Acton Master Plan, 1991)		
2000	20,000	997
2010	22,000	1097
2020	23,000	1147
2030	25,000	1246

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SECTION 3-D

GROWTH AND DEVELOPMENT PATTERNS

Acton started as small villages: Acton Center, South Acton, West Acton, and Ellsworth Junction, which is now known as East Acton. These small industrial and commercial districts were surrounded with small farms that were most noted for production of apples and other produce for the Boston market. Livestock raising included sheep, dairy cattle, swine, and chickens. Due to the marginal soil, many of these farms were marginal, subsistance farms, and many residents had other jobs to provide a cash economy.

After World War II, due to its' proximity to Boston and the presence of commuting routes by way of Route 2 and the railroad, Acton quickly grew into a suburban bedroom community. In 1960, approximately 20% of Acton's tax base was from the commercial and industrial sector, and that same 80% residential/20% commercial and industrial split exists today.

As noted above, Acton is bisected by Route 2, which provides a commuting route not only into Boston, but also the industrial areas along Routes 128 and 495. Route 2A provides a commuting route as well as a substantial retail and commercial corridor that is of great regional significance. Public water is available in the majority of Town, gas is available on about half the public roads. Electricity and telephone service exists on virtually all public roads. There are no town sewers in Acton, although several condominium developments do have private sewer treatment plants.

The typical development pattern in the 1950's through 1970's consisted of single family home subdivisions, with lot sizes ranging from half acre to two acres, depending upon the section of town. In the early 1970's there was a few years of growth of apartment houses, principally along Route 2A, but also in isolated areas of West and South Acton. Many of these units have now been converted to condominiums, either investor owned or owner occupied. Recently there has been interest in providing other types of development patterns, primarily cluster type development with the extra land deeded to the town. Acton acquired the Stoneymeade Conservation Area (43 acres) and the Nashoba Brook Conservation Area (123 acres) through this method.

In an effort to control growth, town meeting has approved a local wetlands bylaw, floodplain zoning, aquifer protection zoning, floor area ratio, transfer of development rights and a series of amendments to the zoning bylaw. At this point, very few Acton residents want to see the town grow in population or commercial size, and they strongly support actions (which in the past included purchase of open space) to limit such future growth.

An extensive and authoritative analysis of Acton's growth and development patterns can be found in the Master Plan Executive Summary and the 1990 census data; both documents may be found in the Appendix along with the present zoning maps.

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SECTION 4-A

TOPOGRAPHY, SOILS, GEOLOGY, AND CLIMATE

TOPOGRAPHY

The topography of the town is best described as hilly with broad valleys. The general elevation is about 230 feet above mean sea level, with one hill rising to 430 feet above sea level. The low point of town is located at the Concord town line at 130 feet. The streams and their location are covered more completely under the Water Resources part of this section.

SOILS

Soils are predominantly moist, but rough and stony in character, with many areas of sandy loam. Wet soils are associated with the stream valleys, and certain areas of town have a number of ledge outcroppings.

The soil types identified in this report were complied for the Town of Acton by the Soil Conservation Service and reported in "Soils and Their Interpretations for Various Land Uses" US SCS, Dated: August 1983.

1. Hinckley-Windsor-Ninegret: These soils are droughty and moderately well drained sandy and gravelly soils on 3%-25% slopes. They occupy about 22% of the town. Generally they are good for all types of development, residential, commercial and industrial. They are also excellent sources of large volume groundwater. About 50% of this association is wooded. It is good for agricultural uses as well.

2. Charlton-Narragansett-Sutton: Occupying about 20% of the town, these soils are well drained and moderately well drained, stony and bouldery soils on 3%-15% slopes. Development of residential, commercial and industrial uses is satisfactory in this association. Large volumes of groundwater supplies are not available though enough for individual home use is possible. Most of this association is wooded.

3. Paxton-Woodbridge: Approximately 27% of the town is in this association. It is composed of well drained and moderately well drained stony and boulder soils on 3% to 15% slopes and underlain by hardpan. this type of soil is limited for commercial, industrial or high density residential use because of the hardpan located about 2 feet under the surface. Wells can produce sufficient quantity for individual home use but not for commercial or industrial use. These soils are excellent for agricultural and forestry use. Currently most of this association is wooded.

4. Hollis: Rocky, shallow, stony and very stony soils on 3%-35% slopes make up 10% of the town. While individual residences are possible, on-site sewage disposal is difficult to locate. Groundwater supplies are difficult to develop. A small amount of this association is farmed but most is wooded.

5. Muck-Whitman-Scarboro: Scattered throughout the town, this association is very poorly drained organic and mineral soils on level terrain. Approximately 20% of the town is composed of these soils. They are very severely limited for any type of development. Vegetation consists mostly of wetlands species.

Soil types place a variety of restrictions on development in a town especially if, as in the case of Acton, the town does not provide septage disposal facilities. Development here has been somewhat restricted due to the limitations of the soils for on site septage disposal. The current policy of no town-wide sewage collection and disposal system will continue in the foreseeable future except possibly in the South Acton area where soils, groundwater, slopes, and other conditions have resulted in higher rates of failure than desirable.

There are limited prime agricultural soils and few active farms in town. A map of the prime agriculture lands is located in the inventory. However the predominance of soils good for forestry have placed many acres, about 10% of the town, in forestry use.

GEOLOGY

Acton has nine drumlins, ranging in height from 310-430 feet above sea level composed of till which built up under glacier. They include Faulkner Hill in South Acton, Wright and Mead's Hill in West Acton and Great Hill near the intersection of Routes 27 and 111. Also created by glacier activity are kettle ponds. Grassy Pond and Will's Hole, which are evolving into quaking bogs, are two examples of this formation, which were formed by ice blocks left behind as the glacier receded. There are several eskers in Acton; these are serpentine gravel deposits, 10-30 feet high, left from the melting of the glacier. Eskers can be found at the Arboretum, and the North Acton Town Forest. The only commercially viable stone in Acton historicly was granite, although there are no active stone quarries presently. In colonial times, deposits of bog iron were used to produce a low quality ore. There are presently several active gravel pits in Acton, producing aggregate from the remains of eskers and glacial outwash deposits.

CLIMATE

Acton is located on the western side of Route 128 which traditionally was seen as the snow/rain line Which often resulted in heavier snowfalls than in Boston. However, in the last 5-10 years that "snow line" appears to have moved westward to Route 495, if this is a minor variation or a sign of long term climate change remains to be seen. Acton is on the zone line between plant hardiness zones four and five, as charted by the Arnold Arboretum.

Meteorological Data

Normal Temperature in January - 27.8 F
Normal Temperature in July - 72.0 F
Normal annual precipitation - 43.02 inches

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SECTION 4-B

LANDSCAPE CHARACTER

Acton's most noticeable landscape aspect is its' abundance of trees. As noted elsewhere, the farming past; open fields, pastures, and orchards, are rapidly becoming obscure by forest regrowth. The Town has run an active street tree maintenance and planting program since the time of the depression, and most new home buyers in the subdivisions immediately plant their yards heavily. Zoning and subdivision regulations have added the force of law to the maintenance of the heavily treed environment.

Acton's heavy tree cover, although it provides a beautiful cool, leafy appearance to the streets and public areas, and provide as a habitat for birds and small mammals, is not an unmixed blessing. Because of the heavy tree cover Acton has very few long vistas, its many hills disappear, many streams and small ponds are invisible, and many structures that are noteworthy from an historic or architectural point of view are obscured.

For reasons of diverse habitat as well as aesthetic beauty, unforested open space should be preserved not only from development, but also from the encroaching forest. The Town "brush-hogs" all open fields on conservation lands on a periodic basis to maintain a grass and forb environment. Open fields, such as at Grassy Pond conservation area on Nagog Hill Road, where the Boston skyline is visible, are enlarged as time allows. An effort should be made to inventory other open fields that remain in the private domain; these areas should be given a high priority for town purchase, failing that development options that preserve these open fields should be pursued.

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SECTION 4-C

WATER RESOURCES

Acton is one of the fourteen towns included in the SuAsCo River Basin. The Assabet River, which originates in a swamp in Westborough, flows through the southeast corner of Acton. Two major streams also bisect the town: Fort Pond Brook, which is fed by Grassy Pond, Guggins Brook, and Heath Hen Meadow Brook and flows across the southern portion of the town, and Nashoba Brook which flows across the eastern portion of the town; Butter and Nagog Brook are its tributaries. Since approximately 75% of the watershed areas for Fort Pond and Nashoba Brooks are located in Acton, the quality of these brooks depends on how well we protect them.

Protection of Acton's water resources is a high priority for the town. Relying on wells entirely, Acton pumps its water from subsurface aquifers. Land purchases have been made to acquire aquifers for future wells. Chemical contamination of some existing wells, causing them to be temporarily closed, has hastened concern in protecting these areas. Water conservation methods have been necessary to compensate for the loss of water due to well pollution.

The streams and associated wetlands mentioned above provide an average of 65% of the recharge of the aquifers. Since the entire town relies on wells for drinking water, it is essential that Acton's aquifers be protected. In 1989 the town adopted an aquifer protection bylaw to protect these resources. The aquifer map may be found in the Appendix.

The town does not have any large ponds or lakes that are used for public swimming as do many of the surrounding towns. Ice House Pond, located off Concord Road, was used as a source of ice for many years. Grassy Pond, is a source of many rare plants and home for waterfowl. Part of Lake Nagog is located in Acton, although water rights were assigned to Concord by the State Legislature in 1884. There are also several smaller ponds located throughout the town.

Because of low descent rates, Acton's brooks tend to meander, resulting in heavy, silty, broad flood plains. It has been estimated that 20% of the town is flood plain. The flood plains store peak water during wet periods, and moderate the discharge rates of flood waters. The protection of these flood plain areas is critical to the inhabitants of Acton and its neighboring towns.

In 1989 the Town accepted an Aquifer Protection Bylaw and Zoning Map, a copy of which maybe found in the Appendix. The Wetlands Protection Bylaw, and its' supporting Rules and Regulations, have also been rewritten recently. These two regulations have guaranteed substantial protection to Acton's water resources.

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SECTION 4-D VEGETATION

Acton's plant life still echoes the town's agricultural past. Acton, like most of Massachusetts, was essentially clear-cut during the colonial era, and as late as 1900 over 90% of the town was in open fields. As the town was subdivided, starting in 1950, many developments were established in old orchards, fields, and areas that were just beginning to revert back to forest. In 1990, those areas of town that were not covered with structures, pavement, or maintained lawns, were approximately 90% forested with regrowth, most trees being between 25 and 75 years old.

The principal native forest type in Acton is red oak, hickory, and white pine in the upland areas, with most flood plains, that had once been excellent hay meadows, reverting to a red maple monoculture. Since 1900 a variety of causes have served to limit the diversity of our woodlands from what was here in pre-colonial times. Chestnut blight has eliminated American Chestnut, which was once one of our most valuable species, from it's predominant place in the forest. Virtually all American Elms of any size have succumbed to Dutch Elm Disease. The Sugar Maples planted along our roadways at the turn of the century have not naturalized into the woodlands, and many of the White Ash trees are now dying of Ash Decline. This loss of diversity in the woodlands could have serious consequences if we were faced with a new insect or disease complex; in fact, the over abundance of oak has been shown to be a liability during the gypsy moth outbreaks of the early 1980's and again in 1990-1991.

There are a number of non-native species that are naturalizing into the woodlands; these include: Norway Maple, Little Leaf Linden, Burning Bush, and even an occasional Japanese Red Maple. In isolated areas, such as ravines and steep north slopes, there are limited stands of Beech, Birch, and Hemlock, and in some areas thickets of White Dogwood and Witch Hazel can be found, but these plant communities are sharply limited in size.

Vegetation management activities undertaken by the town include the following programs:

1. Road side mowing - Road shoulders are mowed on an annual basis, providing for traffic visibility while allowing native wildflowers to flourish.

2. Street tree maintenance - Public shade trees, as defined under MGL Chapter 87, are pruned and cared for, to provide for both safety and aesthetic beauty.

3. Shade tree planting program - The Town has run a tree planting program since 1941. Approximately 2000 trees have been planted, set back from the road edge, under this program. An attempt has been made to plant no more than 10% of any one species, so as to maintain diversity in street trees.

4. Poison ivy control - Poison ivy growing along the roadsides and hiking trails is sprayed to allow the use of those areas by the public.

5. Wildlife openings - Any open fields on conservation lands are mowed each Fall with a brush hog to keep the fields open and provide a diversity of habitats. As time allows, new fields are also placed on the annual mowing schedule.

Despite the loss of many forest species as noted above, there is a wide variety of plant species in existence in Acton. A plant list of the species found in the Arboretum was compiled by Dr. Richard Howard in 1986: this list is included in the Appendix.

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SECTION 4-E

FISHERIES AND WILDLIFE

As Acton (and the State) have reforested, wildlife has also increased. Anyone who walks the open fields, wetland areas or wooded sections of Acton will find an abundance of animal life here. The Conservation and open lands support the typical New England wildlife population.

In field areas, rabbits, moles, mice and woodchucks predominate. Pheasants, garter and black snakes as well as a variety of bird life will also be present. An inventory of birds observed in just one of our conservation areas: the Acton Arboretum, is included in the Appendix. The Nagog Hill Conservation Area and Acton Arboretum have open fields, a type of land not very common in Town. In order to maintain a diverse habitat, there has been a conscious effort to create and/or maintain open areas in the conservation land. This management activity is ongoing at the Heath Hen Meadow, Great Hill, Nashoba Brook, Grassy Pond and Spring Hill areas.

In more heavily wooded areas, there is a rapidly increasing deer population, estimated by staff at 40-50 head town wide. Squirrels, grouse, raccoons, skunks, chipmunks and owls inhabit the forests in great numbers. Red and Grey Fox and coyote are sighted with increasing frequency. Black squirrels, that are very unusual in Eastern Massachusetts, have been sighted in limited numbers in South Acton for over 20 years; recently they appear to be moving out of this range, and now are also sighted in West Acton. Wild turkeys have been sighted very close to the Acton Town Line, near Fort Pond.

The ponds, brooks and wetlands host a different range of species. Many types of turtles and fish can be found in the waters. Grassy Pond is especially known for its snapping turtles. Some of the fish to be found are: pickerel, large and small mouth bass, perch, trout and sunfish. Waterfowl such as Great Blue Heron, Woodduck, Osprey, Mergansers, Mallards, Green Heron, Buffleheads, Ring Necks, Blue Wing Teal, and Golden Eye ducks either reside in Acton or are frequent visitors. Canadian Geese are so common that they will soon present a nuisance, unless controlled.

Town Conservation Staff has been very active in the last four years in attempting to encourage a diversity of wildlife, not only on public lands, but throughout the Town. As noted above, fields and brushy areas are kept open to encourage birds and animals that need open areas and "edge effect" thickets. Conscious effort is made to provide wildlife corridors. Plants that are beneficial to wildlife, and naturalized landscaping effects are strongly advocated by staff in the site plan review process. The Town has had over 200 Eastern Bluebird nesting boxes constructed and erected, and two pairs of these locally rare birds used the boxes in 1991; the rest of the boxes were of great value to other species. Thirty Wood Duck boxes were similarly erected, and used very effectively for the last few years. Finally, an Osprey nesting tower was constructed on a secluded peninsula at Lake Nagog. Ospreys have been sighted at this location, but have not yet used it for nesting purposes.

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SECTION 4-F

SCENIC RESOURCES AND UNIQUE ENVIRONMENTS

There are a variety of scenic areas and unique environments in Acton that are worthy of preservation, and fortunately, many of these areas already have some form of protection.

Town Common - Acton is blessed with a traditional town common, that still marks the governmental center of town, and is the geographic center as well. This area includes "Meeting House Hill", the site of the first meeting house in Acton, which is now a small park and wildflower garden maintained by the Garden Club. The wide grass expanses, mature trees, historic homes, and stone monuments complete the "New England small town" tableau. The Town Common itself is protected. However, it's appearance could benefit from having the utilities put underground, and any attempt to widen busy Route 27, that bisects the Common, should be resisted. The Town should consider the purchase of any parcels of land in this area to expand Common or provide off-street parking.

Reformatory Fields - These are large agricultural areas flanking Route Two near he Concord line, and they provide a vital break from the urbanized section of Route Two that traverses Concord. Some of the fields have been protected - for instance, one field is town owned conservation land leased to the State. If the balance of these fields become available, the Town should consider purchasing them to keep them in agriculture and as a scenic overlook.

Quaking Bogs - There is one true quaking bog in Acton at the Arboretum. This area is home to many bog plants, including sphagnum moss, pitcher plants, black spruce, and larch, and it is located on Town Conservation Lane.

Grassy Pond exhibits bog-like characteristics, and has been identified by the Massachusetts Natural Heritage Program as being "worthy of protection". Approximately one quarter of the shoreline is town conservation land, and a considerable amount of the watershed for this pond is also town owned. The water is not extremely acidic, so there is a considerable fish population in the pond. As adjacent land becomes available, it should be considered a high priority purchase.

Will's Hole looks very much like the classic quaking bog, and it is also totally on town conservation land. However, a portion of the water in the bog is acquired through a small stream, rather than springs; off-site development along Nagog Park should be closely monitored so that the water quality in this feeder stream is not degraded.

Barker's Pond, located in South Acton, also is a freshwater pond that exhibits bog-like characteristics. There is presently no public access to this pond, but there are several parcels of land abutting the pond that have unpaid taxes due, so they should be priority parcels for tax taking.

Greenbelts - As noted elsewhere in this plan, the town is in the process of identifying two greenbelts associated with the major watersheds in Acton: Fort Pond Brook and Nashoba Brook. After these areas have been mapped, a priority list of possible acquisitions should be developed. Many parcels close to the brooks have high conservation and recreation value, but very little development potential at this time, so they might be acquired in lieu of taxes.

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Ice House Pond - This pond is an impoundment of Nashoba Brook, so it will be included in that greenbelt. The pond is a very high visibility area that is close to heavily populated areas, so it has great recreational potential for fishing, picnicking, and canoeing. The pond is being rapidly overwhelmed with vegetation, so a significant effort should be undertaken to dredge the pond and maintain its' value. The Town owns the pond bottom and a small portion of the shoreline.

The map "Ecologically Significant Habitats" that was included in the Master Plan may be found in the Appendix. The Massachusetts Natural Heritage Program has identified the Blue Spotted Salamander and the Mystic Valley Amphipod as special concern species recorded in Acton, and the Small Yellow Lady's Slipper as a endangered species. Any habitats where any of these three species exist in Acton should be preserved from development.

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SECTION 4-G

ENVIRONMENTAL PROBLEMS

The most significant environmental problems that impacts open space in Acton is the impact of development. Acton does have some other environmental problems that are being dealt with: underground storage tanks, landfill leachate, and the W.R. Grace hazardous waste site, but these problems have rather minor impact upon open space.

The impact of development in Acton and neighboring towns is felt on all aspects of our open space. There has been a tremendous loss of open land due to residential and commercial development. In addition to the actual loss of land, the remaining habitat has been segmented, and many wildlife corridors disrupted. Water quality is degraded adjacent to subdivision sue to the excessive lawn fertilization, nitrates from septic systems, road salt runoff, and raised water temperatures from street runoff, these impacts are only partially mitigated with detention basis.

Air quality is degraded from pollution caused by commuter traffic traversing the town. It is fairly easy to see plant species that are injured by pollution in Acton, especially ozone injury to White Pines.

Acton does not have a public sewer system, nor is such a system likely in the immediate future. Many of the remaining open parcels of privately held land in town have a low potential for septic systems due to tight soils and high groundwater: systems installed either work poorly or are hugely oversized to compensate for soil impermiability. The town should identify these marginal areas for possible acquisition. If a sewer system were installed on a large scale, many marginal parcels would become buildable and the loss of open space would accelerate.

At the same time that development is eating up open space, the resultant population growth is causing heavier use of publicly owned open space. The Master Plan projects that need to acquire 500 additional acres of open space in the next 40 years to maintain the present open space to inhabitant ratio. As the conservation areas are more heavily used, there is a need for additional parking lots at the trail heads, and marginally used parcels should be mapped and opened up for hiking so as to equalize stress on the areas. Due to Acton's population growth, and the growth of the towns in the region that use our athletic fields, several new fields should be developed in the next ten years; these fields should also create better geographical spread of facilities and compensate for the loss of Woodlawn field when it is used for cemetery purposes.

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SECTION 5-A-1

CONSERVATION LAND

There are 1429.56 acres of Conservation and Town Forest Land in town. Of that total, 1318.86 acres are grouped on the fourteen lands mentioned below. All conservation lands are owned by the Town of Acton, and maintained by the Department of Municipal Properties under broad policy guidelines developed by the Conservation Commission. All lands with a Self Help number are restricted by the Self help regulations for passive recreation use only. Great Hill is also regulated by the Land and Water grant. A list of local rules and regulations is located in Appendix.

The parcels for each of the fourteen major lands have been grouped under each land title. Specific uses, needs, problems, and potentials have been identified after each listing.

Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
1. Acton Arboretum	F-4	28	30	11/1/76	31	ARC
	F-3A	76	14.81	12/27/77	–	"
	F-4	44	6.42	12/16/76	30	"
	F-4	45	2.01	9/28/76	–	"
	Total		53.24			

This area was acquired in 1976-1977, as part of the proposed "Acton Center Park". This proposal, which was presented to Town Meeting as part of the rationale for the land purchase suggested that this area could be "Acton's answer to Central Park" and portions of the land were deleted from the Self Help Grant so as to allow formal active recreation uses in part of the area.

The Acton Arboretum, located in the center of town, consists of 53.24 acres of woods, meadows, swamp, pond, old apple orchards, a glacial esker, and a bog. It is an environment suitable for more than 65 species of birds, and a place where plants, shrubs, and trees abound. There are paths throughout the area as well as a boardwalk through the swamp. The main entrance to the Arboretum is off of Taylor Road (with parking). Also, this part of the Arboretum is being developed as handicapped accessible. Other entrances are at Wood Lane and Minot Avenue.

Historically, this land was owned by a number of families over the years, starting with the Reeds prior to the Revolutionary War. Other owners included the Tuttles, who put in an orchard, and John Craigin, who built a house, assumed to have been located on the foundation where there is now an herb garden. The Bridges were the owners immediately prior to the acquisition by Acton in 1976 and 1977.

The Arboretum has been in existence, as such, since 1986 when the Town Meeting approved some funds for the purchase of plant materials and other site improvements. At that meeting, resident John Whittier amended the Article to specify use of the property for the Acton Arboretum. At about this same time, Dr. Richard Howard retired to Acton. He was a Professor of Dendrology at

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Harvard University, and former Director of the world renown Arnold Arboretum. With 35 years of arboretum experience, he immediately began work on three projects: Cataloging the on-site plant community - this included taking both dried and fresh samples. A complete dried set was donated to the Herbarium at Harvard, and the fresh samples were displayed at the Acton Library. The display at the Library was part of Dr. Howard's second project of educating the public about the plant community at the Arboretum. His third project was arranging the donation of excess plant material from the Arnold Arboretum's Weston auxiliary site, the Case Estates, to Acton.

In addition to the timely arrival of Dr. Howard, the Arboretum has been greatly enhanced by the efforts of the Friends of the Acton Arboretum as well as numerous other volunteers. Committee members have planted, weeded, and generally cleaned up, particularly those areas visible from Taylor Road, while other volunteers, many of them Boy Scouts working toward their Eagle Scout rank, have worked in the foundation and swamp areas on plantings, paths, and boardwalks. Most of the heavy labor of clearing out the foundation and upgrading the trail system has been done by Town staff. Local businesses and landscaping firms have also donated their services and materials. Standing guard over the Taylor Road parking area is a 35 foot white fir which was moved from an area where it was endangered to the Arboretum. Other sizeable trees have also been donated and moved to the Arboretum, among them an amur cork tree which is off to the right as one enters the property from Taylor Road, and there is a yellowwood tree by the drainage swale.

Entering the property from Taylor Road, the drainage swale is screened from the road by a planting of three types of crab apple trees, designed to evoke the feeling of an apple orchard. Low maintenance plantings of predominantly native shrubs edge the swale, taking advantage of the natural moisture. These shrubs, evergreen on the Taylor Road side, and deciduous opposite, provide year-round interest in color of leaf, flower, fruit, and bark, and year-round interest for wildlife as well.

The old Craigin foundation lies across the meadow and is now the site of a 19th century herb garden. The garden has sections for fragrances, teas, plants for medicinal uses, and plants for culinary uses. Surrounding the foundation are shrubs and small ornamental trees which were likely to have been in use in the 19th century, including lilac, quince, bayberry, and kerria. Between the foundation and Main Street, two zelkova trees indicate the approach to the house, much as the American elm might have been used in earlier days. Nestled between them lies a granite horse trough. The horse trough was given to the town by Helen Cowdrey Little (H.C.L.) in 1878, in memory of her father, Dr. Harris Cowdrey, who "so often watered his horse at the old town well," which was on Main Street at the end of Woodbury Lane. Since that time the trough has had various resting places until it was placed in the Arboretum in 1988.

The Arboretum is truly an oasis situated as it is in the center of Acton. The varying topography of the land makes a journey through it especially interesting. Some of the wildflowers one can see in the spring are the stream-hugging marsh marigolds, celandine, a member of the poppy family, rhodora on the edge of the bog, anemones, fringed polygala, and Soloman's Seal, to name a few. Also in the spring may be seen the lacy white flowers of the cranberrybush viburnum, the very fragrant flowers of the Carlesii viburnum, mountain laurel, rhododendron, azaleas, the cloud like white blossoms of the amelanchier, or serviceberry, and, of course, the apple

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blossoms. Spring is followed by the white blooms of the kousa dogwood in June, lilacs, the sweet blossoms of clethra alnifolia in July together with herb garden, and many native perennials. There are also blackberries and blueberries. Of special winter interest are the red berries of the winterberry holly, ilex verticillata. The Arboretum has nesting areas for such birds as cardinals, mockingbirds, bluejays, grosbeaks, sparrows, indigo buntings, and catbirds. Many birdhouses have been set out in hopes of attracting eastern bluebirds. These houses may also be home to chickadees, nuthatches, tree swallows, english sparrows, and house wrens. Early in April until mid-May is a wonderful time to see some colorful members of the warbler family on their migration north of Main and Canada. They can often be seen darting out of the willow trees around the pond. The yellow warblers can be seen throughout the summer at the Arboretum as they nest in the wetlands.

The Acton Arboretum fulfills its Mission Statement which goes as follows: "The Arboretum will provide an educational and aesthetically pleasing experience in and of the landscape. It will concentrate attention on the educational value of the following areas: Succession Stages. Wildlife Habitats, Geological Landforms, Historic Site Features, and Natural Systems. In an effort to provide a wide range of study material, many plant, shrub, and tree species will be used. In all plantings, native and introduced species, hardy to the Acton area, will be utilized and planted in a naturalized fashion within the framework of existing microclimates and soils".

This is the most formal, most developed, most highly visible, and most used conservation area in Acton, and goes a long way in fulfilling the demand for a "Town Park".

Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
2. Pratt's Brook	I-3	2	31.00	4/18/80	32	ARC
(Formally Averett)	H-3	237	26.54	4/18/80	32	"
	Total:		57.54			

The Pratt's Brook Land is used for hiking and cross-country skiing. Purchased in 1980, it is not well known in town. The original access is from Parker Street, near the railroad tracks. A new parking lot and entrance has been installed by the developer of Audubon Hill, thus allowing access off High Street. A loop trail has also been installed and marked. An interesting aspect to the Pratt's Brook area is the fact that frequent fires, apparently caused by the adjacent railroad tracks, have created a 10-15 acre "barren" in this area. The vegetation consists almost entirely of pitch pine, blueberry, shrub oak, and gray birch, and looks more like Cape Cod than Middlesex County.

Management practices should be geared towards maintaining this unique "barren "area.

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Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
3. Bulette	D-2	10	13.33	8/13/65	1	ARC
	D-3	22-4	3.22	12/21/79		"
	D-3	16	7.0	3/23/26		"
	D-3	12	15.00	3/23/26		"
	Total		38.55			

The Bulette land is a small parcel used for cross-country skiing and hiking. Parcels 16 & 12 are legally town forest lands.

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4. Grassy Pond	D-3	14	28.95	10/30/68	4	ARC
	D-3	14-27	16.82	10/29/84	-	"
	D-4	1-2	43.61	6/11/72	22	"
	D-3	14-34	1.05	10/29/84	-	"
	D-3	14-5	.24	10/29/84	-	"
	D-3	14-47	.52	10/29/84	-	"
	D-3	14-41	.23	10/29/84	-	"
	D-3	23-09	4.2	1/08/71	-	"
	D-4	001-02	43.6	6/11/74	-	"
	Total		139.22			

Grassy Pond was studied by the Conway School in 1984. A boardwalk at the pond edge was dedicated in the Fall of 1984 which provides viewing access to many wetland plants such as pitcher plants. A second boardwalk was completed in 1990 to replace the existing one in the swamp bordering the pond. This trail system can be accessed from Newtown Road, Nagog Hill Road, and Willis Holden Drive. A parking area on Nagog Hill Road was constructed in 1991.

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5. Great Hill	G-3	111	33.00	2/8/73	18	ARC
	G-3	10-1	38.52	12/18/74	17	"
	G-3	68	13.44	1/11/73	19	"
	G-2	124	14.71	7/17/72	15	"
	G-2	152	16.79	12/22/71	14	"
	H-3A	1-1	53.62	11/21/72	12	"
	H-3	11-1	2.00	8/22/75	27	"
	G-3	79	12.80	12/12/72	20	"
	Total		184.88			

Great Hill is the largest single conservation land, although it is smaller than the combined Spring Hill and Nashoba Brook Area. Hiking, picnicking, ball fields, and nature study are all located there. The town created a new skating pond in 1986. The area has good parking facilities and is located in a major population area. The open field above the new pond is mowed annually to provide a wildflower area.

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Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
6. Heath Hen	H-2	1	84.00	7/19/74	21	ARC
	H-2	36	14.80	5/14/74	16	"
	Total		98.80			

Heath Hen has a variety of uses; in the past community gardens have been located there and as part of an Eagle Scout project, a multi-site campground was developed. The land has potential as access to Fort Pond Brook for canoeing and boating, and is adjacent to the proposed Fort Pond Brook Greenbelt.

7. Jenks/Cacciatore	E-2	20	23.4	12/2/75	24	ARC
	E-2	60	6.7	12/2/75	-	"
	F-1 & E-1	5 & 1	55.5	12/24/75	28	"
	Total		85.6			

Although these lands do not connect, they do serve the same immediate area and are connected by a telephone right-of-way. The lands are used for hiking and are a major cross-country ski area. The major problem on these lands is the use of motorized vehicles such as snowmobiles and trail bikes. These areas are part of the planned Fort Pond Brook Greenbelt.

8. Nagog Hill	D-4	1-3	53.89	2/2/75	29	ARC
	D-4	6	88.14	1/2/80	33	"
	D-4	14	6.00	"	-	"
	D-4	15	5.00	"	-	"
	D-4	21	5.00	"	-	"
	Total		158.03			

Nagog Hill is used for hiking, cross-country skiing, nature study, and horseback riding. Scouts often use the land for both summer and winter camping. Persons using this area can cross into the Grassy Pond Area or walk onto the land owned by the Town of Concord surrounding Lake Nagog. Through a series of scout projects, the trail system is excellent.

9. Route 2	G-4	173	72.68	2/8/82	–	ARC

The Route 2 land was purchased from the state and the Department of Corrections continues to use about forty acres for agricultural purposes. The land is used for cross-country skiing but trails have not been fully developed or marked to date.

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Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
10. Spring Hill	D-5	29	36.20	11/22/71	–	ARC
	D-5	35	49.65	11/22/71	–	"
	D-5	38	2.34	6/10/71	11	"
	D-5	23	2.43	8/19/71	10	"
	D-5	24	7.99	6/10/71	11	"
	D-5	37	7.94	11/1/71	13	"
	D-5	37-1	7.92	11/1/71	13	"
	D-5	30	9.67	5/31/67	3	"
	D-5	36	5.82	12/27/66	–	"
	D-5	30-1	.45	5/31/67	3	"
	E-5	4	13.37	11/22/67	3	"
	E-5	7	17.65	5/31/67	3	"
	E-5	45	22.76	9/19/66	2	"
	Total		184.19			

Spring Hill Conservation Area is an area rich with natural resources and benefits to the public. The 184 acres are home to a diverse variety of wildlife, natural features and recreational opportunities.

Acquired by the Town of Acton between 1966 and 1971 through purchases and donations, Spring Hill is a valuable piece of land which will be available to the public forever. Spring Hill is a deciduous forest of mostly red and white oaks, red maple, black and white birch and a scattering of beech and others. Comparatively few evergreens are present in the area though larch, hemlock, and white pines are scattered throughout. On the forest floor a distinct community of ground cover and low-story vegetation exists. Five plant species dominate the ground cover, all of which are indigenous to wet or heavily shaded areas. Because the dense high canopy prevents sunlight from reaching much of the forest floor these species can be found commonly throughout the property. Mosses are the most easily recognizable to the lay person and need little description. They can be are found on the ground, clinging to rocks, fallen logs and standing trees. Partridgeberry is a low spreading groundcover. It has small green leaves and is highlighted by the brilliant red berries which provide beautiful color to the forest floor, especially in the winter. Princess Pine, a soft-needled replica of a pine standing only about six inches tall is also abundant in this area, as it is in most climax forest settings. The two other common ground-species are sheep laurel and winterberry. Both are green leafed and can be distinguished by the wintergreen taste one gets by chewing the leaves of winterberry. The smell can also be noticed by grinding the leaves between one's fingers. Under-story vegetation is dominated by high-bush blueberry and swamp azalea. Like the groundcovers, these are also most common in wetland areas, but do well all over Spring Hill. The swamp azalea is most pleasing to the sense of smell, as the flowers provide a beautiful aroma. The blueberries are probably the tastiest berry-producing plant species on Spring Hill. But one may find it difficult to find more than a handful thanks to the foraging of birds.

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A short distance upland of the Sphagnum mat shrubs and small trees are found. Again, the environment encourages plant species that are uncommon elsewhere locally, including Black Spruce (Picea mariana), North American Tamarack (Larix laricana), and Swamp Azalea (Rhododendron viscosum). These trees and shrubs are seen about halfway along the boardwalk.

Will's Hole provides a unique natural setting that can be reached with just south of the boardwalk. Dirt bikes and other off-road vehicles regularly, and illegally, use the trails, and have caused substantial erosion in some spots. Nearby development is also a concern; plant nutrients from lawn fertilizers and septic systems could alter the unusual water chemistry that shapes the character of the bog and its plant life.

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13. Nashoba Brook	D-5	22	11.2	11/10/87	-	PCRC
	D-5	11-33	2.26	9/26/88	-	"
	D-5	25	6.7	11/30/89	-	"
	D-5	6	1.8	11/22/71	-	"
	D-5	11-8	.53	10.27/89	-	"
			123.29			

Most of this area was donated to the Town in 1987 as part of the Arbors cluster development approval process. The Nashoba Brook Area abuts the Spring Hill Conservation Area, and their trail systems are interconnected, providing an expanse of conservation land that totals over 300 acres, and which is abutted by many large parcels of undeveloped land. Due to the size of the area, there is a considerable deer herd, and poaching is an annual problem.
This area is probably the most scenic conservation area, due in large part to the mostly unspoiled Nashoba Brook that runs through the land from north to south. This brook provides excellent trout fishing as well as its' attractiveness to deer, small mammals, and water fowl. There area a variety of interesting ruins in the area, including foundations of early mills, two earth fill dams, many stone walls, and the enigmatic "potato cave". The Nashoba Brook trail traverses the area to the east of the brook, and an existing trace of a fishing trail is being upgraded into the Northbriar trail on the westerly side of the brook; both trails exceed a mile in length, running from Wheeler Lane to Davis Road. Parking areas and trail signs are provided at each end of the trail, and trail marking, boundary marking, and mapping activities area being conducted during the Fall and Winter of 1991-1992.

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14. Stoneymeade	F-5	12-11	44.51	3/24/89	-	R-8

This area was donated to the Town in 1989 as part of the Stoneymeade cluster subdivision approval process. Approximately half of this parcel consists of fairly narrow strips of wetland located behind the new houses, but this strip is continuous, and provides a wildlife corridor as well as the potential for a hiking trail that will surround the subdivision. The balance of the parcel is mostly open fields with spectacular views; these fields are heavily travelled by horses from abutting properties. A formal trailhead has been created on Stoneymeade Way. It is possible to enter into Concord conservation land from this area, but this connection is discouraged by the Town of Concord.

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OTHER CONSERVATION LANDS

The following lands were purchased primarily for wetland protection or were given as gifts for open space enhancement.

Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
Conant Street	I-3	148	10.00	12/27/67	-	ARC
Broadview Street	I-3	5	1.76	10/20/70	-	"
Broadview Street	I-3	20	.10	10/20/70	-	"
209 Parker St. (rear)	I-3	132-1	8.63	7/21/70	-	"
915 Main Street	C-5	9	.65	10/20/70	6	"
86-104 Central Street	G-2	178	9.76	6/7/71	7	"
22 Musket Dr. (rear)	E-3	87-64	5.50	4/8/74	-	"
36 Washington Drive	E-3	87-54	.56	4/8/74	-	"
43 Central Street	G-2A	17-1	1.13	12/23/75	26	"
55 Central Street	G-2A	17	30.30	12/23/75	26	"
65-67 Newtown Road	E-3	80	15.30	1/21/76	25	"
66 Conant Street	I-2	71	17.76	12/28/78	-	"
41 Tuttle Drive	G-2	123-125	.90	1/23/79	-	"
36 Tuttle Drive	G-2	123-37	.25	1/23/79	-	"
39 Flint Road (rear)	F-2	149	3.00	4/4/89	-	R-2
46-54 Martin Street	H-2A	41-3	.5	4/1/91	-	R-2
53-73 Stow Street	H-2	41	4.50	4/1/91	-	R-2
	Total:		110.60			

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SECTION 5-A-2 ATHLETIC FIELDS

The Town of Acton provides approximately 20 acres of town owned athletic fields, in addition to the facilities provided by the local and regional schools that are frequently used for non-school activities. The location, sizes, and most common uses of these fields are shown below. Most areas are suited for a variety of athletic uses, with some areas capable of supporting multiple simultaneous uses. The School Street field is on a ten year lease from the Department of Correction, in return for that Agency's use of a 75 acre parcel of conservation land. Woodlawn field is on a ten year agreement from the Cemetery Commission, and eventually will be used for burial purposes. The newest athletic field, at Routes 2A & 27, was built with town staff in 1988.

ATHLETIC FIELDS

AREA	PRECINCT	ACRES	LEAGUE USES
Jones Field	4	3	Baseball/soccer
Gardner Field	4	1.6	T-ball or soccer
Woodlawn Field	2	2	Soccer
Goward Field	2	1.5	T-ball or soccer
Hart Field	2	1	Baseball or soccer
MacPherson Field	2	1	Baseball or soccer
Great hill	4	2.5	Baseball/soccer or 2 soccer
Elm Street Field	3	2	Softball or football/tennis
2A / 27	1	2	2 soccer or soccer/baseball
School Street	5	4	3 soccer

Maintenance of town athletic fields is the responsibility of the Municipal Properties Department. Field scheduling is the responsibility of the Community Education Department.

There are four major leagues that use town fields, and all four leagues have some percentage of players from neighboring towns that do not provide sufficient facilities to their inhabitants. In effect, Acton is providing regional facilities without receiving regional funding.

League Name	Total Season Participants	% Non-residents
Acton Twi-Lite Softball	150	18%
Colonial Little League	537	25%
Acton Boxboro Youth Soccer	950	12%
Pop Warner Football	185	45%

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In addition to the athletic league use of fields, many community groups and companies reserve athletic areas for games and picnics. In 1991 there were reservations for 146 such events approved. Athletic fields and their associated picnic and playground areas are also intensively used by families and groups of children.

With recent budget cuts, maintenance of athletic fields has become a problem. The town has never lined athletic fields, and in recent years the leagues have had to provide their own silt or stone mix, and amenities such as team benches. Youth Soccer also frequently re-sods worn areas of fields. The leagues that use our illuminated field, Elm Street, have to provide funding for the lights. In 1990 the town discontinued routine trash removal at the fields, due to the misuse of the trash barrels for deposit of household trash. As a result of our haul-in / haul-out litter sticker program, our fields are now actually cleaner then before. The town provides mowing on a weekly basis to athletic fields, and annual aeration. Fields are fertilized using funds accumulated from field reservations or donations from the leagues.

During the Master Plan process a concern was voiced that the leagues, monopolized a disproportionate share of the maintenance budget, and that a "fairer" distribution of maintenance funds should be developed between active, athletic uses and more passive uses of the public lands. Due to the league contributions noted above, the funding commitment to athletic fields might not be as overwhelming as the casual observer might assume. However, direct salary cost of a groundskeeper just to mow athletic fields during the growing season is around $15,000. If equipment costs and fringe benefits are added in, the figure could easily double. Acton has been fortunate in that the voters have approved several overrides, so there is a reluctance to begin user fees to the leagues, however, as public funds become scarcer, a system of user fees probably should be looked at each year, especially considering the regional nature of the leagues.

Comments were solicited in June, 1991 from the major athletic leagues regarding their concerns about the future of the fields; written comments can be found in the Appendix. All four leagues expressed a concern that there was only marginally sufficient areas to use presently, and that there will be a need for additional fields in the not too distant future. The lack of additional illuminated fields, lack of soccer fields for league growth, ability to "rest" fields occasionally, potential loss of the Woodlawn field, and the necessity to double book little league and soccer onto adjacent playing surfaces all were raised as concerns. Finally, it is quite difficult for groups that are not part of the four leagues to obtain use of the fields during the season, so ideally a field area not assigned to a league should be developed. Several areas have been suggested for expansion of the field inventory, however, high development costs on rough and/or wooded sites, regulatory restrictions on active use on conservation lands, neighborhood opposition to development of areas accessible to the general public, and concerns about funding long range maintenance costs all have drastically slowed processes of development plans.

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SECTION 5-A-3

COMMUNITY GARDENS

In 1988 it was decided to regain control of the administration of this program from Community Education. All administration and maintenance is now performed by Municipal Properties, with assistance from the Department of Corrections.

At present, Acton has one community garden area, located in North Acton, off main Street near Carlisle Road. This parcel is 5.38 acres in size, and abuts Robbins' Mill Pond, an impoundment of Nashoba Brook. Community gardens have been located at this site for over 20 years, and the field area is subdivided into 33 50' X 33' parcels, all of which were rented out in 1991. Considerable effort was expended in cutting back brush encroaching on the field area, and to remove two decades worth of plastic mulch, wire, and fence posts. The parcel rental fee was increased to $15.00 per parcel per season, so as to partially defray the cost of maintenance.

As is the case with other public land in Acton, a few of the users of the Community Gardens are non-residents. Approximately 75% of the users live in condominiums or apartments, around 50% are recent immigrants, and 25% are retired. The ethnic and the elderly population are often overlooked when providing for recreational opportunities, so it seems appropriate to invest more resources into this program.

For many years a second parcel, located in South Acton, was also used as a community garden. It is hoped that within the next year or two town staff and equipment can be diverted for a sufficient length of time to "re-work" the South Acton Community Garden area and re-open to use in subsequent years.

Community Garden regulations and related information may be found in the Appendix.

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SECTION 5-A-4

WATER BASED RECREATION

The 1985 open space and recreation plan cited the lack of water based recreational opportunities in Acton. There is a lack of large water bodies in town, but a concerted effort has been made to create or develop a number of such facilities in the subsequent six years.

ACCOMPLISHED:

Great Hill Recreation Area Skating Pond: This is a 3/4 acre impoundment that was created by excavating an old, silted up farm pond that was reverting into a red maple swamp. The resultant pond, which was completed in 1986, serves as a fishing area, skating pond, and wildlife viewing area.

Mill Pond Recreation Area: This is a half acre site that is located between Main Street and Fort Pond Brook, near the site of the Faulkner Mills. Originally, the parcel was purchased to allow the eventual reconstruction of the adjacent railroad bridge. However, at least a portion of the site will continue to provide a fishing, boating, and skating access to the Fort Pond Brook Mill Pond when (if) the bridge is rebuilt. Presently, the site has a half acre of grass, a picnic table and an opening to the water for fishing and related activities.

Robbins Mill Pond Dam Restoration: This is a man-made impoundment in the Nashoba Brook Conservation Area; the pond is the site of mill foundations and an earth fill dam that dates back to pre-colonial times. In 1990 the dam was extensively rebuilt by the Town, using funds for materials donated by the Acton Conservation Trust. The restored impoundment is suitable for fishing, canoeing, and wildlife study.

Grassy Pond Trail and Boardwalk Improvements: The boardwalks and trails leading into Grassy Pond, on the Grassy Pond Conservation Area, were improved and upgraded, allowing better access into the pond for fishing and wildlife study. A new access trail was created so that it is now possible to portage a canoe into the pond.

Arboretum Pond: A 4,000 square foot pond was excavated at the Arboretum in 1991. This small pond provides an open water habitat for birds and other wildlife that reside in, or migrate through, the Arboretum.

Will's Hole Bog Boardwalk Reconstruction: The boardwalk into Will's Hole a kettle hole pond and associated quaking bog, was totally reconstructed by Eagle Scouts under the supervision of the Conservation Administrator. This boardwalk now provides safe access to the pond for wildlife and plant observation.

Arboretum Bog Boardwalk: A new 100 yard long boardwalk was constructed across the quaking bog located at the Arboretum. This boardwalk, which includes an observation bench, allows close study of marsh plants and related wildlife.

Sandy Pond: In 1988 a contractor excavated a two acre pond located near Sandy Drive, that is located on Town Conservation Land. This impoundment is now publicly accessible for fishing and nature study.

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PLANNED:

North Acton Recreation Area: A feasibility study has been completed and plans reviewed by Conservation regarding the possible construction of a seven acre swimming area in a town owned gravel pit in North Acton. This proposal is being actively pursued by the Recreation Commission. The project appears to be technically feasible, but the financial aspects still need to be resolved.

Ice House Pond Restoration: This is a four acre impoundment of Nashoba Brook, located on town owned land at the intersection of Concord Road and Great Road. Due to the fact that management activities related to ice harvesting stopped in the 1950's, the pond is very rapidly filling with floating and emerged vegetation, that cuts into the recreational potential of the site. Long range plans are being made to dewater the pond and dredge it to restore its value as a boating and fishing area.

Nashoba Brook Fishing Trail: There are several public access points to Nashoba Brook across public lands that are useful for fishing. The long range plan is to map and upgrade these access points, and to connect the various segments of fishing trail so that there will be continuous foot access to the brook from Carlisle Road to Great Road.

Fort Pond Brook Greenbelt: There are a variety of publicly owned parcels of land along Fort Pond Brook, some of which have been managed individually by different town boards. The greenbelt concept is to look at all the parcels of land as parts of an integrated whole for the purposes of public access, management and acquisition of additional parcels. In the last three years, four additional parcels have been acquired through donations to the town. Eventually, the whole greenbelt will be mapped and managed as a unit.

Nashoba Brook Greenbelt: Nashoba Brook is the other major watershed area in Acton, draining to north and east sections of town as Fort Pond Brook drains the west and south sections of town. Eventually, the parcels along Nashoba Brook will be incorporated into the greenbelt similar to the one proposed for Fort Pond Brook.

Canoeing and Fishing Map: Long portions of Fort Pond Brook and short portions of Nashoba Brook are canoeable, and some of the small ponds also lend themselves to canoeing and fishing. The Assabet River, which touches the extreme southeast portion of town also has limited recreation potential. A new map could be added to the set we sell to the public that would show access points and suggested canoe routes.

Pencil Factory Dam: This structure, located in the Nashoba Brook Conservation Area, is the site of an early factory that once employed Henry David Thoreau. The dam has been partially breached, but it could be repaired to restore the impoundment that would have a considerable wildlife and recreation potential.

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SECTION 5-A-5

TOWN FORESTS

Acton has two town forests, which are presently managed in a similar fashion as the rest of the conservation lands, and due to subsequent purchase of adjacent lands, are incorporated into larger conservation areas. The town forests acreages are shown in the conservation land inventory, but due to the different legal status and allowed uses, are also listed below:

NAME	PLATE	PARCEL	ACRES	ACQUISITION DATE	ZONE
Will's Hole	B-5	34	49.0	12/31/43	ARC
Bulette	D-3	16	7.0	3/23/26	ARC
	D-3	12	15.0	3/23/26	ARC

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SECTION 5-A-6

PLAYGROUNDS

As noted elsewhere in this plan, Acton's development pattern has created a situation whereby all town and school "playgrounds" are located in the southern half of town, and there has been very little interest expressed at town meeting to create a more balanced distribution of these facilities by building new areas in the northern half of town.

The inventory shown below reflects all the areas in Acton that contain traditional playground amenities, such as playground equipment, play surfaces, and picnic tables; some of these areas abut athletic fields or are on school property and are not publicly accessible during school hours. Due to lack of funding by town meeting, no new equipment has been installed on town property for over eight years, and as old equipment deteriorates it is taken down and not replaced. Most town playground equipment dates back to the 1960's, and all of it is focussed towards children between the ages of 6 and 12. All four elementary schools have fairly new, large play structures, which were built with funds generated by school parent organizations. There is a private committee in existence now: The Acton Children's Playground Committee, which is raising funds privately to construct a play structure at Goward Field focussed for children from the ages of 1-6 years. It is hoped that this structure will be built sometime in 1992.

School Playgrounds:

Conant School	Taylor Road
McCarthy Town School	Massachusetts Avenue
Gates School	Spruce Street
Douglas School	Elm Street

Town Playgrounds:

Gardner Field	Massachusetts Avenue
Goward Field	Woodbury Lane
Elm Street Field	Elm Street
Jones Field	Martin Street
Great Hill	School Street

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SECTION 5-A-7

GREENBELTS

The greenbelt concept is in its' infancy in Acton, having been proposed by staff and reviewed by the Conservation Commission in the Fall of 1991. In the next few years the concept will be refined, maps of each greenbelt will be developed, and distinctive signage developed and installed. There are two proposed greenbelts in Acton: Fort Pond Brook and Nashoba Brook. As noted elsewhere in this report, these brooks comprise the principal watersheds in town, so it will be a challenge to decide which areas should be included in each greenbelt, without involving the entire town. The last major water course in Acton, the Assabet River, is a significant stream, but it only touches a small portion of town, near the Maynard and Concord lines, in a very built up area that has limited recreation or conservation potential. In the years to come, as the water quality of the Assabet River improves, this area should be looked at again.

The basic idea behind the greenbelt concept as it is being applies here is to evaluate all the parcels of publicly owned land adjacent to the brooks, and to deal with the corridors as unified strips rather than as a collection of isolated parcels. After the corridors have been analyzed, individual management plants will be developed for each greenbelt, which will include access points, area utilization, and identification of privately owned parcels for future acquisition.

NASHOBA BROOK GREENBELT

Nashoba Brook is one of two main watersheds in Acton and is an important resource in terms of fish and wildlife, public and private water supply, recreation and Acton's history.

Starting in Westford at Nashoba Hill, Nashoba Brook flows throught Acton and eventually into the Concord River via the Assabet River. Along its course it is fed by Butter Brook, Will's Hole Brook, Conant Brook and Fort Pond Brook as well as other smaller nameless tributaries. In the area North of Route 2A Nashoba Brook has been dammed over the years to provide power to the mills and factories that at one time relied on its power. A pencil factory was one such business which operated on the brook until early in this century The dam at the end of Wheeler Lane creates the second largest impoundment on the brook. This dam was recently rebuilt by the Town. Years of neglect and the power of nature had brought the dam to a dangerous level of disrepair.

The area of Nashoba Brook Conservation Area north of Route 2A is primarily forested. Along the banks it is dominated by White Oak, Red Maples, Alder and other species tolerant of damp areas. As you move away from the brook to higher ground the forest is dominated by deciduous hardwoods such as Sugar Maple, Red Oak, Elm and Beech, although significant stands of conifers, especially White Pines can be found.

The northern end of the brook was also the home of the Nashoba Indian tribe who inhabited the area before the arrival of white settlers, but whose numbers decreased rapidly thereafter. These native Americans tended to live along the banks of streams and Nashoba Brook was the perfect environment. They may be responsible for a very unique structure in the Nashoba Brook Conservation Area which has been dubbed the Potato Cave. Located between the railroad tracks and

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Milldam Road, in the Northbriar subdivision the Potato Cave is a stone-walled and stone-footed structure dug into a hillside, the walls are made of stacked fieldstones and the roof is several large flat stones covered with earth. Many experts on native Americans feel the Nashoba Indians built it for some ceremonial purpose, citing its proximity to the brook and the fact that the rising sun shines directly through the openings. Many people believe it is simply an old rootceller to an old farm. The fact that we may never know for certain is very intriguing to us all.

South of Route 2A Nashoba Brook flows through open meadows owned primarily by the Acton Water District. Below these meadows is the largest impoundment on the stream, the Ice House Pond. Ice House Pond was used for what the name indicates: a source of ice for Acton residents. This practice continued until the late 1950's, after which the widespread use of refrigerators made ice boxes obsolete. Ice House Pond is still a major wildlife area, especially for waterfowl, and is the most popular ice skating pond in town.

Below the Ice House Pond dam at Concord Road Nashoba Brook flows southeast toward into final distribution. This are is primarily a meadow area and brings the brook under Route 2 where it is joined by Fort Pond Brook. From here it flows into Warner's Pond in Concord and then into the Assabet River. A beautiful multipurpose waterway, we are lucky that better than 75% of Nashoba Brook is publicly owned and will be forever accessible to the citizens of Acton.

FORT POND BROOK GREENBELT

Having its origin in Fort Pond in Littleton, Fort Pond Brook flows primarily through Acton on its way to its confluence with Nashoba Brook.
Beginning as the outflow from the pond which gives its name Fort Pond Brook enters Acton along Central Street in West Acton. Fort Pond Brook's contributions to Acton have been agricultural, and industrial. It provided water to the fields and orchards of West Acton. Accessing the Greenbelt from Central Street opposite Orchard Drive one finds a series of small ponds along the brook created by farmers over the years. Some agriculture continues along the brook today in association with Idylwilde Farm. The agricultural history continues through West Acton center to Route 111, where the brook runs through forest and swamp.

Emerging from the forest and swamp at Central Street just east of Mount Hope Cemetery Fort Pond Brook begins to meander through open meadows. Meadows dominate for the rest of the brooks distance, although it does flow through the Mill Pond in South Acton caused by the dam at Erikson's Grain Mill. This is also the site of the early Faulkner Mills, that influenced the growth of South Acton.

The Fort Pond Brook watershed is extensive, collecting water from Guggins Brook, Inch Brook, Heath Hen Meadow Brook and Pratt's Brook. These waters, as Fort Pond Brook then flow into Nashoba Brook along Route 2 at the Acton-Concord line.

Fort Pond Brook is canoeable in periods of high water from Littlefield Road to Mill Pond, and from Parker Street to the Concord line; the intervening stream is probably navigable by kayak. The water quality in the brook degrades after South Acton, due to the poorly functioning septic systems in this area, however, the brook provides water for the aquifer that supplies the Lawsbrook wellfield.

There are a number of parcels of public land that abut the brook, although they are controlled by different agencies; these provide the potential for many access points and recreational opportunities.

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SECTION 5-A-8

WATER DISTRICT LANDS

The Acton Water District, which is a separate political unit from the Town of Acton, owns a total of 375 acres of land. These parcels are owned to provide for protection of the cone of influence for the groundwater wells, which is Acton's only source of public water. Some of these parcels are also lands purchased that hold the potential of future well sites.

No recreational use of these lands is permitted, but they hold value for wildlife and open space. It appears that most potential well sites have been identified, so the Water District probably will not purchase a great deal of additional land. These lands do not generate any tax revenues, but they are protected from development.

A complete list of Water District parcels is included in the Appendix

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SECTION 5-B-1

STATE OWNED LAND

There are 174.2 acres of state owned land in Acton, of which approximately 143 acres consist of parcels that could be described as "open space". There are two major categories of open space: land that is part of the Department of Corrections Farm (122 acres) and parcels that were taken when Route Two was built but that lie outside of the actual right-of-way.

The Corrections Department land is very significant to the Town, due to the fact that the open fields abutting Route 2 add a great deal to Acton's "rural" image. If these lands ever were to be disposed of, the Town would probably consider them as a high priority purchase, as we did when given the opportunity to buy the "Route Two Conservation Area" from the State a few years ago. That parcel is now leased back to the State for agricultural purposes, and the Town would probably find a farmer to lease the rest of the Corrections Department land to, if we even acquired it.

The DPW/Route 2 corridor land is broken up on a series of smaller parcels, but are valuable as a greenbelt and open space around this major roadway. The town has attempted to acquire several of these parcels in the past, and hearings with the State have been held, but the process appears to be stalled.

A complete list of State owned parcels may be found in the Appendix.

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SECTION 5-B-2

SCHOOL DEPARTMENT LAND

There is one parcel of school owned land which is not associated with an actual school building, but holds value as open space. The parcel is located on Arlington Street, north of Route 2, and is 24.92 acres in size (Town Atlas Place E-3, Parcel 8). This land was acquired in 1962 as a potential school site, but due to low percolation rates, cannot be used for that purpose. The area has several isolated wetlands, and sections of exposed ledge, so it is probably unsuitable even for athletic fields.

At some point, this land probably should be transferred to the Town for conservation purposes, which appears to be its' only practical use.

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SECTION 5-B-3

CHAPTER 61, 61A AND 61B LANDS

There are 1055.68 acres of open space in Acton listed under these statutes, that allow for reduced real estate taxes. Chapter 61 applies to forest lands, Chapter 61A applies to land in agriculture, and Chapter 61B applies to private recreational lands. Developing these lands is fairly, but the Town is given a 120 day right of first refusal to purchase the land if it is about to be developed.

One of the goals of the Master Plan (and this report) is to bring all offers of land under 61, 61A and 61B to Town Meeting for possible acquisition.

A complete list of the lands under tax reduction status may be found in the Appendix; this list has been taken fro the Master Plan.

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SECTION 6

COMMUNITY GOALS PROCESS

These lists of goals has been arrived at from a number of sources. Many items have been abstracted directly from the Master Plan. Other goals have been suggested or submitted by athletic leagues, board members, and other individuals.

- Preserve open spaces which have value as aesthetic, recreational, wetland, water, and wildlife resources.
- Inventory and prioritize endangered species and critical habitat for protection.
- Strengthen the Wetlands Bylaw to maintain tight controls on development near wetlands, and to prevent any further loss of wetlands.
- Create and set aside wildlife corridors between wetlands, conservation areas, and remaining open land.
- Clean up Fort Pond Brook and other surface water bodies as needed, to maintain or improve their natural and recreational values.
- Provide additional athletic fields for league play as well as informal use.
- Establish a fund for public purchase of open space.
- Adopt a land bank for the purchase of open space.
- Preserve farmland as a resource.
- Bring all offers of land under Chapter 61, 61A, and 61B to Town Meeting for vote.
- Preserve natural and man-made features that contribute to Acton's character such as open fields, woodlands, ponds, country roads, and stone walls.
- Encourage new residential development to preserve open space.
- In new developments, maintain open space corridors and easements for trails and pedestrian walks.
- Connect open space and conservation lands through additional acquisitions or easements.
- Develop a connected network of parks around Fort Pond Brook.
- Improve connectivity between town conservation/recreation lands through acquisition of more land, easements, and trails or paths.
- Maintain present ratio of open space per town inhabitant (80 acres per 1000 residents).
- Improve access to ponds and streams.
- Find and develop an appropriate site or sites for a town park(s).

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SECTION 6A

COMMUNITY GOALS - DESCRIPTION OF PROCESS

As noted in Section 2A "Planning Process and Public Participation", Acton has just completed a multi-year Master Plan process. A high priority for the Master Plan process was to obtain the opinion of as many Acton residents as possible regarding a variety of issues, open space, growth and recreational facilities being among the issues of primary interest.

In the initial stages of the Master Plan process, surveys were distributed at Town Meeting and at the Master Plan public meetings; 361 responses were received. A copy of the survey and results is included in the Appendix and it showed that the people who attend Town Meeting, (and thus are the true town decision makers) were in favor of acquisition of open space, development of additional recreational facilities, and zoning initiatives that would preserve open space.

The Master Plan process continued with a series of public meetings, soliciting input from the residents of various sections of town, as well as at a town wide meeting. Finally, a series of community goals, many involving open space and recreation, were developed in the Master Plan document itself, which was accepted by the Planning Council, Planning Board, and Board of Selectmen. The Master Plan goals and objectives were specifically voted on and accepted at Town Meeting in 1990. For the purposes of open space and recreation plan, town staff used the information generated to the Master Plan process, and supplemented those goals with comments from the public and town boards that have been generated since the publication of the Master Plan. The draft open space plan was circulated among town staff, volunteer boards, athletic leagues, and other interested parties, and their comments have been included in the final plan.

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SECTION 6B

STATEMENT OF OPEN SPACE AND RECREATION GOALS

Acton is a suburban Boston town that has experienced tremendous growth since 1950, causing drastic changes to the character and environment of the Town. The vast majority of town residents recognize that this growth is a mixed blessing, and they have supported, and continued to support efforts to preserve open space and provide recreational opportunities for all Acton residents. Acton's citizens have shown, through a series of town meeting votes, bond authorization, and surveys, that they are willing to provide tax money or pass regulations that preserved open space and provide those recreational opportunities.

The system of zoning and environmental regulation that protect and preserve open space in Acton are fairly complete, and local efforts for the next five years will be geared towards enforcement and "fine tuning" these regulations, rather than writing new ones.

The presence of open space for aesthetic beauty; for vegetation and wildlife preservation; for preservation of rural character; for the provision of active and passive recreational opportunities; for groundwater and surface water protection; for the production of agriculture and forestry commodities; for their buffering effect on man made environmental stress such as air, light, noise, and water pollution; and for the maintenance of commercial, industrial and residential property values is a recognized benefit to the Town of Acton.

The townspeople of Acton are commited to maintain the present ratio of open space to residents; to enhancing the use of conservation lands for appropriate purposes; to the continued use and maintenance of existing recreation areas; and to the acquisition of new recreational facilities and conservation areas that will be accessible and of value to all residents.

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SECTION 7A

SUMMARY OF RESOURCE PROTECTION NEEDS

Results of the Master Plan survey conducted in 1989 show that felt that stricter growth controls were needed (83.3%); that real estate that policy should favor the preservation of open space (88.9%), that tax money should be spent for the acquisition of land for open space and recreation (80.3%), and that tax money should be spent to develop more town recreation facilities (63.2%). Subsequent to the completion of the Master Plan, fairly strict growth controls through zoning, aquifer protection bylaws, and local wetlands bylaw rules and regulations were enacted, but due to high land prices and the State's financial crisis, no money has been allocated for the acquisition of new open space or development of additional recreation areas, and funds for maintenance of existing areas have been curtailed sharply.

Enforcement of existing laws and regulations should be vigorously pursued, and minor changed to these laws and regulations should be made as the need becomes apparent.

The existing recreation areas are showing stress due to over use and superannuation of existing equipment. Additional facilities are needed to reduce the over-use, funding is needed to replace aged equipment and provide maintenance of areas, and the full demand for additional water-based recreational opportunities has not been fulfilled.

As land is developed, the Town should pursue acquisition of portions of the land, either through outright purchase or through zoning initiatives. Land that is adjacent to existing conservation land, is part of a wildlife corridor, is accessible for a public road, or is available for active recreational uses should receive priority attention.

As the Fort Pond Brook and Nashoba Brook Greenbelt concept is developed, a priority list of land acquisitions should be developed to fill in gaps in the greenbelts. In addition to purchase, donations of land, tax takings, and grants should be pursued.

Lands adjacent to existing conservation lands should be targeted for acquisition, so as to create a larger, more viable habitat for plants and animals, and provide a better sense of wilderness for humans using the lands. Connections to conservation lands in adjacent towns should be pursued.

An additional 600 acres of conservation land, and 100 acres of active recreation land should be acquired by 2030 to fulfill the objectives of the Master Plan.

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SECTION 7B

SUMMARY OF COMMUNITY NEEDS

Acquisition of open space for conservation purposes should be an ongoing process, and the Town should respond quickly to any opportunity to acquire open space that meet the general criteria set forth in Section 7A. However, there generally is not a consistency for the acquisition of a specific parcel of land for conservation unless the development of the land is imminent.

There is very vocal support for creating additional active recreation areas. The athletic leagues, which represent upwards of 1200 Acton households, have been very outspoken regarding the need to provide a variety of athletic fields, ranging from soccer fields, little league fields, to an additional multipurpose illuminated field that is not in a residential area. Based on observed patterns of use, there is also a demand for additional tennis courts and basketball courts. The demand for an outdoor swimming area has been noted in various surveys for over 20 years. The proposed construction of bikeways, especially the South Sudbury - Lowell Rail Trail have always received favorable comment, and 46.3% of the respondents to the Master Plan survey felt that the existing bikeways were inadequate. Many senior citizens use existing open space, especially the community gardens and the Arboretum; actions should be taken to provide additional such opportunities to the seniors. Handicap accessible trails and picnic tables have been installed at the Arboretum, but additional areas should be provided. Playground structures that are appropriate for a wide range of users, including the very young an the disabled, should be provided. Over 300 sets of trail maps have been distributed in the last two years, and a tremendous amount of effort has been put into new conservation area signage, but additional efforts should be made to inform the public of the presence and value of conservation lands. The community gardens have given renewed popularity, so additional areas are needed. There should be a more equitable geographic spread of active recreation areas.

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SECTION 7C

MANAGEMENT NEEDS, POTENTIAL CHANGE OF USE

Acton's open space management needs break down into several categories: maintenance, long range management, enforcement, funding, and new acquisitions. Each need has a justification, and the organization of the Town staff and volunteer boards should be flexible enough to adapt to each of these needs.

Maintenance In the years following the reorganization of the town government and the establishment of the Municipal Properties Department a great deal of emphasis has been placed on maintenance of existing conservation lands. These activities include: brush hogging fields, creating and widening trails, building boardwalks and bridges, marking boundaries, upgrading trail heads and parking areas, and installing signage. Dramatic changes are obvious in many conservation areas, although the creation of the Arboretum, as authorized by the 1986 Town Meeting, is most noticeable to the casual observer. The Administrator spends approximately 45% of his time on land maintenance, the Director spends 15% of his time on this work, and approximately 750 additional hours per year are devoted to this work by Municipal Properties and the Highway Department employees, yielding a total of 2000 hours of town staff working on conservation land each year. Additionally, approximately 1200 hours are donated by volunteers, such as scout groups, 4-H, Garden Club, and the Friends of the Acton Arboretum. Finally 600-800 hours of labor are annually "donated" by prisoners from the Northeast Correction Center. In order to continue the present level of maintenance, the equivalent of two full time employees must be devoted to this task, with volunteers probably no exceeding 50% of the total maintenance hours.

Long Range Management As time and town resources allow, long range planning and management is conducted, but this activity probably only takes up 100-200 hours per year. Activities covered in this category include: trail and boundary mapping, evaluation of possible acquisitions, preparation of grant applications (such as the Robbins Mill Pond dam reconstruction) and special projects, such as the Ice House Pond proposal, children's playground, and North Acton Recreation Area. Because many of these projects represent a sizable outlay of capital, the level of effort in this area probably will not increase over the next few years, although the greenbelts program will require some effort, and a forest inventory for possible timber production might also be undertaken.

Enforcement As noted elsewhere, in the past few years a fairly comprehensive set of environmental regulations that protect open space and natural resources have been developed, so very little effort will be devoted to writing all new regulations. The amount of time the Administrator spends on enforcement activities (principally the Wetlands Protection Act) varies from 600 to 1200 hours per year, based on how much development is going on. Due to the fact that now more and more marginal land is being developed, probably the level of wetlands activities will always be in excess of 600 hours per year. The other major facet of enforcement that should be at least considered is some sort of "ranger" type position (or add these duties to an existing job description). This "ranger" would have limited police powers, and would act as an official presence to discourage illegal hunting, pursue boundary encroachments, and regulate improper use of conservation areas. Considering the vast amount of land now controlled by the Conservation Commission, and the fact that the regular police need to be available to respond to more pressing emergencies

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rather than hiking miles through the woods, this issue should be debated by town staff. Obviously, there is no reason to try to create a "competing" police force, and this position could only function with the support on the Police Chief. Empowering a present or future employee to act as a natural resources officer might alleviate some of the nuisance complaints the regular police receive, and thus should be considered.

Funding Obviously, any actions taken regarding open space are involved with funding, which is very scarce commodity at this time. In 1989 over 80% of the respondents to the Master Plan survey favored an increased allocation of tax dollars of acquisition and maintenance of open space, yet, due to the impacts of Proposition 2 1/2 and the loss of State Aid, town wide maintenance operations have been cut back and the purchase of open space has not even been considered. It seems unlikely that the overall financial picture on the town will not improve in the next few years, so alternative sources of revenue should be considered.

Land Bank A local bylaw that would have established a land bank for the acquisition and maintenance of open space was proposed and defeated at two successive town meetings in the 1980's. Due to the rapid turn over of property in that era, an opportunity to accumulate a large fund was lost, but the idea still should be pursued. One aspect that scared voters away from the original proposal was that the land bank commission would have bee allowed to spend up to $100,000 without town meeting approval - this was more of a leap of faith than most voters wanted to make. Statewide enabling legislation should be passed that would set standards for local land banks, that would create a substantial, and essentially painless, funding source.

Revolving Funds The Municipal Properties Department is making use of a recreation revolving fund first authorized in 1979. This fund is used to received revenues from, and pay for, trail maps, community garden plots, nature walks, and the like. With present receipts, it will never constitute a major source of revenue, but it would be a way to process user fees for athletic fields, if the decision was ever made to access to leagues for actual fields maintenance costs, which amount to over $15,000 per year in direct costs. There is also a small revolving fund set up to handle revenue from conservation filings, but most of that revenue should be earmarked for enforcement activities.

Land Leases and Commodity Production - the vast majority of Acton's conservation land is heavily forested, and it is likely that timber and fuel-wood production could take place in an environmentally responsible fashion on some of the lands. The activity could actually improve the wildlife habitat and quality of remaining forest, while yielding some revenue which should then be earmarked for maintenance, staff, and new acquisitions. By the same token, land suitable for agriculture could be leased out, with the revenue being "plowed back" into open space, rather than turned over to the general fund where the majority is allocated for schools.

Override Votes Override votes to pay for bonds to purchase unusually valuable parcels of land should be considered. This type of earmarked, specific override has never been done in Acton, but if the opportunity comes up to buy specific, high visibility parcels, the vote would have a good chance of passing.

New Acquisitions The Town should look seriously at acquiring any parcels of land that become available, or are likely to be developed, especially if the lands meet the criteria set forth in Section 7A.

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Tax Takings - There are parcels of land that could be taken by the Town for back taxes, and some of these lands have fairly high conservation ad recreation potential. The areas that should receive the highest priority, and that would be easiest to obtain, are landlocked parcels, lands that are primarily flood plain or wetland, and substandard subdivision lots that could be made into neighborhood playgrounds.

Donation - The Town should target landowners that might be willing to donate land for tax purposes.

Changes of Use - Parcels of state owned land should be acquired if they are likely to cease being open space. The most noteworthy example of the sorts of lands would be the "reformatory fields" on Route Two. All lands that are under Chapter 61, 61A and 61B that come up for sale should be presented to town meeting (this is also mandated by the Master Plan goals and objectives).

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SECTION 8

GOALS AND OBJECTIVES

The list of goals and objectives shown below was synthesized from a variety of sources: the goals shown in the 1985 Open Space and Recreation Plan that are still relevant were carried over, the goals developed in the Master Plan process that have not yet been fulfilled are included, and other goals developed through informal contacts with staff, town boards, community organizations, athletic leagues, and individual citizens have also been factored into the process.

I. **Preserve open spaces which have value as aesthetic, recreational, wetland, water, and wildlife resources.**
   A. Adopt a land bank for public purchase of open space.
   B. Establish a fund for public purchase of open space.
   C. Prioritize and pursue land available through donations or tax takings.
   D. Bring all lands under Chapter 61, 61A and 61B to town meeting vote.
   E. Maintain present ratio of open space per resident 80 acres per 1000 residents.

II. **Create and set aside corridors for vegetation, wildlife, and human use between wetlands, conservation areas, and remaining open space land.**
   A. Develop "greenbelt" concept for Nashoba Brook and Fort Pond Brook.
   B. Prioritize land acquisitions to create corridors.
   C. In new developments, maintain open space corridors and easements for trails.
   D. Improve access to ponds and streams.
   E. Develop trail connections with conservation lands in abutting towns.
   F. Create additional trail heads and trail connections between conservation lands.

III. **Prevent environmental degradation of remaining open space.**
   A. Continue to rigidly enforce the Wetlands Protection Act and Town Wetlands Protection Bylaw.
   B. Continue to conduct public education efforts on the value of open space, and how the public can minimize human impact on the environment.
   C. Inventory and prioritize endangered species and critical habitat for protection.

IV. **Provide a variety of recreational opportunities for all town residents.**
   A. Keep all existing athletic fields in service.
   B. Provide additional fields to meet growth in leagues and to make up for eventual loss of Woodlawn field and School Street field.
   C. Develop a user fee system to mitigate cost of maintenance on taxpayers.
   D. Explore options to provide more water-based recreation.
   E. Upgrade playground equipment and surfaces.
   F. Explore programs and facilities specifically for the disabled, the elderly, and the very young.
   G. Provide areas for informal games and activities and historic and cultural features for non-traditional recreational pursuits.
   H. Increase the visibility of Acton's open space through public education, maps, brochures, and signage.

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V. Manage and maintain all public open space to preserve and enhance its value.

A. Maintain or increase present level of professional and volunteer maintenance activities.

B. Continue present rate of boundary marking, trail signage, and trail head facilities.

C. Provide improved access points and fire lanes.

D. Continue to upgrade trails.

E. Conduct wildlife habitat enhancement projects.

F. Manage land to provide a diversity of environments for plants and animals.

G. Accent cultural, historic, and natural features of lands.

I. Investigate options for use of lands for timber and agricultural commodities production.

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SECTION 9

FIVE YEAR ACTION PLAN

Due to the uncertainties of funding and staff allocations, the five year action plan has not been put in a year by year timetable; rather, a matrix has been set up showing relative priority, contrasted against the three major elements required to accomplish a project: capital, labor, and administration. For the purposes of this action plan, it is assumed that there will be no increase or decrease in the staffing configuration from what is in place in FY'92, that small amounts of funding for miscellaneous materials will be available, and that funding for any large purchases of land or development costs would be part of an override package.

First Priority Projects

Description of Project	Project Requirements		
	Capital	Labor	Administration
- Finish boundary & trail markers at Nashoba Brook			X
- Finish boundary marking at Stoneymeade			X
- Build access road at Stoneymeade	in hand	X	X
- Install boundary & trail markers at Great Hill			X
- Install boundary & trail markers at Pratt's Brook			X
- Finish dam reconstruction at Robbins Mill Pond		X	
- Identify and obtain "tax taking" parcels along Fort Pond Brook and Nashoba Brook Greenbelts	X		
- Repair or scrap unsafe playground equipment		X	
- Adopt a land bank			X
- Install new signage at Will's Hole		X	
- Mark boundaries at Arboretum			
- Develop trail head & parking area on Jenks Land		X	X
- Develop trail head & parking area on Caccitore land	X	X	
- Mark boundaries at Bulette Road Town Forest			X
- Develop and distribute new trail maps			X
- Construct boardwalk sections on Northbriar Trail			X
- Construct boardwalk sections on Nashoba Brook Trail		X	
- Dredge Ice House Pond	X	X	X

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Second Priority Projects

Description of Project	Project Requirements		
	Capital	Labor	
Administration			
- Repair/replace lights at Elm Street Field	X		X
- Install replacement playground structures	X	X	X
- Develop field to replace Woodlawn Field	X	X	X
- Reconstruct Elm Street tennis courts	X	X	X
- Pave Wheeler Lane Parking lot	X	X	
- Pave Pratt's Brook parking area	X	X	
- Mark boundaries at Heath Hen Meadow			X
- Develop historic interpretive area at Wheeler Lane entrance - Nashoba Brook Area	X	X	X
- Repair/reconstruct Pencil Factory Dam	X	X	X
- Acquire any Chapter 61, 61A, 61B land that comes up for sale	X		X
- Inventory lands for agricultural or forestry use			X
- Widen all hiking trails to minimum 6' width		X	
- Re-open Heath Hen Meadow Community Gardens		X	
- Develop parking area at North Acton Community Gardens	X	X	X
- Develop playground structure for very young children	Donation	X	X

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THIRD PRIORITY PROJECTS

Description of Project	Project Requirements		
	Capital	Labor	Administration
- Develop swimming pond at North Acton Recreation Area	X	X	X
- Develop athletic fields at North Acton Recreation Area	X	X	X
- Build additional tennis courts	X	X	X
- Build a second illuminated field	X	X	X
- Obtain "Maynard Spur" rail line near Mill Mill Pond Area	X		X

Minuteman Tech

Minuteman Regional Vocational
Technical School District
758 Marrett Road
Lexington, MA 02173-7398
Telephone (617) 861-6500

Fax 617-863-1747

December 26, 1991

Mr. Don Johnson, Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

Dear Don:

Thanks for the deferral suggestion from the Board of Selectmen. Our 16-town reality so far is:

1. Most member towns have rejected deferral.
2. Minuteman's trying to deal with 16 different local situations is as usual, difficult.
3. We believe that Acton could defer in FY'93 as an individual town regardless of regional school action using its own "borrowing" authority.
4. The decision for Minuteman involves many multi-year revenue and legislative factors as well as the deferral itself. For example, our during-the-budget-year cutting and use of resulting E&D funds to reduce the next year's assessment is far more significant to our member towns that the salary deferral factor. In that complex content, I have recommended our not deferring salary for FY'93, an action we predicted while deferring in FY'92.
5. The Minuteman School Committee will review this initial recommendation with information and suggestions from each of our 16 towns and from state agencies. This information will certainly include your December 20th letter.

We do ask your patience with and understanding of the fact that our 16-town context is quite different than that of a region with 2 to 4 member towns. In that respect, no one procedure is best for all regions. Be assured that our School Committee members will remain sensitive to the difficult fiscal climate that everyone faces as we review this matter. Meanwhile, I have included six (6) copies of a summary of our FY'93 budget proposal -- one for yourself and one for each member of the Board of Selectmen.

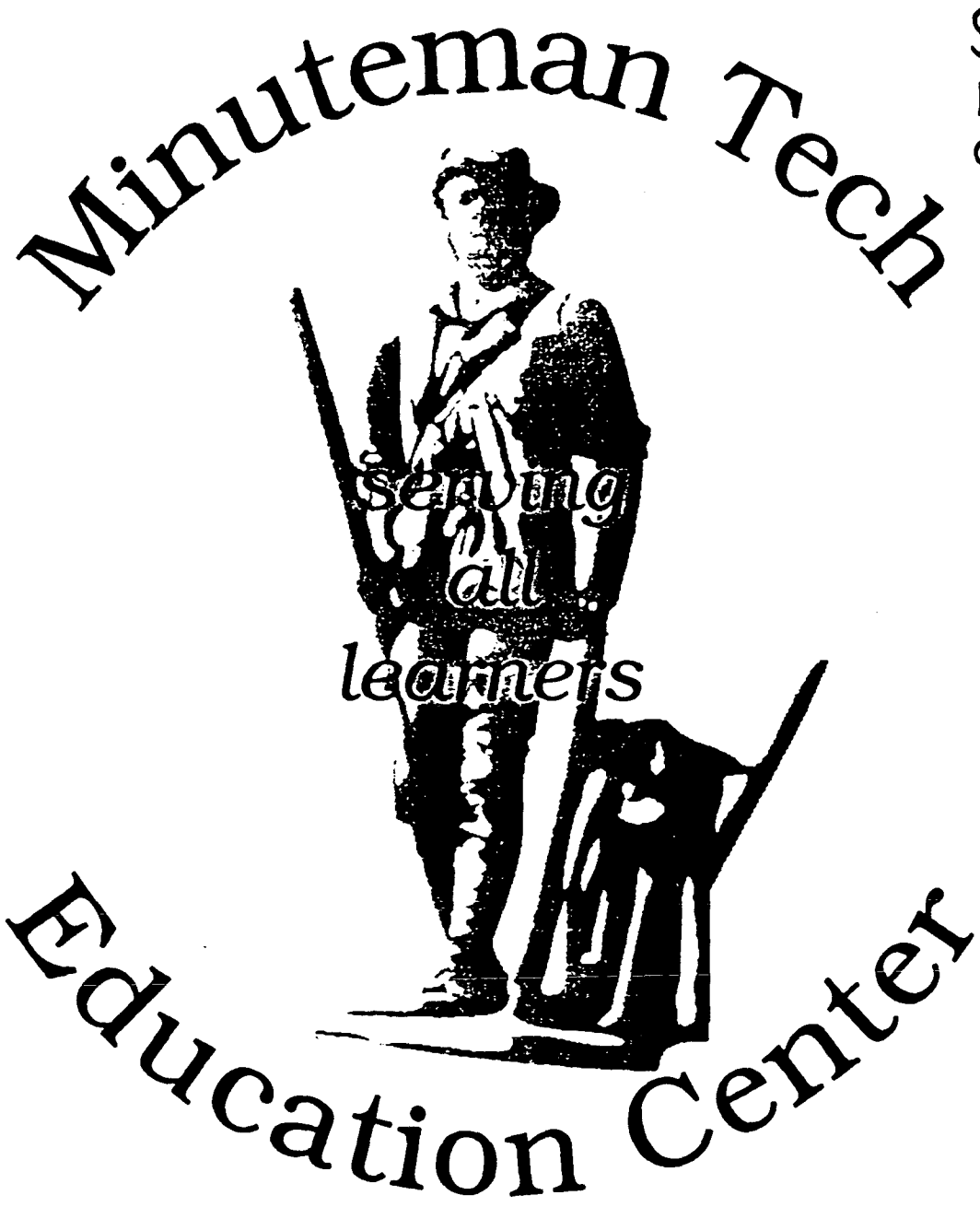
Sincerely,

Ron Fitzgerald

Ron Fitzgerald
for the
Minuteman School Committee

c. Minuteman School Committee Members

Short Form



PROPOSED
Budget Programs
For 1992-93 Educational Plan

December 17, 1991

Minuteman Regional Vocational Technical High School
758 Marrett Road, Lexington, MA 02173
(617) 861-6500

PREFACE
To Minuteman Tech Budget for 1992-93

Given the continued recession and pressure on taxpayers, our goal was to keep any budget increase below 2% exclusive of salary defferal payback and despite these factors:

1. A 4.09% increase in FTE enrollment
2. Escalating health insurance costs
3. New FICA taxes
4. A dramatic rise in MWRA water rates for our factory-like operation
5. Continued postponement of corrective action on maintenance renewal (like cracking tennis courts)

This goal has been reached with the highest level of cooperation from staff members. They worked diligently to keep costs down while maintaining a high level of quality in service to our students.

Ron Fitzgerald, Superintendent

12-17-'91 RJF		MINUTEMAN TECH	FY 93 BUDGET	INFORMATION	
		TABLE	OF CONTENTS		
PROGRAM AREA	PAGE	1991-92 AMT.	PROPOSED 92-93	DIFFERENCE	COMMENT (If any)
Introduction	a				
CONSTRUCTION	A				
Carpentry	1	18450	18950	500	Replace some texts
Electrical	2	12600	12600	0	
Decorating		0	0	0	
Plumbing	3	14900	16800	1900	New heating curriculum
Horticulture	4	19315	19315	0	
Drafting	5	8480	8480	0	
Heat/air cond	6	17225	17000	-225	
Sub-totals A		90970	93145	2175	Minor division increase
COMMERCIAL	B				
Culinary/hotel	7	4460	5395	935	More students, texts
Cosmetology	8	7750	6940	-810	
Retail (DE)	9	3495	3495	0	
Printing	10	19325	15000	-4325	
Commercial art	11	8350	7850	-500	
Health Instr. (voc)	12	23800	22300	-1500	
Child care	13	2300	2400	100	
Duplicating svc.	14	69438	64642	-4796	
Photography (acad)	15	2700	1400	-1300	
Afternoon Program	16	13870	13870	0	
Reg. Occup. Prog.	17	9930	9930	0	
Sub-totals B		165418	153222	-12196	Budget cut
TECHNOLOGY	C				Up 1 psn with growth.
Electronics	18	10036	8306	-1730	
Computers	19	13780	15462	1682	
Electromechanical	20	16630	21435	4805	Assumes biotech grant
L'drship/safety	21	3000	3000	0	
Business tech (rel.)	21	11200	4550	-6650	
Sub-totals C		54646	52753	-1893	Budget cut
AUTO/METALS	D				
Welding	22	10592	12792	2200	
Auto body	23	18491	20823	2332	
Machine shop	24	7720	8220	500	
Auto mech/ASEP	25	17954	18800	846	
Sub-totals D		54757	60635	5878	Increase=reduced donations
ACADEMIC	E				
Commo (English)	26	12150	12750	600	Cut 2/5 of a position
Human rel. (Soc S.)	27	5273	4573	-700	
Mathematics	28	14960	14460	-500	
Science w/labs	29	23600	23970	370	
Physical educ.	30	8190	9690	1500	Expanded health program
Foreign language	31	1700	1300	-400	
Art/jewelry	32	10000	9150	-850	
Music (Indep. study)	32	500	500	0	
Athletics	33	72050	81750	9700	Outside fee increases**
Driver educ.	34	500	500	0	
Sub-totals E		148923	158643	9720	See athletics and P.E.
SUPPORT	F				
Library	35	21900	22600	700	
Audio-visual	36	8675	6625	-2050	CONTINUED = OVER

Television	37	870	400	-470	
Microcomputer svc.	37	24850	25450	600	Critical to all depts.
Special educ.	38	10300	10200	-100	High service
Psychological svc.	38	4400	4300	-100	
Guidance svc.	39	11810	9625	-2185	
Health service	40	8301	12000	3699	Hepatitis shots in health
Principal's office	40	77775	77750	-25	Covers entire school
Transportation	41	722592	663164	-59428	Aid will decrease
Voc coordination	42	7650	7650	0	
Computer svc, mini	42	38255	38255	0	
Dean's office	43	2400	2400	0	
District programs	43	49900	49900	0	2909.2182
Supt's office	44	4650	4650	0	
Planning office	44	51260	51260	0	Includes TECH service
Business office	45	13450	10050	-3400	Unemployment ins. = ?
risk insurance	45	122650	120500	-2150	Not in Local Sch Bud=NILSB
employee benefits	45	1052759	1154702	101943	New FICA
medicare	45	36300	43000	6700	
Bus'ns Sub-totals	45	1225159	1328252	103093	
Custodial	46	22000	19900	-2100	Cut 1 psn
Utilities	46	481050	486000	4950	Water cost increase
Maint operations	46	54000	54000	0	
Maint repairs	46	102450	102600	150	
Bldg improvement	46	118000	115000	-3000	NILSB; major items delayed
Maint Sub-totals	46	777500	777500	0	
Debt mgmt.	47	0	0	0	?=timely aid
Equipment/capital	47	148344	142647	-5697	Town to fund construction
Food service	48	5450	1100	-4350	More self-supporting
Sub-totals F		3202041	3235728	33687	
Salaries	49	5980639	6108183	127544	= no raise or increments
GRAND TOTALS		9697394	9862309	164915	1.70%
		+ deferral repay	196473	Towns can do multi-year deferral.	
		TOTAL =	10058782	361388	
CONTINUED FROM PAGE 1.			Above while FTE enrollment = + 4.09%		

NOTES:

INTRODUCTION

A. INTRODUCTION: CONTEXT

Since members of most local finance committees are well aware of certain basic and important facts concerning Minuteman Tech, these facts are listed here but not fully explained since that has been done so often in the past:

1. **Minuteman Tech's level of special education service is far above that of local school districts,** in effect saving many member towns thousands of dollars including some towns whose local school departments over-use this service while not providing open guidance access to, for example, one of the most powerful high school science-technology programs in the nation.

2. **Minuteman staff members have been area leaders in "giving" to students while being extremely sensitive to town and citizen budget problems.** That sensitivity is continued this year with a no-raise-no-increment proposal.

3. **Minuteman cost figures are well below the nationally accepted standard of two times non-vocational high school costs** when compared with our area high schools. However published state cost figures for Minuteman are erroneous because state computations do not give the school proper credit for either its tuition or special education enrollments.

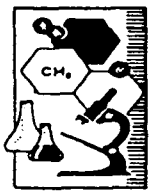
4. **Minuteman provides service well beyond its high school and critical adult job training programs.** For example, important career exploration and technical literacy programs are provided to middle schools across our 16-town region.

5. **Area business and industry leaders now recognize and support Minuteman Tech as one of their most valuable resources.** Refer to the newsletter on the next two pages as an example of this. Any local school department that does not help its students to use the Minuteman/ industry learning partnerships is failing to serve its citizens properly.

Minuteman Tech News

High School and College Career News July, 1991

In this Technology Division issue, we present general news and these articles:



- **Biotechnology Program** - - Industry and grants support a new program for 1991-92.

- **Automated Manufacturing Lab** - - The National Science Foundation, Digital Equipment Corporation, Raytheon, Polaroid, and MIT Lincoln Lab create a new science facility at Minuteman.

- **Minuteman-College Articulation** - - Expanded articulation programs will offer new ways for Minuteman Students to reduce college costs.

Biotechnology Program

There are approximately 120 biotechnology companies in Massachusetts, many in an expansion mode offering fine career opportunities. These firms need high school and college graduates who have a high level of technical literacy in the field. The firms and related businesses have awarded $116,000 in contributions or support for Minuteman Tech to begin a new educational program in the Fall of 1991. Bay State Skills Corporation has added a $70,000 grant. The Department of Education has added a $30,000 grant for linking the program to job market realities. **Any adult or any high school student in grades 9, 10, 11 or 12 wishing to explore the possibility of preparing for a biotechnology career should call Minuteman Tech at (617) 861-6500, extension 285, for more information.** The new adult program will charge a small tuition fee. There is no charge for high school enrollees.

Current estimates are that approximately 20,000 biotechnology/biomedical jobs will be created in Eastern Massachusetts between now and 1995. Minuteman personnel have worked with representatives of such organizations as Genzyme Corporation, Cambridge Scientific, Mass. Biotechnology Research Institute, Technology in Medicine, Biogen, and Zymark Corp. in creating the proper mix of academic and technical courses for these career opportunities.

Automated Manufacturing Lab

Old-fashioned, labor-based manufacturing is a dwindling part of our economy. Automated manufacturing using computer control, robots and/or vision devices, and electromechanical systems is the new foundation for successful industries. For the first time below the college level, the National Science Foundation has awarded a 4-year grant of $150,000 to Minuteman Tech for including an automated manufacturing laboratory in a high school learning program. Digital Corporation, Raytheon, Polaroid, and MIT/Lincoln Lab are giving special support to this integrated academic-technical program. The pilot lab will begin manufacturing a speech synthesizer in 1991-92, a synthesizer now manufactured by Digital Corporation as a service to handicapped persons. **This lab and the related math, science and other academic courses in Minuteman's integrated program provide a unique study opportunity for students in grades 9, 10, 11 or 12 who want to pursue a science or computer engineering major in college or who want to become skilled technicians. Again call (617) 861-6500, extension 285, for more information.**

- OVER -

Minuteman Tech News

- - Continued from previous side

Minuteman Tech/College Articulation

Beginning in 1991-92, Minuteman is expanding its articulation contracts with selected colleges. This will give Minuteman students such opportunities as these in some study areas:

1. Begin college study in the senior year of high school, in some cases with greatly reduced tuition.

2. Enroll in community college after completing high school with up to 15 college credits already completed.

3. Enroll in a private college after 2 years of community college with the private college tuition then lowered to the same rate available in a public university, saving over $8000 per year.

All of these actions depend upon a student successfully completing the proper academic and technical courses at Minuteman. **For more information on alternatives for reducing college costs, call (617) 861-6500, extension 285.** For maximum benefit, plan your cost reduction program beginning in grade 9. Otherwise, escalating college costs can be very difficult to handle.

General News

- Minuteman Tech's Child Care Center has been granted accreditation by the National Academy of Early Childhood Programs. Director Karen Folk points out that, not only is Minuteman's child care program the only one so accredited in the Lexington area, but it is the first vocational child care program in the state to be so recognized.

- With a $46,000 grant from the Department of Education, Minuteman has installed computer simulation equipment in automotive mechanics that will provide students with state-of-the-art training in automotive electronics.

- Five Minuteman students won gold medals as state champions in state Vocational Industrial Clubs of America skill competition: William Manosh in Technical Math, Ethan Briggs in cabinetmaking, Brian Healy in HVAC, Joseph Lepira in auto body, and Dominic Marrone in baking. Dominic then won a gold medal in nationwide competition.

- Junior Barbara Craddock recently received a full tuition scholarship to Oklahoma State University for her first place finish in national skills competitions in 1990. Estimated value of this scholarship is $11,500.

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B. INTRODUCTION:
ENROLLMENT AND BUDGET SHARE FOR REGULAR DAY (1 - 16)

	TOWN	A 1990-91	B w/ALL REG. 1991-92	C 1992-93 STANDARD % BUDGET SHARE	D PAST SHARE %
1.	Acton	56.73	57.75	9.650 up	9.445
2.	Arlington	197.10	207.80	34.723 up	32.814
3.	Belmont	46.00	39.95	6.676	7.658
4.	Bolton	10.25	8.50	1.420	1.706
5.	Boxboro	11.00	10.25	1.713	1.831
6.	Carlisle	3.00	7.00	1.170 up	0.499
7.	Concord	22.12	26.25	4.386 up	3.683
8.	Dover	3.00	4.25	0.710 up	0.499
9.	Lancaster	28.12	31.50	5.264 up	4.682
10.	Lexington	56.60	52.40	8.756	9.423
11.	Lincoln	7.12	10.00	1.671 up	1.185
12.	Needham	47.00	47.50	7.937 up	7.825
13.	Stow	37.25	32.00	5.347	6.202
14.	Sudbury	39.00	37.00	6.183	6.493
15.	Wayland	29.37	20.30	3.392	4.890
16.	Weston	7.00	6.00	1.003	1.165
	Sub-Total	600.66	598.45	100%	100%
	Tuition	148.00	163.50	XXXX	XXXX
	Special FTE inc. GM*	213.00	239.00	XXXX	XXXX
	Full Total	961.66	1000.95	PUPIL CHANGE = + **39.29** or **+4.09%**	

In addition to its "standard" budget share in column "C" above, a town is assessed for its share of special program use. Tech Day service to middle schools is available to all towns without separated charges or pupil numbers at this time. See back-up information in section C on the next page.

C. INTRODUCTION: ENROLLMENT FIGURES USED TO CALCULATE 1992-93 ASSESSMENTS TO MEMBER TOWNS

NOV. 1st TOWN	REGULAR DAY, OCT. 1st Sign-up						**SPECIAL PROGRAM,	
	FULL TIME	*SHORT-TERM F.T.E. Info	Medical	Other	REG. DAY TOTAL	(last year)	FLEX PUPILS	AFTERNOON PUPILS
Acton	55	2	0.75	0	57.75	(56.73)	6	47
Arlington	203	1	2.80	1.0	207.80	(197.1)	10	93
Belmont	37	2	0.75	0.2	39.95	(46)	4	25
Bolton	8	0	0.50	0	8.50	(10.25)	0	24
Boxboro	9	1	0.25	0	10.25	(11)	0	13
Carlisle	7	0	0	0	7.00	(3)	1	3
Concord	26	0	0.25	0	26.25	(22.12)	2	19
Dover	4	0	0.25	0	4.25	(3)	0	3
Lancaster	31	0	0	0.5	31.50	(28.12)	0	32
Lexington	46	5	1.00	0.4	52.40	(56.6)	6	75
Lincoln	8	2	0	0	10.00	(7.12)	2	35
Needham	47	0	0.50	0	47.50	(47)	0	27
Stow	32	0	0	0	32.00	(37.25)	1	16
Sudbury	36	1	0	0	37.00	(39)	1	26
Wayland	20	0	0	0.3	20.30	(29.37)	1	4
Weston	6	0	0	0	6.00	(7)	0	2
X X X X X X X	TOTALS				598.45	(600.66)	34 (was 30)	444 (was 365)

NOTES: ***SHORT-TERM F.T.E.** is computed by comparing time to hours in a full-year program.

** Many more students are served across the full year, but assessment is based on Nov. 1st count.

EVENING ADULT EDUCATION AND SUMMER SCHOOL STUDENTS ARE NOT REPORTED HERE BECAUSE THEY ARE IN SELF-SUPPORTING PROGRAMS.

D. INTRODUCTION: TEACHER SALARY DEFERRAL

In FY'92, Minuteman Tech deferred teacher salaries AND reduced assessments even more AFTER towns approved the Minuteman budget. At that time, we indicated our intent to pay back that deferral in FY'93 (accelerated repayment under revised law).

In our budget (table of contents) summary, **we compare our adopted FY'92 budget previous to salary deferral with our proposed FY'93 budget prior to deferral payback** as the only fair way to compare budget to budget. Most Minuteman towns did NOT defer. However, even though Minuteman does not propose to continue the deferral, **an individual town can apparently continue its share of the past deferral while paying its full FY'93 assessment with deferral payback included.** This becomes a matter of local borrowing against the future and would involve these amounts in reference to FY'92 being carried forward in a manner approved by local town counsels:

TOWN		AMOUNT
Acton	=	18,556
Arlington	=	64,471
Belmont	=	15,046
Bolton	=	3,352
Boxborough	=	3,598
Carlisle	=	981
Concord	=	7,235
Dover	=	982
Lancaster	=	9,198
Lexington	=	18,513
Lincoln	=	2,329
Needham	=	15,373
Stow	=	12,184
Sudbury	=	12,756
Wayland	=	9,606
Weston	=	2,290
TOTAL	=	$196,473

This does NOT mean that Minuteman is recommending local financing of continued deferral since most member towns reject the approach. The choice is a matter of local decision-making.

Since Minuteman did lower assessments $338,194 after budget approval by towns in FY'92, towns did and always will benefit from our constant partnership adjustments. We appreciate the trust and support that our towns give us in this area. Our District will work diligently to maintain that trust. While we must set initial assessments early and therefore in a conservative context, Minuteman will always adjust assessments to the lowest possible level once our final revenue picture becomes clear.

E. INTRODUCTION: SCHEDULE FOR BUDGET ACTION

The Minuteman School Committee's calendar for budget action this year is:

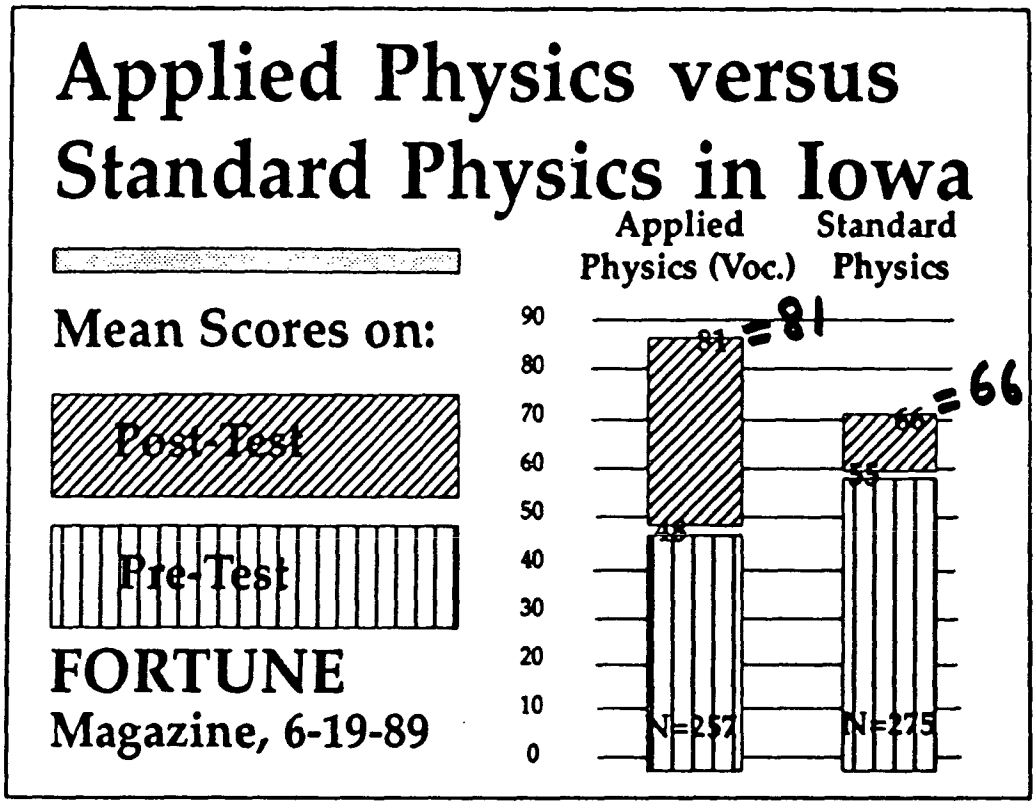
September 24, 1991 October 29, 1991 November 19, 1991 December 3, 1991		Pre-budget Division review meetings.
December 17, 1991 7:30 p.m. at Minuteman Tech	=	Presentation of full, budget proposal for FY'93.
January 7, 1992 7:30 p.m., Minuteman	=	Continued budget review with assessment estimates and meeting with legislators.
January 28, 1992 Minuteman Tech	=	Committee meets at 7:30 p.m. **Annual Public Budget Hearing at 8 p.m.** Vote on budget proposal after public hearing.

Also, sub-committee meetings might be held on selected dates (January 21st for example).

In our review process, we remain as sensitive as possible to local conditions. However, as a matter of commitment to the benefits of a regional system, we must request that **each town's officials be aware that a 16-town region cannot follow the exact fiscal guidelines of any one community.** Our goal is to be fair partners in a regional process that benefits many citizens.

F. INTRODUCTION: CLOSING COMMENTS

In our closing comments, we remind everyone that your technical high school offers special benefits as a regional resource. At least 50% of college-bound and work-bound students learn best in an applied environment. Our technical high school offers **the power of applied learning to high school students** as illustrated in this chart showing vocational-technical students achieving a higher mean score on an Iowa State University physics test than non-vocational students achieved on the same test:



On the final page of this introduction, we list the three main advantages that Minuteman Tech High School presents to citizens. We ask your support in continuing this investment in the productivity of citizens in our sixteen communities.

Ron Fitzgerald
Superintendent-Director
for the
Minuteman Tech School Committee

P.S. A proposed 1992-93 teacher salary schedule is shown on the next page.

Unique Advantages of a Strong Voc-Tech High School

- An applied learning environment in which up to 50% of students can learn academic skills more effectively than in a more traditional or non-applied environment (= brain-compatible education).
- Provision for career exploration that can give solid direction to enjoyment in future study and lifelong work in an era when school and home have become too divorced from the world of work
- Building of practical options for future study, SKILLED part-time work (earnings for college expenses), or entering full-time SKILLED employment with entrepreneurial possibilities.

	A	B	C	D	E	F	G	H
47		1992-93 TEACHER SALARY SCHEDULE, MINUTEMAN TECH						Page 1
48		PROPOSED	= Same as	last half	of '91-92			
49	STEP	LEVEL 1	LEVEL 1A	LEVEL 2	LEVEL 2A	LEVEL 3	LEVEL 4	LEVEL 5
50	1	23729	24445	25159	25657	26154	26854	27011
51	2	24714	25428	26142	26642	27139	27570	28091
52	3	25699	26413	27127	27625	28124	28553	28983
53	4	26822	27536	28252	28752	29250	29680	30109
54	5	27809	28523	29237	29737	30237	30663	31094
55	6	28691	29510	29941	30722	31220	31650	32079
56	7	29779	30493	31207	31707	32205	32633	33063
57	8	30764	31478	32192	32692	33192	33620	34046
58	9	31749	32463	33177	33676	34174	34603	35033
59	10	33156	33870	34584	35084	35583	36012	36440
60	11	34141	34855	35569	36069	36566	36995	37425
61	12	35407	35981	36556	37056	37553	37982	38410
62	13	37039	37429	37820	38320	38820	39248	39676
63	14	39086	39532	39559	39822	40086	40514	40943
64	1-14ws/15nw	39458	39909	41711	42279	42847	43288	43729
65	15was	XXXXX	XXXXX	42108	42682	43255	43701	44146
66	ROLE:	TEACHER	TEACHER	TEACHER	TEACHER			
67				STAFF*	STAFF*	STAFF*		
68						MASTER*	MASTER*	MASTER*
69	*	NOTE: Only the "TEACHER" role is standard from year to year.						
70		The "STAFF", "MASTER", and any senior teacher or						
71		division coordinator roles are annual extra duty assignments						
72		made at the discretion of the School Committee.						
73	WITHIN ROLES:							
74	ACAD	Bachelors	B plus	Masters(M)	M plus	M plus	M plus	Doctorate
75	TEACHERS	(B)	approved	or B+30	approved	CAGS or	approved	
76	and VOC		15 credits	approved	15 credits	approved	60 credits	
77	with B degree			credits		30 credits		
78								
79	VOC	Voc Cert.	VC plus	VC plus	VC plus	VC plus	VC plus	VC plus NB
80	certification	(VC)	approved	approved	approved	B earned	B plus M	plus M plus
81	without B		15 credits	30 credits	45 credits	after VC	earned after	approved
82							VC	30 credits

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FAX (413) 772-2558

DEC - 6 1991

CC: D. HALLEY
D. ABBT
PLS. TAKE SOME TIME AND REVIEW THE ATTACHED BOOKLET FROM EPA. WE MAY NEED TO KNOW THIS INFORMATION WHEN THEY MOVE TO THE INSPECTION PROCESS (LSI).

CC: BOS - COVER LTR & EPA LTR. ONLY. COPY OF FULL REPORT IN RF

December 5, 1991

Don Johnson, Town Manager
Town of Acton
Acton, MA 01720

RE: Acton Landfill - FOIA Request

Dear Don:

Enclosed please find a copy of the letter and the single document we received last month from EPA in response to our FOIA request. (There was no change for it.) The document is not particularly helpful, but it will give you some general sense of the factors that go into EPA's evaluation of a site in a Listing Site Inspection ("LSI"). According to my conversations with Nancy Smith, EPA's State Coordinator for Massachusetts, such an inspection will be conducted at the Acton Landfill sometime in the next two years. Following this inspection, EPA will give the Acton landfill a numerical score pursuant to its Hazard Ranking System. If the score exceeds 28.5, the site goes on the Superfund list.

The enclosed FOIA response states that our request for the reasons why EPA has decided to conduct an LSI at the site "will be answered separately by EPA's Regional Office in Boston." I have been waiting for this answer for the past month but have received nothing to date, perhaps because I had already spoken to Nancy Smith and Sharon Hayes there. As we reported to you previously, they informed me that 99% of all the landfills in New England will receive an LSI and be scored to determine if they should be placed on the Superfund list.

I will let you know if we receive any further information Please let us know if you wish to pursue this matter any further.

Sincerely yours,.

Allan R. Fierce

ARF/jec
Enclosures

ACTON/LDF/411/Johnson.002

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 4 1991

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

Mr. Allan R. Fierce
Anderson & Kreiger
35 Mount Vernon Street
Boston, Massachusetts 02108

RE: RIN-7123-91

Dear Mr. Fierce:

This is in response to your October 3, 1991, Freedom of Information Act (FOIA) request for any information on a listing site inspection (LSI) for the Acton Landfill site in Acton, Massachusetts. The site was entered into the CERCLIS data base on February 1, 1984, and a Site Inspection was entered on May 17, 1991. The site has not been proposed to the National Priorities List (NPL).

Your first request, relating to reasons used by EPA in deciding that a LSI be conducted at the site, will be answered separately by EPA's Regional Office in Boston, Massachusetts.

I am enclosing general EPA guidelines for LSI's. EPA does not have specific guidelines for LSI's at municipal landfills. Please note that Superfund guidelines, directives, and publications are available through the National Technical Information Service, telephone 1-800-553-6847, and in the future you should request that information through them.

I hope this information is helpful to you.

Sincerely,

Larry Reed
Director
Hazardous Site Evaluation Division

Enclosures

United States
Environmental Protection
Agency

Office of Emergency and
Remedial Response
Washington DC 20460

OSWER Directive 9345.1-02
October 1987

Superfund

EPA

Expanded Site Inspection

Transitional Guidance For Fiscal Year 1988

CC: BOS

JAN 3 - 1991

NORTH EAST SOLID WASTE COMMITTEE

January 2, 1992

Dear Member:

A meeting of the NESWC Executive Committee is scheduled for Thursday, January 9, 1992 at 1:30 pm in the Selectmen's Room, Lexington, MA.

The agenda is as follows:

1. Minutes of the November 14, 1991 meeting
2. Minutes of the December 12, 1991 meeting
3. Goals and Actions Report
4. White Goods
5. FAS Presentation
6. FAS Report
7. Supplemental Legal Fee Budget
8. Landfill negotiations report
9. Management issues discussion
10. Other business

Sincerely yours,
NESWC

Francis J. Hopcroft
Executive Director

109/123 Main Street • North Andover, MA 01845 • Telephone (508) 686-6234

NORTH EAST SOLID WASTE COMMITTEE

January 2, 1992

Dear Member:

A meeting of the NESWC Financial Affairs Subcommittee is scheduled for Thursday, January 9, 1992 at 12:30 pm in Room 201, Lexington Town Hall.

The agenda is as follows:

1. Minutes of the November 14, 1991 meeting
2. Minutes of the December 4, 1991 meeting
3. Minutes of the December 11, 1991 meeting
4. Monthly Portfolio Status Report
5. Review of EXC presentation
6. Refinancing
7. Other business

Sincerely yours,
NESWC

Francis J. Hopcroft
Executive Director

109/123 Main Street • North Andover, MA 01845 • Telephone (508) 686-6234

NORTH EAST SOLID WASTE COMMITTEE

MINUTES
of the
EXECUTIVE COMMITTEE MEETING
of
DECEMBER 12, 1991

This meeting of the Executive Committee was called to order at 1:35 pm by Chairman Robert Moroney. Those present were:

Henry Rugo (Lincoln)	Robert Moroney (Manchester)
Richard Bowler (Arlington)	John McMahon (Watertown)
John Graham (N. Andover)	Donald Marquis (Arlington)
Peter Castanino (Belmont)	Robert McQuade (Andover)
John Seites (Peabody)	Richard Spiers (Lexington)
Edward Barker (Winchester)	Mel Kleckner (Belmont)
Peter Buhler (Financial Adv.)	Ruth Fitch (Palmer & Dodge)
Peter Terris (Palmer & Dodge)	Richard White (Lexington)
Francis Hopcroft (Ex. Director)	

The minutes of the November 14, 1991 meeting having not been distributed, discussion of them was tabled to the next meeting.

It was then VOTED, by unanimous roll call vote, on a motion by the Chairman, to enter into Executive Session for the purposes of discussing on-going arbitration proceedings with Counsel and to then return promptly to open session. Executive Session was entered at 1:36 pm. Open session was resumed at 2:52 pm.

Due to an urgent need for one of the principals at State Street Bank and Trust Co. to be out of town, the neeting set for December 11, in accordance with the previous Executive Committee meeting, had been postponed. It is to be rescheduled as soon as possible.

Mr. Hopcroft then reported on the fact that a sudden change in the status of the Community Stabilization Fund had raised the spector of the fund balance falling below zero before the end of the current fiscal year if nothing were done to prevent that from happening. The problem appears to be associated with the lack of tonnage at the facility and the fact that most of the NESWC communities are delivering tonnage significantly below their GAT levels.

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Mr. Hopcroft recommended that three actions be taken to fix the problem. The first action is that every community which does find its CSF balance falling below zero will be billed an amount equal to whatever is necessary to restore the balance to at least zero. Second, all communities will be billed at the rate of $64.50 per ton each month for their monthly guaranteed tonnage rather than their delivered tonnage. Third, the amounts which would have been paid since July 1, 1991 if bills had been based on GAT rather than on delivered tonnage, will be calculated and billed back to the communities in seven equal amounts over the remaining months of the fiscal year. Mr. Hopcroft showed graphs and charts which indicated that implementation of these steps would probably stem the outflow from the CSF balances without exceeding the budgets prepared by the member communities at the beginning of the fiscal year. After a further discussion of the issue by the members, it was MOVED (McQuade), SECONDED (Rugo), and VOTED (Seites opposed) : to accept the Executive Director's recommendations in this matter.

Mr. Hopcroft then reviewed the proposals received to provide Refinancing Consultant services to NESWC. He recommended that the firm of Public Financial Management, Inc. of Philadelphia, Pennsylvania, be retained to provide the services, that a sum not to exceed $141,000 be appropriated as a supplemental budget amount to cover the costs of this contract, and that the Executive Director be authorized to enter into a contract with PFM to provide the services essentially as outlined in the NESWC RFP and as proposed by PFM for an amount not to exceed the supplemental budget number. After a brief discussion, it was MOVED (McQuade), SECONDED (Marquis), and VOTED (Unanimous): to accept the Executive Director's recommendations in this matter.

A further review of the Executive Director's request to retain a marketing consultant was discussed, briefly, and no action was taken.

Mr. Rugo then passed out the usual summary sheet showing the status of the NESWC portfolio at the end of the previous month and discussed this document with the members. He noted the sale of certain long term securities to capture significant appreciation in anticipation of the upcoming bond refinancing and the expectation that further sales will be made if interest rates continue to decline. Due to the fact that the meeting was already longer than usual and the hour drawing late, Mr. Rugo suggested tabling the full discussion of FAS matters he had offered to present at this time unitl the next meeting. That suggestion was accepted by the members, and the FAS report was accepted as presented.

Mr. Hopcroft reviewed the FY92 budget and expenditures to date with the members and noted the significant deficit projections in the area of legal fees. He reported actions taken to stem that deficit, but noted that a deficit in this category was probably inevitable, given the level of legal work required by NESWC.

There being no further business to come before the meeting, it was adjourned at 4:00 pm.

NORTH EAST SOLID WASTE COMMITTEE

MINUTES
of the
ADVISORY BOARD MEETING
of
DECEMBER 17, 1991

This meeting was called to inform members and elected officials in the member communities about the status of ongoing arbitration matters. The meeting was opened at approximately 7:45 pm by the Executive Director. Those present were:

John Graham (N. Andover)	Henry J. Rugo (Lincoln)
Peter Castanino (Belmont)	Richard Spiers (Lexington)
Richard Warrington (Bedford)	Edward Barker (Winchester)
Mel Kleckner (Belmont)	David Cregger (Winchester)
Richard White (Lexington)	Edward Flanagan (Tewksbury)
Richard Vitale (Hamilton)	William O'Leary (Winchester)
Peter Terris (Palmer & Dodge)	Ruth Fitch (Palmer & Dodge)
Richard Kiley (Arbitrator)	Francis Hopcroft (Ex. Director)

The meeting was immediately taken into Executive Session to discuss the on-going legal matters. At approximately 9:45 pm the Executive Session was ended and, there being no further business for the members to discuss, the meeting was immediately adjourned.

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NORTH EAST SOLID WASTE COMMITTEE

MINUTES
of the
FINANCIAL AFFAIRS SUBCOMMITTEE MEETING
of
DECEMBER 4, 1991

This meeting of the Financial Affairs Subcommittee was opened at 8:15 am by Chairman Henry Rugo (Lincoln). Those present were:

Henry J. Rugo (Lincoln)
Robert Moroney (Manchester)
Francis Hopcroft (Ex. Director)
Richard Spiers (Lexington)
Peter Buhler (Financial Advisor)

The minutes of the November 14, 1991 meeting were not available and action thereon was tabled to the next FAS meeting.

Mr. Hopcroft updated the members on the status of a proposed Capital Reserve Account at US Trust Co. After a brief discussion, it was MOVED (Moroney), SECONDED (Spiers), and VOTED (Unanimous): to establish such an account with a balance of $10,000 to create a mechanism for acquiring a second price quotation on proposed security trades by NESWC. That will be done as soon as the appropriate cards are signed.

Mr. Hopcroft reported a potential problem developing with the CSF balances and suggested a fix to cure the problem. The rest of the meeting was devoted to a discussion of options in this regard and to a review of the current status of the investment portfolio.

The meeting was adjourned about 10:00 am.

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NORTH EAST SOLID WASTE COMMITTEE

MINUTES
of the
FINANCIAL AFFAIRS SUBCOMMITTEE
MEETING
of
NOVEMBER 14, 1991

This meeting of the FAS was called to order at 12:32 pm by Chairman Henry Rugo. Those present were:

Henry J. Rugo (Lincoln) Richard Spiers (Lexington)
Robert Moroney (Manchester) Peter Buhler (Financial Advisor)
Francis Hopcroft (Ex. Director)

The minutes of the October 17, 1991 meeting were offered for consideration. There being no objection, it was MOVED (Moroney), SECONDED (Spiers), and VOTED (Unanimous): to approve the minutes as presented.

Mr. Hopcroft reported that the change from a cash accounting system in FY90 to an accrual basis had created a bookkeeping problem which spilled over onto the balance sheets. Due to incorrect procedures in approving supplemental budgets for those two years, amounts received from scale house receipts had not been taken into account when supplemental budgets were approved. Consequently the amounts actually approved understated the amounts actually spent by an amount equal to the revenues. This resulted in an increasing deficit number on the balance sheet. To correct the problem, the bookkeeping system at NESWC had been adjusted to prevent an increase in the deficit number, but additional supplemental budgets need to be approved for FY90 and FY91 to erase the current deficit balance. It was MOVED (Moroney), SECONDED (Spiers), and VOTED (Unanimous): to recommend to the Executive Committee that the supplemental budget amounts be appropriated as required, noting that these appropriations would not cause any actual transfer of funds, they would merely straighten out the bookkeeping.

Mr. Hopcroft reviewed the proposals received in response to NESWC's marketing consultant RFP. After a brief discussion, it was MOVED (Moroney), SECONDED (Spiers), and VOTED (Unanimous): to recommend approval of the Terra Associates proposal to the Executive Committee.

Mr. Hopcroft reviewed the draft RFP for a Financial Consultant to represent NESWC with the refinancing of the project bonds. After a discussion by the members, it was agreed to recommend that the name of the procurement be changed to Refinancing Consultant, but that the FAS would not recommend for or

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against distribution of the document. Mr. Hopcroft estimated the cost of the final contract to be in the order of $100,000.

Mr. Buhler distributed the monthly status report on the NESWC investments and reviewed it with the members. He reported on the sale of $4,000,000 in long treasuries to capture appreciation gains and reported that rates seem to be continuing to fall. He recommended increasing the sale authorization by another $2,000,000. It was MOVED (Moroney), SECONDED (Spiers), and VOTED (Unanimous): to authorize the sale of an additional $2,000,000 in long bonds with the proceeds of all sales to be invested in 3 to 5 year instruments, as determined prudent by Mr. Buhler.

There being no further business to come before the members, the meeting was adjourned at 1:32 pm.

NORTH EAST SOLID WASTE COMMITTEE

MINUTES
of the
EXECUTIVE COMMITTEE MEETING
of
NOVEMBER 14, 1991

This meeting of the Executive Committee was called to order at 1:35 pm by Chairman Robert Moroney (Manchester). Those present were:

Edward Barker (Winchester)	Robert McQuade (Andover)
David Cregger (Winchester)	Peter Castanino (Belmont)
John Seites (Peabody)	Mel Kleckner (Belmont)
John Graham (N. Andover)	Donald Marquis (Arlington)
Richard Bowler (Arlington)	Richard Spiers (Lexington)
Henry Rugo (Lincoln)	Robert Moroney (Manchester)
Robert Halpin (Westford)	Peter Buhler (Financial Advisor)
Francis Hopcroft (Ex. Director)	

The minutes of the October 17, 1991, meeting were offered for consideration. It was noted that Mr. McQuade was at the meeting but that his name did not appear on the list of attendees. There being no further corrections offered, it was MOVED (McQuade), SECONDED (Marquis), and VOTED (Unanimous): to accept the minutes as amended.

Mr. Hopcroft reported no changes in the status of the MRI claim or negotiations from the previous meeting and no further discussion on this issue was held. A discussion on the status of other legal issues ensued. It was agreed that Mr. Hopcroft would arrange a meeting with the appropriate people at State Street Bank and Trust Company to discuss the failure of State Street to approve waivers of the Service Agreement terms which restrict the ability of member communities to reduce GAT to accommodate recycling. Mr. Marquis, Mr. Halpin, and Mr. Rugo will attend the meeting with Mr. Hopcroft. It was further agreed that the meeting would be held without the presence of attorneys for either side.

Mr. Buhler distributed summary sheets showing the status of the NESWC investment portfolio at the end of October and reviewed the activities of the FAS relative to the investment program over the previous reporting period. He noted, specifically the sale of long term treasury notes at very favorable rates in order to capture high appreciation realizable at this time. Further sales are planned if the resale prices continue to rise.

In the wake of further questions and discussions surrounding the general nature of the FAS work and the upcoming bond refinancing program, Mr. Rugo offered to provide a comprehensive review of the whole FAS program and work effort at the next Executive Committee meeting. It was agreed that this would be a useful thing to do and Mr. Rugo's offer was accepted. It was then MOVED (McQuade), SECONDED (Seites), and VOTED (Unanimous) : to accept the FAS report as presented.

Mr. Hopcroft reported that due to the change from cash accounting to accrual accounting in FY 90, a bookkeeping problem had arisen in that the amount of money requested for supplemental budgets had been incorrectly stated for those two years. The cause was incorrect accounting of the scalehouse revenues. The effect was an apparently growing deficit on the balance sheets which was not real. In order to correct the balance sheets it would be necessary to adjust the supplemental budgets for the prior two fiscal years by appropriating an adjustment amount to cover the revenues for those periods. On Mr. Hopcroft's recommendation, it was MOVED (McQuade), SECONDED (Spiers), and VOTED (Marquis opposed): to approve supplemental budgets in the sums of $10,979 for FY 90 and $9,738 for FY 91. No change in cash position and no direct expenditure of funds results from this vote; it merely corrects the books to actual conditions.

Mr. Hopcroft reviewed the FY 92 budget expenditure status previously provided to members. Projected shortfalls were noted based on current expenditure levels. The most significant shortfall is in the legal expense category. Mr. Hopcroft reported on various steps taken to control those costs and to reduce the projected shortfall. All other areas of the budget appeared to be under control at this time.

In accordance with directives from the Advisory Board, the committee then considered the selection of a Marketing Consultant to assist NESWC with filling the plant capacity. Mr. Hopcroft recommended that Terra Associates of Dover New Hampshire be selected as a result of his review of the proposals received in response to NESWC's RFP. He further recommended that a supplemental budget appropriation be made in the amount of $36,000 to cover the cost of this contract. After a discussion of the issue it was agreed to table action on the issue for one month during which time the Executive Director was to examine the availability of refuse brokers who could be contracted instead and during which the Executive Director was to set up a meeting with the Regional Operations manager for MRI to discuss the lack of marketing done by MRI to date. Mr. McQuade will attend that meeting with Mr. Hopcroft.

The members then reviewed the proposed RFP for a Financial Consultant previously submitted to them. It was agreed that the name would be changed to Refinancing Consultant to distinguish this contractor from Mr. Buhler, who is already designated as the Financial Consultant to NESWC. Mr. Hopcroft estimated the cost to be in the order of $100,000 if all phases are done. It was agreed that the contract must be so structured that only the necessary preliminary work would be accomplished until MRI had agreed to cooperate with the effort. It was MOVED (McQuade), SECONDED (Rugo), and VOTED (Unanimous) : to proceed with the issuance of the RFP.

Mr. Hopcroft reported very little progress to date on negotiation of a long term landfill agreement. NESWC and City consultants were continuing to discuss the issue and they were getting closer to agreement on the numbers involved. When the consultants agree, then Mr. White (Lexington) and Mayor Torigian (Peabody) would work out a negotiated deal to be subject to final EXC review and approval.

Mr. Moroney noted several items on the Goals and Actions report which were slated for deletion. He suggested that two other items also be dropped. There was no objection raised to deleting any of the items noted.

It was noted that the installation of additional fire protection systems at the plant had been stalled for many months. It was agreed that Mr. Hopcroft would send a letter to MRI to try to move this issue along.

There being no further business to come before the members, the meeting was adjourned at 3:00 pm.

NORTH EAST SOLID WASTE COMMITTEE

MEMORANDUM

To : Advisory Board Members
Chief Executive Officers
DPW Directors

From : Francis J. Hopcroft
Executive Director

Subject : Calendar Year 1992 Holidays

Date : January 2, 1992

The following is a list of the 1992 holidays on which the North Andover facility will be closed. In each case, the facility will be open a full day on the next following Saturday.

New Year's Day	Wednesday, January 1
Martin Luther King's Birthday	Monday, January 20
George Washington's Birthday	Monday, February 17
Patriot's Day	Monday, April 20
Memorial Day	Monday, May 25
Independence Day	Saturday, July 4
Labor Day	Monday, September 7
Columbus Day	Monday, October 12
Veteran's Day	Wednesday, November 11
Thanksgiving Day	Thursday, November 26
Christmas Day	Friday, December 25

PLEASE CHECK THIS LIST AGAINST YOUR SCHEDULES AND CONTRACTS NOW TO IDENTIFY ANY CONFLICTS.

If any conflicts are found, please notify my office as soon as possible. We can deal with any situation. The sooner we know about it, the easier we can deal with it.

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NORTH EAST SOLID WASTE COMMITTEE

MINUTES
of the
FINANCIAL AFFAIRS SUBCOMMITTEE
MEETING
of
DECEMBER 11, 1991

This meeting of the FAS was called to order at 12:15 pm by Chairman Henry Rugo. Those present were:

Henry Rugo (Lincoln) Richard Spiers (Lexington)
Robert Moroney (Manchester) Peter Buhler (Financial Advisor)
Francis Hopcroft (Ex. Director)

Mr. Buhler distributed several sheets of information which were designed to assist with the presentation requested by the Executive Committee of what the FAS does and how it does it. These documents were reviewed, discussed, reorganized and modified into final presentation documents for use by the Chairman at the upcoming EXC presentation.

Mr. Buhler then reviewed the monthly portfolio status report previously distributed to the members. After a brief discussion, it was MOVED (Moroney), SECONDED (Spiers), and VOTED (Unanimously): to authorize the Chairman, with the approval of the Executive Director and on the recommendation of Mr. Buhler, to sell up to $6,000,000 more in long treasuries to capture accumulated appreciation in these bonds.

Mr. Hopcroft reported on a potential problem with the CSF balances and his recommendations for fixing the problem. The members discussed the possible solutions and agreed that three steps should be recommended by the Executive Director to the Executive Committee. Those steps are, first, that any community which has its CSF balance fall below zero will be billed for an amount equal to whatever is necessary to bring the balance back up to at least zero. Second, all communities would be billed, beginning with the December tonnages, at the flat rate tipping fee, $64.50 per ton, for their monthly GAT amount rather than the delivered tonnage as is now done. Third, the amount which would have been paid had the billing been done on the basis of GAT, rather than delivered tonnage, since July 1, will be calculated and billed back to the communities in seven equal amounts over the remaining seven months of the fiscal year.

There being no further business to come before the members, the meeting was adjourned at 2:15 pm.

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MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES
200 Portland Street
Boston 02114-1715

MITCHELL ADAMS
Commissioner

LESLIE A. KIRWAN
Deputy Commissioner

(617) 727-2300

January 2, 1992

cc: BOS
COORD. COMM

JAN 3 1992

Enclosed please find your available fund figure, along with any amount, if applicable, in excess of 5% of your budget which must be used to reduce assessments. Please distribute this information to the appropriate officials. If you have any questions, please do not hesitate to contact Mr. Richard Sciarappa at (617)727-2300.

Sincerely,

F. Ellis FitzPatrick

F. Ellis FitzPatrick
Assistant Director of Accounts

FEF/jmt

MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES
200 Portland Street
Boston 02114-1715

MITCHELL ADAMS
Commissioner

LESLIE A. KIRWAN
Deputy Commissioner

(617) 727-2300

January 2, 1992

To the Regional School District Committee:

In accordance with the provisions of Chapter 71, Section 16B 1/2, of the Massachusetts General Laws, as amended by Chapter 580 of the Acts of 1988, I hereby certify that the amount of unencumbered excess and deficiency funds/surplus revenue available July 1, 1991 for the Acton-Boxborough Regional School District is $253,918.

Sincerely,

F. Ellis FitzPatrick
Assistant Director of Accounts

FEF/csg

Note: Under the provisions of Chapter 71, Section 16B 1/2, the unencumbered excess and deficiency/surplus revenue funds in excess of five per cent of the operating budget and the budgeted capital costs for the succeeding fiscal year should be applied to reduce the amount of the assessment. For your District, any amount in excess of $556,186 must be used to reduce assessments.

cc: member communities

File 1/21/92

JANUARY 17, 1992

TO: Board of Selectmen

FROM: NORMAN LAKE, Chairman

SUBJECT: SELECTMEN'S REPORT

##

AGENDA

ROOM 204

7:30 P.M.

JANUARY 21, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:35 PAM RESOR - Representative Resor will be in to discuss upcoming legislative year and any concerns or directions the Board may have.

2. 7:45 PAPA GINO'S - Transfer of Beer and Wine Alcoholic Beverages License - Enclosed please find staff information comment for Board review and action.

3. 8:00 ROBERT WILTSE MINUTEMAN VOC. TECH. OVERVIEW MEETING - Mr. Wiltse, Acton's Representative to Minuteman Tech. will be present along with Ron Fitzgerald for this meeting.

4. 8:30 BOARD OF ASSESSORS - OVERVIEW MEETING

III. CONSENT AGENDA

5. SELECTMEN'S MINUTES - Enclosed please find minutes of the Regular and Executive Session held on December 17, 1991 for Board approval.

6. STREET ACCEPTANCE - - Enclosed please find forms prepared by the Engineering Dept. for signature/action.

IV. SELECTMEN'S CONCERNS

7. EAGLE SCOUT - Enclosed please find a request for attendance at the March 6, 1992 Eagle Court for Thor Swenson.

8. LEGAL RFP - Enclosed please find a memo from Selectman Hunter for Board review.

9. ANNUAL REPORT - Enclosed please find the 1991 Annual Report for Board comment as drafted by the Chairman.

V. TOWN MANAGER'S REPORT

10. POLICE DEPT. - Enclosed please find correspondence from the Police Chief.

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.

Feb 4, 1992- Boston Edison, Class II for Eastern Road
Feb 18, 1992 - No Public Hearings Scheduled
March 3, 1992- Stoneymead,Ayer Rd., Street Acceptances, Class II
125 High St.
March 17, 1992

729 acs

1/21/93

1

PROPOSALS FOR REDUCTION OF MANDATES AND FISCAL CONSTRAINTS

INJURED ON DUTY

Municipal public safety employees do not receive workmen's compensation. Under the injured on duty provisions of Chapter 41 of the Massachusetts General Laws, section 111F, they receive 100% of their salaries, which are not subject to income taxation. This means that an employee in the 28% tax bracket would receive the equivalent of 139% of his salary. The current process has no standard method of determining employee eligibility and no guidelines for initial or follow up medical examinations. All of this creates an incentive for employees to remain on IOD leave indefinitely.

PROPOSALS:

Statute should be amended to allow a combination of the following. (There exists draft legislation relating to this issue.)

1) Provide a clear statutory definition of "injured on duty."

2) Institute Light Duty rules to allow those who are not critically disabled to return to work.

3) Include public safety employees among those covered by workers compensation.

4) Change IOD pay to reflect employee tax bracket (i.e., pay @ 72%, not 100%).

5) *Develop and implement uniform medical standards for use by PERA and CRAB.

6) Limit the length of time injury-related absence with full pay will be in effect. Following expiration of this limit,

(a) convert employee to regular worker's compensation;

(b) have employee gradually return to work (succeeding light, moderate and regular duty categories) under in-house medical supervision;

(c) have employee collect unemployment insurance (66% of salary); or

(d) implement mandatory retirement.

HEALTH INSURANCE

Chapter 32B of the Massachusetts General Laws requires that municipalities contribute equal dollar amounts to high cost indemnity plans and lower priced HMO's. This creates an unfair advantage for some employees: those with HMO's may have free health care while others with indemnity plans (including many retirees) may have to pay 50% of premiums.

Because municipalities bargain independently with each union for health benefits, it is almost impossible for the localities to develop a coordinated policy effort in health care bargaining.

Health insurance options for local government are limited by Chapter 32B, section 2(j) of the General Laws, which defines from whom localities may purchase health care insurance . These restrictions mean there is no freedom to contract with more cost-effective entities.

According to existing statute, health benefits cannot be changed without bargaining to impasse over the impact of those changes. This makes it practically impossible to change the benefits provided without considerable delay.

PROPOSALS:

1) Change municipal premium funding of health plans, at local option, from equal dollar amounts to equal percentages.

2) Amend statute to mandate coalition bargaining for health care benefits.

3) Remove statutory requirement for indemnity plan insurance as the primary plan for local employees.

4) Authorize localities to contract with a broader range of health care organizations (including HMOs) to provide primary health care plans for employees (see Governor's regulatory reform package).

5) Repeal health care bargaining to impasse.

There exists draft legislation relating to this issue.

CIVIL SERVICE SYSTEM

Under Chapter 31 of the Massachusetts General Laws, municipal personnel systems are subject to centrally administered state civil service requirements. Except for hiring public safety employees, localities do not need a centralized state personnel system. They have the resources and expertise to manage their own personnel functions. However, hiring public safety employees poses special problems. The statutory functions around public safety cannot be executed in a timely or quality manner by individual localities due to high public demand for these entry level jobs and a lack of resources and/or expertise in training recruits, administering written and physical examinations, etc.

PROPOSAL:

Abolish civil service for municipalities except for public safety employees.

COLLECTIVE BARGAINING

In Chapter 150E of the General Laws, there is no strong statutory separation of labor and management and no clear definition of management rights, similar to that found in the MBTA management rights bill.

Until 1986, Chapter 150E, Section 9 of the Massachusetts General Laws allowed the employer to unilaterally implement its position at impasse. This practice ended with an amendment which mandates mediation, fact-finding and voluntary agreement to binding arbitration at impasse.

PROPOSALS:

1) Amend statutes to include a strong definition of management rights similar to that of the MBTA bill (Chapter 581, Acts of 1980).

2) Amend the statute to restore the employer's ability to implement its position by removing the requirement that negotiations for successor agreements at impasse go through mediation and fact finding.

There is existing draft legislation relating to this issue.

EARLY RETIREMENT

Chapter 32 of the Massachusetts General Laws has provisions mandating the amount and formula used to determine municipal employee pension superannuation allowances. Because of this statute, cities and towns have no ability to offer an early retirement program. Municipalities can only offer one-time lump sum cash incentives to their employees.

PROPOSAL:

Amend statute to permit cities and towns to offer early retirement incentives, beyond lump-sum cash payments, on a voluntary basis. (Note: teachers who participate in a state-funded retirement system should be excluded.)

MUNICIPAL REVENUE RECOVERY PROJECT

There are a number of opportunities for both increasing revenues and achieving operational savings in municipalities. However, many of these efforts go unexplored by local governments, due to:

- lack of in-house expertise
- lack of funds for fee-for-service contracts
- dis-economies of scale

PROPOSAL:

Establish within the Division of Local Services or Comptroller's Office a statewide consulting capacity, through a contingency fee arrangement with a revenue maximization consultant that would, in turn, provide municipalities with expert assistance and specialized skills. Under this arrangement, the contractor would be required to perform certain minimum functions for all interested municipalities and would be compensated from a percentage of additional revenue/savings generated from project efforts. Services provided could range from strict revenue maximization to development of strategies (i.e. program changes, efficiency improvements,

etc.) for responding to revenue shortfalls. Arthur Anderson has speculated that this project might generate additional revenue by $50 million.

REGIONAL REORGANIZATIONS

Chapter 43C MGL sections 1-13 requires localities to undergo a referendum process in order to reorganize its functions. This mandate further constrains municipalities from streamlining their operations in response to shrinking resources.

In addition, there are presently no provisions allowing for the regionalization of certain functions (with the exception of Veterans' services and so-called "Weights and Measures" functions).

PROPOSAL:

Amend Chapter 43C to permit municipal reorganizations with the acceptance of the local appropriating authority (i.e. town meetings).

To allow for regionalization, amend Chapter 43C to permit additional regionalization, also with acceptance of the local appropriating authority, of appropriate functions.

MUNICIPAL MEDICAID

Cities and towns currently expend funds on medical services as a part of school health programs, c.766 Special Education programs, etc. which could be eligible for federal reimbursement under the Medicaid program.

PROPOSAL*:

Direct the Department of Public Welfare and Education to develop a system for claiming Medicaid reimbursement for education-related health care expenditures incurred on behalf of Medicaid recipients. The Massachusetts McCormack Institute of Public Affairs' study suggests that this proposal may be worth as much as $30 million.

EXPEDITED TAX BILLING

Under present law (Chapter 59 MGL), localities have the option of issuing property tax bills on either a quarterly or semi-annual basis. Those localities using the semi-annual approach cannot accrue interest against unpaid bills until November 1st. This produces cash flow problems, since there is no incentive for payment of bills sooner than November 1st, and often requires those localities to borrow money on a short-term basis.

PROPOSAL:

Amend Chapter 59 MGL section 57 to permit localities presently billing semi-annually to issue its first bill, either estimated or actual, as soon as July 1st, payable thirty days afterwards. This would effectively permit those localities to gain three months interest on their property tax billings. Those localities who are already billing quarterly, or who wish to bill

quarterly, may still do so. The Boston Assessor's Department estimates this proposal to be worth $65-$70 million.

BINDING ARBITRATION FOR THE MBTA

Chapter 161A MGL sections 19-19F mandate binding arbitration in instances where management and employees cannot reach agreement on contract negotiations. Some of the most recent arbitration judgements have resulted in significant wage increases which, in turn, have driven up MBTA costs. This impacts towns and cities, who are mandated to pay for a percentage of the MBTA's operating costs.

It should be noted that municipalities' contributions to the MBTA are presently capped at 2.5% growth as a result of Proposition 2 1/2, thus making the growth in MBTA costs primarily a concern of the state. The municipalities' concern on this matter may come in anticipation of future changes in the financing of the MBTA.

PROPOSAL:

Amend the statute to eliminate the requirement of binding arbitration.

JOINT VENTURE PAYMENTS

Chapter 41, MGL section 118L applies to towns and cities which opted to participate in the police career incentive pay program. This program is designed to provide incentives to police from participating localities, through salary increases, for pursuing further education. The law stipulates that those localities that choose to participate in the program will have 50% of the increased salary costs reimbursed by the state. Due to reductions in local aid, the state no longer provides this reimbursement, leaving those localities to pay the full costs of the program.

PROPOSAL:

Amend Chapter 41 in accordance with Senate Ways and Means proposal (FY92 outside section 360) to permit localities to rescind participation in this program since the state is no longer able to provide the reimbursements as required by law. Draft legislation for this proposal has been prepared.

Another proposal would extend the ability to rescind, at local option, any provision, not just police incentives, which a locality entered into upon the expectation of state cost sharing if state funds are not forthcoming.

REGIONALIZATION/COLLECTIVE PURCHASING

Chapter 40 MGL section 4A requires the approval of a town meeting in order for two or more municipalities to enter into collective purchasing arrangements. This restricts the ability of local purchasing agents to utilize such arrangements, since town meetings are usually held only once a year. There appears to be no reason for this requirement since local purchasing agents, acting for their individual communities, do not generally require town meeting approval.

PROPOSAL:

Amend Chapter 40, section 4A to permit localities to enter into collective purchasing agreements without town meeting approval.

FULL-TIME VETERANS' AGENT

Chapter 115 section 3 of the Massachusetts General Laws requires that each community with a population over 10,000 appoint a full-time agent to act in the disbursement of Veteran's benefits. This is a legacy of welfare reform, wherein the state avoided stigmatizing veterans by separating them from welfare recipients. Today, the current caseload is very light and it is costly for communities (particularly suburban communities) to provide a full-time agent. Existing human services resources are capable of conducting veteran's affairs at the local level.

PROPOSAL:

Eliminate the statutory requirement for veteran's agent in communities of 10,000+ people and amend it with provisions for region-wide or county-wide agents.

WORKER'S COMPENSATION

Because of the statutory provisions of Chapter 152 of the Massachusetts General Laws, the cost of workers compensation in Massachusetts is 2 1/2 times the national average. This has a debilitating economic effect on cities and towns. The system is also hampered by a backlog of 9,500 unsettled injury cases, which causes some workers involved in claims disputes to wait up to nine months for their cases to be heard.

PROPOSAL:

Apply Governor's proposed legislation to municipalities.

MUNICIPAL EMPLOYEE PENSION PLANS

The Federal Omnibus Budget Reconciliation Act of 1991 provides that all state and municipal employees must, by January 1,1992, either participate in a qualifying pension system or deferred compensation plan, or they will become subject to social security taxes (FICA). Currently, municipal retirement boards issue eligibility regulations which, for the most part, exclude part-time, seasonal and temporary employees.

PROPOSAL:

Support House 6225 which, in section 2, empowers the cities and towns, at local option, to create a deferred compensation program (all employee funds) with lump sum distribution upon severance for part-time, seasonal and temporary employees, thereby avoiding the imposition of FICA.

SCHOOL BUILDING ASSISTANCE

Chapter 603 of the Code of Massachusetts Regulations, section 38 requires municipalities to comply with the standards imposed by the School Facilities Services Bureau (SFSB) in order to be eligible for reimbursements of the costs of school building projects. Many of the required standards are alleged by the municipalities to be costly and educationally unnecessary. Although there is a provision in the regulations for the SFSB to grant a waiver of the requirements, only requirements that are not mandated by statutes may be waived. The SFSB may only grant a waiver of these requirements for good cause and the term "good cause" is not defined.

PROPOSALS:

(1) Amend the statute to direct the School Facilities Services Bureau to review the standards required for school building projects.

(2)* Specifically define the term "good cause."

SCHOOL LINE-ITEM BUDGET APPROVAL

Chapter 71 of the Massachusetts General Laws, section 38 gives school committees absolute control over line-item expenditures and school employee contracts with no accountability to municipal budgetary or personnel authorities.

PROPOSAL:

Amend the statute to give the municipalities prior approval of school budget by line item and prior approval of school employee contracts (legislation has been prepared as part of the Governor's Education Reform Package).

CHAPTER 766, ESPECIALLY RESIDENTIAL PLACEMENTS

Chapter 71B of the Massachusetts General Laws requires school committees and the state to share equally the costs of residential placements of a school age child with special needs. If such placements are determined to be for medical - rather than educational needs, the state has to pick up 100% of the costs. Residential placements are very costly and impose a financial burden on the state and the municipalities.

PROPOSALS:

(1)* Direct the Division of Special Education to review regulations governing residential placements of special needs students that place a heavy financial burden on the municipalities.

(2) Amend the statute to allow a child with special needs to be expelled from school for disciplinary infractions in instances where an evaluation determines that his misconduct bears no direct relationship to his special needs. Draft legislation has been prepared.

Please note that outside section 78 of the FY92 budget directs the Department of Education to review the eligibility criteria for special needs

students; section 79 directs the Board of Education, in conjunction with the Secretary of Education to examine the possible expansion of requirements for certification of teachers and administrators in order to facilitate the accommodation of special needs children in the classroom.

UNEMPLOYMENT COMPENSATION FOR SCHOOL EMPLOYEES

Chapter 151A of the Massachusetts General Laws, section 28 allows teachers to collect unemployment benefits during the summer months if they are notified in April that they will not be rehired for the following school year. They should not be eligible for unemployment benefits until September because they have already collected an annual salary, which includes the summer months.

PROPOSAL:

Amend the statute to clarify the unemployment compensation law to ensure that municipal employees (particularly teachers) do not collect unemployment compensation during the terms of their contracts. Draft legislation has been prepared. The Senate Ways and Means estimates this proposal could save municipalities $30 million.

CONSOLIDATION OF TOWN AND SCHOOL ADMINISTRATIVE SYSTEMS

Chapter 71 MGL sections 37 and 38 give school committees authority over general management of public schools, including the election and dismissal of teachers, and administrative control of school financial and maintenance systems. As a result, school committees have created separate administrative bodies to handle their financial, personnel, and maintenance functions. Savings could be achieved if these functions were combined with the municipalities'.

PROPOSAL:

Amend the statute to permit, at the option of the municipal governing bodies, the consolidation of the administrative functions of the school committees with those of the municipalities.

BILINGUAL EDUCATION

Chapter 71A of the Massachusetts General Laws requires any school district with twenty or more students of limited English-speaking ability to provide a transitional bilingual education program. Although the program is designed to be a three-year program, the school cannot transfer the bilingual students out of the bilingual language class without written parental approval.

PROPOSALS:

(1) Amend the statute to remove the requirement of written parental approval to transfer a bilingual student out of a transitional program and decrease the mandatory period of attendance in such classes. Draft legislation has been prepared.

(2) The statute can be further amended to eliminate the requirement to maintain a maximum student-teacher ratio for bilingual language classes. Draft legislation has been prepared.

1/21/92

3

TOWN OF ACTON

NOTICE OF HEARING

Notice is hereby given under Chapter 138 of the General Laws, that the Board of Selectmen will hold a hearing in Room 204 in the Acton Town Hall on JANUARY 21, 1992 at 7:45 P.M. on the application of Papa Gino's Acquisition Corp., a Delaware Corporation, for transfer of an Wine and Malt Beverages as a Common Victualer from Papa Gino's of America, Inc., 82 Powdermill Road, Acton, to Papa Gino's Acquisition Corp.

Norman D. Lake
Nancy E. Tavernier
Dore' F. Hunter
Anne B. Fanton
ACTON BOARD OF SELECTMEN

cc: BOS

JAN - 4 1992

JANUARY 14, 1992

TO: DON P. JOHNSON, TOWN MANAGER

FROM: ROSE ERDOZAINCY, R.S. HEALTH DEPARTMENT

RE: LIQUOR LICENSE TRANSFER - PAPA GINO'S
82 POWDERMILL ROAD

I have reviewed the liquor license application transfer for Papa Gino's. A routine inspection was conducted at the facility recently, during which time several violations of the State Sanitary Code were noted. Fines will be imposed for the numerous outstanding violations observed during the re-inspection of January 14, 1992.

This department has routinely observed problems in this facility, and can give only a limited recommendation in regards to this transfer. It is our goal that the management of Papa Gino's re-prioritize the importance of compliance with the State Sanitary Code, and incorporate on-going compliance objectives into their activities.

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

DATE: December 30, 1991

TO: Don P. Johnson, Town Manager

FROM: Garry A. Rhodes, Building Commissioner GAR

SUBJECT: Papa Gino's Liquor License Transfer, 82 Powder Mill Road

I have reviewed the application and have noted that this is an existing restaurant and there will be no renovation or increase in seating. With that in mind I have no comments or recommendations.

GAR:nc

#738

INTERDEPARTMENTAL COMMUNICATION

****

TO: BOARD OF HEALTH AND BUILDING COMMISSIONER

FROM: DON P. JOHNSON, TOWN MANAGER

SUBJECT: LIQUOR LICENSE TRANSFER - PAPA GINO'S
82 POWDERMILL ROAD

Enclosed please find a copy of the application for liquor license Transfer for PAPA GINO'S

The public hearing is scheduled for JANUARY 21, AT 7:45 P.M. Please send your comments and recommendations.

cc: Police Chief
Fire Chief

FINNEGAN AND STANZLER, P.C.
ATTORNEYS AT LAW

THE CLAFLIN BUILDING
TWENTY BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 523-2500

DEC 30 1991

FAX: (617) 523-2502

December 26, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

1/21/92
@ 7:45

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

Re: Papa Gino's

To Whom It May Concern:

Enclosed please find an application package in connection with the transfer of the Wine and Malt Beverages License held by Papa Gino's of America, Inc. to Papa Gino's Acquisition Corp., a Delaware corporation formed for the purpose of acquiring the Papa Gino's restaurant chain. The application package includes the following:

1. an application for a new Common Victualler license;
2. Form 983 (Transfer Application);
3. ABCC 5 Page Application, together with Schedule A (describing the officers, directors and stockholders of Papa Gino's Acquisition Corp.) and Form C (describing the purchase price and the financing of the acquisition);
4. a Certificate of Legal Existence and a Certificate of Good Standing (Papa Gino's Acquisition Corp. has been qualified to do business in Massachusetts) from the Secretary of State of the Commonwealth of Massachusetts, together with a copy of the Articles of Organization of Papa Gino's Acquisition Corp. certified by the Delaware Secretary of State; and
5. Votes of the Board of Directors of Papa Gino's Acquisition Corp.

Since there are over 90 Papa Gino's restaurants licensed to sell beer and wine in Massachusetts, arrangements have been made with the Alcoholic Beverages Control Commission (the "ABCC") to pay all of the $50 application fees directly to the ABCC and, therefore, no fee need be collected by the local licensing authorities in connection with the applications. We have also

enclosed a copy of a letter from the ABCC setting forth the ABCC's recommended procedure for processing the application.

While there will be no change of existing restaurant managers in connection with the transfer, in certain instances there has been a change of managers in the ordinary course of Papa Gino's business. Where there has been a change of managers, we have also included a Form A completed by Papa Gino's of America, Inc., together with background information on such managers. The corporate vote of Papa Gino's Acquisition Corp. provides for the appointment of such managers once the transfer of the Wine and Malt Beverages license and change of managers have been approved by the local licensing authority.

Thank you for your cooperation. If you have any questions, please feel free to call me.

Very truly yours,

James J. Finnegan

The Commonwealth of Massachusetts
The Alcoholic Beverages Control Commission
Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston, Mass. 02202 - 0002

Telephone (617) 727-3040
Fax: (617) 727-1258

William F. Weld
Governor

Argeo Paul Cellucci
Lieutenant Governor

Gloria C. Larson
Secretary

Edward R. Redd
Chairman

December 20, 1991

To Local Licensing Authorities

Re: Papa Gino's - Transfer of
Wine and Malt Beverages Licenses

Ladies and Gentlemen:

The Commission has received questions from several of the more than 70 Cities and Towns in which Papa Gino's is licensed, asking how to process the transfer of the Wine and Malt Beverages licenses currently held by Papa Gino's of America, Inc. to Papa Gino's Acquisition Corp. Papa Gino's Acquisition Corp. is in the process of acquiring all of the Papa Gino's restaurants, including 147 restaurants in the Commonwealth of Massachusetts. Due to the magnitude of this transaction, the Commission has conducted a preliminary review of the buyer and the intended acquisition, and this letter sets forth our recommended procedure for processing the applications.

The applicable law is that part of General Laws Chapter 138, Section 23 which reads:

> "Any license under this chapter held by a...corporation may be transferred to any...corporation qualified to receive such a license in the first instance, if, in the opinion of the licensing authorities, such transfer is in the public interest."

The Commission interprets this provision to require newspaper notice and a public hearing. After the hearing, the following should be forwarded to the Commission:

1. A copy of the newspaper notice; and
2. Form 43 - Conditional Approval by Local Licensing Authority of the Transfer, Stock Pledge and, where applicable, Change of Manager.

Arrangements have been made with Papa Gino's Acquisition Corp. to pay all of the $50 application fees directly to the

Commission and, therefore, no fee need be collected by the local licensing authorities in connection with the applications.

The Commission has already reviewed and accepted copies of the following documents and instruments, and copies of such documents and instruments need not be forwarded to the Commission by the local licensing authorities:

1. Form 983 (Transfer Application);
2. ABCC 5 Page Application, together with Schedule A (describing the officers, directors and stockholders of Papa Gino's Acquisition Corp.) and Form C (describing the purchase price and the financing of the acquisition);
3. Articles of Organization of Papa Gino's Acquisition Corp. (and Qualification to do business in Massachusetts); and
4. Votes of the Board of Directors of Papa Gino's Acquisition Corp.

FORM A

Where there will be no change of existing managers in connection with the transfer, the Commission will not require that Form A (of the 5 Page Application) be completed, nor will the Commission require background information on managers, as such information should already be on file. Where there will be a change of managers, the Commission will only require that Form A be completed, and will not require any other forms or information.

FORM C

With respect to the pledge of Papa Gino's Acquisition Corp. stock in connection with the financing of the acquisition, the Commission is satisfied with the description of the pledge contained in Form C (of the 5 Page Application) and will not require that Form 997 or any other forms be completed. The Commission is also satisfied with the description of the purchase price contained in Form C.

NOTICE TO ABUTTERS

The Commission will not require that abutters (or churches, schools or hospitals) be notified in connection with the applications.

The Commonwealth of Massachusetts
The Alcoholic Beverages Control Commission

FLOOR PLANS

Since no alterations of the restaurant premises will be undertaken in connection with the transfer, the Commission will not require blueprints or floor plan sketches.

OTHER INFORMATION

The Commission will require no other forms, documents or information in connection with the applications.

If you or your Town Counsel or City Solicitor have any questions regarding the Papa Gino's transfer application, please feel free to call Maurice Delvendo, Supervising Investigator, at (617) 727-3040.

Very truly yours,

Peter J Connelly

Peter Connelly, Executive Secretary

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

NORMAN D. LAKE
Chairman

December 30, 1991

Mr. James Finnegan
Finnegan and Stanzler, PC
The Claflin Building
Twenty Beacon Street
Boston, MA 02108

RE: PAPA GINO'S Transfer

Dear Mr. Finnegan:

Enclosed please find a copy of an advertisement to appear in the Assabet Valley Beacon on Thursday, January 2, 1992 at your expense.

Chapter 138 of the General Laws, Section 15A, requires the applicant to notify the abutters by Certified Mail within three days after the newspaper publication of such hearing. (this notification has been waived according to information presented with your application.)

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

Very truly yours,

Christine Joyce
Town Manager's Office

cc: FILE PAPA GINO's
725

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

The Commonwealth of Massachusetts
ALCOHOLIC BEVERAGES CONTROL COMMISSION

General questions to be answered by all applicants.
Please type or print legibly in ink.

Fee _____

1. Type of alcoholic beverages license (check only ONE):
[✓] Restaurant [ ] Restaurant-Commercial Club [ ] Innholder [ ] General On Premises [ ] Tavern [ ] Club
[ ] Package Goods Store [ ] Other (specify): _____

2. Class of license: [ ] All Alcoholic Beverages [X] Wine and Malt Beverages

3. Applicant is an [ ] Individual [ ] Partnership [ ] Limited Partnership [X] Business Corporation
[ ] Non-profit Corporation [ ] Other (specify)

4. If applicant is an individual, partnership, general partnership or limited partnership, state the following in a, b, and c:
a. For each person - FULL NAME HOME ADDRESS SOCIAL SECURITY NO.

N/A

b. Firm or trade name, address and telephone no: _____

c. Business name (d/b/a) if different: _____

Address: _____ Telephone no: _____
(If applicant has a d. b. a. applicant must include a copy of the certificate of doing business, required under Massachusetts General Law Chap 110, Sect. 5, regardless of which name will appear on the license)

5. Applicant is a corporation:
List the titles of all officers, the manager, and all members of the board directors. Below these list all stockholders (as defined in the instruction sheet). Then give the full name, home address and the number of shares of stock for each:

TITLE	FULL NAME	HOME ADDRESS	SOCIAL SECURITY NO.	NO. OF SHARES OF STOCK OWNED OR CONTROLLED, IF ANY
See Schedule A attached hereto				

b. Corporation name Papa Gino's Acquisition Corp.

Address 600 Providence Highway, Dedham, Massachusetts 02026 Telephone no. (617)461-1200

Business name (d/b/a) if different: _____

Address _____ Telephone no. _____
(If applicant has a d. b. a. applicant must include a copy of the certificate of doing business required under Massachusetts General Law Chap. 110, Sect. 5, regardless of which name will appear on the license)

5. - cont.:

d. Date of incorporation: 09-11-91 e. State of incorporation: Delaware f. Date qualified to do business in the Commonwealth of Massachusetts: 12/24/91
(attach a copy of approved certificate of organization.)

6. If applicant is a club, association, limited partnership, or other type of organization:
a. List for each principal officer: (Note - Each association member who signs this application must answer this question.)

TITLE	FULL NAME	HOME ADDRESS	TELEPHONE NUMBER
N/A			

b. Trade, firm or business name: _____

Address: _____ Telephone no. _____
(If applicant has a d/b/a, applicant must include a copy of the certificate of doing business, required under Massachusetts General Law Chap. 110, Sect. 5, regardless of which name will appear on the license)

7. State name, address and telephone number of a person who can be contacted concerning this application:
James J. Finnegan, Esq. Finnegan and Stanzler, P.C. 20 Beacon Street, Boston, MA 02108 (617) 523-2500

8. Address and telephone of premises to be licensed:
Powder Mill Plaza, Route 62, 82 Powder Mill Road, Acton, MA (508)897-7797

9. Give a full and complete description of the premises to be licensed, including location of all entrances and exits:
One story building having one dining area, one kitchen/prep area, one serving area, one storage room, mens and ladies restrooms. Remains as previously approved by ABCC and local licensing authority.

10. a. Will there be any major remodeling, redecorating or building on the premises in preparation for acquisition of this license?
☐ Yes ☒ No If yes, complete b, c, d, and e.
b. Give a brief description of the planned changes. _____

c. Estimated costs: $ _____ d. Estimated construction schedule: _____

e. State all sources of financing: _____

11. a. Does the applicant own the premises to be licensed? ☐ Yes ☒ No If no, state:
1. Names, addresses and telephone number of owners:
Massachusetts Mutual Life Insurance Co., c/o CC&F Management Co., 77 South Bedford Street. Burlington, MA 01803

2. Indicate whether applicant will be a ☒ Lessee ☐ Sublessee ☐ Assignee or ☐ Other

Specify other: _____

2. If applicant will be leasing the premises to be licensed, state
a. $ 3,222.25 per Month b. Beginning date of lease 5/22/85 Ending date of lease 1/31/98

3. State the names, addresses, and telephone numbers of all persons or entities who will have any direct or indirect beneficial or financial interest in this license, as required by Massachusetts General Law c. 138, s. 15A.

NAME	ADDRESS	TELEPHONE NUMBER
See Item 5 and Form C		

b. Describe all types of financial and beneficial interest each person or entity will have in this license:

See Item 5 and Form C

4. a. Does any person or entity listed in question 13 have any direct or indirect beneficial or financial interest in any other type of license granted under Mass. General Law 138? ___ Yes X No b. If yes, state for each person or entity:

NAME	TYPE OF LICENSE	LICENSE ADDRESS	DESCRIPTION OF INTEREST

Applicant is, simultaneously herewith, applying for the transfer of all Wine and Malt Beverages licenses held by Papa Gino's of America, Inc. in Massachusetts and elsewhere.

5. a. Has any person or entity named in question 13 ever held a license under G.L. c. 138 which he/she/it does not presently hold? ___ Yes X No b. If yes, state for each

NAME	TYPE OF LICENSE	LICENSE ADDRESS	DATE LICENSE GRANTED

16. a. Has any person or entity named in question 13 ever had his/her/its license revoked or cancelled? ___ Yes X No
b. If yes, state for each name the date and reasons why the license was revoked or cancelled:

17. Has any person or entity named in question 13 ever been convicted of violating any state or federal law? (exclude minor traffic violations) ___ Yes X No If yes, attach a statement of details.

18. If applicant is an individual, answer the following questions
a. Are you a United States Citizen? ___ Yes ___ No b. Are you at least twenty years old? ___ Yes ___ No
(If yes provide a copy of birth, naturalization or registered voter certificate)

If applicant is a partnership, answer the following questions
a. Are all the partners United States Citizens? ___ Yes ___ No b. Are all of the partners at least twenty years old? ___ Yes ___ No
Provide copies of birth, naturalization or registered voter certificates for each partner)

20. If the applicant is a corporation, answer the following questions: (Corporate applicants must include with this application a copy of the vote by the board of directors appointing the manager or other principal representative)

a. Are the majority of directors United States Citizens? [X] Yes [ ] No

b. Are the majority of directors citizens of the Commonwealth of Massachusetts? [ ] Yes [XX] No

c. Is the manager or principal representative a United States Citizen? [X] Yes [ ] No

d. How many shares of stock are authorized? 1,000 preferred, 100,000 common e. How many shares of stock are issued? See Schedule A

f. Will any stock be pledged as collateral ~~for this license~~? [X] Yes [ ] No If yes, to whom?

See Form C

g. Will this license be pledged as collateral? [ ] Yes [X] No If yes, to whom?

NOTE: If applicant is an association, a copy of the birth certificate, naturalization certificate, or registered voter certificate for each member who signs at the end of this form must be included with this application.

NOTICE

The accompanying General Instructions are incorporated herein by reference.

SIGNED AND SUBSCRIBED TO UNDER PENALTY OF PERJURY THIS 26th DAY OF December, 19 91

BY: SIGNATURE OF FULL NAME — TITLE

Assistant Secretary

Note: 1. Individual applicant(s) must sign above.
2. Applications by a partnership must be signed by a majority of the partners.
3. Applications by a corporation must be signed by an officer authorized by a vote of the corporation's board of directors. A copy of the vote of authorization must be included with this application.
4. Applications by an association must be signed by a majority of the members of the governing body. All the signers must have answered question 6a.

Name of attorney, if any, filing application on behalf of licensee. Telephone number

James J. Finnegan, Esq. (617)523-2500

Office address

Finnegan and Stanzler, P.C. 20 Beacon Street, Boston, MA 02108

Time of filing Date of filing Name of newspaper publishing notice of application [ ] 6 day [ ] 7 day license granted

Space below may be used by local licensing authorities for additional information.

(This form may be reproduced)

QUESTIONS TO BE ANSWERED ONLY BY APPLICANTS FOR A RESTAURANT ALCOHOLIC BEVERAGE LICENSE

21. Does the applicant have a duly issued and valid common victualler's license? [X] Yes [ ] No subject to transfer

22. a. Does the applicant have an entertainment permit? [X] Yes [ ] No subject to transfer

b. If yes, date of issuance: _____

c. If no, does the applicant intend to obtain an entertainment permit? [ ] Yes [ ] No

23. What proportion of your business receipts is expected to be from alcoholic beverages? 5% From food? 95%

24. Does applicant plan to offer a full service or limited menu? limited menu

25. a. What is applicant's proposed maximum occupancy? 98

b. What is applicant's proposed maximum seating capacity? 98

26. a. Is the kitchen a separate room or rooms? [ ] Yes [X] No

b. If yes, state how large the total floor space of the kitchen will be: _____

c. If yes, what cooking equipment is or will be in the kitchen? _____

d. If no, describe the types of cooking equipment and where they are or will be located:

Pizaa oven, grill, spaghetti cooker, fryolator- all located behind the serving counter.

27. a. How many function rooms or other rooms will be used for the sale, service or dispensing of alcoholic beverages?

NONE

b. State the name, if any, used to identify each room, and the floor on which each room is located:

_____

28. a. Are there sufficient toilets for men on the premises? [X] Yes [ ] No.

b. Are there sufficient toilets for women on the premises to be licensed? [X] Yes [ ] No.

FINNEGAN AND STANZLER, P.C.
ATTORNEYS AT LAW

THE CLAFLIN BUILDING
TWENTY BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 523-2500

DEC 30 1991

FAX: (617) 523-2502

December 26, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

1/21/92
@ 7:45

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

Re: Papa Gino's

To Whom It May Concern:

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2. Form 983 (Transfer Application);
3. ABCC 5 Page Application, together with Schedule A (describing the officers, directors and stockholders of Papa Gino's Acquisition Corp.) and Form C (describing the purchase price and the financing of the acquisition);
4. a Certificate of Legal Existence and a Certificate of Good Standing (Papa Gino's Acquisition Corp. has been qualified to do business in Massachusetts) from the Secretary of State of the Commonwealth of Massachusetts, together with a copy of the Articles of Organization of Papa Gino's Acquisition Corp. certified by the Delaware Secretary of State; and
5. Votes of the Board of Directors of Papa Gino's Acquisition Corp.

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enclosed a copy of a letter from the ABCC setting forth the ABCC's recommended procedure for processing the application.

While there will be no change of existing restaurant managers in connection with the transfer, in certain instances there has been a change of managers in the ordinary course of Papa Gino's business. Where there has been a change of managers, we have also included a Form A completed by Papa Gino's of America, Inc., together with background information on such managers. The corporate vote of Papa Gino's Acquisition Corp. provides for the appointment of such managers once the transfer of the Wine and Malt Beverages license and change of managers have been approved by the local licensing authority.

Thank you for your cooperation. If you have any questions, please feel free to call me.

Very truly yours,

James J. Finnegan

1/21/92

(2)

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: 11/1/91

TO: Robert Wiltse, Minuteman Vocational School Rep.

FROM: NORM D. LAKE, Chairman, Board of Selectmen

SUBJECT: OVERSIGHT MEETING

The Board of Selectmen meet annually with major boards and committees in order to facilitate communications, review policies and discuss issues of current importance to all parties. We have scheduled this year's oversight meeting you for Tuesday, December 17, 1991 at 7:45 P.M. in room 204 of the Town Hall. If you cannot make this meeting please contact Christine Joyce of the Town Manager's office to reschedule, she may be reached at 264-9612.

(1) Rescheduled by Mr. Wiltse 11/20
he said Ron Fitzgerald & Fin Com Rep.
Mary Donald will be with him to
answer any questions the Bd may have

cmj.

(2) Rescheduled to 1/21/92 per Mr. Wiltse

Minuteman Tech

Minuteman Regional Vocational
Technical School District
758 Marrett Road
Lexington, MA 02173-7398
Telephone (617) 861-6500
Fax 617-863-1747

1/21/92 (3)
BOB WILTSE OVERVIEW MTG.
~~SELECTMENS CONCERNS~~ 1/21/92

1/10/92
BOS - THIS IS FORWARDED IN YOUR 1/10 INFO. PACKET TO GIVE TIME FOR ANY ANALYSIS YOU MAY WISH TO UNDERTAKE.
DM

January 8, 1992

Action Request on Teacher Salary Deferral

TO: Chairperson
Acton Board of Selectmen

At a ~~meeting of the~~ Minuteman School Committee held on January 7, 1992, it was voted pursuant to Section 3 of Chapter 336 of the Acts of 1991 to reject the deferral of teachers' compensation as authorized therein for the fiscal year beginning July 1, 1992. This vote is subject to approval of the Boards of Selectmen of nine or more of our member towns.

In view of the fact that the overwhelming majority of the Minuteman member towns rejected deferral in FY '92, our School Committee recommends passage of the following vote by your Board for FY '93:

> "Voted: that the Town of Acton rejects the deferral of Minuteman Regional Vocational School District's school teachers' compensation for fiscal year 1993 as authorized by Section 3 of Chapter 336 of the Acts of 1991."

PLEASE NOTE that Section 3 of Chapter 336 of the Acts of 1991 still permits your town to defer your portion of your assessment which would have been reduced if Minuteman had deferred part of its teachers' compensation. To do this, you will need to insert an article in the warrant for your 1992 annual town meeting. We will be glad to draft an article for you when we have heard from our member towns with respect to the passage of the foregoing vote.

In summation, we hope that you will:

1. Consider taking this vote and
2. Present us with a formal and signed record of the result **before January 27, 1992.**

This would then leave each of our towns free to exercise its local deferral action without imposing eventual borrowing costs on the majority of towns not endorsing deferral. Please refer to the enclosed RESOURCE PACKAGE for related information. Feel free to telephone our Business Manager Donald Essman or Superintendent Ron Fitzgerald with any questions. Meanwhile, thank you for timely consideration of this matter. With your help and response, our goal is to take action to provide towns with known fiscal data on January 28, 1992.

Sincerely,

Elaine Sweeney

Elaine Sweeney
Chairperson
Minuteman School Committee

Acton	Belmont	Boxborough	Concord	Lancaster	Lincoln	Stow	Wayland
Arlington	Bolton	Carlisle	Dover	Lexington	Needham	Sudbury	Weston

January 8, 1992

RESOURCE PACKAGE

Mini-Summary Minuteman Tech Budget Proposal and Proposed Fiscal Management Plan For 1992-93

Public Budget Hearing
8 p.m., January 28, 1992
Minuteman Tech

NOTE: An expanded explanation and discussion of alternatives is available on request.

Ronald Fitzgerald
Superintendent

PREFACE
To Minuteman Tech Budget for 1992-93

Given the continued recession and pressure on taxpayers, our goal was to keep any budget increase below 2% exclusive of salary deferral payback and despite these factors:

1. A 4.09% increase in FTE enrollment
2. Escalating health insurance costs
3. New FICA taxes
4. A dramatic rise in MWRA water rates for our factory-like operation
5. Continued postponement of corrective action on maintenance renewal (like cracking tennis courts)

This goal has been reached with the highest level of support from staff members who approved a FY '93 salary freeze. They worked diligently to keep costs down while maintaining a high level of quality in service to our students.

Ron Fitzgerald, Superintendent

INTRODUCTION

A. INTRODUCTION: CONTEXT

Since members of most local finance committees are well aware of certain basic and important facts concerning Minuteman Tech, these facts are listed here but not fully explained since that has been done so often in the past:

1. **Minuteman Tech's level of special education service is far above that of local school districts,** in effect saving many member towns thousands of dollars including some towns whose local school departments over-use this service while not providing open guidance access to, for example, one of the most powerful high school science-technology programs in the nation.

2. **Minuteman staff members have been area leaders in "giving" to students while being extremely sensitive to town and citizen budget problems.** That sensitivity is continued this year with a no-raise-no-increment proposal.

3. **Minuteman cost figures are well below the nationally accepted standard of two times non-vocational high school costs** when compared with our area high schools. However published state cost figures for Minuteman are erroneous because state computations do not give the school proper credit for either its tuition or special education enrollments.

4. **Minuteman provides service well beyond its high school and critical adult job training programs.** For example, important career exploration and technical literacy programs are provided to middle schools across our 16-town region.

5. **Area business and industry leaders now recognize and support Minuteman Tech as one of their most valuable resources.** Refer to the newsletter on the next two pages as an example of this. Any local school department that does not help its students to use the Minuteman/industry learning partnerships is failing to serve its citizens properly.

RESOURCE PACKAGE & NOTICE

PLAN Z Management Option
Minuteman Tech Budget for FY'93

1. The School Committee has adopted this budget for FY'93 **for public hearing purposes. The public hearing will be held at**

8 p.m.
Minuteman Tech
January 28, 1992

a. Basic BUDGET TOTAL = $9,862,309 (up 1.7%)

b. Required FY'92 deferral payback = 196,473

TOTAL = $10,058,782

See the "A" sheets for budget summary.

2. We have initially estimated revenue as follows in a PLAN Z:

REVENUE	ESTIMATE	COMMENTS
a. Chapter 70 aid	1,523,199	A gamble.
b. Regional aid	414,535	A gamble.
c. Transport aid	525,000	A gamble.
d. Tuition	780,000	None
e. Community Ed.	50,000	None
f. Interest	110,000	Or less
g. ASEP	66,000	None
h. E&D use	296,498	Uses every dollar.
i. Attempt at current budget savings	100,000	Many Committee members do not agree with this attempt.

TOTAL = $3,865,232

3. Potential local assessment impact (#1 - #2) IF a management Plan Z is adopted (See Sheet B for assessment calculation.)

A TOWN	B PLAN Z ASSESSMENT IF ADOPTED	C ACTUAL LOCAL IMPACT IF TOWN DEFERRED W/ LOCAL AUTHORITY **
Bolton	89,855	86,503
Dover	43,683	42,701
Lancaster	325,121	315,923
Needham	487,324	471,951

A TOWN	B PLAN Z ASSESSMENT IF ADOPTED	C ACTUAL LOCAL IMPACT IF TOWN DEFERRED W/ LOCAL AUTHORITY **
Acton	601,400	582,844
Arlington	2,140,040	2,075,569
Belmont	414,820	399,774
Boxborough	106,151	102,553
Carlisle	72,840	71,859
Concord	272,194	264,959
Lexington	550,803	532,290
Lincoln	108,966	106,637
Stow	329,160	316,976
Sudbury	381,446	368,690
Wayland	208,385	198,779
Weston	61,362	59,072
TOTAL =	6,193,550	5,997,080
Increase over Town Meeting Vote for FY'92	4.67%	+1.35%

... with FTE enrollment up 4.09%

** Town would still pay full assessment in Col. B to Minuteman

Of course, the caution is presented here that the early estimates and recommendations are NOT the School Committee's final vote. Many Minuteman School Committee members question this context in terms of service to youngsters and fairness to staff members:

a. A budget up 1.7% while enrollment is up 4.09%.

b. No raise and no increment for all employees.

c. Gambling that state aid will not be reduced again.

d. The superintendent basing his fiscal management recommendation on continued current budget cutting.

e. Using every available E&D dollar to reduce assessments, leaving nothing for a major emergency that could occur.

These realities will be debated on January 14th and at our January 28th public hearing **to which interested parties are invited.**

Ronald Fitzgerald

Ronald Fitzgerald
Superintendent-Director
for the
Minuteman School Committee

"A"

12-17-'91 RJF		MINUTEMAN TECH TABLE	FY 93 BUDGET OF CONTENTS	INFORMATION	
PROGRAM AREA	PAGE	1991-92 AMT.	PROPOSED 92-93	DIFFERENCE	COMMENT (if any)
Introduction	a				
CONSTRUCTION	A				
Carpentry	1	18450	18950	500	Replace some texts
Electrical	2	12600	12600	0	
Decorating		0	0	0	
Plumbing	3	14900	16800	1900	New heating curriculum
Horticulture	4	19318	19318	0	
Drafting	5	8480	8480	0	
Heat/air cond	6	17225	17000	-225	
Sub-totals A		90970	93145	2175	Minor division increase
COMMERCIAL	B				
Culinary/hotel	7	4460	5395	935	More students, texts
Cosmetology	8	7750	6940	-810	
Retail (DE)	9	3495	3495	0	
Printing	10	19325	15000	-4325	
Commercial art	11	8350	7850	-500	
Health instr. (voc)	12	23800	22300	-1500	
Child care	13	2300	2400	100	
Duplicating svc.	14	69438	64642	-4796	
Photography (acad)	15	2700	1400	-1300	
Afternoon Program	16	13870	13870	0	
Reg. Occup. Prog.	17	9930	9930	0	
Sub-totals B		165418	153222	-12196	Budget cut
TECHNOLOGY	C				Up 1 pan with growth.
Electronics	18	10036	8306	-1730	
Computers	19	13780	15462	1682	
Electromechanical	20	16630	21435	4805	Assumes biotech grant
L'drship/safety	21	3000	3000	0	
Business tech (rel.)	21	11200	4550	-6650	
Sub-totals C		54646	52753	-1893	Budget cut
AUTO/METALS	D				
Welding	22	10592	12792	2200	
Auto body	23	18491	20823	2332	
Machine shop	24	7720	8220	500	
Auto mech/ASEP	25	17954	18800	846	
Sub-totals D		54757	60635	5878	Increase=reduced donations
ACADEMIC	E				
Commo (English)	26	12150	12750	600	Cut 2/5 of a position
Human rel. (Soc S.)	27	5273	4573	-700	
Mathematics	28	14960	14460	-500	
Science w/labs	29	23600	23970	370	
Physical educ.	30	8190	9690	1500	Expanded health program
Foreign language	31	1700	1300	-400	
Art/jewelry	32	10000	9150	-850	
Music (indep study)	32	500	500	0	
Athletics	33	72050	81750	9700	Outside fee increases**
Driver educ.	34	500	500	0	
Sub-totals E		148923	158643	9720	See athletics and P.E.
SUPPORT	F				
Library	35	21900	22600	700	
Audio-visual	36	8675	6625	-2050	CONTINUED = OVER

"A"

Television	37	870	400	-470	
Microcomputer svc.	37	24850	25450	600	Critical to all depts.
Special educ.	38	10300	10200	-100	High service
Psychological svc.	38	4400	4300	-100	
Guidance svc.	39	11810	9625	-2185	
Health service	40	8301	12000	3699	Hepatitis shots in health
Principal's office	40	77778	77750	-25	Covers entire school
Transportation	41	722592	663164	-59428	Aid will decrease
Voc coordination	42	7650	7650	0	
Computer svc. mini	42	38255	38255	0	
Dean's office	43	2400	2400	0	
District programs	43	49900	49900	0	2909.2182
Supt's office	44	4650	4650	0	
Planning office	44	51260	51260	0	Includes TECH service
Business office	45	13450	10050	-3400	Unemployment Ins. = ?
risk insurance	45	122650	120500	-2150	Not in Local Sch Bud=NILSB
employee benefits	45	1052759	1154702	101943	New FICA
medicare	45	36300	43000	6700	
Bus'ns Sub-totals	45	1225159	1328252	103093	
Custodial	46	22000	19900	-2100	Cut 1 pan
Utilities	46	481050	486000	4950	Water cost increase
Maint operations	46	54000	54000	0	
Maint repairs	46	102450	102600	150	
Bldg improvement	46	118000	115000	-3000	NILSB; major items delayed
Maint Sub-totals	46	777500	777500	0	
Debt mgmt.	47	0	0	0	?=timely aid
Equipment/capital	47	148344	142647	-5697	Town to fund construction
Food service	48	5450	1100	-4350	More self-supporting
Sub-totals F		3202041	3235728	33687	
Salaries	49	5980639	6108183	127544	= no raise or increments
GRAND TOTALS		9697394	9862309	164915	1.70%
		+ deferral repay	196473	Towns can do multi-year deferral.	
		TOTAL =	10058782	361388	
CONTINUED FROM PAGE 1.			Above while FTE enrollment = + 4.09%		

NOTES:

AFTERNOON=	61370		M62=cut aid &	town defers			RF, 1-2-92						
FLEX=	39425		M63 w/ lev aid &	town defers									
		OPERATE DAY=	6092755	=M63-(P1+P2)									
	1992-93	ASSESSMENTS	NOT VOTED										
A	B	C	D	E	F	G	H	I	J	K	L	M	
		ORIGINAL(Fini)	OPERATING			$39425		$61370	********				
	PUPILS 10-91	CAPITAL (5)	SHARE	OPERATING $	FLEX	FLEX $	AFTERNOON	AFTERNOON $	NEW ASSESS $	PAST INITIAL	ASSESS CHANGE		
TOWN	Inc. PT.FTE	PUPILS X 400	PUPILS/TOTAL	SHARE X DAY	PUPILS	SHARE	PUPILS	SHARE	E+G+I	ASSESSMENT	J-K	% CHANGE	
BOLTON	8.50	$0	0.014203	$86538	0	$0	24	$3317	$89855	$101227	($11372)	-11.23%	
DOVER	4.25	$0	0.007102	$43269	0	$0	3	$415	$43683	$30688	$12995	42.35%	
LANCASTER	31.50	$0	0.052636	$320698	0	$0	32	$4423	$325121	$274862	$50259	18.29%	
NEEDHAM	47.50	$0	0.079372	$483592	0	$0	27	$3732	$487324	$463088	$24236	5.23%	
ACTON	57.75	$0	0.096499	$587947	6	$6957	47	$6496	$601400	$563867	$37533	6.66%	
ARLINGTON	207.80	$0	0.347230	$2115589	10	$11596	93	$12855	$2140040	$1932160	$207880	10.76%	
BELMONT	39.95	$0	0.066756	$406727	4	$4638	25	$3456	$414820	$453179	($38359)	-8.46%	
BOXBORO	10.25	$0	0.017128	$104354	0	$0	13	$1797	$106151	$109969	($3818)	-3.47%	
CARLISLE	7.00	$0	0.011697	$71266	1	$1160	3	$415	$72840	$32675	$40165	122.92%	
CONCORD	26.25	$0	0.043863	$267248	2	$2319	19	$2626	$272194	$219891	$52303	23.79%	
LEXINGTON	52.40	$0	0.087560	$533479	6	$6957	75	$10367	$550803	$560515	($9712)	-1.73%	
LINCOLN	10.00	$0	0.016710	$101809	2	$2319	35	$4838	$108966	$75105	$33861	45.08%	
STOW	32.00	$0	0.053471	$325789	1	$1160	16	$2212	$329160	$362222	($33062)	-9.13%	
SUDBURY	37.00	$0	0.061826	$376693	1	$1160	26	$3594	$381446	$379328	$2118	0.56%	
WAYLAND	20.30	$0	0.033921	$206672	1	$1160	4	$553	$208385	$289819	($81434)	-28.10%	
WESTON	6.00	$0	0.010026	$61085	0	$0	2	$276	$61362	$68593	($7231)	-10.54%	
TOTAL	598.45	$0	1.000000	$6092755	34	$39425	444	$61370	$6193550	$5917188	$276362	4.67%	
	+ NON-MEMBER								BUT, towns	Town meeting			
	and SELF-FUNDED								can defer part	prior to det/R			

Basic Assess
* *

		THEN,ASSES	THEN %	OR % CHANGE	CHANGE IN	SPECIAL	SPECIAL
		IMPACT	CHANGE	FROM FINAL	REGULAR DAY	PROGRAM	PROGRAM
	POTENTIAL	BEFORE	FROM TM	ASSESS FOR	ENROLLMENT	ENROLLMENT	HALF-YEAR
TOWN	TOWN DEFER	"BORROW"	VOTE IN '91	FY '92	SHARE	CHANGE %	CHANGE
BOLTON	3352	$86503	-14.55%	-9.38%	-16.76%	100.00%	12 TO 24
DOVER	982	$42701	39.15%	47.26%	42.28%	0.00%	3 TO 3
LANCASTER	9198	$315923	14.94%	21.96%	12.43%	100.00%	16 TO 32
NEEDHAM	15373	$471951	1.91%	8.09%	1.43%	-22.86%	35 TO 27
ACTON	18556	$582844	3.37%	9.57%	2.17%	12.77%	47 TO 53
ARLINGTON	64471	$2075569	7.42%	13.97%	5.82%	22.62%	84 TO 103
BELMONT	15046	$399774	-11.78%	-6.44%	-12.82%	45.00%	20 TO 29
BOXBORO	3598	$102553	-6.74%	-1.18%	-6.44%	-7.14%	14 TO 13
CARLISLE	981	$71859	119.92%	131.91%	134.47%	-50.00%	8 TO 4
CONCORD	7235	$264959	20.50%	27.73%	19.09%	50.00%	14 TO 21
LEXINGTON	18513	$532290	-5.04%	0.69%	-7.08%	170.00%	30 TO 81
LINCOLN	2329	$106637	41.98%	49.99%	41.01%	23.33%	30 TO 37
STOW	12184	$316976	-12.49%	-7.11%	-13.79%	70.00%	10 TO 17
SUDBURY	12756	$368690	-2.80%	3.17%	-4.77%	145.45%	11 TO 27
WAYLAND	9606	$198779	-31.41%	-27.26%	-30.63%	-84.85%	33 TO 5
WESTON	2290	$59072	-13.88%	-8.63%	-13.91%	-60.00%	5 TO 2
	196470	$5997080	1.35%	7.49%	XXXXXXXXXXXX	21.01%	395 TO 478
						HALF YEAR	HALF YEAR

** Town impact option.

W?

1/21/92

(5)

SELECTMEN'S MEETING
DECEMBER 17, 1991

The Board of Selectmen held their regular meeting on Tuesday, December 17, 1991. Present were Norm Lake, Nancy Tavernier, Dore' Hunter, Anne Fanton and Town Manager Johnson

CITIZENS' CONCERNS

Webelos Cub Scouts from Troop 23 Den 2 were present at the Meeting and introduced themselves to the Board. They are working toward their citizenship badge and were in to observe the Board of Selectmen during their meeting.

Pam Kelley representing the group that had submitted the non-binding question to the Town Clerk for inclusion on the March Ballot urged the Board to vote to approve the requested placement. Dore' felt that although the request provided very short notice, it would be better handled on the ballot as opposed to Town Meeting floor. NANCY TAVERNIER - Moved to place the question as submitted on the ballot as a non-binding resolution. ANNE FANTON - Second. UNANIMOUS VOTE.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON POLE LOCATION
WILLOW STREET

NANCY TAVERNIER - Moved to approve with staff comments included. ANNE FANTON - SECOND. UNANIMOUS VOTE

BOSTON EDISON POLE LOCATION
ARLINGTON STREET

DORE' HUNTER - Moved to approve with staff comments included. NANCY TAVERNIER - Second. UNANIMOUS VOTE

BROWN LAND TAKING

The Board reviewed the information submitted regarding the land taking on School Street. NANCY TAVERNIER - MOVED - to approve the transfer of land and accept the gift of $500.00 for the purpose as stated for the costs associated. DORE' HUNTER - Second. UNANIMOUS VOTE.

RETIREE'S HEALTH INSURANCE PRESENTATION

Don Nylander represented the Committee and read the Board several letters from the members absent requesting the Town

increase its contribution to the retirees from 50% to 75%. The Board thanked Mr. Nylander and suggested that he make his presentation to the Coordinating Committee on January 6. Dore' asked the Town Manager to run numbers representing the increased split on the tax rate and Norm wanted to see how many of the retirees were eligible for Medicare. Norm further explained the uses of school choice monies.

COMMITTEE INTERVIEW - WILLIAM McINNIS
Associate Member Board of Health

The Committee asked Mr. McInnis's views on several health issues affecting the Town. They also asked about his participation in Town meeting and his educational and professional background. Mr. McInnis said he had chosen Acton to move to from Marlboro for the school system and other qualities that he found attractive. NANCY TAVERNIER - MOVED to appoint Mr. McInnis as an Associate Member of the Board of Health for a one year term. DORE HUNTER - Second. UNANIMOUS VOTE.

CLASS I LICENSE REQUEST
G&M MOTORS - MIDDLESEX FORD - POWDERMILL ROAD

Mr. Moran and Mr. Gordon outlined to the Board the proposed reopening of the former Anderson Ford dealership. They agreed with the changes to the lighting and signs as outlined in the Building Commissioners memorandum. The Board asked that the issues outlined in the memorandum be addressed prior to occupancy. DORE' HUNTER - MOVED to approve the request for a Class I license at 76 Powdermill Road. NANCY TAVERNIER- Second. UNANIMOUS VOTE.

COMMITTEE INTERVIEW - BOARD OF APPEALS
BEATRICE PERKINS

Bea Perkins was asked several questions by the Board regarding her views on the Board of Appeals. Mrs. Perkin's is well known to all on the Board. Board thanked her for her willingness to once again serve the community in an Alternate position on the Board of Appeals. NANCY TAVERNIER - MOVED to appoint Mrs. Perkins to a term of three years as an alternate membership on the Board of Appeals. DORE' HUNTER - Second. UNANIMOUS.

COMMITTEE INTERVIEW - BOARD OF APPEALS
JANET CLARK

Janet Clark outlined her experiences with the Board of Appeals while representing a client (Concord Auto Auction). The Board asked if she felt that a training session would be helpful, and she agreed that it would be and would be willing to

participate along with Mrs. Perkins. The Board thanked her for her volunteering for this appointment. DORE' HUNTER - MOVED to appoint Ms. Clark to a three year Alternate Membership on the Board of Appeals. ANNE FANTON - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar as submitted, limiting the Class II licenses of G&S Auto Sales and Superior Trading to three months, and staff to review the sites during that time. The additional item of a request to sell alcoholic beverages on the Sundays before Christmas and New Years by the Country Cupboard was also approved. NANCY TAVERNIER - Moved to accept the Consent Calendar with additional item as noted. DORE' HUNTER - Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

COORDINATING COMMITTEE - Dore' outlined the latest meeting. They have come to agreement concerning the deferral issue as outlined in the Memo from Joint staff to the Committee dated December 16th. DORE' HUNTER - MOVED to adopt and support the compromise as set forth in the December 16, 1991 memo from Joint Staff and that we shall adopt Deferral and address pay back issues as outlined in the memorandum (attached). NANCY TAVERNIER - Second. UNANIMOUS VOTE.

DORE' HUNTER - Moved to place an article on the April Meeting seeking a decision on the Local Deferral to be worded to fulfil our agreement. ANNE FANTON - Second. UNANIMOUS VOTE.

SOUTH ACTON VILLAGE - Anne Fanton updated the board regarding the SARC dispute with the Planning Board. She asked the Board for permission to continue to work on this to resolve the issue. The Board urged her continued effort.

METRO WEST PARENTS FOR A DRUG FREE COMMUNITY - Nancy outlined her conversation with the representative from this organization. She asked for a representative (volunteer) to sit in on a meeting to see if Acton should commit to this board. Dore' felt it would be worthwhile to send someone to check it out.

ASSESSORS - Anne Fanton asked about the possibility of having an overview meeting with the Board of Assessors in the near future. The Board suggested January 21st as a possible date. The board asked staff to review the file for the letters that have been suggested to the BOA in previous years to accompany denials.

WHITE FUND - The Board approved the awards as suggested by the Committee for the White Fund distribution and proposed letter to be sent to the recipients of this years gifts.

TOWN MANAGER'S CONCERNS

STONEYMEADE - The Town Manager recommended the acceptance of the gift in conjunction with the acceptance by the Planning Board as outlined in the letter from the Cooperative Bank. DORE' HUNTER - Moved to approve the acceptance of the gift of $51,000 from the Cooperative Bank - NANCY TAVERNIER - Second. UNANIMOUS VOTE.

BUDGET - Don updated and presented the budget as best he could as several issues have to be addressed before the budget can be finalized. Don said he was trying to present a budget without an override. The budget is presented on the assumptions as they stand now. He announced that he had reached an agreement and had a signed contract with the Police Union. DORE' HUNTER - Moved to adopt the pro-forma budget for the purpose of presenting a budget to the Fin Com to include further revisions. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

HURRICANE BOB - Don will update the Board after the meeting with staff. Dore' felt we could/should ask for citizen comment to be forwarded to DPU and to include the minutes of the August Meeting as well as correspondence from the citizens who experienced outages.

COMMUNITY SUPPER - Don felt it was an appropriate use, however, he felt that the free use could create a problem and wanted to see what costs would be associated such as heating. Staff was asked to review this with the Minutemen who occupy and assist in the maintenance , ie. heating of the building presently.

WEST ACTON CITIZENS LIBRARY - Don updated the Board on the request from the WACL to fund the attendance of the Director at the staff meetings. Don could not recommend and Nancy felt that the funds couldn't be used to cover meeting times according to the State grant regulations. Dore' wanted more information and did not want to vote on it tonight.

EXECUTIVE SESSION

The Board voted to adjourn into Executive Session for the purpose of discussing and litigation and Labor Negotiations and confidential letters. DORE' HUNTER took roll call all Ayes.

The Board adjourned into executive session at 10:30 P.M.

_____
Clerk

_____
Date

_____
Christine Joyce
Recording Secty.
cmjW11-(187)

EXECUTIVE SESSION MINUTES

DECEMBER 17, 1991

Budgets - Dore' asked that the agreement to pay back the Cogeneration conversion costs in the Budget for Utilities issue be addressed to the School and copied to the Fin Com. for discussion at the Coordinating Committee on the 6th. Dore' also asked that the School, Fin Com. be sent a memo informing them of the successful completion on negotiations with the Police Department.

Mobil Oil Suit - Anne asked about the possibility of securing the name of a high ranking official at Mobil Oil to inform them of the communities interest in this issue and hopefully urge them to drop the case. Don wanted to make sure Town Counsel reviewed the requested letter.

The Board adjourned at 11:20 P.M.

_____
Clerk

_____
Date

_____
Christine Joyce
Recording Secty.
cmjW11-(175)

1/21/92

(6)

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

JAN 17 1992

DATE: JANUARY 17, 1992

TO: JOHN MURRAY, ASSISTANT TOWN MANAGER

FROM: RICHARD HOWE, HIGHWAY SUPERINTENDENT RH

SUBJECT: EXPENSE TO TOWN AFTER ACCEPTANCE OF THESE THREE ROADS

STONEYMEADE

1. Paving - Pavement should last approximately 10 years without any cost to the Town.

2. Sweeping and Line Painting - Cost per year $500.00.

3. Cleaning Manholes and Catchbasins - Cost per year $300.00.

4. Signage - No cost unless there is vandalism or request from homeowner for signage.

5. Plowing and Sanding - An estimate for a winter $2,000.00.

MACLEOD LANE AND AYER ROAD

1. Paving - Pavement should last approximately 10 years without any cost to the Town.

2. Sweeping - Cost per year $300.00.

3. Cleaning Manholes and Catchbasins - Cost per year $300.00.

4. Signage - No cost unless there is vandalism or request from homeowner for signage.

5. Plowing and Sanding - An estimate for a winter $3,000.00.

RH:ec
281

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

January 17, 1992

TO: John Murray, Assistant Town Manager

FROM: Dean A. Charter, Municipal Properties Director (DAC)

SUBJECT: Acceptance of Stoneymeade Way, Ayer Road, MacLeod Lane

The acceptance of these roads will have only a minor financial impact to this department:

1. Street Trees - The rights-of-way were clear-cut, so there are no mature trees on town property adjacent to these roads. The replacement trees were planted on private property, adjacent to the right-of-way as I specified, and are not likely to grow over the paved surface for 10-15 years. At that time only minor trimming will be needed. Due to the fact that most of these trees are in front yards, even that work may be done by the homeowners. The other "forestry" related problem might be if private trees fell into the street during a storm, but this is unlikely due to the fact that most lots have been clear cut.

2. Roadside Mowing - It is our policy to mow roadsides annually with a boom mower where needed. Due to the fact that virtually all the lots on these three roads have been sold, and that most of the homeowners have established lawns up to the curb line, the only areas that might need to be mowed would be the short sections in front of the conservation land Stoneymeade, and around the cul-de-sac island at Ayer Road.

3. Cul-de-sac Islands - It is our policy to maintain the vegetation in a cul-de-sac island only to the degree required for public safety. Usually the neighbors get together to maintain the islands at their own expense.

4. Projected Costs

- STONEYMEADE WAY

- Mowing annual costs		$ 250.00
- Street tree trimming (starting in 2000)	Annual Cost	300.00
- Storm damage	Annual cost	200.00

- AYER ROAD

Mowing cul-de-sac island	Annual Cost	100.00
Street tree trimming (starting in 2000)	Annual Cost	100.00

- MACLEOD LANE

Street tree trimming (starting in 2000)		
	Annual Cost	100.00

5. There are several large detention basins at Stoneymeade that will require occasional maintenance, mostly including excavating sand that has washed in through the street drainage system. My expectation is that this would be done on a five year basis and the Highway Department, so I am not able to estimate that cost.

BOARD OF SELECTMEN

Middlesex, ss.
To the Planning Board

Town of Acton
January 21, 1992

In accordance with Section 81 I of Chapter 41 of the General Laws, notice is hereby given by the Selectmen of the Town of Acton, that they have made the initial step required for the laying out as Town ways for acceptance at the Annual Town Meeting, the ways known as:

In the STONEYMEADE SUBDIVISION

Stoneymeade Way - from the easterly sideline of Pope Road a distance of 355 feet, more or less, in an easterly direction, and 3,368 feet, more or less, in a loop road, this being the entire road;

In the COOK ESTATES SUBDIVISION

Ayer Road - from the northerly sideline of Parker Street a distance of 490 feet, more or less, in a northerly direction to the northerly sideline of a 95 foot radius cul-de-sac (including the cul-de-sac), this being the entire road;

In the COLONIAL ACRES III SUBDIVISION

MacLeod Lane - from the northerly sideline of Willow Street a distance of 778 feet, more or less, in a northerly direction to the northerly sideline of a 64.50 foot radius cul-de-sac (including the cul-de-sac), this being the entire road;

And that these are now referred to the Planning Board for its recommendation.

No further action can be taken by the Board of Selectmen until the Planning Board has reported thereon, or has allowed forty-five days to elapse after such reference without submitting its report.

Norman D. Lake, Chairman

Nancy E. Tavernier, Vice Chairman

F. Dore' Hunter, Clerk

Anne B. Fanton

BOARD OF SELECTMEN
TOWN OF ACTON

11/21/92 (7)

JAN - 4

Acton, Troop 11
c/o Donald R. Cameron
103 High Street
Acton, Massachusetts 01720

January 2, 1992

Board Of Selectmen
Town of Acton
462 Main Street
Acton, Massachusetts
01720

Dear Sirs:

On behalf of the Boy Scouts of America, Troop 11, Acton Massachusetts, I am pleased to inform you that Thor Eric Swenson has attained the rank of Eagle Scout, the highest rank in Scouting.

We are planning to recognize this achievement at a Court of Honor to be held at 7:30 PM on March 6, 1992 at the Acton Congregational Church, Concord Road, Acton.

In order to acknowledge this positive achievement, I would be glad to convey any congratulatory message or recognition which you might wish to send. I am sure that you would want to honor such a positive achievement in some manner. Should schedules permit, your representation at the ceremony would be most welcome.

Thank you for your attention in this matter and for your continued support of Scouting.

Very truly yours,

Donald R. Cameron
Troop 11 Committee

cc: BOS
add to Selectmen's Concerns.

MEMORANDUM

14 January 1992

1/21/92

JAN 17 1992

From: Doré Hunter

To: Board of Selectmen

Subj: Town Counsel RFP Issue

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1. The Board has previously denied the Finance Committee's request that we issue an RFP for Town Counsel Services. Our reasons were that we are satisfied with Palmer & Dodge and were concerned that we might be force to change to a less sophisticated firm if someone simply promised lower hourly rates, which might not translate to lower overall costs. The Finance Committee's best argument in regard to their proposal is that it might give Palmer & Dodge some pause for thought re our billings.

2. My firm has recently received questionnaires and guidelines from some of our corporate clients which are concerned about the growth of legal costs. Rather than being an onerous task, we found completion of those documents provided a good review of our practices and seemed to improve attorney-client relations. As a result of that experience my view of this issue has changed somewhat.

3. In the event that the legal RFP issue remains with us I have enclosed a draft RFP in the form that I would use. It could, of course, readily be redrafted to be a status questionnaire for Palmer & Dodge.

Doré

F. DORÉ HUNTER

Enclosure

REQUEST FOR PROPOSAL FOR LEGAL SERVICES

The Board of Selectmen of the Town of Acton, upon the recommendation of the Acton Finance Committee, requests proposals from qualified law firms to provide the Town with legal counsel services. Under the Charter of the Town of Acton appointment of Town Counsel rests solely with the Board of Selectmen. The Selectmen have for many years utilized the services of the Boston law firm of Palmer and Dodge as principal Town Counsel. The issuance of this Proposal does not indicate that the Selectmen are dissatisfied with the current rendition of legal services by Palmer and Dodge. Nor does the issuance of this Proposal necessarily indicate that the Selectmen may appoint new Town Counsel. The Board of Selectmen specifically reserves the right to reject any and all proposals.

The most important criteria in regard to selection of Town Counsel is the Board of Selectmen's perception of the demonstrated expertise and skill that is offered. Secondarily the Selectmen will consider cost factors. The Board of Selectmen will not necessarily retain the firm projecting the lowest hourly rate or the least annual budget. Because the Board of Selectmen is of the opinion that the Town requires depth of support across a broad spectrum of legal services, it has decided that it will not consider proposals for general Town Counsel services from solo practitioners or small firms lacking second attorney support in all relevant major practice areas.

Firms responding to this proposal shall provide six copies of their written answers, and any other documentary information responsive to the following questions, under cover of a letter signed by the attorney who would be the Town's principal point of contact with the submitting firm. To be considered, proposals must be received in hand by the Town Manager, Town Hall, Main Street, Acton, MA 01720 before 3:00 p.m. on _____, 1992. The Board of Selectmen may require further submissions from firms which are considered to have successfully completed the first response to this Request for Proposals.

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1. What other organizational clients does your firm currently and regularly represent? As to each such organization please state the general law practice areas involved.

2. What other municipalities does your firm currently represent, and what municipalities has your firm represented in the past. As to each municipality please list the dates over which your representation has extended, what areas of law practice were/are involved, and the name, address and telephone number of the person(s) in each municipality believed to be most familiar with your firm's work.

3. What does your firm see as the Town of Acton's principal needs

for legal counsel over the next three years? Explain your reasoning.

4. Of Acton's principal needs for legal counsel you have listed in response to the prior question, which (pick one need only) does your firm feel it is **best** qualified to fulfill? Explain the basis for your opinion.

5. Of Acton's principal needs for legal counsel you have listed in response to next prior question, which need would be the most **difficult** for your firm to fulfill completely? Explain the basis for your answer.

6. Please specifically describe the legal services that you are offering to provide to the Town of Acton.

7. List your firm's major practice areas.

8. Describe the organization of your firm, and identify which portions of your firm organization would be potentially involved in providing Town Counsel services to the Town of Acton. Identify the lead attorney for each such potentially involved organizational element, provide his/her curriculum vitae, and state his/her current hourly billing rate.

9. How many attorneys are in your firm? How many of your attorneys are partners or the functional equivalent of partners, how many are associates? If there is any intermediate category of attorneys, i.e. junior partners, non-equity partners, career associates, etc., please describe the category(s) and indicate how many attorneys are involved.

10. How many paralegals or legal assistants are employed by your firm?

11. How many law clerks are employed by your firm?

12. What is the size of your firm's administrative support staff?

13. What computerized legal data bases does your firm utilize.

14. Describe the system your firm uses in the municipal law areas to ensure that previously prepared memorandums of law and opinions are retrievable and can be utilized as the basis or starting points for new research and opinions.

15. Assuming your firm was appointed as the Acton Town Counsel, please explain how you would propose assuming those duties from existing Town Counsel? Please be specific in regard to each area in which you propose to offer services.

16. What, if anything, distinguishes the quality of the legal services offered by your firm from the quality of those services offered by other firms?

17. What, if anything, distinguishes the cost of the legal services offered by your firm from the cost of those services offered by other firms?

18. Without revealing any privileged information, give an example of a case, in each of the areas in which you offer to provide services, in which your firm's advice to a municipal client has had a particularly beneficial effect.

19. Without revealing any privileged information, give examples of several litigated cases (court, arbitration, ADR, etc.) in which your firm has obtained a particularly beneficial outcome for a municipal client.

20. Without revealing any privileged information, give examples of several litigated cases (court, arbitration, ADR, etc.) in which your firm has not obtained a favorable outcome for a municipal client and explain why you were not successful.

21. Provide the name, bar admission date, area of practice, current hourly billing rate and the continuing legal education activity for the last three years for each attorney in your firm who would be involved in providing legal services to the Town of Acton under your proposal.

22. Provide the name, qualifications, function, current hourly billing rate and the continuing legal education activity for the last three years for any other person in your firm who would be involved in providing legal services to the Town of Acton under your proposal and for whose services you would bill the Town.

23. Who would be responsible for staffing decisions and staff selection for your proposed services to the Town of Acton?

24. Are the hourly rates that you have listed above subject to adjustment due to the complexity of legal issues involved in a particular matter, the ultimate result obtained, legal issues of first impression or any other factors?

25. Are the fees you would propose to charge the Town of Acton based on any form of "value billing", that is on any basis other than actual time worked, measured in tenths of an hour?

26. Do you have any proposal to charge the Town of Acton for legal services provided on any basis other than hourly billing? If so, please explain.

27. Describe your firms process for billing legal fees, from initial recording of time by an attorney or other billable personnel to the generation of the billing document.

28. Can your billing procedures and/or billing software produce monthly billings reflecting the date services were performed, name or initial of the individual performing the service, narrative

description of the services provided, time to perform the services in tenths of an hour, hourly rate of the charging individual, fee for each entry, number of attorney hours included in total fees for each billing period, number of paralegal or other billing personnel hours included in total fees for each billing period and/or cumulative total of fees billed for a fiscal year?

29. Describe your firms process for billing costs and disbursements.

30. Delineate which expense items are included in your regularly hourly fees and which expense items would be passed on the Town of Acton.

31. List your standard charge for:

a) Photocopies done in house; and
b) Photocopies done out of house; and
c) Outgoing and incoming local fax; and
d) Outgoing and incoming long distance fax; and
e) Automobile mileage; and
f) Meals; and
g) Other travel related costs; and
h) Postage; and
i) Courier services; and
j) Local telephone; and
k) Long distance telephone; and
l) LEXIS, WestLaw or other on-line services; and
m) Filing fees; and
n) Court reporter services and transcripts; and
o) Video and/or photographic services; and
p) Trial exhibit preparation; and
q) Litigation support services; and
r) Data processing; and
s) Secretarial overtime; and
t) Other (please specify).

Are upcharges or percentage increases applied to any cost or disbursement item? If so, please explain.

32. What are the firm's annual minimum billable hour requirements for attorneys, paralegals and other billable personnel?

33. Are the firm's attorneys, paralegals or other billable personnel compensated, in whole or in part, as regular or bonus compensation, on the basis of the number of hours billed above minimum billable hour requirements?

34. If the answer to the foregoing question was in the affirmative, what was the average percentage of annual partner, associate attorney, and paralegal compensation paid in 1990 and 1991 that is attributable to hours billed in excess of minimum requirements.

35. Why should the Town of Acton select your firm as Town Counsel?

1/21/92

(9)

BOARD OF SELECTMEN
1991 ANNUAL REPORT

The year 1991 was marked by the inauguration in January of a new Governor, William Weld, who was elected with a mandate to protect local funding and restore previous cuts. The continuing fiscal crisis at the State level however, resulted in a third year of reduced state support to the local communities. Acton also elected a new State Representative, Pam Resor, to represent them in the State House.

In the annual town election in March, Anne Fanton was elected to the Board of Selectmen, replacing Don Gilberti who chose not to run after completing nine years of dedicated service on the Board. As a result of the continuing chaos at the state level regarding local aid, the annual town meeting in April was adjourned until June so that a realistic budget for fiscal 1992 could be voted. Anne joined the board officially after the completion of the annual meeting. Bill Weeks was elected Chairman and Norman Lake was elected Vice-chairman. On August 6, Bill resigned from the board, citing personal reasons, and Norm Lake was elected chairman. The selectmen voted to leave the seat vacant until the annual election in the Spring.

The voters of Acton continued to act responsibly to the fiscal crisis by voting for the third consecutive Proposition 2 1/2 override in three years, thus completing the plan presented to the town by the Coordinating Committee three years earlier. The continuing recession has compounded the fiscal problem by reducing revenue to the town from auto excise taxes and new real estate development. The town was faced with a third year of layoffs which would cripple its ability to deliver essential services or alternatively, negotiate with town and school employees to accept new contract with no pay increase. At the end of the year, all bargaining units in the town and school systems with the exception of the Fire Department, {and the School's custodial workers} have signed new contracts which contain no wage increases in the current year. The town can feel great pride in all their employees who understand the financial situation and have agreed to sacrifice personal income in order to preserve jobs and services. The Selectmen and Town Manager recognize that this must be temporary and that it is unfair to continue to balance the budget on the backs of dedicated and hard working town and school employees.

A number of more positive changes have occurred since mid year which make the board cautiously optimistic that no override will be required in 1992. Among these are the legislation allowing towns to defer teachers' summer pay for two years and provide for interest free payback in future years over a period as long as fifteen years, and the acceptance by the school committees of "Open Enrollment" legislation and the resultant

funding from the state that comes with each student accepted into the school system. The coordinating Committee, which includes representatives from the school committees, school administration, selectmen, town administration, and finance committee, continues to function effectively in establishing coordinated expenditure plan which are in line with the limited funding available to the town and schools.

Implementation of Acton's Master Plan has started in earnest with the creation of new committee made up of representative from key boards to interpret the Master Plan goals and resolve apparent conflicts. New planning committees were also created for the West and South Acton Village Districts.

The Town completed a revaluation of all properties in town which is required every three years. The results showed a steep decline in the value of commercial and industrial property {condominiums} and a lesser decline in the value of residential property {single family homes}. The result of this was a shift in the tax base from the Commercial {condominiums}) to the residential {single family} sector. The town continues to charge a higher rate on commercial property than on residential property. We are continuing to aggressively pursue the collection of overdue taxes and the resultant collections ha gone far in producing needed income to support current town services.

The town continues to enjoy excellent service from its many volunteers who serve on a multitude of committees and boards which conduct the town's business with a minimum of support from paid staff. Thee volunteers make up the heart of town government and receive too little recognition for these services. The board is grateful for their continuing service and encourages all of our citizens to participate in their government.

Norman Lake
Chairman

John Murray's Suggest changes in { }
190C

1/21/92 (10)

George W. Robinson
Chief of Police

Acton Police Department
P. O. Box 212
Acton, Massachusetts 01720
Telephone 263-2911

January 7, 1992

TO: Sergeant James McPadden
Patrolman Paul Cogan
Detective Ray Grey
Patrolman Fred Rentschler
Dispatcher Scott Howe

I would like to commend each of you for your actions that resulted in the arrest of a kidnap/armed robbery suspect on December 28, 1991. My reading of relevant reports and conversations with certain officers makes it clear that this operation, with little time for planning, was well executed and a complete team effort. The apprehension and the restrained action used in subduing the suspect is admirable, professional and prevented the likelihood of severe injuries to officers, suspect and victims.

Again, I commend you, and thank you for a job well done.

George W. Robinson
Chief

cc. Board of Selectmen
Town Manager

CC: BOS - FYI

CHRIS - PLS. PLACE ON 1/21 AGENDA
TOWN MANAGER'S REPORT

cc: BOS

Massachusetts Department of Revenue

Commissioner Mitchell Adams
Deputy Commissioner Leslie A. Kirwan

Division of Local Services

Informational GUIDELINE Release

Division of Local Services
Informational Guideline Release (IGR) No. 92-501
January, 1992

GUIDELINES RELATING TO THE DISBURSEMENT OF EMERGENCY EDUCATIONAL ASSISTANCE

(Acts of 1991, Chapter 493)

This Informational Guideline Release presents the regulations which establish and explain the requirements and procedures by which thirty million dollars of emergency educational assistance funds will be distributed by the Commonwealth in fiscal year 1992 to distressed local and regional school districts and county agricultural schools. Also included is the application form with explanatory materials to be used in submitting requests for emergency educational assistance.

These regulations and supplementary materials have been developed through the joint effort of the Division of Local Services, Department of Revenue and the Department of Education.

Inquiries with respect to these materials should be directed to:

Rob Addelson
Division of Local Services
Department of Revenue
200 Portland Street
Boston, MA 02114-1715
Telephone No. (617) 727-2300

Topical Index Key:

Emergency Aid

Distribution:

School Superintendents
School Committee Chairs
Mayors/Boards of Selectmen
City/Town Councils
City/Town Managers and Administrators

EMERGENCY REGULATION

830 CMR: DEPARTMENT OF REVENUE

830 CMR 58.00: LOCAL TAXES

830 CMR 58.18C.1: Emergency Educational Assistance Funds

(1) Statement of Emergency, Purpose and Intent.

(a) Statement of Emergency. Chapter 493 of the Acts of 1991, entitled An Act Relative to Emergency Educational Assistance, provides thirty million dollars of supplemental funds to immediately remedy certain educational emergencies in public school classrooms in the Commonwealth. Chapter 493, which was signed by the Governor on December 30, 1991 and became effective immediately, requires that regulations governing the disbursement of the emergency funds be developed and promulgated by the Division of Local Services, Department of Revenue, no later than January 13, 1992. The Division of Local Services, in recognition of the urgency of the immediate problems to be addressed, and the limited time period available under the statute to implement the emergency program, hereby finds that the issuance of emergency regulations pursuant to section two of chapter thirty A of the General Laws is in the public interest and adopts the following emergency regulation.

(b) Purpose and Intent. This regulation is developed and promulgated by the Division of Local Services, Department of Revenue, after consultation with the Department of Education, pursuant to Chapter 493 of the Acts of 1991 to govern the distribution and use of thirty million dollars of emergency educational assistance funds for fiscal year 1992. The purpose of this emergency educational grant program is to provide funds to alleviate the most serious emergency conditions in public school classrooms. These grants are intended to remedy the worst conditions which affect the greatest number of students and will be awarded to school districts deemed under these regulations to be the most in need of intervention to address educational crises in the classroom. As the clear intent of the statute is to provide direct and immediate relief in this current fiscal year, a most important objective of this educational emergency grant program will be to determine need and insure timely distributions of emergency funds.

(2) Eligibility For Emergency Educational Assistance.

(a) School Districts. Any local or regional school district (hereinafter "school district"), or county agricultural school may apply, as provided for herein, for emergency educational assistance funds for fiscal year 1992.

Applications must be filed on forms provided by the Department of Revenue. By statute, at least eighty percent of the thirty million dollar appropriation has been made available to school districts which are currently receiving equal education opportunity grants pursuant to Chapter 70A of the General Laws. The remaining funds have been made available for emergency allocation as deemed appropriate.

(b) Educational Emergency Criteria. For a district to qualify for consideration as a recipient of emergency educational grant funds, it must meet, at a minimum, one of the criteria specified in paragraphs 1, 2, or 3 below.

1. Decline in per pupil spending. The school district has experienced a decline in the average direct service expenditure per pupil from fiscal year 1991 to fiscal year 1992.

2. Class size - student/teacher ratio. Excessive class sizes and inadequate student teacher ratios exist in the school district, which condition shall be demonstrated as follows.

   i. For regular day classes including academic components of a vocational program, thirty-five or more students per class.

   ii. For kindergarten classes, average class size of more than twenty-five students per class.

   iii. For bilingual education single grade classes, more than eighteen students per class; except for classes with a native speaking teacher's aide or a non-native speaking teacher's aide to assist a native speaking teacher, more than twenty-five students per class.

   iv. For bilingual education multi-grade level classes, more than fifteen students per class; except for classes with an aide, more than twenty students per class.

   v. For special education classes with no more than sixty percent of time out of regular education classroom, more than eight children for each teacher, or more than twelve children if assistance is provided by one aide, or more than sixteen children if assistance is provided by two aides.

vi. For special education classes with more than sixty percent of time out of regular education classroom, more than eight children for each teacher, or more than twelve children if assistance is provided by an aide.

3. Severe deficiencies of textbooks or other basic instructional materials. A severe deficiency of textbooks or other basic instructional materials may be established by demonstrating (1) shortages in total numbers or complete sets of textbooks or other basic instructional materials or (2) other serious deficiencies which render such instructional resources inadequate or ineffective instructional tools.

(c) Other Emergency Conditions. It is recognized that other serious conditions, in addition to the three emergency criteria specified in section (2)(b) of this regulation, 830 CMR 58.18C.1, may cause or contribute to an existing educational emergency in the classroom. As a result, other conditions which impair the educational process may be considered in the certification of an educational emergency pursuant to these regulations. To the extent that a school district identifies such other factors or conditions, supporting information and documentation should be provided in the application for emergency assistance.

(d) Remedial Plan. An essential component of an application for emergency educational assistance will be a specific plan to reduce or eliminate the conditions which are producing the educational crisis. Since the amount of available emergency funds is limited and not all requests for funds may be approved, it is important that remedial plans be structured, to the extent possible, to propose specific remedies to distinct emergency conditions and rank such proposed remedies in order of priority. With respect to each such separate element, the remedial plan shall include the following: (1) a specification of the particular condition which is adversely affecting the educational process, (2) the proposed remedy, (3) the projected costs of such remedy, including all direct and related indirect costs (include fringe benefits if appropriate), (4) when remedy can be implemented, (5) anticipated benefits, and (6) if applicable, a certification that space is available to accomplish the proposed remedy.

(e) Certified Educational Emergency. The fact that a school district demonstrates that it meets one of the criteria described in section (2)(b) of this regulation, 830 CMR 58.18C.1, does not, in and of itself, qualify that district to receive emergency educational grant funds. In addition, it must be certified by the Department of Education that a serious educational emergency exists in the district. A serious educational emergency shall be based on a determination that existing conditions are systemic in nature; inhibit sound educational practice; jeopardize the reasonable safety or welfare of students; and can be addressed through the application of emergency educational grant funds.

(3) Limitations on Use of Emergency Educational Assistance Grants.

(a) Expenditures Must Be in Compliance with Approved Remedial Plan. The expenditure of emergency grant funds must be in compliance with the approved portions of the remedial plan. All expenditures of emergency grant funds must be approved by the Division of Local Services and the Department of Education. In a municipality having a finance or fiscal control board established by special law, all expenditures of emergency educational assistance grants must be approved by the finance or fiscal control board.

(b) Prohibition on Certain Expenditures. No part of an emergency educational grant may be expended for the purpose of paying any educational administrative costs unless (1) unusual and compelling circumstances are documented, and (2) such administrative expenditures are approved by the Division of Local Services and the Department of Education. As it is clear that the intent of this emergency educational grant program is to ensure immediate and noticeable improvements in the classroom, emergency educational assistance funds may not be expended to fund salary increases for current personnel or for the support of extra-curricular activities.

(c) Continued Commitment of Local Funds. Emergency educational assistance funds are intended to supplement previously committed local funds and resources. Accordingly, no portion of emergency assistance grant funds may be used as a substitute for, or to supplant, funds previously approved by the relevant appropriating body for the use of the school district in fiscal year 1992. An emergency educational assistance grant is not part of a district's fiscal 1992 Cherry Sheet aid and therefore should not be considered part of the district's base for fiscal year 1993 planning purposes.

(4) Repayment Obligation.

(a) General Repayment Obligation. The provisions of Chapter 493 of the Acts of 1991 establish a partial repayment obligation for any school district that accepts emergency educational assistance grant funds. In each of the five fiscal years immediately succeeding fiscal year 1992, a recipient school district will be required to repay the Commonwealth an amount equal to ten percent of the amount of the emergency grant funds received in fiscal year 1992. The total, cumulative repayment shall not exceed fifty percent of the amount of the emergency grant funds received. Repayments will be shown as a charge against receipts on Form 1-EC of the Cherry Sheet.

(b) Forgiveness of Certain Repayments. The repayment obligation is conditioned upon an increase in state aid to education. For a city or town school district, the repayment obligation for any given fiscal year shall be forgiven if the amount of Chapter 70 school aid for such year has not increased, over the amount of Chapter 70 school aid for the preceding year, by an amount equal to at least ten percent of the emergency aid received for fiscal year 1992. In the case of a regional school district, the repayment obligation for any given fiscal year shall be forgiven if the combined amount of Chapter 70 and Chapter 71 school aid for such year has not increased, over the combined amount of the Chapter 70 and Chapter 71 school aid for the preceding fiscal year, by an amount equal to at least ten percent of the emergency aid received for fiscal year 1992.

(5) Application Process.

(a) Application Deadline. By Thursday, January 23, 1992, a completed application for an emergency educational assistance grant must be submitted on behalf of a school district in writing to the attention of Judy Luca, Division of Local Services, Department of Revenue. Such applications should not be submitted to the Department of Education. Applications must be received in one of the following offices of the Division of Local Services by 5:00 p.m. January 23, 1992. Applications should not be submitted by FAX.

Division of Local Services
Department of Revenue
200 Portland Street
Third Floor
Boston, MA 02114-1715

Division of Local Services
Department of Revenue
75A Grove Street
Worcester, MA 01605

Division of Local Services
Department of Revenue
436 Dwight Street
Springfield, MA 01103

No information submitted after this deadline will be considered in the determination of educational emergency and the award of grant funds, with the exception of the items described hereinafter in the regulations or supporting information or documentation specifically requested of the applicant by the Division of Local Services or Department of Education.

(b) Extended Deadline for Submission of Necessary Authorizations. Chapter 493 requires that an application for emergency educational grant funds be authorized by certain municipal or county officials. A separate deadline of 5:00 p.m. on Thursday, January 30, 1992 is established for the submission of the formal authorizations of the necessary local officials. Such authorizations must be submitted in the manner and at such locations as are prescribed in section (5)(a) of this regulation, 830 CMR 58.18C.1. Specifically, for a town school district, the application must be approved for submission by a majority of the Board of Selectmen; for a city school district, the application must be approved for submission by a majority of the City Council with the approval of the Mayor when required by law; for a school district in a municipality with a town council form of government, the application must be approved for submission by a majority of the Town Council; for a regional school district, the application must be approved for submission by two-thirds of the member municipalities of such regional school district, acting by their respective board of selectmen, city council, or town council, as appropriate; for a county agricultural school, the application must be approved for submission by the County Commissioners.

(6) Award and Distribution of Emergency Educational Assistance Grants.

(a) Review Process. All timely and complete applications for emergency educational assistance grants will be evaluated by a joint selection committee comprised of representatives of the Division of Local Services and Department of Education.

(b) Determination of Educational Emergency. After study and analysis of all pertinent information presented by an applicant school district, a determination will be made as to whether a serious educational emergency currently exists in such school district. Where it is found that a serious educational emergency exists, the Department of Education shall certify the same, which certification shall be a prerequisite to further consideration for the allocation of emergency assistance.

(c) Allocation of Emergency Assistance. Allocations of emergency educational assistance funds shall be made by the selection committee, to the extent available, to those school districts with certified educational emergencies for the purpose of alleviating the educational emergency in the current fiscal year. In making such allocations, the selection committee will make such determinations as are necessary to equitably distribute such funds, taking into account:

1. the limited amount of appropriated emergency educational assistance funds;

2. the number of school districts with certified serious educational emergencies in fiscal year 1992;

3. the cumulative amount of funds projected as necessary to remedy all certified educational emergencies in fiscal year 1992;

4. the relative severity of the particular conditions resulting in educational emergencies and the degree of impairment resulting to the educational process;

5. the potential of the proposed remedial action to efficiently address the condition and improve the educational process for the greatest number of students for the most substantial period of time;

6. the ability to implement remedial action in a timely manner to produce immediate educational benefits in the current year;

7. the financial capacity of the appropriating authority, or in the case of a regional school district the financial capacity of the district itself, to immediately contribute to the remediation of the current educational emergency

8. and such other financial or educational criteria as the selection committee deems appropriate to further the purposes and intent of Chapter 493 of the Acts of 1991.

(d) Receipt of Emergency Educational Assistance Grant. Upon receipt, of a distribution of an emergency educational assistance grant, such funds shall be accounted for in a special account entitled "Emergency Educational Assistance Grant - Chapter 493, Acts of 1991". No expenditures of funds from such grant account shall be approved except for the particular remedial expenditures that have been approved by the selection committee in the award of the emergency grant.

(7) Reporting and Monitoring Requirements

(a) Reporting Requirements. Recipients of grants will be required to provide reports to the Division of Local Services and Department of Education by March 16, 1992, documenting the expenditure of the grant funds consistent with the terms of the award and assessing the impact of the grant on the condition of the public schools of the district. Division of Local Services or Department of Education staff may make site visits to verify appropriate use of grant funds.

(b) Compliance with Other Regulations. Recipients of emergency educational assistance grants must also comply with the Regulations Governing Fiscal Accountability, 603 CMR 32.0 et. seq.

(8) Waiver. No waivers shall be granted under these emergency regulations.

(9) Amendments. To the extent that further clarification of this regulation is deemed appropriate, or amendments are considered necessary to implement its purpose, such clarifications or amendments shall be fully permissible to the extent consistent with the general provisions and intent of Chapter 493 of the Acts of 1991 and General Laws Chapter 30A, Section 2.

REGULATORY AUTHORITY

830 CMR 58.18C.1: M.G.L. c. 14, s. 6(1); M.G.L. c. 62C, s. 3; St. 1991, c. 493, s. 4

cc: BOS

HOU . . . . . No. 1002

The Commonwealth of Massachusetts

Section 2 - Town
Section 3 - Teachers

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

January 8, 1992

To the Honorable Senate and House of Representatives:

We are filing for your consideration the attached legislative proposal, entitled "An Act Providing For An Early Retirement Incentive Program For State Employees."

A voluntary early retirement program will provide state employees an incentive to retire and produce substantial savings for the Commonwealth. In addition, this program will provide a compassionate alternative to further layoffs, which would be required to keep accounts within budget.

The program provides eligible employees one of two separate incentives: (1) employees will be granted the choice of either four years of service or four years of age for the purpose of calculating their benefit level; or (2) employees with fifteen or more years of service will receive a revised retirement benefit based on their years of service.

This proposal also provides for a municipal and local teacher early retirement program, which is structured as a local option with no adverse fiscal impact on the finances of the state.

We urge you to support this proposal for it is a fiscally responsible, manageable and compassionate program.

Respectfully submitted,

William F. Weld

William F. Weld
Governor

Argeo Paul Cellucci

Argeo Paul Cellucci
Lieutenant Governor

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT PROVIDING FOR AN EARLY RETIREMENT INCENTIVE PROGRAM FOR STATE EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. A) Notwithstanding the provisions of chapter
2 thirty-two of the General Laws or of any general or special law
3 to the contrary, the state retirement board, established under the
4 provisions of section eighteen of chapter ten of the General Laws,
5 shall establish and implement a retirement incentive for public
6 employees, hereinafter referred to as the retirement incentive
7 program, in accordance with the provision of this act; provided,
8 that, in order to be deemed eligible by said board for any of the
9 benefit options under the retirement incentive program, an
10 employee (i) shall be an employee of the commonwealth and an
11 active member of the state retirement system on the effective date
12 of this act, (ii) shall be classified in Group one or Group two of
13 said retirement system in accordance with the provisions of para-
14 graph G of subdivision two of section three of said chapter thirty-
15 two, (iii) shall be eligible to receive a superannuation retirement
16 allowance in accordance with the provisions of subdivision one
17 of section five of said chapter thirty-two or of subdivisions one
18 of section ten of said chapter thirty-two upon the date of his stated
19 date of retirement or shall have fifteen or more years of creditable
20 service as defined by section four of chapter thirty-two, (iv) shall
21 have filed a written application after the effective date of this act
22 and before March thirtieth, nineteen hundred and ninety-two,
23 provided that the retirement date requested shall not be earlier
24 than the effective date of this act or after March thirtieth, nineteen
25 hundred and ninety-two. The total number of group one
26 employees who can receive the benefit of such early retirement
27 program shall be limited to five thousand six hundred and the

67 System and notwithstanding any general or special law to the
68 contrary shall be used to pay the full cost of retirement benefits
69 to retirees who retire pursuant to this act; provided, however, that
70 commencing in fiscal nineteen hundred and ninety-six these costs
71 shall be borne by the Teachers' Retirement System as provided
72 for in chapter 32(22).
73 E) The total normal yearly amount of the retirement allowance,
74 as determined in accordance with the provisions of section five
75 of chapter thirty-two, of any employee who retires and receives
76 an additional benefit under the retirement incentive program in
77 accordance with the provisions of this act shall not exceed four-
78 fifths of the average annual rate of his regular compensation
79 received during any period of three consecutive years of creditable
80 service for which the rate of compensation was the highest or of
81 the average annual rate of his regular compensation received
82 during the periods, whether or nor consecutive constituting his
83 last three years of creditable service preceding retirement,
84 whichever is greater.

28 total number of group two employees shall be limited to one
29 thousand four hundred; provided, however, that the Secretary of
30 Administration and Finance may increase that number by filing
31 notice thereof with the House and Senate Committees on Ways
32 and Means. The state retirement board shall stamp the date of
33 receipt on each completed application for retirement and process
34 early retirement approvals in order of receipt from the earliest date
35 to the latest date. Employees paid through federal, trust, bond
36 or capital fund accounts are not eligible for this program. No
37 employee shall be eligible for more than one of the incentives
38 offered below, provided further that no employee may become
39 eligible for one incentive by virtue of the application of a different
40 incentive.
41 For the purpose of this act, words shall have the same meaning
42 as in chapter thirty-two of the General Laws, unless otherwise
43 expressly provided or unless the context clearly provides
44 otherwise. Any employee of the Commonwealth who retires and
45 receives an additional benefit in accordance with the provisions
46 of subsection (B) of this act shall be deemed to be retired for
47 superannuation under the provisions of said chapter thirty-two
48 and shall be so subject to any and all provisions of said
49 chapter thirty-two.
50 B) Any employee who is eligible for the retirement incentive
51 program in accordance with the provisions of subsection (A) of
52 this act may request in his application for retirement that the state
53 retirement board credit him with additional retirement benefits
54 in accordance with the provisions of this subsection, provided that
55 each such employee shall request and receive up to four years of
56 additional creditable service or up to four years additional years
57 of age, for the purposes of determining his superannuation
58 retirement allowance pursuant to the provisions of paragraph (A)
59 subdivisions two of section five of said chapter thirty-two.
60 C) Eligible employees having fifteen or more years of creditable
61 service as defined by section four of chapter thirty-two may make
62 application for retirement and shall receive a retirement benefit
63 computed according to the following table:

Number of Years of Creditable Service	Percentage of Amount of Avg. Annual Rate of Regular Compensation
15	21%
16	22%
17	23%
18	24%
19	25%
20	26%
21	27%
22	28%
23	29%
24	30%
25	31%
26	32%
27 or more	33%

The regular compensation on which the benefit is based shall be determined in accordance with the provisions of paragraph (a) of subdivision two of section five of chapter thirty-two. In addition to the benefit outlined above, retirees shall receive his annuity as determined pursuant to the provisions of subdivision two of section twelve of chapter thirty-two.

D) Any justice of the supreme judicial court or any justice of the appeals court or any justice of the trial court of the commonwealth appointed prior to January 2, 1975 and thereby not subject to the contributory retirement provisions of chapter thirty-two section 65D shall be eligible for a pension for life at an annual rate equal to three fourths of the annual rate of salary payable to him at the time of such retirement. Any justice of the supreme judicial court or any justice of the appeals court or any justice of the trial court of the commonwealth appointed on or after January 2, 1975 who has accrued a total of twelve years of service as a judge of the commonwealth and is at least sixty-two years of age shall be eligible for a pension for life at an annual rate equal to three fourths of the annual rate of salary payable to him at the time of such retirement.

In order to be deemed eligible for any of the benefit options under this subsection, an employee (i) must be an employee of

For the purpose of this act, words shall have the same meaning as in chapter thirty-two of the General Laws, unless otherwise expressly provided or unless the context clearly provides otherwise. Any employee who retires and receives an additional benefit in accordance with the provisions of subsection (A) of this section shall be deemed to be retired for superannuation under the provisions of said chapter thirty-two and shall be so subject to any and all provisions of said chapter thirty-two. The state teachers' retirement board shall promulgate regulations to implement the provisions of this section.

B) The program shall be deemed to have been accepted by a city or town upon recommendation by the school committee and approval by the legislative and executive authorities of the city or town. The program shall be deemed to have been accepted by a regional school district upon the recommendation and approval of its school committee.

C) Any employee who is eligible for the retirement incentive program in accordance with the provisions of subsection (A) of this act may request in his application for retirement that the state teachers' retirement board credit him with additional retirement benefits in accordance with the provisions of this subsection, provided that each such employee shall request and receive up to four years of additional creditable service or up to four years additional years of age, for the purposes of determining his superannuation retirement allowance pursuant to the provisions of paragraph (A) subdivisions two of section five of said chapter thirty-two.

D) Each city, town, district or authority which accepts the provisions of this act shall bear the full cost of retirement and benefits paid in fiscal year 1992, fiscal year 1993, fiscal year 1994 and fiscal year 1995 to retirees who retire pursuant to this act. On or before June fifteen, nineteen hundred and ninety-two and on or before January fifteen of each year thereafter through fiscal year 1995, the Teachers' Retirement Board shall certify to the treasurer of the city, town, district or authority which accepts the provisions of this act, the full cost of retirements in said city, town, district or authority which have taken place pursuant to this act. The certified amounts shall be appropriated by said city, town, district or authority and paid thereby to the Teachers' Retirement

77 E) The total normal yearly amount of the retirement allowance,
78 as determined in accordance with the provisions of section five
79 of chapter thirty-two, of any employee who retires and receives
80 an additional benefit under the retirement incentive program in
81 accordance with the provisions of this act shall not exceed four-
82 fifths of the average annual rate of his regular compensation
83 received during any period of three consecutive years of creditable
84 service for which the rate of compensation was the highest or of
85 the average annual rate of his regular compensation received
86 during the periods, whether or nor consecutive constituting his
87 last three years of creditable service preceding retirement,
88 whichever is greater.

1 SECTION 3. A) Notwithstanding the provisions of
2 chapter thirty-two of the General Laws or of any general or special
3 law to the contrary, the state teachers retirement board,
4 established under the provisions of section sixteen of chapter fift-
5 een of the General Laws, shall establish and implement a
6 retirement incentive for public school teachers, hereinafter
7 referred to as the retirement incentive program, in accordance
8 with the provision of this act; provided, that, in order to be deemed
9 eligible by said board for any of the benefit options under the
10 retirement incentive program, an employee (i) shall be an
11 employee of a school system on the effective date of this subsection
12 and shall have been an active member of the state teachers
13 retirement system as of January one, nineteen hundred and ninety-
14 one, (ii) shall be classified in Group one of said retirement system
15 in accordance with the provisions of paragraph G of subdivision
16 two of section three of said chapter thirty-two, (iii) shall be
17 eligible to receive a superannuation retirement allowance in
18 accordance with the provisions of subdivision one of section five
19 of said chapter thirty-two or of subdivisions one of section ten
20 of said chapter thirty-two upon the date of his written application
21 to said board, and (iv) shall have filed a written application after
22 March fifteen, nineteen hundred and ninety-two but no later than
23 June fifteen, nineteen hundred and ninety-two to retire for
24 superannuation as of a date which shall be specified in such appli-
25 cation, provided that said date for retirement shall be no earlier
26 than July one, nineteen hundred and ninety-two and no later than
27 August one, nineteen hundred and ninety-two.

102 the commonwealth on the effective date of this act and (ii) shall
103 have filed a written application after the effective date of this act
104 and before March thirtieth, nineteen hundred and ninety-two,
105 provided that the retirement date requested shall not be earlier
106 than the effective date of this act or later than March thirtieth,
107 nineteen hundred and ninety-two.
108 E) Notwithstanding so much of the provisions of section five
109 of chapter thirty-two of the General Laws that requires a
110 retirement date within four months of the filing of an application
111 for superannuation retirement, or so much of the provisions of
112 subsection (A) of this act that require as a retirement date no
113 later than March thirtieth, nineteen hundred and ninety-two, and
114 in an effort to protect the system of higher education from
115 unnecessary disruption during the spring semester, any employee
116 of an institution of higher education, as defined by the provisions
117 of section three or paragraph (A) of section five (B) of
118 chapter fifteen (A) of the General Laws, who is otherwise eligible
119 for the retirement incentive program and who requests an
120 additional benefit in accordance with the provisions of subsec-
121 tion (B) of this act shall specify in his application for retirement
122 a date for retirement which shall be on or after May one, nineteen
123 hundred and ninety-two but no later than June thirtieth, nineteen
124 hundred and ninety-two; provided that such application for
125 superannuation shall be filed after the effective date of this act
126 and before March thirtieth, nineteen hundred and ninety-two; and
127 provided further that the appointing authority of each such
128 employee shall approve such retirement date prior to the filing
129 of such application with the state retirement board; provided, that
130 no other provision in such employees application for retirement
131 shall be subject to such approval by such employees appointing
132 authority.
133 F) Notwithstanding so much of the provisions of section five
134 of chapter thirty-two of the General Laws that requires the
135 specification of a retirement date within four months of the filing
136 of an application for superannuation retirement, or so much of
137 the provisions of subsection (A) of this act that requires an
138 eligible person to be an employee of the commonwealth on the
139 effective date of this act and the specification of a retirement date
140 no later than March thirtieth, nineteen hundred and ninety-two,

141 in an effort to encourage the continuity of direct care in health
142 care institutions that are scheduled to be closed or in position that
143 shall be privatized and to reward those workers who choose to
144 remain in the service of any such institution that shall be so closing
145 or position that shall be so privatized, any employee serving in
146 a position which has been listed by the secretary of administration
147 and finance in a report filed in accordance with the provisions
148 of subsection (K) of this act who is otherwise eligible for the
149 retirement incentive program and who requests an additional
150 benefit in accordance with the provisions of subsection (B) of this
151 act shall specify in his application for retirement a date for
152 retirement which shall be no later than the closing date of such
153 institution or the effective date of such privatization; provided that
154 such application for superannuation retirement shall be filed after
155 the effective date of this act and before March thirtieth, nineteen
156 hundred and ninety-two; and provided further that the appointing
157 authority of each such employee shall approve such retirement
158 date prior to the filing of such application with the state retirement
159 board; provided, that no other provision in such employee's appli-
160 cation for retirement shall be subject to such approval by such
161 employee's appointing authority.
162 Any retired employee of the commonwealth whose former
163 position shall be listed by said secretary in a report filed in
164 accordance with the provisions of subsection (K) of this act and
165 who retired on or after January one, nineteen hundred and ninety-
166 one and prior to the effective date of this act upon the closing
167 of such institution or privatization of such service and the
168 abolition of such position may file an application to retire for
169 superannuation and to be eligible for one of the additional benefits
170 under the retirement incentive program in accordance with the
171 provisions of subsection (B) of this act; provided that such appli-
172 cation shall be filed with the state retirement board after the
173 effective date of this act and before March thirtieth, nineteen
174 hundred and ninety-two; provided, further, that upon the
175 acceptance and approval of such application by the state
176 retirement board in accordance with the provisions of this
177 subsection, the retirement allowance of such employee shall be
178 recalculated as of the date on which such employee retired to
179 reflect such additional benefit and such employee shall thereupon

40 each such employee shall request and receive up to four years of
41 additional creditable service or up to four years additional years
42 of age, for the purpose of calculating his retirement allowance.
43 C) Eligible employees having fifteen or more years of creditable
44 service as defined by section four of chapter thirty-two may make
45 application for retirement and shall receive a retirement benefit
46 computed according to the following table:

47 Number of Years of Creditable Service	Percentage of Amount of Average Annual Rate of Regular Compensation
48	
49	
50 15	21%
51 16	22%
52 17	23%
53 18	24%
54 19	25%
55 20	26%
56 21	27%
57 22	28%
58 23	29%
59 24	30%
60 25	31%
61 26	32%
62 27 or more	33%

63 The regular compensation on which the benefit is based shall
64 be determined in accordance with the provisions of paragraph (a)
65 of subdivision two of section five of chapter thirty-two. In addition
66 to the benefit outlined above, retirees shall receive his annuity as
67 determined pursuant to the provisions of subdivision two of
68 section twelve of chapter thirty-two.
69 D) For the purpose of this act, words shall have the same
70 meaning as in chapter thirty-two of the General Laws, unless
71 otherwise expressly provided or unless the context clearly
72 provides otherwise. Any employee who retires and receives an
73 additional benefit in accordance with the provisions of subsec-
74 tion (B) of this act shall be deemed to be retired for superannua-
75 tion under the provisions of said chapter thirty-two and shall be
76 so subject to any and all provisions of said chapter thirty-two.

1 SECTION 2. A) Notwithstanding the provisions of
2 chapter thirty-two of the General Laws or of any general or special
3 law to the contrary, and upon the acceptance of the legislative
4 and executive authorities within the appropriate Massachusetts
5 city, town, or county the provisions of this section shall apply to
6 those municipal or county employees who are Group one, Group
7 two or Group four employees, as defined in section three of
8 chapter thirty-two who are members of the appropriate municipal
9 or county retirement system and who (i) shall be an employee
10 of the municipality on the effective date of this subsection,
11 (ii) shall be eligible to receive a superannuation retirement
12 allowance in accordance with the provisions of section five of said
13 chapter thirty-two or of section ten of said chapter thirty-two upon
14 the date of his written application to said board, and (iii) shall
15 have filed a written application after March fifteen, nineteen
16 hundred and ninety-two but no later than June fifteen, nineteen
17 hundred and ninety-two to retire for superannuation as of a date
18 which shall be specified in such application, provided that said
19 date for retirement shall be no earlier than July one, nineteen
20 hundred and ninety-two and no later than August one, nineteen
21 hundred and ninety-two. For the purposes of this subsection, the
22 legislative authority shall mean a town meeting in a town, the city
23 council in a city, the county advisory council in a county, and the
24 executive authority shall be the board of selectmen in a town, the
25 mayor in a city, and the county commissioners in a county. For
26 the purposes of this subsection, the time determining an
27 employee's age shall be the date such employee makes application
28 to the program. Said program defined in this subsection shall be
29 effective beginning July one, nineteen hundred and ninety-two
30 and extend for a period of thirty days following acceptance within
31 each city or town. Said program shall be administered by the
32 appropriate municipal or county retirement system, which shall
33 also promulgate regulations to implement the provisions of said
34 program.
35 B) Any employee who is eligible for the retirement incentive
36 program in accordance with the provisions of subsection (A) of
37 this act may request in his application for retirement that the local
38 retirement board credit him with additional retirement benefits
39 in accordance with the provisions of this subsection, provided that

180 receive such increased allowance together with an amount equal
181 to the difference between the allowance that the employee actually
182 received from the date of retirement to the date of recalculation
183 and the amount of the allowance that the employee would have
184 received had such recalculated allowance been paid to such
185 employee from the date of his retirement.
186 G) The total normal yearly amount of the retirement allowance,
187 as determined in accordance with the provisions of section five
188 of chapter thirty-two, of any employee who retires and receives
189 an additional benefit under the retirement incentive program in
190 accordance with the provisions of this act shall not exceed four
191 fifths of the average annual rate of his regular compensation
192 received during any period of three consecutive years of creditable
193 service for which the rate of compensation was the highest or of
194 the average annual rate of his regular compensation received
195 during the periods, whether or nor consecutive constituting his
196 last three years of creditable service preceding retirement,
197 whichever is greater.
198 H) The commissioner of public employee retirement adminis-
199 tration shall analyze, study, and valuate the costs attributable to
200 the additional benefits payable under the retirement incentive
201 program in accordance with the provisions of subsection (B) of
202 this act; provided that said commissioner shall file the report with
203 the house and senate committees on ways and means on or before
204 May fifteen, nineteen hundred and ninety-two.
205 I) Any executive branch state funded position vacated as a result
206 of an applicant's participation in an early retirement incentive
207 program may not be refilled, unless the secretary of administration
208 and finance makes the determination that the position is vital to
209 the public health, public safety, or other critical operations of the
210 commonwealth; provided that the provisions of this subsection
211 shall not apply to positions under the control of the general court
212 or of any judicial department.
213 J) The secretary of administration and finance shall list each
214 position made vacant by the retirement of an employee receiving
215 an additional benefit in accordance with the provisions of this act
216 and shall file such list with the house and senate committees on
217 ways and means and the comptroller of the commonwealth within
218 three weeks of the effective date of this act and may supplement

219 such list as may be deemed necessary through March thirtieth,
220 nineteen hundred and ninety-two; provided, that, for each such
221 position, such list shall include the line item of appropriation from
222 section two, two A or two B of chapter 138 of the acts of nineteen
223 hundred and ninety-one in which such position is funded, the
224 name of the state agency, as defined by the provisions of
225 section one of chapter six A of the General Laws, which is funded
226 by such line item, the classification title of such position, the salary
227 range for such title, and the salary payable to the person who so
228 retired from such position.
229 K) The secretary of administration and finance shall file a report
230 listing any position that shall have been or shall be abolished and
231 vacated on or after January one, nineteen hundred and ninety-
232 one due to the scheduled closing of any institution within any state
233 agency, as defined by the provisions of section one of
234 chapter six A of the General Laws, or due to plans for the
235 contracting for, or privatization of, the services performed by an
236 employee in such position; provided that such report shall include
237 the number of positions so vacated or abolished, the title of each
238 such position, the agency within which such positions are funded,
239 and the date upon which such position shall have been scheduled
240 to be so vacated or abolished, provided further that such report
241 shall be filed with the joint committee on public service and the
242 house and senate ways and means committees on or before
243 February fifteen, nineteen hundred and ninety-two.
244 L) Any person retiring under the provisions of this section and
245 subsequently becoming eligible for severance payments including
246 but not limited to sick leave and annual leave payments shall
247 receive no more than fifty percent of the total amount due to that
248 person during the fiscal year ending June thirtieth nineteen
249 hundred and ninety-two and all remaining applicable severance
250 monies during the fiscal year ending June thirtieth nineteen
251 hundred and ninety-three but no later than August first of that
252 year.
253 M) Notwithstanding any general or special law to the contrary,
254 no person shall be hired by a state agency, as defined by the provi-
255 sions of section one of chapter six A of the General Laws, on a
256 permanent or temporary basis to fill any position made vacant
257 by the retirement of an employee receiving an additional benefit

258 in accordance with the provisions of this act and the comptroller
259 shall not authorize the payment of any regular compensation,
260 including paid leave, vacations, salary in lieu of vacation,
261 payments in lieu of maintenance, holiday pay, overtime pay and
262 salary differentials from any account funded by an appropriation
263 to any such person on or after January first, nineteen hundred
264 and ninety-two until June thirtieth, nineteen hundred and ninety-
265 three; provided, however that if the secretary of administration
266 and finance determines that a position is critical and essential to
267 the operations of or services provided by the commonwealth he
268 may include such position in a schedule which shall include: (i) the
269 classification title of each such position, (ii) the number of such
270 positions listed in such schedule with such title, (iii) the salary
271 range payable to each such position and, (iv) the approximate
272 date during said fiscal period of January first, nineteen hundred
273 and ninety-two until June thirtieth, nineteen hundred and ninety-
274 three that said secretary shall have determined that such position
275 shall be filled; and provided, further, that said secretary shall
276 prepare one or more supplementary schedules in the same form
277 if he shall determine that any such supplementary schedule shall
278 be necessary. Such schedule shall be filed with the house and
279 senate committees on ways and means and said secretary may,
280 subject to the approval of said schedule by the house committee
281 on ways and means, fill any such positions prior to June thirtieth,
282 nineteen hundred and ninety-three.
283 The secretary of administration and finance shall not create any
284 position title or similar position title within the same item of
285 appropriation as those contained in the list filed pursuant to
286 subsection (J) of this act, before June thirtieth, nineteen hundred
287 and ninety-three.
288 The Comptroller of the commonwealth shall authorize the
289 payment of any regular compensation, including paid leave,
290 vacations, salary in lieu of vacation, payments in lieu of
291 maintenance, holiday pay, overtime pay and salary differentials
292 for position titles on file pursuant to subsection (J) of this act
293 only pursuant to said schedule approved by the house committee
294 on ways and means.

cc: BOS

Metropolitan Area Planning Council

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

MAPC

Serving 101 cities and towns in metropolitan Boston

cc: David, Roland, Dick H. } Please submit any additions/deletions to my office by 1/23/92

JAN 16 1992

January 13, 1992

Dear Local Transportation Improvement Program Liaison:

The enactment of the Surface Transportation Assistance Act will provide new federal funds to match state funds for transportation improvements. With this enactment the MPO agencies will update the 1992 Transportation Improvement Program (TIP) over the coming three months. You, as the person designated to coordinate the TIP review in your community play a key role in this process.

As noted on the attached letter, the TIP update will occur as a series of amendments to the document. These amendments will consist of projects that have received approval of the Massachusetts Department of Public Works. The projects to be added to the TIP are ones where your chief elected official has received a letter from the MDPW notifying them that the project has been approved. As your community's TIP review designee, I am requesting that you ask your local chief elected official whether any projects, requested by the town in years past, have been approved by the MDPW for funding. We anticipate that the MDPW will be conducting a similar review of its files, however we want to ensure that no projects are overlooked.

In the not too distant future, the FY 1993 TIP will also begin to be developed. New projects will be considered for this document. If your community has any new transportation projects that you wish to have considered for the FY 1993 TIP you must provide the following information to your MDPW District Highway Office for review:

1. Project Name;
2. Description of the project with a concept map that identifies all proposed work;
3. Name of the engineer who developed the work concept;
4. Support letters from the chief elected officials in all communities impacted by the project;
5. A commitment from the town(s) to pay for engineering and right-of-way costs;

6. Relevant before and after traffic data including traffic volumes, level of service and accident data; and
7. An estimate of the cost of the project.

The MDPW District Office will review this information, provide comments to the community if necessary on additional work needed, and make a recommendation to the MDPW Chief Engineer.

I look forward to having a thorough review of both the amendments to the FY 1992 TIP and the FY 1993 TIP. If you have any questions please call Dan Fortier at MAPC.

Sincerely,

David C. Soule

David C. Soule
Executive Director

cc: MAPC Representative
Local Chief Elected Official
Municipal Engineer/Dept. of Public Works Supervisor

BOSTON METROPOLITAN PLANNING ORGANIZATION

State Transportation Building
Ten Park Plaza, Suite 2150
Boston, Massachusetts 02116
(617) 973-7100
Fax: (617) 973-8855

Richard L. Taylor
MPO Chairman

Robert K. Sloane
MPO Executive Secretary

January 10, 1992

Mr. Franklin G. Ching
President
Metropolitan Area Planning Council
60 Temple Place
Boston, Massachusetts 02108

RE: Amendments to 1992 Boston Metropolitan Planning Organization Transportation Improvement Program

Dear President Ching:

On December 18, 1991, President Bush signed into law the Intermodal Surface Transportation Efficiency Act of 1991 (I.S.T.E.A.). This will enable the states to continue to receive federal funding assistance for ongoing public transportation improvement programs. The Act is much more than a continuation of traditional federal assistance programs, however, and will require close re-evaluation of our transportation program, to ensure compatibility and project eligibility under many of the new guidelines, definitions, and funding criteria, which are the framework of the Act.

When the MPO adopted the current 1992 TIP for the Boston Region in October 1991, we did so with a commitment to update that document during the three months after the new Act became law. This will be accomplished as a series of amendments to be brought to the Sub-Signatory Committee (SSC) of the MPO. A first group of highway project changes has already been identified as appropriate for adoption into the TIP by amendment. A listing of these projects is attached for your information and reference.

Of this list of 10 changes, or additions, eight have been identified by the Massachusetts Department of Public Works (MDPW) and two have been advanced during 1991 by member communities, and confirmed by the MDPW. We intend to move for approval of these changes, as our next TIP amendment, at an SSC meeting later this month, as such action is critical to the progress of several projects on the list.

This notice is being circulated to advise you that further project amendment, beyond this list of 10 projects, will be considered over the next three months, and community representatives should review your available TIP documentation to determine if any project amendments are appropriate at this time. Examples of appropriate amendments are:

1. Projects which have received MDPW approval since adoption of the 1992 TIP.

2. Projects whose status has changed (% design, scope, project description, estimated cost) during the last few months.

This notice is not a canvass for new projects or an opportunity for complete TIP review. That will occur later this year when the MPO circulates a Draft 1993 TIP for MAPC community review. By then we hope to incorporate all of the program changes influenced by the guidelines of the new Transportation Act, and be able to interpret them for you.

Sincerely,

Robert K. Sloane
Boston MPO Executive Secretary

RKS:od

Attachments

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

RICHARD L. TAYLOR
SECRETARY

JAMES J. KERASIOTES
COMMISSIONER

The Commonwealth of Massachusetts

Executive Office of Transportation and Construction

Department of Public Works

Office of the Commissioner

Ten Park Plaza, Boston 02116-3973

(617) 973-7800

December 4, 1991

Mr. Robert Sloane, Executive Secretary
Metropolitan Planning Organization
110 Tremont Street
Boston, MA. 02108

Dear Mr. Sloane:

We would appreciate your consideration of the following amendments to the Fiscal Year 1992 MAPC Transportation Improvement Program:

1. Boston - Central Artery/Third Harbor Tunnel Project: Right of Way Acquisition on East and West Service Roads.

   Please add this item to the Annual Element of the TIP under the Urban System - Boston funding category with a total cost of $7,460,000.00. Attached is correspondence with the City of Boston wherein the City has agreed to the use of Urban System - Boston funds.

2. The following bridges currently are in the 2-5 year element for construction. It is requested that they be added to the Annual Element for design as follows:

   - Boston - West Sixth Street over Conrail, Bridge B-16-20
     A.E. Design Cost: $100,070.00
   - Boston - West Third Street over Conrail, Bridge B-16-207
     A.E. Design Cost: $98,550.00
     F.E. Construction Cost: $758,110.00
   - Hamilton - Cutler Road over B & M Railroad, Bridge H-3-1
     A.E. Design Cost: $75,600.00
   - Hanover/Pembroke - Route 53 over North River, Bridge H-6-5=P-5-5
     A.E. Design Cost: $114,840.00
   - Hopkinton - Cedar Street over Sudbury River, Bridge H-23-3
     A.E. Design Cost: $66,150.00
   - Peabody - Johnson Street Extension over B & M Railroad, Bridge P-3-8
     A.E. Design Cost: $28,800.00

If you have any questions or require additional information, please contact David Flint at 973-7155.

Your early attention to this matter would be appreciated.

Sincerely,

JAMES L. KERASIOTES
COMMISSIONER

Attachment

MEMORANDUM

DATE: January 2, 1992

TO: SSC Subcommittee For CTPS Administration
Boston Metropolitan Planning Organization

FROM: Matt Currie MAC.
MDPW Liaison

RE: Suggested Current List
Highway Project Amendments
FY 1992 Boston MPO Transportation Improvement Program

A. MDPW Suggested (8)
List attached

B. Community Suggested - MDPW Concurs (2)

1. Gloucester - Change to existing TIP Project

Project ID 041504: Rte. 128 at Bass and Eastern Avenues

Add to AE: $500,000 for R.O.W. Costs - Urban Systems for Boston Region or State Urban Rural System

Change to FE: Reference for Design Responsibility Should be the "City."

2. Waltham - New Project

Project ID - pending assignment - Signalize intersection of Main Street Route 117 at Stow Street

Add to AE: $125,000 for construction under the Hazard Elimination program. City is responsible for design, which is complete. Assumes approval by FHWA of MDPW 1992 HE Program

cc BOS

NESWC

JAN 17 1992

NORTH EAST SOLID WASTE COMMITTEE

MINUTES
of the
ADVISORY BOARD MEETING
of
January 14, 1992

This meeting was called to inform members and elected officials in the member communities about the status of ongoing arbitration matters. The meeting was opened at approximately 7:45 pm by the Executive Director. Those present were:

John Gilmore (Manchester)
Robert Moroney (Manchester)
Stephen Casazza (N. Reading)
Joseph Impemba (Burlington)
Katherine McHugh (Lincoln)
Francis Hopcroft (Ex. Director)
Henry J. Rugo (Lincoln)
Robert Palmer (Wilmington)
Stephen Daly (N. Reading)
Peter Terris (Palmer & Dodge)
Richard Kiley (Arbitrator)

The meeting was immediately taken into Executive Session to discuss the on-going legal matters. At approximately 9:15 pm the Executive Session was ended and, there being no further business for the members to discuss, the meeting was immediately adjourned.

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NORTH EAST SOLID WASTE COMMITTEE

MINUTES
of the
EXECUTIVE COMMITTEE MEETING
of
January 9, 1992

This meeting of the Executive Committee was called to order at 1:30 pm by Chairman Robert Moroney. Those present were:

Henry Rugo (Lincoln)	Richard Spiers (Lexington)
Robert Moroney (Manchester)	Richard Bowler (Arlington)
Robert Halpin (Westford)	Robert McQuade (Andover)
Jack Graham (N. Andover)	David Cregger (Winchester)
John Seites (Peabody)	John McMahon (Watertown)
David Cressman (Tewksbury)	Edward Barker (Winchester)
Stephen Casazza (N. Reading)	John Murray (Acton)
Daniel Duffy (CDM)	Francis Hopcroft (Ex. Director)

The minutes of the November 14, 1991, meeting were offered for consideration. There being no objection, it was MOVED (Graham), SECONDED (Bowler), and VOTED (Unanimous) to: approve the minutes as offered.

The minutes of the December 12, 1991, meeting were offered for consideration. There being no objection, it was MOVED (Bowler), SECONDED (Graham), and VOTED (Unanimous) to: approve the minutes as offered.

At the request of the Executive Director, consideration of the landfill negotiations report was taken out of order. Mr. Hopcroft reported that negotiations were nearly complete. Mr. White (Lexington) and Mayor Torigian (Peabody) had come to an agreement in principle on most issues and were awaiting the engineers' concurrence on several minor points before finalizing the deal. That finalization is expected before the middle of January. Mr. Duffy, who was responsible for doing the necessary calculations for NESWC, was available for questions. There being none, he was dismissed from the meeting.

The Goals and Actions report was then raised for discussion. The concept of paying for the review of NESWC applications regarding use of the Dearborn Parcel as an expansion area was discussed. It was ultimately MOVED (Spiers), SECONDED (McQuade), and VOTED (Unanimous) to: pay the estimated $3000 in fees to move the applications forward so that the expected denials could be obtained and the return of NESWC funds, used to purchase the Dearborn parcel, could be expedited from the Commonwealth. The reviews had been stymied because the DEP had not yet ruled on whether NESWC was exempt from such fees, as are

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municipalities. Mr. Hopcroft will initiate formal action to pay the required fees to move the applications forward again.

Further discussion then centered on ways to legally allow another community to join NESWC and use the North Andover facility through a negotiated arrangement rather than a competetive procurement process.

Mr. Hopcroft explained the MRI position with respect to the acceptance of white goods at the plant. Massachusetts regulations prohibit the combustion of white goods, but do not prohibit the sortation of them at a combustion facility. MRI took the position, very late in the year, that they would simply not accept white goods at the plant in order to help further the DEP recycling goals. Since NESWC was not given any warning of this plan, despite repeated requests, NESWC has taken the position that a delay in implementation of the plan is needed. The Executive Director will work with plant personnel to find a way to effect a satisfactory solution to this problem.

It was recognized that the long term solution should include a legal requirement that the sellers of white goods ought to be responsible for the removal and disposal of old white goods. It was MOVED (Bowler), SECONDED (Casazza), and VOTED (Unanimous) to: authorize NESWC to sponsor legislation or an amendment to an existing bill which would require sellers of white goods to take back old white goods at reasonable costs. Mr. Hopcroft will examine ways to effect that legislation.

In light of certain management issues which have arisen, a discussion of the role of the Executive Director and the authority of the Director to act was entered. No specific action was taken except to recognize the Executive Director's concerns.

Mr. Rugo then presented a memorandum and outline of issues which the Financial Affairs Subcommittee has been and is dealing with on behalf of NESWC. This report was requested by the Executive Committee two months ago. Of most concern to the members was the need to be able to better track expenditures from the Community Stabilization Fund. Mr. Hopcroft reported that a Sources and Uses of Funds statement is being prepared which will be updated monthly for use by the members in tracking expenses. That form is expected to be available before the February Executive Committee meeting. A Capital Expense budget is also being prepared for next fiscal year to help with long range planning.

Mr. Rugo then distributed the regular monthly summary report of FAS activities for the month and reviewed the contents with the members. There being no questions, it was agreed that Mr. Rugo's report was accepted.

Mr. Hopcroft reported that costs for legal advice had gotten out of hand due in part to the billing cycle from Palmer & Dodge. He reported a large projected shortfall in that budget line item. The projections, however, were being lowered every month as better control of the costs was being implemented. Mr. Hopcroft outlined and described several control techniques and mechanisms already put into place. He then requested a supplemental budget appropriation of $65,000 for this line item to cover the costs of legal work for the remainder of the fiscal year.

Mr. Hopcroft noted that increasing the Palmer & Dodge budget, in light of the approval last month of a Refinancing Consultant contract of up to $141,000, would cause the total NESWC operating costs to exceed the $1.50 per guaranteed annual ton budgetted by the members. To correct that problem he recommended capitalizing the Refinancing Consultant costs and using an extra draw from interest earnings in the Debt Serve Restricted Fund to cover the capitalized expenses.

After a further brief discussion, it was MOVED (Rugo), SECONDED (Barker), and VOTED (Unanimous) to: appropriate $65,000 as a supplemental line item budget for legal costs through the end of FY 92. It was then MOVED (Rugo), SECONDED (Seites), and VOTED (Unanimous) to: capitalize the cost of the Refinancing Consultant and to remove that expense from the operating budget.

A discussion of potential problems in individual communities as a result of the proposed, and voted, CSF fix was held. It was generally agreed that no change in the plan approved by the Executive Committee at its December 12, 1991, meeting would be made.

There being no further business to come before the body, the meeting was adjourned at 3:25 pm.

NORTH EAST SOLID WASTE COMMITTEE

MINUTES
of the
FINANCIAL AFFAIRS SUBCOMMITTEE
MEETING
of
January 9, 1992

This meeting of the Financial Affairs Subcommittee was called to order at 12:35 pm by Chairman Henry Rugo. Those present were:

Henry Rugo (Lincoln)
Robert Moroney (Manchester)
Francis Hopcroft (Ex. Director)
Richard Spiers (Lexington)
Peter Buhler (Financial Advisor)

The minutes of the November 14, 1991, meeting were offered for consideration. There being no objection, it was MOVED (Moroney), SECONDED (Spiers), and VOTED (Unanimous) to: accept the minutes as presented.

The minutes of the December 4, 1991, meeting were offered for consideration. There being no objection, it was MOVED (Moroney), SECONDED (Spiers), and VOTED (Unanimous) to: accept the minutes as presented.

The minutes of the December 11, 1991, meeting were offered for consideration. There being no objection, it was MOVED (Moroney), SECONDED (Spiers), and VOTED (Unanimous) to: accept the minutes as presented.

Mr. Buhler presented the regular monthly portfolio status report to the members and discussed its contents. Nothing unusual was noted during the discussion of the status report. Discussion of the size of the next interest withdrawal and the possibility of an irregular withdrawal, if needed, was entered. It was noted that lower regular withdrawals will result from the refinancing of the project bonds because the size of the reserve accounts will be reduced and because the interest rate on the tax exempt bonds will be significantly lower, limiting the rate of investment earnings allowed.

The members reviewed the final version of a presentation to be made to the members of the Executive Committee on the activities of the FAS. It was the sense of the members that the final version of this review document properly and fairly presented the information which had been requested by the Executive Committee.

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Mr. Hopcroft reported that a meeting had been held with representatives of Palmer & Dodge and representatives of Public Financial Management, the Refinancing Consultant retained by NESWC. PFM is moving quickly to complete a feasibility study for NESWC review and use. Another meeting, with MRI, has been scheduled for the 16th of January to begin discussions about how to get the refinancing in place at the earliest, most cost-effective date.

There being no further business to come before the members, the meeting was adjourned at 1:25 pm.

NORTH EAST SOLID WASTE COMMITTEE

MEMORANDUM

To: Contract Community CEOs
The Advisory Board

From: Henry J. Rugo, Treasurer

Subject: NESWC Finances

Date: January 13, 1992

In continuing efforts to minimize community tipping fees, the NESWC Staff and the various NESWC committees have been working on a number of projects that have had and will have a substantial impact. Some of these projects are fairly well known, but we have not previously attempted to communicate their overall impact to the NESWC communities. Hence, I thought it would be worthwhile to share with you a brief presentation made to the Executive Committee on January 9.

Some projects were undertaken several years ago and are now producing significant savings. For example, a program was initiated in 1988 to improve the investment return on $35 million of bond reserve funds required by the original Bond Indenture. That effort has paid off. Through the end of 1991, the program has produced about $3.1 million in additional revenue (saving more than $3.00 per ton in annual tipping fees over the life of the program).

In addition, the Executive Director took the initiative to negotiate a prepayment schedule for the very expensive UOP loan set up as part of the original financing. We calculate that the prepayment will save the communities approximately $10 million in interest costs over the life of the original loan.

The communities are now realizing substantial savings from both of these projects. At the same time, there are other projects being pursued that could have an even greater impact on NESWC economics in the near future - in some cases positive, but in other cases unavoidably negative. The major ones are summarized briefly in the attached pages.

We hope you will take a few minutes to look the attachments over. We think they will give you an improved understanding of NESWC's economics, how initiatives taken so far have saved us money, and the potential impact of the critical items on the program this year. The material includes:

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- ¶ NESWC FINANCIAL MANAGEMENT (Outline). A brief description of (1) recent accomplishments and their financial results, (2) tasks currently being pursued and their potential impact, and (3) the resources available to deal with them.

- ¶ APPROXIMATE EXPENSES AND REVENUES - Fiscal Year 1991 (Chart). This chart - first presented at last Spring's Advisory Board meeting - shows visually our expenses and revenues. Its simple message is that 70% of our expenses go for debt service. Capital items, for which NESWC is responsible, are another substantial element of our cost. In effect, the NESWC cost structure is determined principally by these two items.

- ¶ APPROXIMATE IMPACT OF MAJOR PROJECTS (Chart). This chart shows visually the impact on the tipping fee of a number of high-priority projects - both those on which we are currently realizing savings and those we continue to pursue aggressively.

The NESWC communities' tipping fee makes up the difference between relatively high fixed-costs and any revenue shortfalls. Because financing and capital costs represent such a large percentage of the cost structure, any projects that hold down or reduce financing and capital costs will have a large and beneficial effect on the tipping fee. Similarly, when the plant is operating below capacity - as it is now - increasing delivered tonnage will help us avoid increases in the tipping fee.

Given the economic structure under which we operate, it is important that we all keep in mind the high priority that should be given to projects that will help us minimize or significantly reduce the tipping fee. The most important projects for this year are listed below; our individual tipping fees will depend on our concentrated and cooperative efforts to successfully achieve the following:

1. Minimize the cost of the MRI claim - currently at a critical stage.

2. Bring in additional new tonnage to distribute NESWC's high-fixed costs over a broader base - thereby lowering community tipping fees.

3. Reduce debt service expenses by refinancing the tax-exempt bonds as soon as possible to take advantage of the current lower interest rate environment.

4. Minimize future capital and operating costs by carefully managing design and installation of the required scrubbers.

In view of the enormous workload and the limited resources available, each of us should be asking whether we have sufficient resources to focus on these major tasks so that we may minimize the potential cost increases and take full advantage of the possible cost savings that may be available to us.

If any of you would like a more extensive review of NESWC's finances, we would be happy to arrange a meeting to answer your questions.

NESWC FINANCIAL MANAGEMENT

Major Accomplishments To Date

¶ Renegotiated terms of UOP Stabilization Bond (saved $10 million to bond maturity).

¶ Investment program (improved credit rating of investments and increased revenue by $3.1 million over 3 years and 8 months).

¶ Financed recent capital expenditures for landfill and other items from Community Stabilization Fund without increasing tipping fee.

¶ Developed computer-based forecasting model for use independent of MRI - needed for determining effect of proposals to settle claim and other outstanding issues (e.g., GAT reallocation), and for decisions on refinancing, marketing, tipping fees and capital budgeting.

Active Financial Management Projects With Major Impact

¶ Settle outstanding issues with MRI, e.g.,

- Settle claim ($75 million over 13 years, could increase tipping fee by up to $27 per ton)
- Negotiate settlement of all outstanding issues
- Refinance (could reduce tipping fee by $20 per ton).

¶ Attract new tonnage (could reduce tipping fee by $8 to $10 per ton).

¶ Investment program (coordinated with timing of refinancing).

¶ Provide for future capital needs in remaining years of contract, e.g.,

- Scrubbers ($20 to $30 million)
- Additional landfill capacity ($? million)
- Landfill closure ($3 to $5 million).

¶ Forecast short and long-term financial performance - independent of MRI.

Resources

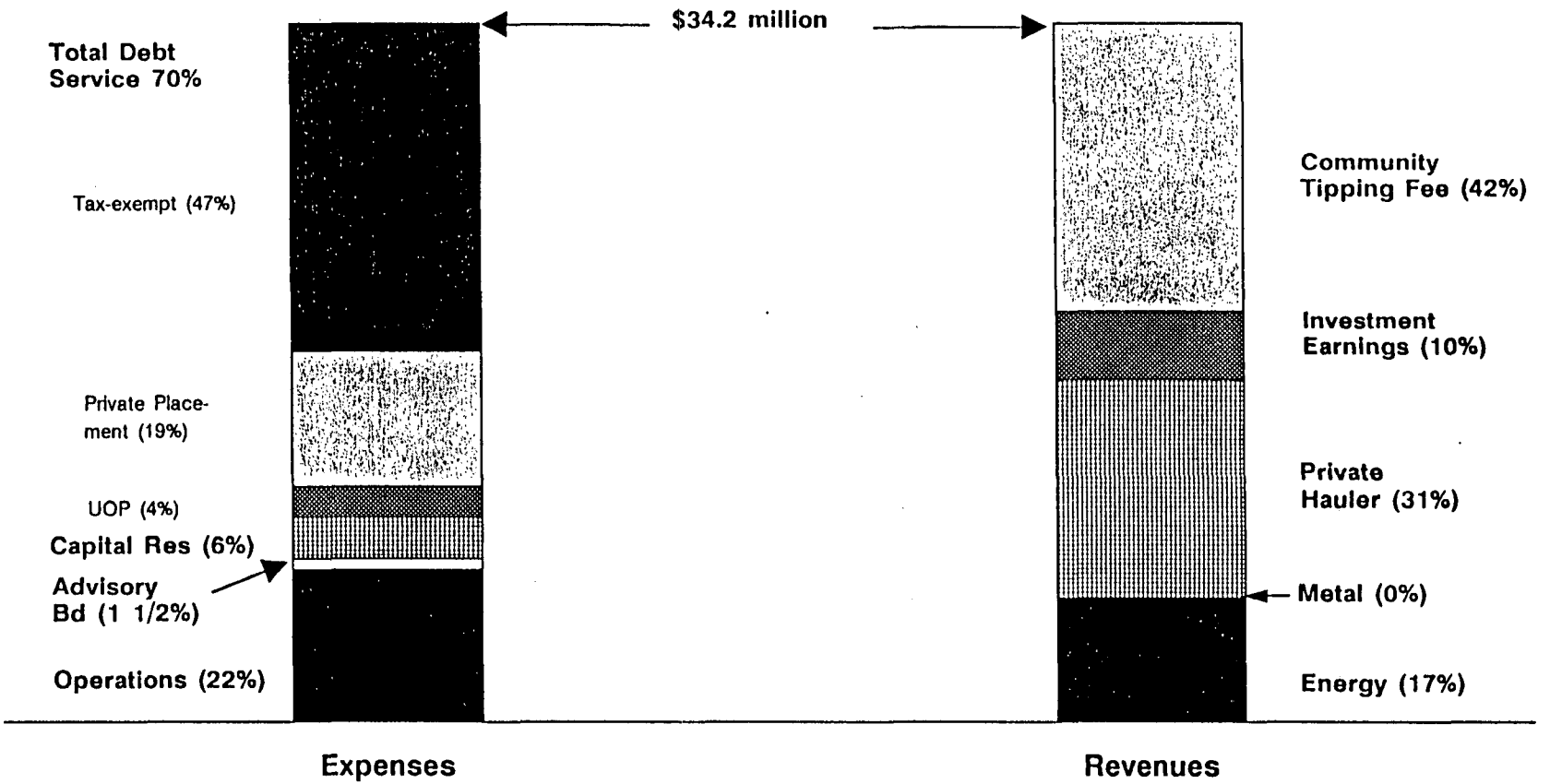
¶ Advisory Board staff (Executive Director and Secretary); Executive Committee and its subcommittees; outside contract consultants (auditor, legal counsel, engineering & technical, and financial advisor).

¶ In next 6 to 12 months, these resources will be hard pressed by the many important financial projects that must be accomplished.

January 9, 1992

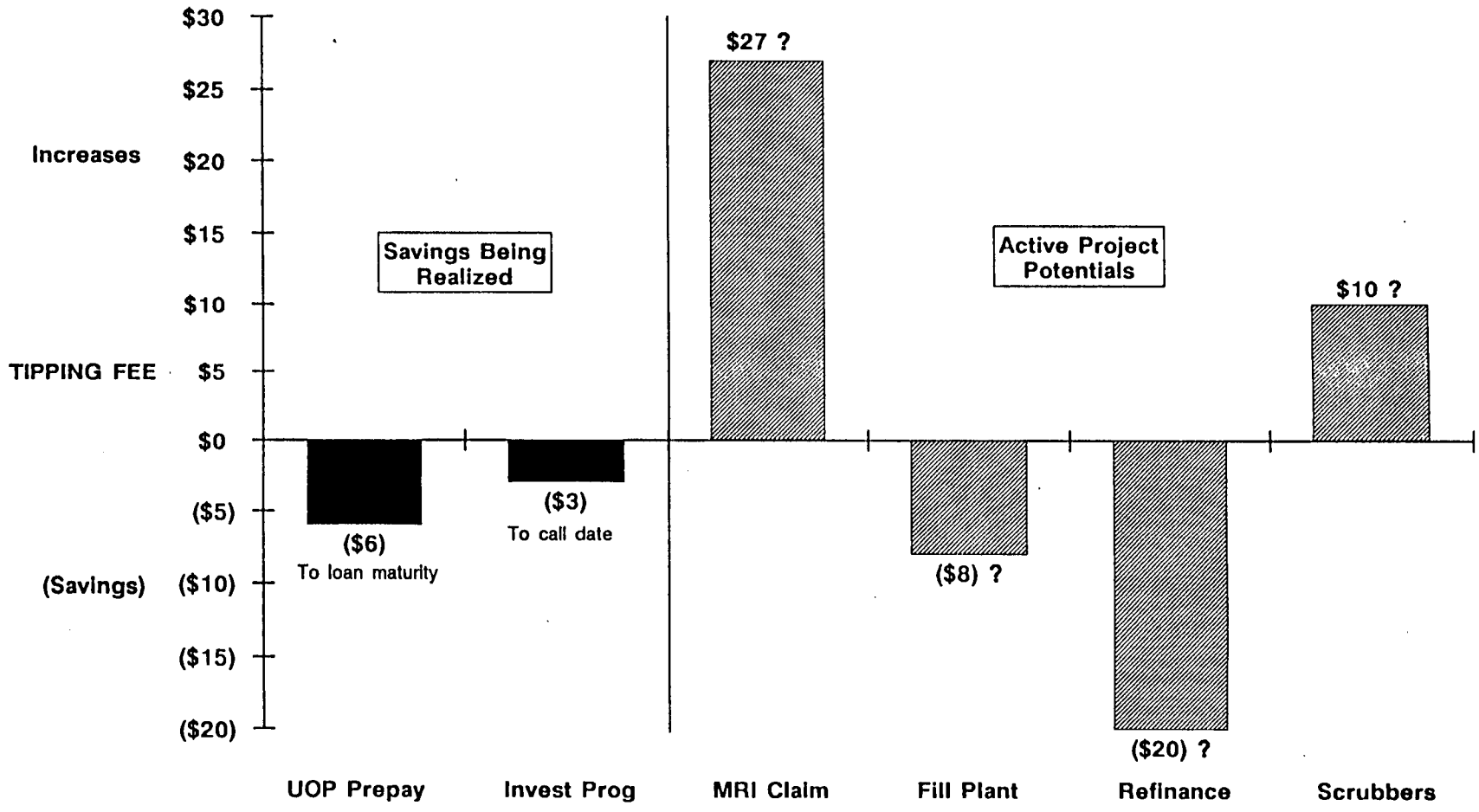
1/9/92

APPROXIMATE EXPENSES AND REVENUES
Fiscal Year 1991



1/9/92

APPROXIMATE IMPACT ON TIPPING FEE OF MAJOR PROJECTS



NORTH EAST SOLID WASTE COMMITTEE

MEMORANDUM

To : Chief Executive Officers
Advisory Board Members

From : Francis J. Hopcroft
Executive Director

Subject : WHITE GOODS MANAGEMENT

Date : January 15, 1992

The problem of white goods management at the North Andover facility has continued to plague certain member communities still collecting white goods along with normal municipal refuse. The enclosed letter from Mr. James McIver, Plant Manager, sums up the MRI position on this matter. NESWC has not accepted the assertions of this letter as being totally factual.

Turner Trucking will provide the services offered on the terms stated. A copy of a letter from Mr. Turner to Mr. Daniel Madigan, also enclosed herewith, outlines Turner's proposal. Communities which choose to do so may be able to do a sole source procurement with Turner, for a limited time, to relieve the health hazard posed by white goods left on a curb.

In the long run, and beginning as quickly as possible, all member communities will have to find an alternative disposal mechanism for white goods. Plant personnel have agreed to help as much as possible to mitigate impacts during the transition phase from full use of the North Andover facility for white goods disposal to zero use of the facility for that purpose. There are likely to be some occasional problems with that transition period policy, however. The sooner members can arrange an alternative white goods management program, the less the impacts will be.

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Massachusetts REFUSETECH Inc.
Old Clark & Holt Roads
North Andover, MA 01845
(508) 688-9011

JAN 14

January 9, 1992

Mr. Francis J. Hopcroft
Contract Community Representative
NESWC
109-123 Main St.
North Andover, MA 01845

Dear Jerry:

On January 6, 1992, a meeting was conducted which was attended by you, Bob Moroney, Dan Madigan, Don Levine and myself for the purpose of discussing billing modification. Before the meeting's conclusion, the subject of the ban on white goods disposal was raised by you. Citing both the lack of prior knowledge of MRI's Disposal Plan and the inability of some communities to immediately comply with the ban because of insufficient notification, you requested MRI propose some method to ameliorate the dilemma.

The options available to MRI are limited. In a letter dated 12/13/91, the DEP approved our Leaves and White Goods Disposal Ban Plan. That Plan called for a ban on white goods. The following statement appears in the 12/13/91 letter, "Furthermore, pursuant to 310 CMR 19.017 (2)(a), the Department will scrutinize MRI, Inc.'s (sic) management of banned materials, whereby the review of submitted information <u>will be judged as an integral part of the existing facility's permit</u>" (my emphasis). We are compelled to implement this Plan in all its particulars.

As an interim solution, Mr. Madigan has enlisted the services of Turner Trucking and Salvage to provide disposal of white goods plus containers for any interested communities upon request. Please note that Turner Trucking has offered <u>free</u> transportation (see attached letter).

We trust that this provides those affected communities with a satisfactory means to solve their problems.

Very truly yours,

James P. McIver

James P. McIver
Plant Manager

Attachment

cc: D. P. Madigan
File

JPM2 19922

TURNER TRUCKING & SALVAGE CO., INC.
235 COMMERCIAL STREET
LYNN, MASSACHUSETTS 01905
(617) 595-3741 • FAX (617) 595-8856

January 06, 1992

Wheelabrator Environmental Services Inc.
Attn: New England Regional Office
Liberty Lane
Hampton, N.H. 03842

Attn: Dan Madigan
RE: White Goods

Dear Dan,

Per our conversation today in regards to the problem with white goods, Turner Trucking & Salvage Co., Inc., will supply containers and legal disposal of the white goods for any RESCO customer at no charge to RESCO. There will be a charge to the customer for rental of our fifty (50) yard containers. This will be the only charge, no transportation or disposal charge will be billed to the customer. The rental charge will be one hundred and fourty dollars ($140.00) a month. When and if the container needs to be swaped, Turner Trucking requires twenty-four (24) hours notice in advance.

Turner Trucking is approved by the state and we hold an EPA hazardous waste generators license number MAV 000012981.

If you have any questions please feel free to call my office.

Sincerely yours

Harry W. Turner
President

cc: John O'Sullivan, Millbury RESCO
Jim McOiver, North Andover RESCO
Bruce Manning, Saugus RESCO

•PLEASE DISREGARD PREVIOUS LETTER

NORTH EAST SOLID WASTE COMMITTEE

PROJECT BALANCE SHEET
FISCAL YEAR 1991

7-1-90 thru 6-30-91

Project Expenses	
Gross O&M Fee	$ 5,577,001
Less Special Credit	3,009,648
Net O&M Fee	2,567,353
Residue Haul	583,031
Residue Disposal	1,733,178
Cooling Water	89,843
Insurance	373,497
Host Community Fee	680,629
Advisory Board Expenses	289,908
Debt Service	22,119,897
Stabilization Bonds	1,468,320
Site Lease	64,000
MRI Marketing Fee	104,000
MRI Energy Share	585,388
Trustee Legal Fees	18,508
Ash Testing/Screening	235,895
TOTAL EXPENSES	$ 30,913,447
Project Revenues	
Energy Revenues	$ 5,575,119
Recovered Ferrous	23,632
Commercial Hauler Fees	9,173,993
NESWC Tip Fees	12,729,347
Interest Earned	158,604
Advisory Board Receipts	289,908
Base Fee Credit Fund	1,066,225
Community Stabilization Fund Transfers	1,896,619
TOTAL REVENUES	$ 30,913,477

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NORTH EAST SOLID WASTE COMMITTEE

MEMORANDUM

To : Chief Executive Officers
Advisory Board Members

From : Francis J. Hopcroft
Executive Director

Subject : LAND TRANSFER BILL

Date : January 15, 1992

The bill filed on behalf of NESWC to transfer ownership of the land in North Andover on which the NESWC resource recovery facility sits from the Commonwealth of Massachusetts to NESWC has been signed by Governor Weld. That signature does not effect the transfer, it merely authorizes the Commonwealth to do it. We will be working with the appropriate state agencies in the next few months to get actual title transferred as quickly as possible.

Updates on the status of our efforts will be forwarded to you as further events unfold.

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Metropolitan Area Planning Council

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

MAPC

serving 101 cities and towns in metropolitan Boston

cc: BOS
- 1st + 2nd page only
- entire communication
to RF

January 6, 1992

F. Dore Hunter
Chairman, Board of Selectmen
Town Hall
Acton, MA 01720

Dear Chairman Hunter:

I am writing to update you on the status of mitigation and improvement projects that will be required to improve air quality when the Central Artery/Third Harbor Tunnel Project is built. These projects are proposed as a result of the recently-tightened air quality provisions of the 1990 Clean Air Act Amendments.

Public hearings were held in August 1991 on proposed transit system improvements and high occupancy vehicle (HOV) lanes. At the public hearings, I gave testimony of MAPC concerns with the proposed projects. In addition, MAPC hosted a meeting of local elected officials at Newton City Hall to discuss these concerns. These concerns included: (1) the availability of funds to implement the proposed projects; (2) the cost-effectiveness and efficiency of the proposed projects regarding air quality benefits; and (3) the need to evaluate alternative actions, especially non-construction type options.

Effective December 6, 1991, two new state regulations were adopted requiring implementation of transit and HOV projects. Regarding these new regulations, I am pleased to see the state adopt actions to offset air quality degradation effects of the Central Artery Project. However, our initial concerns mentioned above still remain. Funding the projects mandated by these new regulations remains a challenging task. Further, the proposed actions may not produce the maximum benefits regarding air quality, nor do these projects appear to be the most cost-effective.

There is some opportunity in the state regulations for substitution of projects based on a number of factors including both economic and environmental issues. Given that such substitution most likely will be required due to the concerns MAPC has raised, I have directed MAPC staff to continue developing and documenting non-construction alternatives - such as employer-based policies - to replace or, at least, complement projects proposed in the regulations.

It is important that local elected officials and administrators recognize that the Boston metropolitan area has significant air quality problems, as defined by the 1990 Clean Air Act Amendments, that must be resolved. The solutions to these problems involve reductions in automobile travel, and the projects proposed to achieve this goal will have enormous cost. At the same time, failure to achieve the air quality goals mandated in the Amendments will have serious financial consequences for the region, as federal funding is tied to compliance with the legislation.

I have enclosed those sections of the new regulations that describe these projects. MAPC has provided your community with related material in the past and you will be advised of our alternative proposals as they develop.

If you have any questions or comments please contact me, or David C. Soule at MAPC.

Sincerely,

Franklin G. Ching
President

FGC/RK/lab
Enclosure
cc: State Legislators from MAPC Communities
MAPC Council Members

Judy Alland → Anne Fanton
→ Don Johnson
cc: BOS
David

Metropolitan Area Planning Council

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

MAPC

Serving 101 cities and towns in metropolitan Boston

January 2, 1992

TO: Subregional Coordinators
FR: Dan Fortier
RE: Highway Projects Advertised for Bid or Recently Awarded

Bid Opening Dates

January 7

Malden: Reconstruction of Broadway and Eastern Avenue
Norwell and Duxbury: Bridge improvements over Route 3 at River Street, Pleasant Street and Route 3A

January 14

Acton: Reconstruction of Route 2A and Route 27
Boston: Rehabilitation of Dana Avenue Bridge over MBTA
Framingham, Ashland and Holliston: Resurfacing Route 126 and Route 16
Hingham: Resurfacing, drainage and related work on section of Route 3A
Lynn: Traffic signal update at Western Avenue and Fays Avenue
Lexington, Burlington, Woburn and Reading: Sign replacement on I-95
Westborough, Hopkinton and Milford: Resurfacing I-495

January 22

Manchester, Essex and Gloucester: Installation of guard rail

January 28

Medford: Bridge betterments on I-93 over Salem Rotary and Valley Street
Milton: Traffic safety improvements at seven locates
Revere: Bridge betterments Park Avenue and Mountain Avenue over Northeast Expressway (Route 1)
Walpole: Reconstruction of section of Routes 1A and Route 27

February 4

Hanover: Reconstruction of section of Route 53
Littleton and Westford: Resurfacing Power Road
Revere: Bridge Betterments Route 1 over Hy-sil Avenue, Malden Street and Sargent Street
Rockland: Resurfacing and related work on Route 123 and Route 139

February 11

Boston: Two sections of cut and cover and one section of depressed open highway
Chelsea and Revere: Mill Creek drainage improvements

February 19

Middleton and Topsfield: Resurfacing Interstate 95

February 25

Randolph and Braintree: Highway lighting
Salem: Reconstruction of Riley Plaza

March 3

Boston: Cut and Cover Tunnel highway consisting of two barrels. Construction of Multi-story ventilation building.

Bids Opened

December 10

Lexington: Bridge betterment, Route 2A over I-95. $560,355

November 26

Gloucester: Bridge walls Route 127 over Annisquam River $432,200
Lynn: Resurfacing of Route 107, $233,292
Foxborough: Hazard Elimination Route 1 and Pine Street, $383,100.95
Quincy, Milton and Boston: Lighting along Southeast Expressway, $171,100
Duxbury and Pembroke: Bridge Betterments Route 3 over Franklin Street and Route 139, $207,885
Boston: Geotechnical subsurface investigations I-90 and Route 1A interchange, $468,888

November 19

Boston: Geotechnical subsurface investigations I-90 airport interchange, $549,745.50

Approved 1/14/92
a.A.
cc: BoS

Master Plan Coordinating Committee

Meeting Minutes

November 26, 1991

Attendance: Don Johnson, Town Manager
Anne Fanton, Board of Selectmen
Matt Mleziva, Board of Appeals
Greg Niemyski, Planning Board
Bill Lawrence, Chamber of Commerce
Garry Rhodes, Building Commissioner
Roland Bartl, Town Planner
David Abbt, Town Engineer

Roland Bartl distributed copies of "Linking Plans and Regulations, Local Responses to Consistency Laws in California and Florida."

October 29 Minutes

The minutes were approved with two corrections: "Bill Lawrence was asked to bring the Chamber's concerns," and the next meeting date.

Report on Clarification of Committee Charge from Board of Selectmen

Anne Fanton and Don Johnson reported the Selectmen's response to the following questions:

1. *Will the Selectmen direct town boards and committees to use the Master Plan's issues and recommended actions as a guide for priority-setting and taking action?* They felt this was implicit in Town Meeting's action and in adoption of the plan.

2. *Do the Selectmen see it as part of the MPCC's charge to recommend a procedure to ensure that the plan will be used as a framework for board activities and priorities?* Yes, the MPCC might match up items with the right groups or determine who has responsibility for each item. "Procedure" may be the key word in that there may be a need for criteria, eg. for consistency.

3. *Do the Selectmen see the MPCC as an action-oriented committee, responsible for implementing recommended actions?* No, it is an oversight and coordinating committee. It should work directly with other boards and committees; the Selectmen will become involved if necessary, such as a disagreement within the MPCC, between the MPCC and another board, or where an amendment to the plan is needed. *What about actions that do not fall under an existing board or committee?* Again, the MPCC should decide who has the principal responsibility for each action.

Anne Fanton distributed a draft description of the MPCC including a list of responsibilities taken from the original memos creating the MPCC. After some discussion, the committee amended the language describing its role as an oversight committee. It was agreed that the Selectmen's representative would be responsible for communicating "with the community and the press" (at Selectmen's meetings.) Matt Mleziva suggested the committee develop a matrix that would "clarify areas of responsibility" and Greg Niemyski agreed to think about it. Greg thought that the MPCC should be responsible for the five-year updates. Although this responsibility had been given to the Planning Board, MPCC agreed it should keep

track of recommended changes. Anne said she would submit the draft "charge" to the Selectmen for review and approval.

Topics of Concern to the Chamber of Commerce

Bill Lawrence reported that he was still talking to a number of people, but a preliminary list of concerns were as follows:

1. **Sign Bylaw**: its interpretation and administration; a need for written clarification. (Committee members asked that the Chamber communicate to the business community the importance of getting sign permit applications in for review prior to making the signs.)
2. **Permitting Process**: Bill will provide more detail later.
3. **Floor Area Ratio**: constraints as they interact with other limits, such as parking.
4. **Zoning Bylaw**: need for more clarity; simplify if possible so it is understandable.
5. **Transfer of Development Rights**

Concerning #4, Garry Rhodes felt that the complexity of our bylaw creates so many scenarios, it would be impossible to simplify; summaries might create more of a problem; owners need to hire an engineer. David suggested we get at what we want by telling people what we don't want; an explanation would help. Roland Bartl asked whether the committee wanted charts and tables, or a user manual. There was discussion as to whether a user manual could be developed for the layman. Don asked staff to look at what might be done to make the Zoning Bylaw more understandable and bring recommendations to the next meeting. Greg suggested that if summaries are written, they clarify what the bylaw is trying to accomplish, since we are trying to promote certain things and provided considerable flexibility.

The above concerns will all be discussed at future meetings.

Timing of the Review and Approval Process

Don used the hearing and notice schedule for the Board of Appeals to show how much time was built into the process (and why it seems to take so long.) Anne explained that she had originally raised this process issue because of her concern that the "whole project," or consistency with the Master Plan, be looked at in the beginning. She used the West Acton Mobil Station as an example of a project that, she felt, might have been different if there had been more time to think about consistency prior to requests for variances. There was no agreement reached, but Roland said that sometimes he needs to give a project more thought as a follow-up to the preliminary review meeting. It was agreed that staff should think about consistency early in the process.

Agenda for Next Meeting

Suggestions included the proposed matrix for Master Plan responsibilities, the sign bylaw and the permitting process. Roland said the town may have to look at one-stop permitting, with all hearings held simultaneously. There was some discussion as to the pros and cons, and agreement to discuss it further.

Next Meeting: Tuesday, January 14.

Minutes prepared by: Anne Fanton

DRAFT

SELECTMEN'S MEETING
JANUARY 7, 1992

The Board of Selectmen held their regular meeting on Tuesday, January 7, 1992. Present were Norm Lake, Nancy Tavernier, Dore' Hunter, Anne Fanton and Town Manager Johnson

CITIZENS' CONCERNS

Superior Trading owner, Mr. Dan Wagner asked the Board to discuss the various allegations made at the December 17 Board Meeting regarding the operation of his Class II license on Main Street. He outlined his conversations with the Building Commissioner and his attempts to contact the Town Manager since learning of his 90 day limited license limitation voted by the Board. The Chairman asked Mr. Wagner to confer with the Town Manager and if he could not work it out he would be scheduled on the agenda to discuss this further.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON POLE LOCATION
LILLIAN ROAD

NANCY TAVERNIER - Moved to approve with staff comments included. DORE' HUNTER - SECOND. UNANIMOUS VOTE

SPECIAL PERMIT #11/14/91-335
BEAN'S INC. - GREAT WOODS PLAZA, ROUTE 2A

Mr. Beardsly the operator of Bean's presented his request for a Special Permit and outlined his operation for the Board. He said his business was not a Restaurant as commonly thought, merely in name only. The operation has no waitpersons, or table service. The only thing offered is bagels, muffins and pastry. The food is consumed with the coffee at the small tables in the store. Baking is done in the front in a convection oven which also is used to warm the bagels sold on site. He felt that they would not violate the 2,000 gallon limitation as 75% of the water actually leaves the store according to his calculations. Nancy Tavernier noted that for environmental reasons the Board had conditioned the site plan with no wet uses when it was originally approved and that with the Towns Groundwater Protection Bylaw that condition would be protected anyway. NANCY TAVERNIER - Moved to take the issued under advisement. DORE' HUNTER - Second. UNANIMOUS VOTE.

COMMON VICTUALLERS LICENSE
BEAN'S INC. - GREAT WOODS PLAZA, ROUTE 2A

Dore' Hunter - Moved to approve the Common Victualler's License for Bean's Inc. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

LAST NATIONAL WINE CO.
TRANSFER OF LIQUOR LICENSE LOCATION

Peter Masters representing the store said that he felt the new location would provide better opportunity for the business and asked for favorable Board action on his request. Dore' noted that this was the third move of the license and that he felt that the store had operated without problems and wished them well in the venture, especially inlight of the economic climate. DORE' HUNTER - MOVED to approve the Transfer of the Package Store All Alcoholic Beverage License from 82 Powdermill Road to 18 Powdermill Road. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

RUSTY SCUPPER
CHANGE OF MANGERS REQUEST

Nancy Hamel the proposed new manager of the Rusty Scupper presented the Board with the operation manual which is used in the Scupper. She gave the board information on how the staff is trained in the dispensing techniques and management of patrons consuming the beverages. Ms. Hamel has been with the Rusty Scupper for two years, prior to Acton she was in the Connecticut restaurant. The Board thanked her for the detailed manual. NANCY TAVERNIER - Moved to approve the Change in Manager's from Craig Robbins to Nancy Hamel. DORE' HUNTER - Second. UNANIMOUS VOTE.

ACTON COMMUNITY HOUSING CORPORATION
AUDUBON HILL

Bill Grothrope, President of the ACHC updated the Board on the preliminary discussions with the bank and the ACHC for the restricted units at Audubon Hill. The purpose of the proposed trade was to protect the 5 units and have them donated to ACHC. They were contemplating entering into a management contract with the Housing Authority to manage the properties since they are a volunteer Committee. Betty McManus said that the funds to outright purchase the units is at least 6-10 years away according to all information she can get on state funding. Roy Smith said that the units were never originally placed in specific locations in the phases, that it was better to put the handicapped units together since they would be built on a slab for accessibility. He presented the Board with original documents outlining the phases and locations of units. The ACHC said that they felt that the money to operate the units would be offset with little or no profit from rents charged. They anticipated a rent of $175.00

per month and the condo fee would be $80.00 and that the Management fee would also be figured in the formula. They had used the 30% of adjusted income as the guideline that the Housing Authority uses to determine the rent to be charged. Nancy asked for clarification on the number of units. Roy Smith said that originally there were 19 and the revised number would be 8 restricted. Betty McManus said that they usually have 60 days to make decision when the units are offered to the Housing Authority to react to the right of first refusal and that these preliminary discussions have been held open allowing them not to have to act so quickly which has helped them not lose the chance to act. Bill Grothorpe said the economic times are one reason that the restricted units have not sold. He said that this plan would have the bank taking a substantial loss, it would not get them anything but an improved time line since the foundations need to be poured. Roy Smith could not understand since from the outside the units are the same, maybe they don't have air conditioning, but otherwise they are the same, he feels it might be the word "restricted" that is holding up sales of these designated units and has made every effort to market them. Betty McManus said she has had inquiry into the units as rentals and would be able to use them as additional housing stock. The Board thanked them and said they would give them a timely response after conferring with counsel.

CONSENT CALENDAR

The Board approved the Consent Calendar as submitted, including the gift of $25.00 to be used by Civil Defense. Nancy Tavernier held the Housing Authority Letter of support for discussion. It was later decided to change the wording to support with a stronger endorsement of the Self Sufficiency Program as suggested by Betty McManus. Nancy agreed to prepare the revised wording. NANCY TAVERNIER - Moved to accept the Consent Calendar with additional item as noted. DORE' HUNTER - Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

Eagle Scout - Norm volunteered to attend the Eagle Scout court for Noah Budiansky on Sunday the 12th.

South Acton Village - Anne Fanton again updated the board regarding the SARC dispute with the Planning Board. She asked the Board to review her current memo and asked for their direction. The Board said that the agreement reached was satisfactory. Staff was asked to notify VCC they no longer needed to recruit for SARC.

McNulty Case - Dore' noted that a number of negative comments have been received about the McNulty expenditures made by the School to the various offices when taxpayers are paying their real estate bills. Due to the complexity of the issue staff is not prepared to field the questions and he suggested that the Town Manager ask

the schools to prepare a brief memo concerning the McNulty suit and associated legal fees. The Board directed the Town Manager to contact the Superintendent to formulate a message.

TOWN MANAGER'S CONCERNS

Fire Arbitration - Don informed the Board that a 43 page decision has been rendered and that Counsel was reviewing it at present, and he would update the board after the review was complete.

Cable TV - Don was informed that Cablevision was informed by the School Committee's that if they wanted to "float" with the Local meetings they could film and that at the Regional level, the Committee did not want to be filmed unless it was simulcast on the Boxboro cable station. Dore' thought it was unfortunate that the School Committee choose to prevent Cablevision from live television coverage of the additional governmental actions. Nancy noted that under the open meeting law Cablevision did not need permission. Anne was told by Cablevision that the School Committee Meetings would be covered. Don Johnson stated that the most current information he had was that it would not be happening.

Retiree's Health Benefits - Don updated the Board on the request for additional benefits. Roy is investigating a lesser cost and benefit plan for employees and retirees. The calculated cost of the increase would be about 7 cents on the tax rate or $98,000.00

EXECUTIVE SESSION

The Board voted to adjourn into Executive Session for the purpose of discussing and litigation and Contractual review DORE' HUNTER took roll call all Ayes.

The Board adjourned into executive session at 9:23 P.M.

_____
Clerk

_____
Date

_____
Christine Joyce/John Murray/Don Johnson
Recording Secty.
cmjW11-(189)

DRAFT

EXECUTIVE SESSION MINUTES

January 7, 1992

Porrazzo Properties - The Board discussed the apartment and depot properties.

ACHC - Audubon HIll - Dave Bannard, Counsel from Palmer and Dodge discussed with the Board the present request of the ACHC. Counsel and Staff were asked to contact the bank enter into formal negotiations, and make a recommendation to the board at a later date.

The Board adjourned at 10:20 P.M.

_____
Clerk

_____
Date

_____
Christine Joyce
Recording Secty.
cmjW11-(187)

Selectmen
BOS

PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

JAN 15 1992

RECEIVED & FILED
DATE January 14, 1992
Barbara Brown
for TOWN CLERK, ACTON

ACTON PLANNING BOARD

Minutes of Meeting

December 9, 1991

Planning Board members in attendance were Chairman Gregory Niemyski, Vice Chairman David Hill, Mary Giorgio, William Shupert, Douglas Carnahan and Associate Member John Pavan. Town Planner Roland Bartl and Asst. Planner Donna Jacobs were also in attendance.

I. Consent Agenda

Item A - David Hill moved that the Board vote to approve as amended the minutes of the 11/18/91 Planning Board meeting. His motion was seconded by Trey Shupert and passed by unanimous vote of the Board.

Item B - David Hill moved that the Board vote to release Lot 18A Woodbury Lane from the Restrictive Covenant as requested by William Higgins. David's motion was seconded by Trey Shupert and passed by unanimous vote. Board members signed the Lot Release for Lot 18A Woodbury Lane for delivery to Mr. Higgins.

II. Review Draft Zoning Bylaw Amendments

Board members reviewed and discussed the drafted Zoning Bylaw amendments proposed for inclusion on the 1992 Annual Town Meeting Warrant. It was suggested that staff provide for distinction between elementary and secondary schools under the educational use heading.

After lengthy discussion, Board members agreed not to proceed with the proposal to amend the Affordable Housing Overlay District Map by adding the parcels of land formerly included in the North Acton Woods comprehensive project.

III. Discussion - Village District Committees

Town Planner Roland Bartl informed the Board that he has not received the promised written response from S.A.R.C. regarding possible volunteers for the South Acton Village Planning Committee although he has spoken to Sandra Whaley and Anne Forbes who have reported that the response is coming. Roland also advised the Board that he spoke to Bill Lawrence from the Acton

Chamber of Commerce seeking additional representatives from the business community in both of the villages, but he has not received a response as of this time.

In preparation of the interviews scheduled from 8:00 through 9:30, Board members discussed how the interviews will be conducted.

IV. Village District Committees - Interviews

Greg Niemyski explained the purpose of the committee to each of the volunteers who met with the Board. Greg advised them that the recommendation for Village Planning Committees came from the Planning Council during the process of developing the Acton Master Plan. Greg recommended that the committees utilize the Master Plan planning process on a microscale by analyzing existing conditions, recognizing those important features which should be retained and make recommendations for changes where necessary.

The Board interviewed six of the seven volunteers for the West Acton Village Planning Committee: Dennis Ahern; Denise Glaser; Ron Isaacs; Anne Jackson; Rosalie DeQuattro; and Howard Canning. A.W. Cournoyer of Acton Pharmacy did not appear for his interview appointment but it was agreed to re-contact him.

Committee volunteers stated that it is important to preserve the character of West Acton village with its viable businesses and good mixture of uses. Individuals stated that the convenience of the varied businesses, close proximity to playgrounds, schools, and the train were vital assets of the village. Lack of sidewalks, potential for increased traffic, traffic speed control, and the 24 hour convenience store/gas station were sited as problems areas.

Board members voted to appoint all of those who volunteered to serve on the West Acton Village Planning Committee and agreed that Trey Shupert would prepare a letter to be sent to the volunteers advising them of their appointment and thanking them for volunteering. The first meeting of the subcommittee is scheduled for Wednesday, January 15, 1992.

V. Update - Summer Street & Pope Road parcels

Roland Bartl reported on his meeting with developer Ron Peabody and his consulting engineer, Ian Rubin, regarding conceptual development proposals for parcels of land on Summer Street and Strawberry Hill Rd. Board members viewed the conceptual plans for a Planned Conservation Residential Community on Strawberry Hill Road and an Open Space Development on Summer Street and expressed their comments and concerns about the development proposals. Roland Bartl will relay those concerns to Mr. Peabody.

Other Business -

Master Plan Implementation Coordinating Committee - Greg Niemyski said that he would like the Board to reconsider its position that the Chairman of the Planning Board should serve as the representative to this committee because he believes it is important to have continuity on the committee.

Election - The annual election of Planning Board officers will be held at the December 16th Board meeting.

Stoneymeade Subdivision - Board members received the 12/9/91 letter from The Cooperative Bank regarding the gift of monies for construction of the sidewalk along Pope Road. Roland reported that the costs of $2,925.00 came from the original bond calculation, but Mr. Calichman has provided copies of invoices and estimates for the work remaining to be done which total $1,550.00.

Mary Giorgio expressed concern that the October 15th deadline is now two months past and we are just now receiving the final items required for submission by that date. Mary requested that the Board go on record in the minutes of the meeting and by sending a letter to The Cooperative Bank stating that this exception to established town policy is only being allowed due to the unusual nature of the Pope Road sidewalk issue and because it is in the best interests of the town. Board members agreed with Mary's request and directed Roland Bartl to so notify the bank.

David Hill moved that the Board vote to notify the bank that their suggested gift sum of $51,550.00 is acceptable to the Planning Board. His motion was seconded and passed by unanimous vote.

Respectfully submitted,

James J. Lee, Clerk

Town Manager

The Commonwealth of Massachusetts

Department of Public Works

DISTRICT #4 OFFICE
519 APPLETON STREET, ARLINGTON 02174

Telephone No. 648-6100

JAN - 4 1992

January 8, 1992

cc: BoS
David provide any background info on last pp.

Traffic Engineering
Acton
Route 2/Concord Rotary to Route 111
Traffic Control Signals

Vanetta M. Hunter
3 Foster Street
Acton, MA 01720

Dear Ms. Hunter:

This is in response to your letter dated December 8, 1991 regarding the intersection of Route 2 and Piper Lane. Thank you for bringing your concerns to our attention. We were not previously aware that vehicles were making the illegal movement that you described.

At this time, the redesign of this intersection is complete. This redesign only involved slight widenings to allow for U-turning trucks and the signals modifications necessary because of the widenings. Construction is slated to begin this spring. An extensive redesign of the intersection to allow for a median island on Piper Lane could not be completed before the beginning of construction. However, because of your input, we will be able to make modifications to the existing islands during the construction process. The modifications should make the illegal maneuver more difficult to execute.

This area is being studied by our Locations Unit for major redesign in the future. The concept will most likely include a bridge over or under Route 2, a connecting road from Route 111 to Piper Lane and the elimination of the traffic control signals at this location.

Barrels or other temporary barrier placed in the roadway may become a safety hazard if blown or knocked over which is very likely during the winter. However, we will be placing signs to clarify the right turn only restriction. We encourage the Town Police force to strictly enforce this restriction. We will be forwarding a copy of this letter to the Town Manager and the Chief of Police for their information.

Again, we thank you for your concern in this matter.

Sincerely yours,

Laurinda T. Bedingfield
District Highway Engineer

CJR/st
cc:MWS
DPJ
GWR

cc/ BOS
Doug H.

Town of Acton Planning Department

472 Main Street Acton, Massachusetts 01720 (508) 264-9636

Janet Stearns
Department of Environmental Protection
Division of Water Supply
One Winter Street
Boston, MA 02108

January 14, 1992

Re: Westford Wellhead Protection Plan

JAN 15 1992

Dear Ms. Stearns,

This past December you and I have spoken briefly about the DEP assisted effort in the Town of Westford to develop a wellhead protection plan. The Town of Acton is very interested in having the portions of the North Acton aquifer which extend into Westford and recharge to Acton's Kennedy I & II and Marshall wells included in Westford's Zone 2 zoning designation.

Since our conversation I have met with Bill Turner, conservation and planning administrator in Westford, to discuss this matter. He agreed that the inclusion of this area into Westford's protection plan at this time would make a lot of sense and signaled his cooperation. He suggested, however, that I send you the relevant materials since you are the project manager.

As you can see from the enclosures we have prepared the entire Zone 2 delineation for the North Acton aquifer based on DEP definitions applicable to new source approvals. This work was done by our consultants Goldberg-Zoino & Associates, Inc. and completed in 1989. Subsequently, the Town of Acton adopted a strong groundwater protection zoning bylaw based on the zone delineations developed in the GZA report. I hope that the enclosures will help in your effort to delineate the recharge area in Westford and that it will be included in a Zone 2 zoning designation. Please keep me posted of any further developments in this matter. If you need any additional information please give me a call at (508) 264-9639.

Sincerely,

Roland Bartl

Roland Bartl
Town Planner

cc: Bill Turner, Westford Conservation and Planning Administrator
John McLeod, Acton Water District Manager
Don Johnson, Acton Town Manager

[rhb334*1/92]

cc: BOS

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

JAN 15 1992

TO: Board of Selectmen

FROM: Anne Forbes, Historic District Commission

SUBJECT: Drafts of Historic District Commission Rules and Regulations; Application for Certificate of Approval

DATE: January 14, 1992

The Historic District Commission has completed the draft of its Rules and Regulations, as well as a proposed package for applicants for Certificates from the Commission for exterior work within the Historic Districts.

We feel that having a fairly complete set of Rules and Regulations to guide the Commission's business is important for several reasons. It should help district property owners know what to expect in the application and approval process, and will be a way to familiarize future Commissions with some of the wishes and concerns raised by the public when the Districts were established. We also hope that spelling out Commission procedures will help us to coordinate our review process with the permitting procedures of other boards and departments.

We have distributed copies of both documents to the Town Manager, Planning Department and Planning Board, and the Building Commissioner for their review and comment. If the Selectmen would also like to review the drafts, please let us know, and we will get some copies to you right away.

As our target date for beginning the operation of the Districts is still some time in February, we would like to collect most of the comments on the drafts by our next meeting on January 30, if possible.

cc: BoS

Copy to Selectmen
V.C.C.

444 Old Stone Brook
Acton MA 01718
Jan. 10, 1992

Town Clerk
Town of Acton MA

I hereby resign my appointment to the Prison Advisory Committee effective this date.

Richard Weidman

RECEIVED & FILED
DATE January 10, 1992
Cornelia A. Huber
TOWN CLERK, ACTON

TOWN OF ACTON
92 JAN 10 PM 1:46

OFFICE OF THE
BOARD OF HEALTH
ACTON PUBLIC HEALTH NURSING SERVICES
472 MAIN STREET
ACTON, MASSACHUSETTS 01720
TEL: 508-264-9653

Lucy A. Saia, M.S., R.N.C.
ADMINISTRATOR/SUPERVISOR

cc: BOS

January 9, 1992

Mr. John Mastropietro
Regional Administrator
U.S. Department Housing & Urban Development
Boston Regional Office
Boston Federal Building
10 Causeway Street
Boston, MA 02222

Dear Mr. Mastropietro:

I am writing this letter on behalf of the Acton Housing Authority's application for the Family Self-Sufficiency Program, Section 8. I am the Administrator/Supervisor for the Acton Public Health Nursing Service which serves Acton residents. We currently work closely with the Housing Authority, and we have several residents whose health needs we service in the senior citizens housing complex. In addition we have Hypertension Screening Clinics in the housing complex and make evaluation visits as needed for both elderly residents and families with children. We have a Well Child Clinic free to Acton residents, and this would also be available to the Housing Department for people in need.

I feel the networking we have in Acton with quarterly provider meetings with Betty McManus, the Housing Director, helps us to coordinate our joint efforts to keep clients of all ages in their homes. I have enclosed a brochure of our agency, and would be happy to answer any questions you may have in support of this program.

Yours truly,

Lucy A. Saia, M.S., R.N.C.
Administrator/Supervisor

LAS/pcg
cc: Betty McManus, Housing Director
Doug Halley, Health Director
Don Johnson, Town Manager

cc: BOS

CAMP DRESSER & McKEE INC.

JAN 17 1992
F. Y. I.
Town Manager

W. R. GRACE & CO.
ACTON, MASSACHUSETTS

MONTHLY RD/RA PROGRESS REPORT
JANUARY 15, 1992

PAST AND PRESENT ACTIVITIES

The Government Parties delivered a written list of comments on the Landfill Well Workplan on December 24, 1991. A response to these comments along with revisions to the Landfill Well Workplan were prepared and mailed on January 14, 1992.

The original agenda for the December 20, 1991 technical meeting was to discuss the Landfill Well Workplan. Since written comments were being prepared by the Government Parties, this meeting was canceled.

FUTURE ACTIVITIES

The next technical meeting is scheduled for January 24, 1992 to discuss comments on the Draft Landfill Well Workplan. This agenda item cannot be discussed since the draft was not submitted until January 14, 1992 in accordance with the Government Parties' letter. The meeting on this date will tentatively be held to discuss general project issues. W. R. Grace and the Government Parties are discussing the possible meeting agenda.

UNRESOLVED DELAYS

The Draft Landfill Workplan delivery date was revised to January 14, 1992 in accordance with the Government Parties' letter. It is not anticipated that there will be any affect on anticipated February deliverables.

cc: BOS

VOLUNTEER COORDINATING COMMITTEE MEETING 12/9/91

Called to order 7:30PM at Town Hall. Present:Snook,Husbands, Comstock, Lane, Whitcomb, George Absent: Kadlec

Minutes of 11/18/91 read and accepted.
Two letters of resignation came to our attention. Carol Goodyear resigned from A/B Arts Council and William Litant from Transportation Advisory Committee.
Lois Stern and David Thrope will be called for appointments to be interviewed for Fair Housing.
Appointments- Connie Krea for Council On Aging, 1 yr.
Michaela Moran for Historic District Comm..to 1992.

INTERVIEWS:
HAROLD R. GORDINIER for B O Assessors.
Lives on 4 Phalen St. Acton 23 yrs. MA 23 yrs. Retired Naval Cmdr. and is retired from Lincoln-Lab. Feels he can plan trips around meeting dates. His wife was once liason to B O Assessors for the League of Women Voters and Harold found discussions at that time of interest. He will be away Jan. 4-22nd.
KATHERINE REINER for B O Health or Conservation Commission. Lives on 128 Parker St. #3B. Acton 9 mos.,MA 30 yrs. As there are no openings at present on the two committees put down, we asked if Fair Housing would be of interest. She said it would. She has lots of energy and enthusiasm it appears. Her parents were active in Fair Housing in Lexington. Reiner was an active volunteer in Lexington.

Voted to recommend:
HAROLD R. GORDINIER for Alt..B O Assessors.
(cover letter concerning his willingness to plan trips around meeting dates)
KATHERINE REINER for Fair Housing. full, 3 yrs.

Comstock drafted a new questionnaire for committee chairpersons in March or earlier. It looks excellent. We made a few minor suggestions and approved it pending Kadlec's input.

We decided it is not prudent to advertize for committees until after the holidays.
Next meeting 1/13/92 at Town Hall.
Meeting adjourned 9:20PM.

Respectfully submitted,
Nancy A. Whitcomb, Secretary VCC

cc Town Clerk + B.O. Selectmen ✓

Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection
Central Regional Office

William F. Weld
Governor
Daniel S. Greenbaum
Commissioner

File

1/24/92

cc: BOS
D. HALLEY

December 30, 1991

James F. Murphy, Jr.
Assistant Vice President
Polyfibron Division
W.R. Grace & Co.1 - Conn.
55 Hayden Avenue
Lexington, MA 02173

RE: Government Parties' contingent approval of the "Landfill Settlement Report" October 1991, and "Study of The Feasibility of Monitoring And Recovering Contamination Directly Under The Landfill", October 1991.

Dear Mr. Murphy:

The purpose of this letter is to document U.S. Environmental Protection Agency (EPA) and Massachusetts Department of Environmental Protection (DEP) ("the Government Parties") contingent approval of the subject Phase I, remedial design documents.

The Government Parties' approval of the Landfill Settlement Report is contingent upon review and approval of the landfill cap design and the landfill settlement monitoring program which shall be submitted during subsequent phases of the remedial design. In addition, this conditional approval does not constitute approval of any monitoring program discussed and proposed in these reports or in the Phase Four Report. Comments on the monitoring programs will be provided at a later date when additional information on the design has been reviewed and approved by the government parties.

The following discussion provides additional information on the Government Parties' contingent approval.

Landfill Settlement Report

Section 3.0

This section contains a brief description of a proposed landfill cap design. As stated in comments on the preliminary

draft report, the Government Parties do not approve of the design as presented in this report. The Government Parties will require a composite cap consisting of a flexible membrane layer and an underlying low permeability layer. W.R. Grace has not demonstrated that the proposed cap will be as protective as a composite cap. Therefore, an alternative to the cap design presented in this report may be required and additional analysis of the landfill cap's integrity under differential settlement may have to be performed.

Section 4.5

The report concludes that primary mechanical settlement after preloading will occur within one to three months after placement of solidified material on the existing landfill is complete. This conclusion is based on a variety of assumptions which have not been verified. While the Government Parties agree that a quantitative evaluation of the magnitude of primary mechanical settlement is not needed prior to design of the landfill cap, W.R. Grace must demonstrate that primary settlement due to preloading is complete prior to commencing construction of the cap. This demonstration must be based on a comprehensive settlement monitoring program implemented during preloading. This issue is further discussed below under Section 6.3.1.

Section 6.3.1

This section contains a brief discussion of a settlement monitoring program for both the preloading and post construction periods. As stated in the Government Parties' comments on the preliminary draft report, the details of the settlement monitoring program will be reviewed by the Government Parties' at a later date after the Government Parties have review and approved the landfill closure design and post closure monitoring plans. While the Government Parties intent to fully review the settlement monitoring program, we do offer the following preliminary draft comments.

- It is not clear how the settlement hubs will be used to determine if primary settlement during preloading is complete. Furthermore, it is not clear how the 50 foot grid relates to the location of the settlement hubs. Will each grid point be surveyed or just the settlement hubs?

- Will measurements at these three points be taken more often than at three months and six months? Two measurements (after three months and after six months) will not be enough to determine if primary settlement is complete.

Feasibility study

The purpose of this study is stated in the Remedial Plan Of Action. The purpose is to evaluate the feasibility of installing a comprehensive horizontal and vertical monitoring network for the unsaturated soils between the bottom of the industrial landfill and the ground water table under the landfill for the purpose of detecting and quantifying the movement of contaminants and/or the active removal of contaminants through the vadose zone.

The Government Parties concur with the conclusion that monitoring and recovery under the landfill is not feasible. This conclusion is based on an evaluation of the effectiveness, implementability and costs of the available technologies.

This report contains a proposed groundwater monitoring program for the landfill. The Government Parties will comment on the horizontal and vertical monitoring program after reviewing the "Landfill Well Workplans, Monitoring Wells and Recovery Wells".

If you have any questions please call Lynne Jennings of EPA at (617) 573-9634, or Michael LeBlanc of DEP at (508) 792-7653.

Sincerely

Lynne A. Jennings
FOR Richard C. Boynton
Chief
Rhode Island Superfund Section
U.S. EPA

Edmond G. Benoit
Regional Engineer
Bureau of Waste Site Cleanup
Massachusetts DEP

Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection
Central Regional Office

William F. Weld
Governor
Daniel S. Greenbaum
Commissioner

JAN 24 1992

cc: BOS
D. HALLEY

James F. Murphy, Jr.
Assistant Vice President
Polyfibron Division
W. R. Grace & Co. - Conn.
55 Hayden Avenue
Lexington, MA 02173

December 30, 1991

RE: W.R. Grace, Acton
Site No. 2-0010
Emission Control
BACT Analysis.

Dear Mr. Murphy:

The Department of Environmental Protection and the U.S. Environmental Protection Agency (the Government Parties) have reviewed the May 24, 1991 W.R. Grace & Co. (Grace) "BACT Analysis and Recommendations for Air Stripping Tower Emission Control Program" (the BACT Report). The Government Parties approve of the proposed emission control technology, the Hoyt Canister System, with the two conditions below.

- The Government Parties approval of the proposed emission control technology is contingent upon the conclusion that the risks from all sources of air emissions at the site do not pose a risk which is outside of the acceptable risk range as specified in the NCP. Due to some concerns raised by ACES, please be advised that the Government Parties are currently evaluating the risk assessments conducted for the site, particularly as they pertain to air emissions. If the conclusion noted above is found to be incorrect, the Government Parties may require additional controls on the air stripper.

- The replacement for the carbon canisters for the proposed Hoyt Canister system was stated to be 24 months. The changeout criteria selected appears to be without scientific basis. During design of the system, Grace must provide more detailed specifications regarding the criteria for change-out frequency and the sizing of the canisters. Furthermore, because the system is not intended to control emissions, and since the odor-causing compounds have not been identified, Grace will be required to replace the carbon immediately upon odor complaints received by EPA, the DEP, or Grace.

The Government Parties have informed Grace at the December 6, 1991 technical meeting held at CDM that the design capacity of the Air Stripping Tower is approaching its maximum. The design capicity of the stripper should be evaluated for treating groundwater from existing recovery wells and also the strippers cabability for treating groundwater from additional recovery wells that may be required in the future.

Please contact Michael LeBlanc of the DEP telephone # (508) 792-7653 or Lynne Fratus of the EPA telephone # (617) 573-9634 with any questions or comments.

Sincerely,

Edmond G. Benoit
Regional Engineer
Bureau of Waste Site Cleanup

Lynne A. Jennings
FOR Richard C. Boynton,
RI Superfund Section

cc: Richard C. Boynton, U.S. EPA, Region 1
Steve Anderson, Esq., Anderson & Kreiger
Don P. Johnson, Acton Town Manager
Robert Eisengrein, TAG Project Manager
William J. Cheesman, Esq., Foley, Hoag, & Eliot
Charles Jutras, CDM

cc: BOS

January 21, 1992

TO: Don Johnson, Board of Selectmen

FROM: Nancy Tavernier

SUBJECT: Examples of "creative management" in Town Government

At a recent Coordinating Committee meeting, the Town was again exhorted to demonstrate what, if any, creative solutions have been developed by Town Government that resulted in the saving of money or in greater efficiency in delivery of services. This particular school committee member couldn't recall *anything* that we had done that matched such things as the school's creative transportation system (so creative that its costs are going up 15% next year!).

Since her comments were echoed by a Finance Committee member, I think it is time to develop a comprehensive list of creative solutions that can be produced every time this comment is made. As usual, our problem is not only the selective memories of other boards but also that we are apparently not effective in tooting our own horn.

I would like to accept this as a challenge and would ask the Town Manager to have staff prepare such a list covering at least the past 6 years as well as the fiscal impact. I would encourage Board members to add to it as well. Using the list of services by department that was prepared as a Town Meeting handout last year, I have come up with a starting point.

DEPARTMENT	**IMPACT**
ADMINISTRATION	
Reorganize all Town Departments (Murphy)	Eliminate/combine staff = $
Build a new Town Hall	Efficiency/consolidate =
Change distribution of TMtg Warrants	$5000-8000/year
Invest in oil futures	?/gallon heating oil
Raise all fees to capture costs	$/year
Computerization of Town Hall	Reduce clerical staff
Teacher salary deferral	No override FY93

FINANCE DEPARTMENT (including Accountant, Collector & Assessor)

Quarterly tax bills	+$250,000/year ?
Aggressive back tax collection program	+$500-700,000
Lock box for tax payments	Reduce staff
Computerize departments	Reduce staff
Self insurance Trust	$1M savings since '86

TOWN CLERK'S OFFICE

New voting machines	Reduced personnel costs
Census by mail	" " "
Fees increased to recover costs	

POLICE DEPARTMENT

Traffic enforcement unit	Increased ticket revenue
Satellite training	Reduced costs
Donations to run DARE program	
Computerize logs and reporting	
Established alarm fees to cover costs	

FIRE DEPARTMENT

Fire dispatch for Boxboro on fee basis	$/year
Control of overtime costs	
Established alarm fees to cover costs	
Inspection fees	
Outside billing for ambulance service (?)	

HEALTH DEPARTMENT

Use of state grants & donations for Household Hazardous Waste Collection
Established fees to cover costs of inspections, services, permits, etc
Computerize septic pumping records

NURSING SERVICE

Friends group established (FANS)

Screening clinics for fee
Set fees to recover costs
Employee health monitoring service (?)

COUNCIL ON AGING

Friends group established
User fees for bus trips
State grants to offset personnel costs

BUILDING DEPARTMENT

Negotiate impact fees from developers to cover cost of traffic mitigation, sidewalks, other improvements Total $ savings
Collects permit fees to cover cost of inspections
Microfiche records and plans to save storage costs

PLANNING DEPARTMENT

State planning grants to cover staff and special projects
Intern for Groundwater protection study
Affordable housing grants/ regional staff
Negotiated 1/2 cost of Groundwater study from Water District

ENGINEERING

In house engineering for town projects
In house testing (groundwater, survey)

MUNICIPAL PROPERTIES

Use of prisoners for building and grounds projects
Donations from organized groups using town facilities
Energy conservation measures
Relamping of Town Hall
Gas conversion for town buildings
Hydrant rental shifted to Water District

CONSERVATION DEPARTMENT

Established Friends of Arboretum
Donations from community for Conservation land activities
Collects fees to cover costs

CEMETERY DEPARTMENT

Rents out Woodlawn Chapel
Charges fees to cover costs

HIGHWAY DEPARTMENT

First in line to use and collect Ch.90 highway funds
User fees at Transfer station to cover 50% of cost
Barter agreement, trash disposal for recycling disposal
Processing lumber from trees for town projects
Paint collection
Waste oil collection to heat DPW building
Only community in NESWC to charge for white good disposal to cover costs
Sub-contract Highway crew to schools, water district etc.

LIBRARIES

Relamp Memorial Library and lower ceiling
Join Minuteman network
Establish Friends group
Established Fund to allow Sunday openings
State and local grants to fund special services
Save electricity/heating costs
Increase collection

OTHER AREAS UNDER CONSIDERATION

Joint dispatching
Further merging of Departments
Regionalization of municipal services with other town (when enabling legislation)

OTHER AREAS CONSIDERED AND REJECTED

Privatization of Ambulance service

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Jan. 21, 1992

TO: Collector's Office Staff

FROM: Don P. Johnson, Town Manager

SUBJECT: School Expenditure Questions

I recently asked Dr. Kessler for a handout that would provide the School's answers to questions you are experiencing concerning School issues (i.e.. legal expenditures, the use of School Choice revenues, etc.). I had planned to include this with the Question and Answer handouts we are distributing that address the 'assessing-type" questions most commonly asked of our Collector's Office at tax time.

Dr. Kessler has informed me that the School authorities would prefer to field any questions themselves. To that end, I have attached a list of the names and phone numbers of the School Committee members and key administration personnel. Please give a copy of this memo to any taxpayer with school-related questions and suggest that they seek those answers from the names on the list.

Don P. Johnson

~~CC: BOB KESSLER~~

CC: BOS - FYI

SCHOOL COMMITTEE

Sally Campbell, Chairman, Regional School Committee	263-9708
Pamela Harting-Barrat, Chairman, Local School Committee	263-0741
Patrick Cataldo, Member	263-9476
Stephen Aronson, Member	263-6608
Jean Butler, Member	263-0108
Lees Stuntz, Member	263-4529

SCHOOL ADMINISTRATION

Dr. Robert Kessler, Superintendent	264-4700
William Ryan, Business Manager	264-4700

CC: BOS

NESWC

JAN 21 1992

NORTH EAST SOLID WASTE COMMITTEE

MEMORANDUM

To : Chief Executive Officers
Advisory Board Members

From : Francis J. Hopcroft
Executive Director

Subject : 1992 WASTE BAN MATERIALS

Date : January 16, 1992

As previously reported to you, the Commonwealth of Massachusetts has banned the disposal of certain municipal solid waste stream components in landfills and combustion facilities. Those already banned include automotive batteries, leaves, and white goods.

Additions to the list of banned materials are made each year in accordance with a schedule set forth at 310CMR 19.017(3). Effective December 31, 1992, the end of the current calendar year, the following materials are added to the list of materials banned from disposal at municipal solid waste combustion facilities.

Other Yard Waste (which includes "grass clippings, weeds, hedge clippings, garden materials and brush")
Metal or Glass Containers
Aluminum Containers

It is important to begin planning early for the banning of these materials. It is expected that near the end of the calendar year, MRI will be notifying every community that the listed materials are no longer acceptable at the North Andover facility. It will be the responsibility of each individual community to ensure that the banned materials are not included in the waste stream. MRI will be doing inspections of incoming waste. Any load found to contain significant quantities of banned materials may legitimately be rejected by MRI at that time. Continued attempts to dispose unacceptable materials may cause hauler vehicles to be permanently barred from the facility.

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Homeowners must be educated before the end of the year on what materials can and can not be disposed with the refuse. In addition, an alternative disposal mechanism must be found by each community. The NESWC Executive Committee has consistently stated that NESWC will not become directly involved in a regional recycling facility.

Options for communities include, but may not be limited to, the following:

1. MRI/Wheelabrator is planning to construct a recycling facility in Lawrence which will be available to NESWC communities. The costs to use this facility have not yet been set, but MRI has said that NESWC communities will be given first use rights and that the fees will be competitive. Direct contact with Mr. James McIver, Plant Manager at No. Andover, is recommended for further information about Wheelabrator's plans. (508) 688-9011.

2. The Millis Consortium, so-called, has selected a vendor to develop a recycling facility in Holliston. For communities which are within a convenient haul distance to Holliston, the rates and the contract for that facility are very good. In order to get the lowest rate, for the life of the proposed 20-year contract, communities will have to commit to that facility before June 30, 1992. The plant will be on line not later than February 1, 1993. (A 30-day waiver of the December 31, 1992 date is being sought by the consortium for those communities which sign on to their facility.) Contact Ms. Robin Chappel, Board of Health, Walpole, MA for further information about this project.

3. A community can collect the materials at a central location and market the materials themselves. This may be more practical for a community with a drop-off facility than for one which collects refuse at curbside. It also creates the need for a full-time recycling manager to keep up with the changing markets. Note, too, that individual communities are not likely to be able to get the most favorable contract with recyclers of specific products because of the small supply they generate.

4. Communities can contract with private haulers/vendors to collect, transport and market recyclables. This can be a separate collection contract from the refuse collection contract and it may be with the same or a different vendor. This method is more reliable in terms of marketing than doing the marketing internally, because the market risk can be placed on the vendor, but small companies can underbid larger ones to get the work and then lose their markets. That could leave the contracting community in a bind. Smaller vendors also see weaker contracts and lower payments than larger, regional facilities do.

For those communities which seek to do their own marketing, the Commonwealth has published a list of vendors who will purchase the various materials collected. That list is available from DEP in Boston or from the NESWC offices. Anyone who needs a copy may call and one will be sent out. Note that this list is updated periodically and the one at the NESWC office may not be the most recent. The Boston DEP telephone is (617) 292-5962.

It is useful to note that by December 31, 1994, three years from now, all single polymer plastics and all grades of recyclable paper (including newspaper and cardboard) will be banned from combustion facilities. Communities starting recycling programs now may find it advantageous to do a single procurement for all materials now. For short term procurements, less than three years long, adding the paper may increase recycling costs, however.

NESWC is particularly sensitive to the impact of the forced recycling on the Guaranteed Annual Tonnage commitments made by member communities under the NESWC contract. We are continuing efforts to find a way to allow communities to reduce their GAT by more than is contractually allowed at present, in order to implement recycling programs. Those efforts are encouraging at the moment and may soon produce the desired results.

Regardless of the success of NESWC efforts to allow greater than normal GAT reductions, communities can only show cost savings from recycling programs if there is an off-setting reduction in waste disposal costs. That can only occur if both the refuse and the recyclables are collected, transported and disposed under unit price contracts. Members are encouraged to review contracting mechanisms currently used and to evaluate the potential savings from unit pricing contracts in the future.

If there is anything else that the NESWC staff can do to assist the transition from normal refuse disposal to recycling, please let us know. We will do what we can to make the transition as painless as possible.

NESWC

JAN 24 1992

NORTH EAST SOLID WASTE COMMITTEE

MEMORANDUM

CC: JOHN M. — SEE MY NOTES ON CHARTS.

CC: BOS

To : Advisory Board Members
Chief Executive Officers

From : Francis J. Hopcroft
Executive Director

Subject : CSF MANAGEMENT

Date : January 22, 1992

The Community Stabilization Fund ("CSF") was created, by the NESWC communities, through a 1985 Supplemental Trust Indenture to stabilize annual tipping fees. It provided a mechanism whereby communities could pay a flat rate monthly tipping fee, instead of the highly variable monthly tipping fees produced by the Service Agreement. This allowed the communities to better plan cash flow for the year.

The concept of the CSF is that the NESWC communities pay a flat rate fee set to be slightly higher than the estimated average tipping fee for the year calculated under the Service Agreement. The flat rate is set higher than the estimated average rate in order to ensure that enough money is available in the early months of the fiscal year to cover unusual expenses. It also protects the members from the effects of having the estimates, made several months before the start of the fiscal year, turn out to have been too low. Without the CSF to absorb the difference, that would cause annual community refuse disposal budgets to be exceeded.

Because communities have historically been delivering at or near their GAT, a surplus accumulated in each of the CSF balances which, upon approval of the Executive Committee, were used to cover certain capital expenses, such as defense of the MRI claim and payment for construction of the landfill liner.

The concept has worked very well, with the contributions of each community to the fund being separately recorded and the balances being separately maintained. It was expected that over the course of each year the deliveries by each community would balance out at a tonnage essentially equal to its Guaranteed Annual Tonnage ("GAT"), as annually adjusted.

Over the past eighteen months more and more of the NESWC communities have found that the effects of the economy and the effects of recycling efforts have been to reduce their delivered tonnage. These reductions have been greater than the reductions in GAT allowed by the terms of the Service Agreement. Many communities have discovered that they have delivered below their GAT for one

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or more of the last fiscal years and that they are now delivering at a rate substantially below their GAT for the current fiscal year.

When communities have delivered at a rate below their GAT, they have correctly expected that they would be billed for the undelivered tons under the put-or-pay provisions of the NESWC Service Agreement. They have been surprised to find that they did not receive a bill at the end of the year and most have, at one time or another, asked why.

The answer has been, and continues to be, that the CSF balance for that community has absorbed the excess costs. The CSF has, in this way, served precisely the function for which it was designed: mitigation of tipping fee fluctuations within each fiscal year.

This system has worked well for the past three fiscal years. It will continue to work into the future, but in order to work well into the future a correction in the method of using the fund is necessary. This comes about because some communities are delivering tonnage at a rate so far below their GAT that they will cause their community CSF balance to fall below zero. If that happens, and only if that happens, the other communities would end up subsidizing the underdelivering community, rather than that community paying its fair share through the put-or-pay provisions of the contract. In fact, without a correction now, so many community balances will fall below zero this fiscal year that the fund is likely to run out of money around the end of March. If that happens, communities will have to pay bills based on the amount calculated in accordance with the Service Agreement on a monthly basis.

In order to avoid this, the Executive Committee voted on December 12, 1991, to implement the following changes in the way the NESWC communities now use the CSF. None of the changes will cause an increase in the total refuse disposal budget for any community which budgeted the $66 per ton rate recommended to it this fiscal year for the full GAT to which it is obligated.

The first change is that the flat rate billing will be applied to the greater of GAT or delivered tons on a monthly basis, beginning with the December, 1991 bills. The monthly GAT amount is found by dividing the annual GAT by 12, and then multiplying by the seasonality factor for that month. The seasonality factors are:

July	1.0	November	1.1	March	0.9
August	1.0	December	0.9	April	1.1
September	1.0	January	0.8	May	1.2
October	1.1	February	0.7	June	1.2

This change will allow the decline in most individual balances to be mitigated and stabilized. This should prevent all but five of the individual community balances from going to zero during the remainder of the fiscal year.

The second change is to require that any community which does find its balance below zero make up that balance on a monthly basis. This is necessary to ensure that any community which is delivering significantly below its GAT does not inadvertently take advantage of any other community.

The third change is to recalculate what would have been paid into the CSF if the first change had been implemented on July 1, 1991, subtracting the amounts already paid, and billing the difference in seven equal installments over the rest of the current fiscal year, beginning with the December, 1991, bill.

As of November 30, 1991, one community had already reached a negative CSF balance. While there are still sufficient funds in the CSF, on an aggregate basis, to carry out all ongoing NESWC functions, there is an inequity in the cost sharing which needs to be corrected. The changes outlined will most effectively correct those inequities.

The attached charts depict the situation in more detail. The first chart shows how aggregate community tonnages have dropped relative to GAT over the past several years. That difference is becoming more significant with each passing year. That, of course, is the reason NESWC has been so persistent in trying to reach agreement with the Trustee and MRI on a way to adjust GAT without penalty.

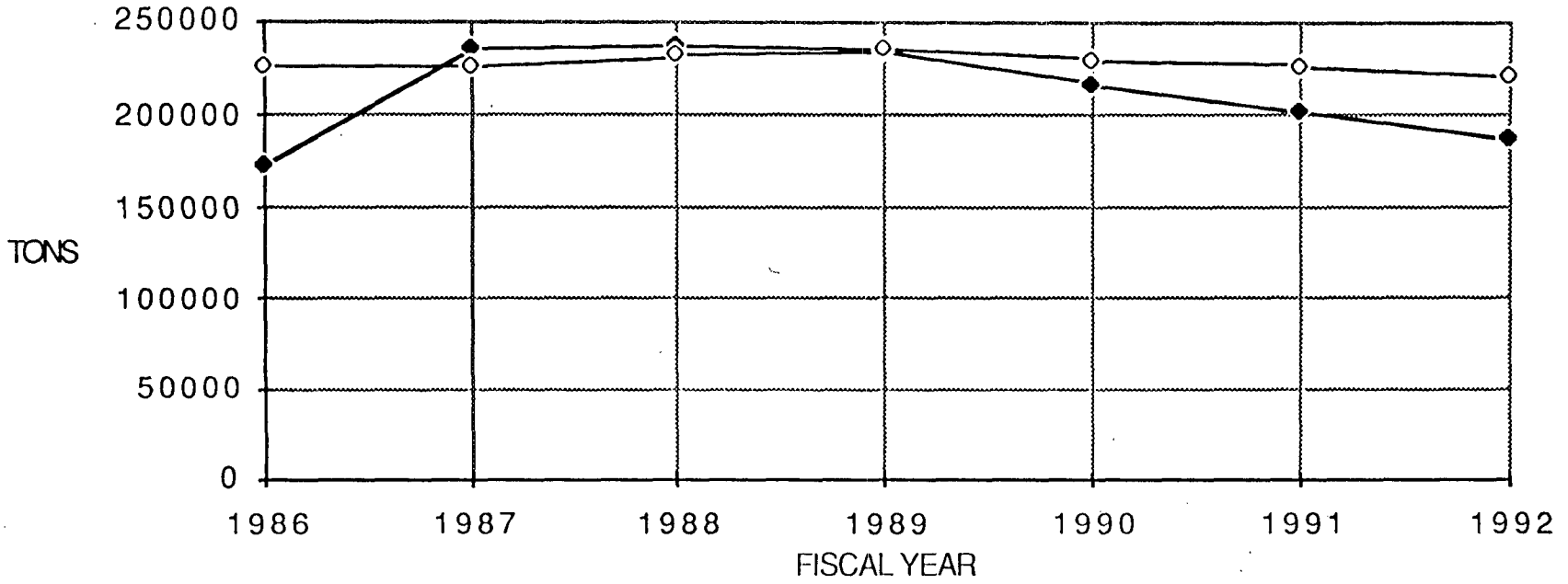
The second chart shows the aggregate Community Stabilization Fund balance as of the end of each of the last fiscal years. The value shown for FY 92 is predicted on the basis of the current drawdown rate. Note that the aggregate balance would fall to a level well below zero and that the fund would no longer be able to provide the normal tipping fee stabilization which it was designed to provide.

The third chart shows the aggregate CSF balance for each month in FY 92. The numbers shown for the period through November are actual CSF balances. The remaining months are shown as projections. The bottom line shows how the balances are expected to look if no correction to the way the CSF is funded were made. The top line shows the stabilizing effect of implementing the program outlined. The middle line shows the effect which could be achieved if the change to billing on the greater of delivered tonnage or GAT were not applied retroactively to July 1, 1991. Note that even the fix implemented is unlikely to prevent two community balances from falling below zero this fiscal year.

Finally, we have attached a spread sheet which shows the projected CSF balances for each community based on the three scenarios discussed. The number on line 27 is the balance projected for your community under the corrective actions implemented.

We do recognize the potentially serious financial impacts these requirements can have. We also understand how complex the issue is and the difficulty many people have had fully understanding the implemented corrective actions. If there are any questions, or if further explanation is required, please don't hesitate to call our office.

AGGREGATE NESWC
DELIVERED TONS VS. GAT

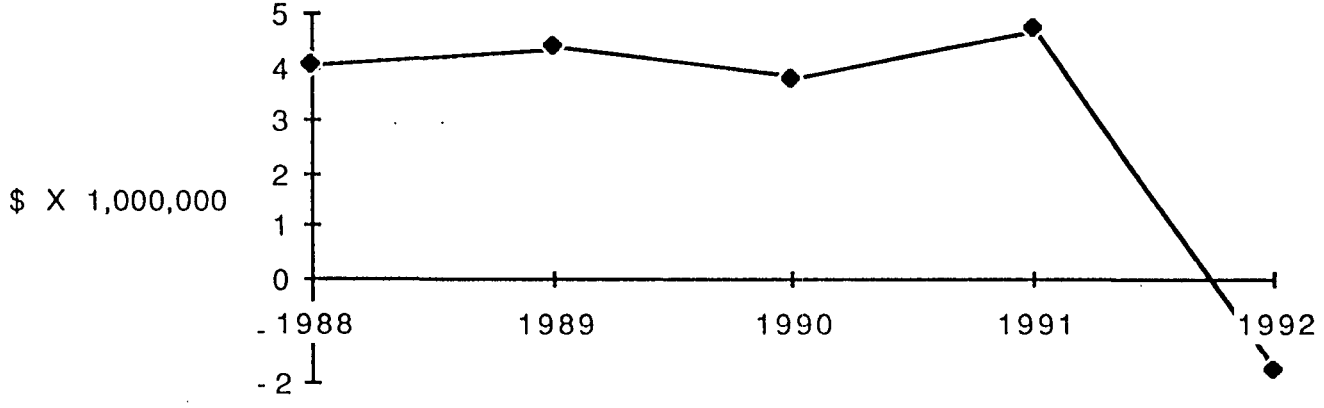


TONS DELIVERED
GAT

*FY92 ESTIMATE
BASED ON CURRENT
DELIVERY VOLUMES

12-9-91

AGGREGATE CSF BALANCES

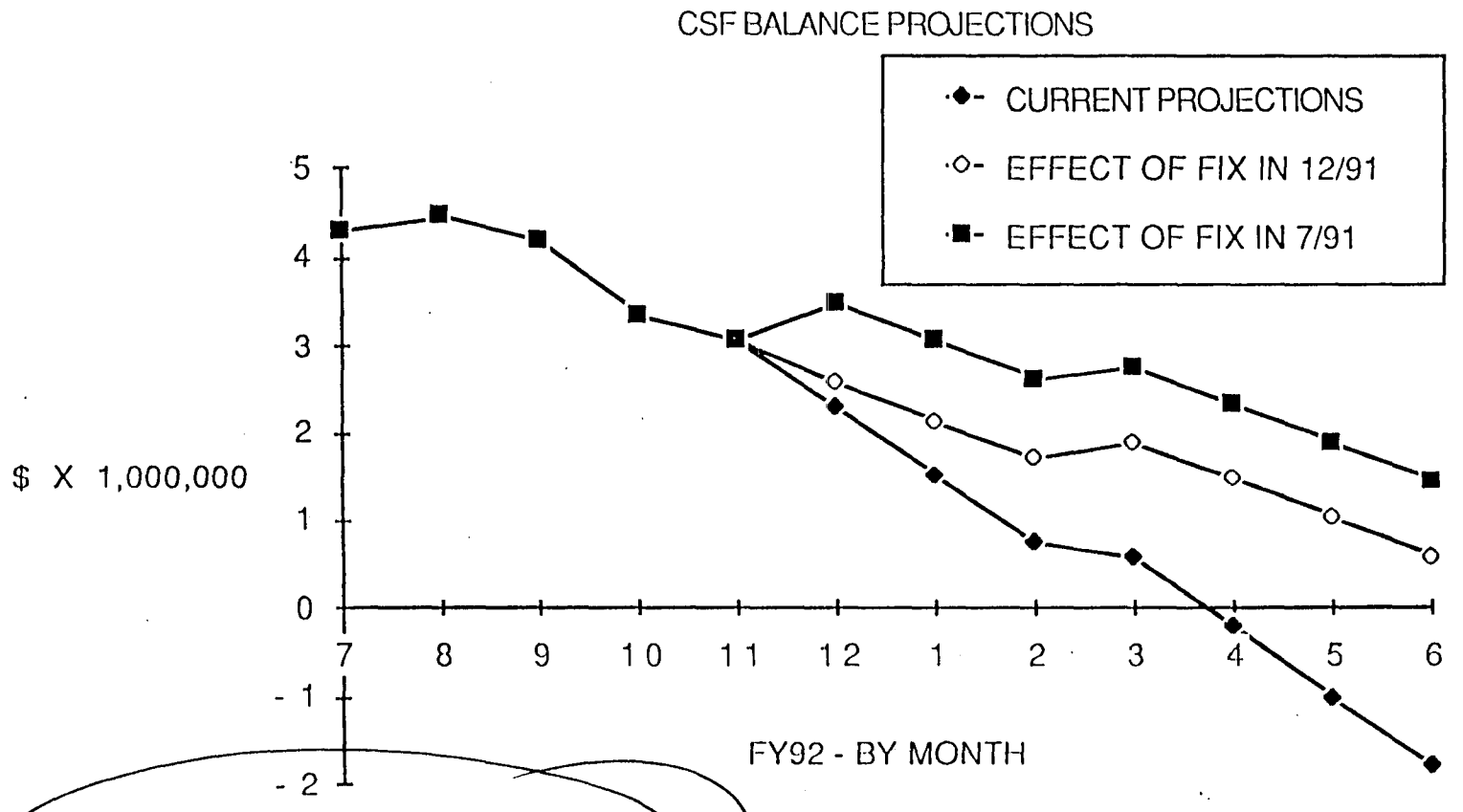


FISCAL YEAR END

1. Decline in FY90 due to payment of $2.5 million for Dearborn purchase and $1.1 million for landfill liner construction.
2. Decline in FY92 due to significant underdelivery of community tonnage relative to GAT.
3. FY92 projected at current rate.

JOHN - WITH $3.6 M OUT OF FY90, HOW DID NESWC EXPECT TO KEEP CSF SOLVENT? (REDUCTION DO NOT APPEAR TO BE REFLECTED IN GRAPH?) TOM

12-9-91



PROJECTIONS INCLUDE EFFECTS OF ANTICIPATED CAPITAL EXPENSES

THEN LET'S NOT DO CAPITAL PROJECTS!

12-11-91

	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	TOWNS	ACTON	ANDOVER	ARLINGTON	BEDFORD	BELMONT	BOXBOROUGH	BURLINGTON	CARLISLE	DRACUT	HAMILTON	LEXINGTON	LINCOLN	MANCHESTER
2														
3	G.A.T.	10232	13253	25921	6139	16566	1400	12000	2082	12000	3300	12275	2565	2020
4	GAT X $64.50	$659964	$854819	$1671905	$395966	$1068507	$90300	$774000	$134289	$774000	$212850	$791738	$165443	$182277
5	EST. TONS DELIVERED	8697	11265	22033	5218	14081	1190	10200	1770	10200	2805	10434	2180	2402
6	EST TONS DEL X $64.50	$560969	$726596	$1421119	$336571	$908231	$76755	$657900	$114146	$657900	$180923	$672977	$140626	$154935
7	G.A.T. X $82.23	$841377	$1089794	$2131484	$504810	$1362222	$115122	$986760	$171203	$986760	$271359	$1009373	$210920	$232382
8	EST. CSF CHANGE	($280408)	($363198)	($710365)	($168239)	($453991)	($38367)	($328860)	($57057)	($328860)	($90437)	($336396)	($70294)	($77447)
9	6-30-91 CSF BAL	$143336	$313032	$557742	$142851	$341364	$24060	$265438	$50749	$191575	$75304	$285528	$62745	$84346
10	6-30-92 CSF BAL-EST	($137072)	($50166)	($152623)	($25388)	($112628)	($14307)	($63422)	($8308)	($137285)	($15133)	($50868)	($7549)	($13101)
11														
12	GAT AFTER 12/1/91	5798	7510	14689	3479	9388	793	6800	1180	6800	1870	6956	1454	1601
13	ADJ'D. GAT X $64.50	$374002	$484426	$947468	$224394	$605523	$51173	$438626	$76102	$438626	$120622	$448678	$93756	$103296
14	ADJ'D GAT X $82.23	$476809	$617586	$1207912	$286078	$771971	$65240	$559197	$97021	$559197	$153779	$572012	$119528	$131691
15	EST. CSF CHANGE	($102807)	($133161)	($260444)	($61682)	($166448)	($14067)	($120571)	($20919)	($120571)	($33157)	($123334)	($25772)	($28394)
16	12-1-91 CSF BAL	$130771	$274459	$419808	$109080	$300753	$16177	$198405	$38557	$117312	$57648	$106232	$49526	$44804
17	6-30-92 CSF BAL-EST	$27964	$141299	$159365	$47397	$134305	$2111	$77834	$17638	($3259)	$24491	($17102)	$23754	$16410
18														
19	12-1-91 CSF BAL	$130771	$274459	$419808	$109080	$300753	$16177	$198405	$38557	$117312	$57648	$106232	$49526	$44804
20	TONS DEL TO 12-1-91	3693	5016	9639	2190	5733	305	4464	740	5282	1307	4401	951	1182
21	CSF ADJ. TO 7-1-91	$47764	$46861	$102721	$30317	$93206	$19454	$47446	$10457	($5315)	$7926	$59195	$10347	$2742
22	6-30-92 CSF BAL-PROJ.	$75728	$188160	$262085	$77714	$227511	$21565	$125280	$28095	($8574)	$32417	$42093	$34101	$19151
23														
24	PROJ. CAPITAL COSTS	$300000	$300000	$300000	$300000	$300000	$300000	$300000	$300000	$300000	$300000	$300000	$300000	$300000
25	PROJ. CAP. COST SHARE	$13929	$13929	$35286	$8357	$22551	$1906	$16335	$2034	$16335	$4492	$16710	$3492	$3847
26	CSF BAL IF FIX NOW	$14035	$127370	$124079	$39041	$111754	$205	$61498	$14004	($19594)	$19989	($33812)	$20262	$12563
27	CSF BAL IF FIX AS OF 7-1	$61799	$174231	$228800	$69357	$204960	$19659	$108944	$25261	($24909)	$27925	$25384	$30609	$15304
28	CSF BAL IF NO FIX	($151000)	($64095)	($187908)	($33745)	($135179)	($16213)	($79757)	($9142)	($153620)	($19625)	($67578)	($11041)	($16948)

CURRENT SITUATION

NOW FIX

RETRO FIX

SUMMARY

	15	16	17	18	19	20	21	22	23	24	25	26
1	TOWNS	N. ANDOVER	N. READING	PEABODY	TEWKSBURY	WATERTOWN	WENHAM	WESTFORD	W. NEWBURY	WILMINGTON	WINCHESTER	TOTAL
2												
3	G.A.T.	8965	5652	20951	12473	17500	1559	8185	1657	9550	13330	220381
4	GAT X $64.50	$578243	$364554	$1351340	$804509	$1128750	$100556	$527933	$106877	$615975	$859785	$14214575
5	EST. TONS DELIVERED	7620	4804	17808	10602	14875	1325	6957	1408	8118	11331	187324
6	EST TONS DEL X $64.50	$491506	$309871	$1148639	$683832	$959438	$85472	$448743	$90845	$523579	$730817	12082388.3
7	G.A.T. X $82.23	$737192	$464764	$1722801	$1025655	$1439025	$128197	$673053	$136255	$785297	$1096126	$18121930
8	EST. CSF CHANGE	($245686)	($154893)	($574162)	($341823)	($479588)	($42724)	($224310)	($45410)	($261718)	($365309)	($6039541)
9	6-30-91 CSF BAL	$239697	$92310	$189389	$354321	$386306	$16855	$191659	$114740	$199539	$249823	$4552709
10	6-30-92 CSF BAL-EST	($5989)	($62583)	($384773)	$12499	($93281)	($25870)	($32651)	$69330	($62178)	($115486)	($1486832)
11												
12	GAT AFTER 12/1/91	5080	3203	11873	7068	9917	883	4638	939	5412	7554	124890
13	ADJ'D. GAT X $64.50	$327690	$206593	$765804	$455915	$639663	$58985	$299179	$60567	$349073	$487240	$8055399
14	ADJ'D GAT X $82.23	$417767	$263382	$976311	$581239	$815495	$72649	$381419	$77216	$445028	$621175	$10269698
15	EST. CSF CHANGE	($90077)	($56789)	($210507)	($125324)	($175833)	($15664)	($82240)	($16649)	($99954)	($133934)	($2214298)
16	12-1-91 CSF BAL	$157927	$78255	($27984)	$254882	$242257	$16403	$113042	$102519	$151347	$131691	$3083873
17	6-30-92 CSF BAL-EST	$67850	$21466	($238491)	$129559	$66425	$739	$30802	$85870	$55393	($2243)	$869575
18												
19	12-1-91 CSF BAL	$157927	$78255	($27984)	$254882	$242257	$16403	$113042	$102519	$151347	$131691	$3083873
20	TONS DEL TO 12-1-91	3326	1518	6103	4915	7855	570	2859	707	4020	5061	81837
21	CSF ADJ. TO 7-1-91	$36025	$60050	$191892	$31576	($17560)	$6006	$44348	$708	$7612	$46110	$880689
22	6-30-92 CSF BAL-PROJ.	$103875	$81516	($46599)	$161135	$48864	$7544	$75150	$86578	$63005	$43867	$1750263
23												
24	PROJ. CAPITAL COSTS	$300000	$300000	$300000	$300000	$300000	$300000	$300000	$300000	$300000	$300000	$6900000
25	PROJ. CAP. COST SHARE	$12204	$7694	$28520	$16979	$23822	$2122	$11142	$2256	$13000	$18146	$295888
26	CSF BAL IF FIX NOW	$55646	$13772	($267011)	$112579	$42602	($1383)	$19660	$83614	$42393	($20389)	$573607
27	CSF BAL IF FIX AS OF 7-1	$91672	$73822	($75119)	$144155	$25042	$5422	$64008	$84322	$50005	$25722	$1454376
28	CSF BAL IF NO FIX	($18192)	($70277)	($413293)	($4480)	($117103)	($27992)	($43793)	$67074	($75178)	($133631)	($1782720)

CURRENT SITUATION

NOW FIX

RETRO FIX

SUMMARY

12-11-91

CC: BOS

Town of Acton Planning Department

472 Main Street Acton, Massachusetts 01720 (508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Planning Board
Board of Appeals

DATE: January 13, 1992

FROM: Roland Bartl, Town Planner R. B.

SUBJECT: Special Permit Application for Projecting Sign at 83 Great Rd.
Variance Request 92-2 for same

The two applications seek approval for the following deviations from the basic sign standards:
Special Permit:
Display area of 12 s.f. instead of the standard 6 s.f. in the East Acton Village district.
Variance:
Projection of 5 feet from the building in excess of the standard 3 feet.
Black letters on white background instead of the standard of light colored letters on dark background as required in the East Acton Village district.

The application shows photographs of the existing sign for the business that had previously occupied the building (Siesta Sleep Shop). This sign is 24 s.f. in area and projects about 7 feet. In comparison, the standard permitted display area of 6 s.f. is one quarter of that shown on the pictures and the projection would be somewhat less than half.

As a personal impression, the sign shown on the photograph is out of scale with the building. It seems too heavy, appearing as if it wanted to tip over the building towards the front. The proposed new sign while smaller may still be to much in terms of a proper balance with the building but it would be a significant improvement. Unfortunately we don't have a model to show the proposed sign in proportion with the building.

With respect to the variance requests, I cannot see a case of hardship on either count that would be caused by the specific circumstances of this lot.

Visibility along the roadway is good and a sign with a 3 foot projection should be equally well visible as a sign projecting 5 feet.

The Master Plan does not make specific recommendations on the dimensions and design of any particular sign. However, the village centers are an important part in the overall planning context, and the Master Plan is very clear that density in the village centers would be greater than elsewhere, that the goal is a mix of uses, that design in village areas should be at a pedestrian scale, and that sign standards in the village districts need to be adjusted accordingly. The notion of a pedestrian scale

is reiterated in section 7.4.1.5 of the Zoning Bylaw itself, saying that "signs in village districts should generally focus on a pedestrian scale and orientation and also be legible from slow moving vehicles". Consequently, the Bylaw requires in the East Acton Village district smaller sign dimensions than in the highway commercial areas along the rest of Rt.2A.

There has been concern during the Master Plan public meetings over the appearance of commercial property particularly along Rt.2A. Signs are a most prominent aspect of the appearance. The requirement for light lettering on dark background for all signs within a village district is one of several tools to bring about a greater compatibility of signs in a village area, where signs generally occur in a greater concentration within a smaller geographic area than elsewhere. Greater compatibility of signs will improve the appearance of a commercial area.

Consistency with the Master Plan should be evaluated in light of the preceding two paragraphs. It is my opinion with respect to the dimensions of this sign, that the blessing of consistency does not necessarily depend on conformity with the exact regulatory dimensions but rather on its scale in relation to the building.

With respect to the requested special permit to allow an increase in the display area I reiterate the above said regarding the consistency question. I note that the proposed sign has a lot of blank space and that trimming the top and the bottom may eliminate the entire display area in excess of 6 s.f.

Nevertheless, a moderate increase in both dimensions may be okay but it would be nice to see some varying sizes with the building. A photograph showing simple cardboard sheets of various sizes would be very helpful, such as the size of the proposed sign, the size of a sign complying with the standard dimensions, and an in-between size say with a display area 8 s.f. and a projection of 4 feet.

In granting a special permit, the Planning Board must be able to find that the proposed sign meets a list of criteria specified in the Bylaw (Section 7.12.2, copy attached). These tests deal with design issues and stipulate among other things that the Planning Board looks at the entire sign, its compatibility with the building, and its compatibility with the zoning district (meaning its purpose or planning objective), not just at the issue of display area. A significant increase over the allowed projection and the reversal in the required shading would have to pass these tests.

In closing I must point out that this application, unlike a couple previous applications, is not related to any situation where the applicant was "caught in between" two regulations. This application is made with the opportunity for a clear knowledge of the bylaw from the very beginning of occupancy and sign design.

xc: Kenneth A. Sundberg
Don Johnson
[rhb333*1/92]

standards applicable to WINDOW SIGNS.

7.12.1.8 One SIGN for a nonconforming, pre-existing business, industrial or office USE other than a home occupation, ERECTED in a Residential District, conforming to the applicable requirements for a SIGN in a Village District, not illuminated and not exceeding six square feet in DISPLAY AREA;

7.12.1.9 A FREESTANDING SIGN with less than the required landscaped area, provided that, in the opinion of the Planning Board, sufficient landscape treatment is provided to compensate for the reduction in area.

7.12.1.10 A type or method of SIGN illumination not otherwise permitted provided that it meets the general objectives of Section 7.4.3.

7.12.2 A Special Permit under this section shall only be issued if the Planning Board, in addition to the required findings of Section 10.3.5, finds that, in its opinion, the resulting SIGN or the resulting deviation from the otherwise applicable requirements of this Section 7 meet the following criteria:

7.12.2.1 The SIGN will be consistent with the intent and purpose of Section 7.

7.12.2.2 The SIGN will be consistent with the character and use of the area and with the Zoning District in which it is ERECTED.

7.12.2.3 The SIGN will have appropriate scale and proportion in its design and in its visual relationship to BUILDINGS in the area and to its general surroundings. It has been attractively designed and located, and will be a compatible architectural element of the BUILDING to which it principally relates and will be in harmony with other features in the general area.

7.12.2.4 The proposed SIGN will provide continuity with other SIGNS, not including any non-conforming SIGNS, on the same or adjacent BUILDINGS or LOTS with respect to most but not necessarily all of the following criteria: dimension, proportion, mounting height, materials, colors, and other important features as determined by the Planning Board.

7.12.2.5 The colors, materials and illumination of the proposed SIGN are restrained and harmonious with the BUILDING and the site to which it principally relates.

7.12.2.6 The proposed SIGN is not internally illuminated, except in the case of a NEON SIGN, and except as provided under Sections 7.4.3.4 b) or c).

7.12.2.7 The material used for the SIGN is appropriate and does not detract from the aesthetic qualities of its surroundings.

7.12.2.8 The number of graphic elements on the proposed SIGN is held to the minimum needed to convey the SIGN'S primary message and is in good proportion to the area of the SIGN face.

7.12.2.9 The proposed SIGN will not unduly compete for attention with any other SIGN or SIGNS.

7.12.2.10 In the case of a SIGN under Sections 7.12.1.1 through 7.12.1.3, the proposed SIGN is necessary for adequate identification of a business which for site specific reasons would not reasonably be possible under the otherwise applicable standards and available options of this Bylaw.

7.12.3 When granting a special permit hereunder, the Planning Board, in order to mitigate negative impacts of a SIGN and to help support any of its required findings under Section 7.12.2, may impose reasonable conditions taking into consideration all aspects of the SIGN and its impacts on the visual environment in the area, including but not limited to design, construction, color, illumination, landscaping, and coordination with BUILDINGS and other SIGNS in the area, it may require the removal of any non-conforming SIGN or SIGNS on the LOT or in the same BUSINESS CENTER, and it may impose such other conditions as it deems appropriate to further the purpose of this Section as stated in Section 7.1.

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: JANUARY 22, 1992

TO: DON P. JOHNSON, TOWN MANAGER

FROM: RICHARD HOWE, HIGHWAY SUPERINTENDENT

SUBJECT: SOLICITORS AT THE TRANSFER STATION

This memo is regarding an IDC I sent to you November 17, 1989, a copy is attached. As I understood, this IDC was put into the Selectmen's packet for their approval of the rules that I have adopted for soliciting at the Transfer Station. To my knowledge these rules were approved by the Selectmen and this is the way I have been handling the requests by solicitors since then.

Last Saturday's group, that were selling raffle tickets, did not call this office for permission nor were they given written permission to be there. The attendants at the Transfer Station failed to give them any direction.

At this time we have established a policy by which any group that wants to solicit at the Transfer Station will have to have written permission from my office, and that an adult be present at all times, so that what happened on Saturday does not occur again. We will ask that the permission letter be shown to the gate attendant. If written permission has not been granted the group will be asked to leave.

Attached is a letter and map that we have sent in the past, to give permission to groups wanting to solicit at the Transfer Station.

RH:ec
282

1/23/92

BOS -

DICK HOWE HAS PROVIDED THIS INFORMATION RELATIVE TO THE QUESTION ANNE HAD ON JAN. 21. HE WILL BE WATCHING THIS ISSUE CLOSELY.

Don

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: NOVEMBER 17, 1989

TO: DON P. JOHNSON, TOWN MANAGER

FROM: RICHARD HOWE, HIGHWAY SUPERINTENDENT RH

SUBJECT: BOY SCOUTS/CHRISTMAS WRAPPING

I have signed the letter from the Boy Scouts to sell Christmas wrapping at the Transfer Station. I would like to suggest that they set up in front of the wood chip pile. If the Board of Selectmen want a policy I would like to suggest that if any one wants to sell or campaign at the Transfer Station they should contact the Board or myself. I have no problem with groups selling or campaigning at the Transfer Station as long as they do not disrupt the operation of the facility. I am enclosing a map as to the location for selling or campaigning. The wood chip pile is the widest section of the roadway going and coming, therefore, I don't see a problem with the traffic flow. If there is a problem with traffic the attendants at the Transfer Station will take care of the situation.

The permission slip and map have already been mailed to the Scouts and a copy is attached.

RH:ec
45

150 Butternut Hollow
Nagog Woods
MA 01718
263-8972

Town of Acton
Acton
MA 01720

October 30, 1989

Dear Sir,

Boy Scout Troop 284 of Acton would like permission to sell Christmas wrapping paper at the town dump on Saturday, December 2 from 9:00 a.m. to 1:00 p.m. This sale would be part of our fundraising efforts which we use to finance the boys' high adventure activities in the summer.

If you are so kind as to grant permission, could you please confirm it by signing the top half of the enclosed permission letter and returning it as soon as possible? If you are unable to grant permission I would be grateful if you would sign the bottom half of the same letter and return it as soon as possible.

Richard Hanna 11/17/89

Yours faithfully,

Sue Robinson

Sue Robinson.

September 18, 1991

Mrs. Bonnie Rich
15 Juniper Ridge Road
Acton, MA 01720

Dear Mrs. Rich:

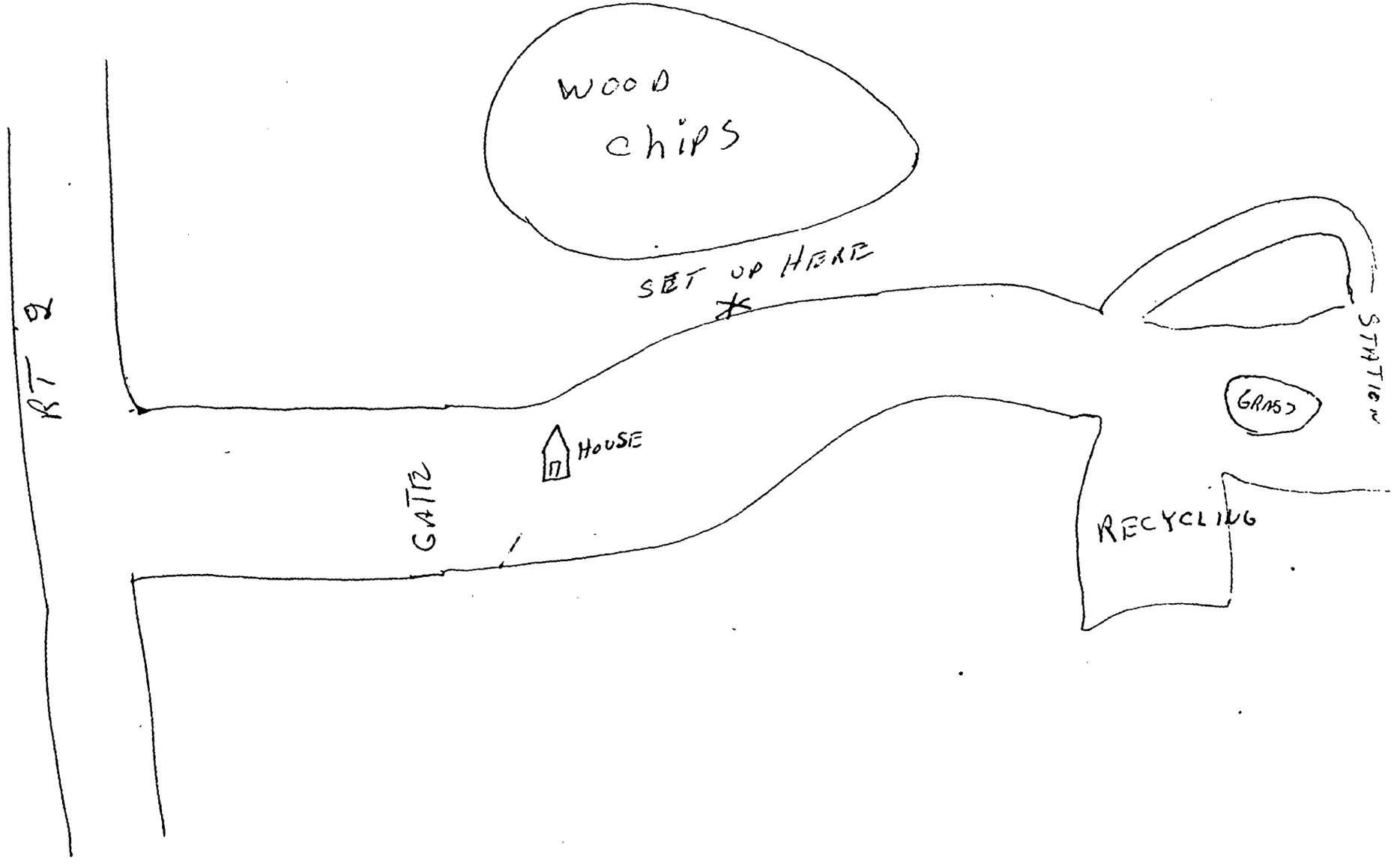
This is to confirm our telephone conversation regarding the use of the Transfer Station on Saturday, October 26, 1991, for Scout Troop 284 to sell garbage bags.

Please stay in the designated area, on hot top by wood chip pile. Also, if traffic starts backing up out on Route 2, you will have to stop selling for awhile until the traffic problem is alleviated.

Sincerely,

Richard Howe
Highway Superintendent

RH:ec
225


WOOD
chips
SET UP HERE
RT 19
HOUSE
GATE
GRASS
RECYCLING
STATION

ANNE McCARTHY FORBES
PRESERVATION CONSULTANT
25 MARTIN ST., ACTON, MA 01720
508-263-2227

JAN 2 7 1991

January 9, 1991

Norman Lake, Chair
Board of Selectmen
Town of Acton
472 Main Street
Acton, MA 01720

cc: BOS

Dear Norm:

I am sorry for any misunderstanding that may have arisen concerning the South Acton Revitalization Committee's attendance at the January 7th Selectmen's meeting. Sam Manka and I had hoped, since we had notified at least one Selectman that a representative of SARC would attend the latter part of the meeting, that the discussion that pertained to the committee could have been held while we were there. Since we missed the presentation of Anne Fanton's proposal, however, I would like to make a few comments and requests at this point.

The first, I hope, will offer some reassurance. I originally joined SARC with the intention of working toward the creation of a Chapter 40-C Historic District. Historic Districting for South Acton Center had been one of the 1982 Technical Report recommendations as an important step in stabilizing/revitalizing the area. It has consequently been one of SARC's main goals, and was specified as one of the four allocations for the Great Hill development donation when that contribution was made in 1987. The Districting effort was in fact the first use of any money from that account, and SARC was especially glad to see both the fund being utilized and a South Acton revitalization goal being implemented. Throughout the Districting process, even after the state grant broadened the project to include the Center and West Acton, I found that SARC was unfailingly helpful and supportive to the Study Committee, and worked tirelessly at one of the things it has always done best (and for which it was formed)--listening to concerns about community problems, and drumming up public support for a movement toward a solution.

Although I understand the fear that serious disagreements might arise between SARC and the Planning Board in the course of the master-planning effort, my experience on the Historic District Study Committee tells me otherwise. In fact, it more than justified my faith in SARC's intentions and ability to work cooperatively with other groups. The Study Committee was an inter-disciplinary group if there ever was one, with members of the Planning Department, SARC, Selectmen, Historical Commission, and private interests all working toward a common goal. Communication among all groups was consistently smooth and cordial, with the interested boards and committees all contributing comment and advice, and at no time was there ever a hint of lack of cooperation or an "adversarial relationship" on SARC's part.

I would also like to make a request about my own status on SARC. After the Districts were voted in and I was appointed to the Historic District Commission, I promised myself and my family that I would resign from SARC, as my original goal had been accomplished, and I knew that the time commitment on the new Commission would be tremendous. I have told both the committee and the Selectmen that I intended to do so, but now that it looks like my seat may not be filled I have had to reconsider. I can understand that it would be disruptive for a newly-appointed SARC member to join the village Planning Committee in mid-stream, but at the same time I am very concerned that no new appointments may be made to SARC for a while. I believe: (1) that a committee of three is too small to allow for a fair election of officers, and to function properly in the absence of a member, (2) that a moratorium on appointments could easily result in a committee's demise by attrition, as members resign or their terms end, and (3) that the talents of interested citizens who want to join a committee are simply too valuable to be wasted. I would hope, therefore, that you will still allow the VCC, if not to actively seek, at least to interview and recommend new applicants for SARC, and that you adopt a policy of re- appointing SARC members whose terms run out while the Planning Committee is in existence.

I also request, since because of time commitments I cannot, and because of my District Commission affiliation probably should not, serve on the Planning Committee, that my status on SARC be changed from that of a full to an associate or alternate member, effective until the end of my present term. This would allow me to continue to serve on SARC, though at a reduced level, as a fourth person to help out with non-planning issues.

I know I speak for the rest of the committee in thanking you for the time and careful thought you have put into the initiation of the master plan effort for South Acton Village. Although we may presently disagree on some perceptions, we all share the goal of revitalization for that area, and I am fully confident that the outcome will be beneficial for the town.

Sincerely,

Anne Forbes

Anne Forbes

4 Old Meadow Lane
Acton, MA 01720

January 16, 1992

Ms. Joan Butler-West
Executive Director
Minuteman Home Care
24 Third Avenue
Burlington, MA 01803

Dear Joan:

I am submitting my resignation from the Board of Minuteman Home Care a bit reluctantly, because yours is an organization that is doing very good things in the state, and I care about that.

Since becoming involved with MMHC my life took a turn and I do not have sufficient time to contribute in an effective manner. I will seek out something to which I can contribute, but MMHC is not in sync with my currently available time. I'm sorry about that.

I wish you continuing success. Your organization is a plus to the many communities you serve. There is a genuine need for these services and I'm glad you are there.

Sincerely,

Marian E. Grotheer

CC: Acton Board of Selectmen
~~Nominating Committee~~

1/25

CC: VCC
BOS

JAN 2 7 1992

4 Old Meadow Lane
Acton, MA 01720

January 16, 1992

To: Acton Nominating Committee
Acton Board of Selectmen

From: Marian E. Grotheer
MEG.

As you can see from the enclosed letter addressed to Minuteman Home Care, I will no longer be serving as the Acton Representative to MMHC.

I do not feel I have been a help to them or Acton.

My available time has changed since I became involved and I am not a productive participant. I would rather be more effective with my time commitment/involvement.

Minuteman Home Care needs someone who is available daytimes a couple of days a month.

Thank you for the opportunity to serve.

CC: Carol Lake

The Commonwealth of Massachusetts
Department of Public Works
DISTRICT #4 OFFICE
519 APPLETON STREET, ARLINGTON 02174
Telephone No. 648-6100

JAN 21 1992

January 14, 1992

TRAFFIC ENGINEERING
Acton
Isolated Stop Sign
Ramps from Route 27 to Route 2

Mr. Don P. Johnson
Town Manager
472 Main Street
Acton, MA 01720

Dear Mr. Johnson,

Our Traffic Engineering section has approved a permit to install an isolated stop sign at subject location. This permit is only valid during the construction process and will expire upon completion of the project. A copy of this permit has been enclosed.

Sincerely yours,

Laurinda T. Bedingfield
District Highway Engineer

LR\yt
cc:MWS

CC: POLICE CHIEF
ENGINEERING ADMINISTRATOR
BOS - FYI

7/24

The Commonwealth of Massachusetts
DEPARTMENT OF PUBLIC WORKS
10 PARK PLAZA
BOSTON, MA 02116-3973

City or town Acton
Location Ramps from Route 27 to Route 2
Date 11/26/91 Permit No DS-4-002-2005

STATE HIGHWAY

ISOLATED STOP SIGN

TRAFFIC SIGN PERMIT

Under authority of Chapter 89, Section 8 of the General Laws, Tercentenary Edition, the Department of Public Works hereby approves the installation of stop signs for the above location, provided that a permit for the opening of the road and the placing of structures thereon shall be received from the board or officer in charge of the road.

I LOCATION

Signs shall be located in strict accordance with Official Standards of the Department as set forth in the Manual on Uniform Traffic Control Devices.

II DESCRIPTION

Design: Identical with Official Department Standards as set forth in the Manual on Uniform Traffic Control Devices.

Temporary permit for construction job only

Expires upon completion of project

FOR THE DEPARTMENT OF PUBLIC WORKS

By L T Bedingfield
District Highway Engineer

Laurinda T. Bedingfield

HED-337

~~CITY~~ (TOWN) Acton

STOP SIGNS

STREET STOPPED	DIRECTION OF TRAVEL	AT INTERSECTION OF
Ramp from Route 27	East	Route 2 Eastbound
Ramp from Route 27	West	Route 2 Westbound

This is to certify that the installation of stop signs at the intersection listed above meets at least one of the following warrants as set forth in the Manual on Uniform Traffic Control Devices of the Department of Public Works, Commonwealth of Massachusetts:

(check applicable warrant(s))

[x] Intersection of a less important road with a main road where application of the normal right-of-way rule is unduly hazardous (two cross-type accidents in a one year period would be considered unduly hazardous)

[ ] Unsignalized intersection in a signalized area.

[ ] A combination of high speed, restricted view, and serious accident record indicates a need for control by the STOP sign.

This is to further certify that the street listed above under "Street Stopped" carries the lesser volume of traffic at this intersection.

ATTEST L T Bedingfield

District Highway Engineer

Laurinda T. Bedingfield

HED-889

CC: BOS
FIN COM
SCHOOL COMM.
COORD. COMM.

1/25

144 Great Road
Acton, MA 01720
January 7, 1992

Don P. Johnson, Town Manager
472 Main Street
Acton, MA 01720

Dear Don,

The Retirees' Committee appreciated the opportunity to attend the Coordinating Committee's Meeting last Monday morning. It was very informative!

The free and open discussion of various pertinent matters is beneficial to the Town.

We were pleased with the attention that was given to the Retirees Health Insurance situation. The analysis of the costs associated with their request for additional funding was very enlightening and indicated how relatively small the total dollar amount would be and how minuscule the effect on the tax rate if the full 75% contribution were made available, or if that percentage were achieved in two steps, the first at 15% and the second at 10%.

I believe it is unconscionable to tie the relief for the Retirees to union negotiations or any other process. These things take time, possibly up to several years, and the Retirees need this burden to be lightened **NOW** !

The extreme disparity between the Town's contribution for Active employees and Retirees has gone on for too many years. According to the financial impact figures in the cost analysis, it would seem that this additional funding could be readily absorbed in the next fiscal year's budget.

The State has not provided a COLA for four years, but the Town of Acton has the opportunity to give the Retirees a financial lift starting July 1, 1992.

Sincerely,

Don Nylander

Please distribute copies to:

Board of Selectmen
Finance Committee
Coordinating Committee

Town of Acton

Transportation Advisory Committee

21 January 1992

To: Board of Selectmen
From: Martin Graetz
Subject: New Committee Charge

In November 1991, the Board of Selectmen asked the Transportation Advisory Committee to develop the materials for a new committee charge, making its responsibilities and makeup clearer and more explicit than they are at present. The Committee discussed the probable contents of such a charge at its December meeting. An outline was prepared and discussed at the January 1992 meeting. This memo is a first pass at setting down the elements of a new charge. It consists of a general description of the Committee and its duties, followed by some suggested additions.

*** *** ***

The Transportation Advisory Committee provides information and advice to the Board of Selectmen and various Town boards and departments, to help them make decisions affecting the town's transportation needs. It is composed of volunteers who meet regularly to review planning and development proposals, attend transportation-related hearings, and monitor regional activities that nay affect the town.

Composition

The Committee consists of at most nine regular members, including a Chairman and a Clerk. Associate members may also be appointed to the Committee. The Town's representative to the Lowell Regional Transportation Authority (LRTA) is automatically a member of TAC[1].

The Chairman presides at meetings and prepares each meeting's agenda. The Clerk takes the meeting minutes and maintains the Committee records.

Meetings

The Committee meets once a month except in July and August. Additional meetings may be scheduled as needed by the work load.

The Committee's Responsibilities

1 Site-Plan Reviews

Copies of all site plans and site-plan modifications are sent to TAC for evaluation. Those with traffic and other transportation impacts are reviewed, and reports are sent to the Board of Selectmen and other interested departments, such as the Planning Board and the Town Engineer.

2 Reviews of other transportation projects

TAC also reviews projects that are initiated by or presented to the Town, such as bike paths, parking facilities, bus and van services, road and intersection redesign, and traffic controls. Reports are prepared and submitted to the relevant Town departments.

3 Sidewalks

In 19[??], TAC helped prepare a Master Plan for building sidewalks throughout the Town to improve pedestrian safety and access in an atmosphere of increasing motor traffic and speed. Priorities were assigned to help provide for sidewalk construction in each year's budget. The result has been a gradual expansion of the sidewalk network. When sidewalk-building articles are to be included in the Town Meeting Warrant, TAC meets with the Town Engineer to determine that year's program. TAC also solicits opinions and considers requests from Town residents.

4 Transportation Policy

TAC assists in developing new transportation policies, procedures, and goals, such as the Master Plan (a representative of TAC sits on the Master Plan Coordinating Committee created in 1991). Members provide informal advice and information on specific projects (such as the redevelopment of the commuter-rail parking lot), and keep tabs on regional developments (such as the second-airport siting study and the expansion of commuter-rail service).

5 LRTA liaison

The Town's representative to the Lowell Regional Transportation Authority, in whose district the Town lies, is an associate member of TAC. LRTA supports the Town's two special van services, Roadrunner and the Council on Aging van. The agency also governs commuter-rail service to and through Acton[2].

Proposed Functions

Make TAC a formal part of the planning and review process for town projects that affect transportation.

Provide for Town representation through TAC at meetings of local and regional bodies dealing with transportation issues.

Formalize TAC's role in developing the transportation objectives of the Master Plan. (Beyond TAC's representation on the MPCC, the committee should be an integral part of the review process for implementing objectives.)

Provide for regular meetings with the Selectmen, either by scheduling a TAC topic at a BoS meeting, or by having a Selectman attend TAC meetings.

Establish closer links with highway dept similar to those with the Town Engineer. At present, these links are informal and personal, which is not bad, but it might help to build the links a little more explicitly into the structure.

Other Suggestions

The Committee is preparing a "job description" for use by the Volunteer Coordinating Committee in advertising for new members.

We've discussed putting together a Member's Kit that would help a new member learn the jargon and the basics of reviewing a site plan. Such a kit would include a glossary of terms, a set of review guidelines (we have a short description excerpted from *Zoning News*), an explanation of the "Level of Service" concept, and a town map, plus whatever else we might find useful.

NOTES

(1) Currently, the LRTA representative (Don Herskovitz) is an Associate Member.

(2) The Committee suggests that a member of the Committee be a liaison with the MBTA similar to that with LRTA (if perhaps less formal), so as to keep current with the T's commuter-rail plans.

Town of Acton

CC: BOS

Transportation Advisory Committee

Minutes of the Meeting, 7 January 1992

JAN 2 2 1992

Present: Martin Graetz, William Litant
Guest: Oscar Derderian

The meeting was devoted to discussion of an outline for a new Committee charge. The outline described TAC's current responsibilities, proposed and suggested new functions, and other changes that might be made. Current responsibilities were divided into two categories:

Structural, consisting of site plan and other project reviews, maintenance of the sidewalk master plan, and LRTA liaison;

Initiative, involving the development of new transportation policies, and the monitoring of regional projects.

In the course of discussion, the following suggestions and comments were made:

1. A "job description" should be prepared for use by the Volunteer Coordinating Committee in advertising for new committee members.

2. Regular meetings should be fixed at once monthly (possibly excepting July and August), with additional meetings as required by the workload.

3. The duties of a Clerk should be made explicit, e.g., keeping the minutes, notifying members of meeting changes, preparing the Town Report.

4. A formal liaison with the MBTA, similar to that with LRTA, should be established.

5. Because TAC's work requires some special knowledge, a "member's kit" might be a good idea. Such a kit would contain a description of the site-plan review process, a glossary of terms (such as "site plan"), an explanation of technical concepts used in developing traffic studies, such as "level of service". The kit would also contain a copy of the Committee charge, a town map, and a current list of members.

6. Some method of regular communication with the Board of Selectmen should be established. Suggestions include periodic appearance by a TAC member at a Board meeting to discuss current activities, or vice versa.

7. The Committee should establish a working relationship with the Highway Dept similar to that it enjoys with the Town Engineer and (to a lesser extent) with the Town Planner.

The committee accepted with extreme regret the resignation of Al McAdoo after seven years of service.

martin graetz
Martin Graetz, acting clerk

PUBLIC ANNOUNCEMENT CONCERNING SUBURBAN MANOR NURSING HOME IN ACTON, MASSACHUSETTS

Acton Medical Investors, L.P., 3570 Keith Street, N.W., Cleveland, Tennessee 37312, d/b/a/ Suburban Manor Nursing Home, One Great Road, Acton, Massachusetts 01720, intends to file a Determination of Need application with the Massachusetts Department of Public Health for an amendment to approved DON #4-1181 which authorized a 41-bed addition at a capital expenditure of $1,972,120. The amendment seeks to increase the approved capital expenditure amount by an additional $690,460. The increase in capital expenditure is needed to pay for a sewage treatment facility and additional land required to meet new Acton zoning and groundwater protection regulations.

Any ten taxpayers of the Commonwealth may register in connection with the application by April 27, 1992. If requested, a public hearing shall be ordered on the application at the request of any such ten taxpayers made in writing, not later than February 18, 1992. Such registrations or requests for hearing shall be sent to the Department of Public Health, Determination of Need Program, 150 Tremont street, Boston, Massachusetts 02111. The application may be inspected at such address or at the Northeast Regional Health Office, Tewksbury Hospital, Saunders Building, East Street, Tewksbury, Massachusetts 01876.

Garry
Doug
Roland

BOS 1/24

Beacon 1/23/92

To: Board of Selectman
From: ACES, Inc. per R.H. Eisengrein
Date: 110/23/92 Subject: Pilot Bioremediation Bench Test

Based on a meeting in Town Hall with Town officials and attorney S. Anderson, ACES Inc. sent you a memo of understanding as to it's role in the bioremediation bench test. At that time all present expressed a sense of urgency based on W.R. Grace Co.'s plan to begin solidification of site wastes via the VFL process in the spring of 1992. We are now approaching the spring of 1992 and ACES Inc. would appreciate information on the status of action todate, and plans for future action. We do hear by the "grapevine" that all matters are finally resolved so that bids can be received for the bench test.

If so, we would appreciate your response to the above comments, copies of the RFP being sent out, and your specific answers to points 2 and 3 of our 10/16/91 memo.

Yours truly,

R.H. Eisengrein
ACES Project Manager

cc: S.Anderson, PSA, D.Johnson, D. Halley

JAN 24 1992

MASSACHUSETTS

BOARD OF APPEALS

January 6, 1992

Dear Members:

The Board of Appeals is planning to hold an informational meeting on Monday, February 3, 1992.

The purpose of the meeting will be to familiarize new alternate members with scheduling, procedures, decision-making processes including, but not limited to:

1. Types of applications.
2. Completeness of submission as well as correct documentation.
3. Procedure, once application is received.
4. Determination of hearing date and time.
5. Determination of decision due dates, preferred and legal.
6. Actual hearing procedures.
7. After hearing timetable:
   a. minutes
   b. decision
   c. ~~distribution for signature~~
   d. finalization

In the future we will meet and discuss with Town Counsel mandatory findings pertaining to Special Permits, Variances, Review, etc.

You will be notified ~~of the time for the February 3rd. meeting~~ when the agenda, if any, has been set. Should there be no hearings scheduled, the meeting will begin at 7:30 p.m. in Room 126 in Town Hall.

Very truly yours,

Matt Mleziva
Chairman

cc: Board of Selectmen

(348)

TOWN OF ACTON
BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts 01720 (508)264-9632

January 22, 1992

JAN 24 1992

cc: BOS

West Acton Mobil
553 Massachusetts Ave.
Acton, MA 01720

Gentlemen:

As of this date you are displaying three illegal, unlicensed A-Frame signs and multiple illegal, unlicensed banners. These signs are being displayed in violation of Section 7.6 of the Zoning Bylaw and as such must be removed.

If the illegal signs are not removed, you will be subject to the non-criminal ticketing procedure. Each sign and banner is a separate violation and as such each will involve a $25.00 ticket for every day they remain displayed.

If you have any questions call 264-9632.

Very truly yours,

Garry A. Rhodes
Building Commissioner

cc: File
Town Manager
Certified

(747)

CDM

environmental engineers, scientists, planners, & management consultants

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

January 14, 1992

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

CC: BOS - COVER LTR. ONLY
(1) FULL REPORT IN RF (APPROX. 50 PAGES)
(2) RESPONSE TO COMMENTS IN RF (39 PAGES)
(3) APPENDICES TO (1) IN RF

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

Subject: W. R. Grace, Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

(1) & (3)

On behalf of W. R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits the Draft Landfill Well Workplans, Monitoring and Recovery Wells in response to RPA Remedial Action Items E1 and E2, and are part of Phase 1 SOW Activity 3. In addition, a separate (2) response to Government Parties' comments dated December 20, 1991 is enclosed. This Draft report includes revisions based on the comments received.

Please call the undersigned at (617) 252-8832 if you have any questions.

Very truly yours,

CAMP DRESSER & McKEE INC.

Bruce R. Conklin

Bruce R. Conklin, P.E.
Associate

Enclosures

DISTRIBUTION:
6 copies - Lynne Jennings
3 copies - Edmond Benoit

cc:
G. Meunch, EPA (1)
D. Halley, Acton (4)
P. Reiter, GZA (1)
D. Kronenberg, Grace (1)
W. Cheeseman, FHE (1)
J. Swallow, Pine & Swallow (1)
B. Leach, Concord Board of Health (1)
C. Tuttle, DEP Boston (2)
J. Ayres, GZA (1)
S. Anderson (2)
M. Stoler, Grace (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP (1)
R. Eisengrein, ACES Tag Mgr (1)

New England Telephone

A NYNEX Company

15 Chestnut Street 2nd Floor
Worcester, Massachusetts 01609
Phone (508) 793 9966

John J. Doherty, Jr.
Manager - Public Relations

January 17, 1992

JAN 21 1992

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

Dear Selectmen:

New England Telephone Company plays an extensive roll in the day-to-day activities that take place within your community. Whether providing communications for residents, businesses or access to emergency services, New England Telephone prides itself in providing telecommunications of the highest quality.

To this end, I extend my assistance and that of New England Telephone Company in any way that may be of service to you. Often, community leaders are asked to provide information or assistance to their constituents on matters that relate to New England Telephone Company. Only by making me aware of your needs can New England Telephone Company respond to them in a timely manner.

Should any situation arise that might involve New England Telephone Company or any of the NYNEX Companies, please do not hesitate to contact me. I look forward to working with you to provide the highest level of telecommunications services to your community.

Sincerely,

Jack Doherty

John J. Doherty, Jr.
Manager - Public Relations

Underwood Publications International
P.O. Box 154
Woodstock, CT 06281-0154
(203) 928-2000
(800) UPI-MAPS
FAX (203) 928-2002

CC: BOS
SUGGEST REFERRING MR. UNDERWOOD TO STAFF.

UNDERWOOD PUBLICATIONS INTERNATIONAL

January 13, 1992

JAN 21 1992

Mr. Norman Lake
Chairman of Selectmen
Town of Acton
472 Main Street
Acton, MA 01720

Dear Mr. Lake:

We are delighted to share with you our plans to publish a Map and Directory of your community.

The purpose of this annual booklet is primarily a promotional publication. It will present your community as an attractive and progressive area to live, work and shop in.

This directory will be produced through the generosity of the local merchants. They will purchase advertising space, allowing them the opportunity to promote their business.

Each booklet is customized to fulfill the needs of each community. Therefore, we ask that you delegate someone to assist us in preparing the text and photographs for your review and approval.

A representative from our company will be in touch with you soon. We look forward to working with you on this project.

Sincerely,

Roger C. Underwood
Vice President

P.S. Enclosed is a sample design that we believe will meet with your approval.

Dedicated to Excellence in Community Maps and Directories

CC: BOS

The Director of the
Massachusetts Emergency Management Agency
requests your attendance at
The Re-opening of the Agency's Area I
Operations and Training Center
with Lt. Governor A. Paul Cellucci
February 7, 1992 at 3:30 p.m.
on the grounds of
Tewksbury State Hospital
East Street, Tewksbury, MA

A. David Rodham, Director
Mass. Emergency Management Center

RSVP
Kevin Tully, Area I Director
617-944-1184
1-508-640-9500

FILE - 1/10/92

ACTON PUBLIC SCHOOLS • ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT
16 Charter Road • Acton, MA 01720-2995 • (508) 264-4700 • FAX (508) 263-8409

OFFICE OF THE SUPERINTENDENT
William L. Ryan
Director of Business and Community Education

January 8, 1992

REDUCED ACTON-BOXBOROUGH ASSESSMENT FOR 1991-92

TOWN OF ACTON

To:
1. Chairman, Board of Selectmen ✓
   c/o Executive Officer
2. Chairman, Finance Committee
3. Liaison Person, Finance Committee
4. Town Treasurer

By vote of the Acton-Boxborough Regional School Committee on January 2, 1992, your town's assessment for 1991-92 has been lowered by $300,524 to:

$7,167,824

Sincerely,

Bill

William L. Ryan,
Director of Business and
Community Education

WLR/baw

cc: Dr. Robert Kessler
Peter Beanland
Roberta O'Connell

R E V I S E D

SCHEDULE OF ASSESSMENT PAYMENTS

TOWN OF ACTON - 1991-1992

MONTH	PERCENT	OPERATING ASSESSMENT	DEBT SERVICE	TOTAL ASSESSMENT
August 1991	9.5%	$645,179.13	$37,322.37	$682,501.50
Sept. 1991	9.5%	645,179.13	37,322.37	682,501.50
Oct. 1991	9.5%	645,179.13	37,322.37	682,501.50
Nov. 1991	9.5%	645,179.13	37,322.37	682,501.50
Dec. 1991	9.45%	638,991.20	37,322.37	676,313.57
Jan. 1992	9.45%	638,911.20	37,322.37	676,313.57
Feb. 1992	8.6%	578,886.42	37,322.37	616,208.79
March 1992	8.6%	578,886.42	37,322.37	616,208.79
April 1992	8.6%	578,886.42	37,322.37	616,208.79
May 1992	8.6%	578,886.42	37,322.37	616,208.79
June 1992	8.7%	578,886.40	41,469.30	620,355.70
TOTAL	100%	$6,753,131.00	$414,693.00	$7,167,824.00

c.c. Dr. Kessler
Mary Larson
Roy Wetherby
Bill Ryan
Peter Beanland
Barbara Wheeler
Roberta O'Connell

1/2/92

Minuteman Tech

Minuteman Regional Vocational
Technical School District
758 Marrett Road
Lexington, MA 02173-7398
Telephone (617) 861-6500
Fax 617-863-1747

BOB WILTSE OVERVIEW MTG. ~~SELECTMENS CONCERNS~~ 1/21/92

1/10/92
BOS - THIS IS FORWARDED IN YOUR 1/10 INFO. PACKET TO GIVE TIME FOR ANY ANALYSIS YOU MAY WISH TO UNDERTAKE.
DM

January 8, 1992

Action Request on Teacher Salary Deferral

TO: Chairperson
Acton Board of Selectmen

At a ~~meeting of the~~ Minuteman School Committee held on January 7, 1992, it was voted pursuant to Section 3 of Chapter 336 of the Acts of 1991 to reject the deferral of teachers' compensation as authorized therein for the fiscal year beginning July 1, 1992. This vote is subject to approval of the Boards of Selectmen of nine or more of our member towns.

In view of the fact that the overwhelming majority of the Minuteman member towns rejected deferral in FY '92, our School Committee recommends passage of the following vote by your Board for FY '93:

> "Voted: that the Town of Acton rejects the deferral of Minuteman Regional Vocational School District's school teachers' compensation for fiscal year 1993 as authorized by Section 3 of Chapter 336 of the Acts of 1991."

PLEASE NOTE that Section 3 of Chapter 336 of the Acts of 1991 still permits your town to defer your portion of your assessment which would have been reduced if Minuteman had deferred part of its teachers' compensation. To do this, you will need to insert an article in the warrant for your 1992 annual town meeting. We will be glad to draft an article for you when we have heard from our member towns with respect to the passage of the foregoing vote.

In summation, we hope that you will:

1. Consider taking this vote and
2. Present us with a formal and signed record of the result **before January 27, 1992.**

This would then leave each of our towns free to exercise its local deferral action without imposing eventual borrowing costs on the majority of towns not endorsing deferral. Please refer to the enclosed RESOURCE PACKAGE for related information. Feel free to telephone our Business Manager Donald Essman or Superintendent Ron Fitzgerald with any questions. Meanwhile, thank you for timely consideration of this matter. With your help and response, our goal is to take action to provide towns with known fiscal data on January 28, 1992.

Sincerely,

Elaine Sweeney

Elaine Sweeney
Chairperson
Minuteman School Committee

Acton	Belmont	Boxborough	Concord	Lancaster	Lincoln	Stow	Wayland
Arlington	Bolton	Carlisle	Dover	Lexington	Needham	Sudbury	Weston

January 8, 1992

RESOURCE PACKAGE

Mini-Summary Minuteman Tech Budget Proposal and Proposed Fiscal Management Plan For 1992-93

Public Budget Hearing
8 p.m., January 28, 1992
Minuteman Tech

NOTE: An expanded explanation and discussion of alternatives is available on request.

Ronald Fitzgerald
Superintendent

PREFACE
To Minuteman Tech Budget for 1992-93

Given the continued recession and pressure on taxpayers, our goal was to keep any budget increase below 2% exclusive of salary deferral payback and despite these factors:

1. A 4.09% increase in FTE enrollment
2. Escalating health insurance costs
3. New FICA taxes
4. A dramatic rise in MWRA water rates for our factory-like operation
5. Continued postponement of corrective action on maintenance renewal (like cracking tennis courts)

This goal has been reached with the highest level of support from staff members who approved a FY '93 salary freeze. They worked diligently to keep costs down while maintaining a high level of quality in service to our students.

Ron Fitzgerald, Superintendent

INTRODUCTION

A. INTRODUCTION: CONTEXT

Since members of most local finance committees are well aware of certain basic and important facts concerning Minuteman Tech, these facts are listed here but not fully explained since that has been done so often in the past:

1. **Minuteman Tech's level of special education service is far above that of local school districts**, in effect saving many member towns thousands of dollars including some towns whose local school departments over-use this service while not providing open guidance access to, for example, one of the most powerful high school science-technology programs in the nation.

2. **Minuteman staff members have been area leaders in "giving" to students while being extremely sensitive to town and citizen budget problems.** That sensitivity is continued this year with a no-raise-no-increment proposal.

3. **Minuteman cost figures are well below the nationally accepted standard of two times non-vocational high school costs** when compared with our area high schools. However published state cost figures for Minuteman are erroneous because state computations do not give the school proper credit for either its tuition or special education enrollments.

4. **Minuteman provides service well beyond its high school and critical adult job training programs.** For example, important career exploration and technical literacy programs are provided to middle schools across our 16-town region.

5. **Area business and industry leaders now recognize and support Minuteman Tech as one of their most valuable resources.** Refer to the newsletter on the next two pages as an example of this. Any local school department that does not help its students to use the Minuteman/ industry learning partnerships is failing to serve its citizens properly.

RESOURCE PACKAGE & NOTICE

PLAN Z Management Option
Minuteman Tech Budget for FY'93

1. The School Committee has adopted this budget for FY'93 **for public hearing purposes. The public hearing will be held at**

8 p.m.
Minuteman Tech
January 28, 1992

a. Basic BUDGET TOTAL = $9,862,309 (up 1.7%)

b. Required FY'92 deferral payback = 196,473

TOTAL = $10,058,782

See the "A" sheets for budget summary.

2. We have initially estimated revenue as follows in a PLAN Z:

REVENUE	ESTIMATE	COMMENTS
a. Chapter 70 aid	1,523,199	A gamble.
b. Regional aid	414,535	A gamble.
c. Transport aid	525,000	A gamble.
d. Tuition	780,000	None
e. Community Ed.	50,000	None
f. Interest	110,000	Or less
g. ASEP	66,000	None
h. E&D use	296,498	Uses every dollar.
i. Attempt at current budget savings	100,000	Many Committee members do not agree with this attempt.

TOTAL = $3,865,232

3. Potential local assessment impact (#1 - #2) IF a management Plan Z is adopted (See Sheet B for assessment calculation.)

A TOWN	B PLAN Z ASSESSMENT IF ADOPTED	C ACTUAL LOCAL IMPACT IF TOWN DEFERRED W/ LOCAL AUTHORITY **
Bolton	89,855	86,503
Dover	43,683	42,701
Lancaster	325,121	315,923
Needham	487,324	471,951

A TOWN	B PLAN Z ASSESSMENT IF ADOPTED	C ACTUAL LOCAL IMPACT IF TOWN DEFERRED W/ LOCAL AUTHORITY **
Acton	601,400	582,844
Arlington	2,140,040	2,075,569
Belmont	414,820	399,774
Boxborough	106,151	102,553
Carlisle	72,840	71,859
Concord	272,194	264,959
Lexington	550,803	532,290
Lincoln	108,966	106,637
Stow	329,160	316,976
Sudbury	381,446	368,690
Wayland	208,385	198,779
Weston	61,362	59,072
TOTAL =	6,193,550	5,997,080
Increase over Town Meeting Vote for FY'92	4.67%	+1.35%

... with FTE enrollment up 4.09%

** Town would still pay full assessment in Col. B to Minuteman

Of course, the caution is presented here that the early estimates and recommendations are NOT the School Committee's final vote. Many Minuteman School Committee members question this context in terms of service to youngsters and fairness to staff members:

a. A budget up 1.7% while enrollment is up 4.09%.

b. No raise and no increment for all employees.

c. Gambling that state aid will not be reduced again.

d. The superintendent basing his fiscal management recommendation on continued current budget cutting.

e. Using every available E&D dollar to reduce assessments, leaving nothing for a major emergency that could occur.

These realities will be debated on January 14th and at our January 28th public hearing **to which interested parties are invited.**

Ronald Fitzgerald

Ronald Fitzgerald
Superintendent-Director
for the
Minuteman School Committee

"A"

12-17-'91 RJF		MINUTEMAN TECH	FY 93 BUDGET	INFORMATION	
		TABLE	OF CONTENTS		
PROGRAM AREA	PAGE	1991-92 AMT.	PROPOSED 92-93	DIFFERENCE	COMMENT (If any)
Introduction	a				
CONSTRUCTION	A				
Carpentry	1	18450	18950	500	Replace some texts
Electrical	2	12600	12600	0	
Decorating		0	0	0	
Plumbing	3	14900	16800	1900	New heating curriculum
Horticulture	4	19315	19315	0	
Drafting	5	8480	8480	0	
Heat/air cond	6	17225	17000	-225	
Sub-totals A		90970	93145	2175	Minor division increase
COMMERCIAL	B				
Culinary/hotel	7	4460	5395	935	More students, texts
Cosmetology	8	7750	6940	-810	
Retail (DE)	9	3495	3495	0	
Printing	10	19325	15000	-4325	
Commercial art	11	8350	7850	-500	
Health instr. (voc)	12	23800	22300	-1500	
Child care	13	2300	2400	100	
Duplicating svc.	14	69438	64642	-4796	
Photography (acad)	15	2700	1400	-1300	
Afternoon Program	16	13870	13870	0	
Reg. Occup. Prog.	17	9930	9930	0	
Sub-totals B		165418	153222	-12196	Budget cut
TECHNOLOGY	C				Up 1 psn with growth.
Electronics	18	10036	8306	-1730	
Computers	19	13780	15462	1682	
Electromechanical	20	16630	21435	4805	Assumes biotech grant
L'drship/safety	21	3000	3000	0	
Business tech (rel.)	21	11200	4550	-6650	
Sub-totals C		54646	52753	-1893	Budget cut
AUTO/METALS	D				
Welding	22	10592	12792	2200	
Auto body	23	18491	20823	2332	
Machine shop	24	7720	8220	500	
Auto mech/ASEP	25	17954	18800	846	
Sub-totals D		54757	60635	5878	Increase=reduced donations
ACADEMIC	E				
Commo (English)	26	12150	12750	600	Cut 2/5 of a position
Human rel. (Soc S.)	27	5273	4573	-700	
Mathematics	28	14960	14460	-500	
Science w/labs	29	23600	23970	370	
Physical educ.	30	8190	9690	1500	Expanded health program
Foreign language	31	1700	1300	-400	
Art/jewelry	32	10000	9150	-850	
Music (indep study)	32	500	500	0	
Athletics	33	72050	81750	9700	Outside fee increases**
Driver educ.	34	500	500	0	
Sub-totals E		148923	158643	9720	See athletics and P.E.
SUPPORT	F				
Library	35	21900	22600	700	
Audio-visual	36	8675	6625	-2050	CONTINUED = OVER

"A"

Television	37	870	400	-470	
Microcomputer svc.	37	24850	25450	600	Critical to all depts.
Special educ.	38	10300	10200	-100	High service
Psychological svc.	38	4400	4300	-100	
Guidance svc.	39	11810	9625	-2185	
Health service	40	8301	12000	3699	Hepatitis shots in health
Principal's office	40	77775	77750	-25	Covers entire school
Transportation	41	722592	663164	-59428	Aid will decrease
Voc coordination	42	7650	7650	0	
Computer svc. mini	42	38255	38255	0	
Dean's office	43	2400	2400	0	
District programs	43	49900	49900	0	2909.2182
Supt's office	44	4650	4650	0	
Planning office	44	51260	51260	0	Includes TECH service
Business office	45	13450	10050	-3400	Unemployment ins. = ?
risk insurance	45	122650	120500	-2150	Not in Local Sch Bud=NILSB
employee benefits	45	1052759	1154702	101943	New FICA
medicare	45	36300	43000	6700	
Bus'ns Sub-totals	45	1225159	1328252	103093	
Custodial	46	22000	19900	-2100	Cut 1 psn
Utilities	46	481050	486000	4950	Water cost increase
Maint operations	46	54000	54000	0	
Maint repairs	46	102450	102600	150	
Bldg improvement	46	118000	115000	-3000	NILSB; major items delayed
Maint Sub-totals	46	777500	777500	0	
Debt mgmt.	47	0	0	0	?=timely aid
Equipment/capital	47	148344	142647	-5697	Town to fund construction
Food service	48	5450	1100	-4350	More self-supporting
Sub-totals F		3202041	3235728	33687	
Salaries	49	5980639	6108183	127544	= no raise or increments
GRAND TOTALS		9697394	9862309	164915	1.70%
		+ deferral repay	196473	Towns can do multi-year deferral.	
		TOTAL =	10058782	361388	
CONTINUED FROM PAGE 1.			Above while FTE enrollment = + 4.09%		

NOTES:

AFTERNOON=	61370		M62=cut aid &	town defers			RF, 1-2-92		Basic			
FLEX=	39425		M63 w/ lev aid &	town defers					Assess			
		OPERATE DAY=	6092755	=M63-(P1+P2)					**			
	1992-93	ASSESSMENTS	NOT VOTED									
A	B	C	D	E	F	G	H	I	J	K	L	M
		ORIGINAL(Fini)	OPERATING			$39425		$61370	********			
	PUPILS 10-91	CAPITAL (5)	SHARE	OPERATING $	FLEX	FLEX $	AFTERNOON	AFTERNOON $	NEW ASSESS $	PAST INITIAL	ASSESS CHANGE	
TOWN	Inc. PT.FTE	PUPILS X 400	PUPILS/TOTAL	SHARE X DAY	PUPILS	SHARE	PUPILS	SHARE	E+G+I	ASSESSMENT	J-K	% CHANGE
BOLTON	8.50	$0	0.014203	$86538	0	$0	24	$3317	$89855	$101227	($11372)	-11.23%
DOVER	4.25	$0	0.007102	$43269	0	$0	3	$415	$43683	$30688	$12995	42.35%
LANCASTER	31.50	$0	0.052636	$320698	0	$0	32	$4423	$325121	$274862	$50259	18.29%
NEEDHAM	47.50	$0	0.079372	$483592	0	$0	27	$3732	$487324	$463088	$24236	5.23%
ACTON	57.75	$0	0.096499	$587947	6	$6957	47	$6496	$601400	$563867	$37533	6.66%
ARLINGTON	207.80	$0	0.347230	$2115589	10	$11596	93	$12855	$2140040	$1932160	$207880	10.76%
BELMONT	39.95	$0	0.066756	$406727	4	$4638	25	$3456	$414820	$453179	($38359)	-8.46%
BOXBORO	10.25	$0	0.017128	$104354	0	$0	13	$1797	$106151	$109969	($3818)	-3.47%
CARLISLE	7.00	$0	0.011697	$71266	1	$1160	3	$415	$72840	$32675	$40165	122.92%
CONCORD	26.25	$0	0.043863	$267248	2	$2319	19	$2626	$272194	$219891	$52303	23.79%
LEXINGTON	52.40	$0	0.087560	$533479	6	$6957	75	$10367	$550803	$560515	($9712)	-1.73%
LINCOLN	10.00	$0	0.016710	$101809	2	$2319	35	$4838	$108966	$75105	$33861	45.08%
STOW	32.00	$0	0.053471	$325789	1	$1160	16	$2212	$329160	$362222	($33062)	-9.13%
SUDBURY	37.00	$0	0.061826	$376693	1	$1160	26	$3594	$381446	$379328	$2118	0.56%
WAYLAND	20.30	$0	0.033921	$206672	1	$1160	4	$553	$208385	$289819	($81434)	-28.10%
WESTON	6.00	$0	0.010026	$61085	0	$0	2	$276	$61362	$68593	($7231)	-10.54%
TOTAL	598.45	$0	1.000000	$6092755	34	$39425	444	$61370	$6193550	$5917188	$276362	4.67%
	+ NON-MEMBER								BUT, towns	Town meeting		
	and SELF-FUNDED								can defer part	prior to def/R		

		THEN,ASSES	THEN %	OR % CHANGE	CHANGE IN	SPECIAL	SPECIAL
		IMPACT	CHANGE	FROM FINAL	REGULAR DAY	PROGRAM	PROGRAM
	POTENTIAL	BEFORE	FROM TM	ASSESS FOR	ENROLLMENT	ENROLLMENT	HALF-YEAR
TOWN	TOWN DEFER	"BORROW"	VOTE IN '91	FY '92	SHARE	CHANGE %	CHANGE
BOLTON	3352	$86503	-14.55%	-9.38%	-16.76%	100.00%	12 TO 24
DOVER	982	$42701	39.15%	47.26%	42.28%	0.00%	3 TO 3
LANCASTER	9198	$315923	14.94%	21.96%	12.43%	100.00%	16 TO 32
NEEDHAM	15373	$471951	1.91%	8.09%	1.43%	-22.86%	35 TO 27
ACTON	18556	$582844	3.37%	9.57%	2.17%	12.77%	47 TO 53
ARLINGTON	64471	$2075569	7.42%	13.97%	5.82%	22.62%	84 TO 103
BELMONT	15046	$399774	-11.78%	-6.44%	-12.82%	45.00%	20 TO 29
BOXBORO	3598	$102553	-6.74%	-1.18%	-6.44%	-7.14%	14 TO 13
CARLISLE	981	$71859	119.92%	131.91%	134.47%	-50.00%	8 TO 4
CONCORD	7235	$264959	20.50%	27.73%	19.09%	50.00%	14 TO 21
LEXINGTON	18513	$532290	-5.04%	0.69%	-7.08%	170.00%	30 TO 81
LINCOLN	2329	$106637	41.98%	49.99%	41.01%	23.33%	30 TO 37
STOW	12184	$316976	-12.49%	-7.11%	-13.79%	70.00%	10 TO 17
SUDBURY	12756	$368690	-2.80%	3.17%	-4.77%	145.45%	11 TO 27
WAYLAND	9606	$198779	-31.41%	-27.26%	-30.63%	-84.85%	33 TO 5
WESTON	2290	$59072	-13.88%	-8.63%	-13.91%	-60.00%	5 TO 2
	196470	$5997080	1.35%	7.49%	XXXXXXXXXXXX	21.01%	395 TO 478
		**				HALF YEAR	HALF YEAR

← Town impact option.

W

GRACE

CC: BOS -
(COVER & ATTACH #2)
FULL REPORT IN RF

Polyfibron Division
W.R. Grace & Co.-Conn.
55 Hayden Avenue
Lexington, Mass. 02173
(617) 861-6600

January 7, 1992

Mr. Doug Halley,
Director
Acton Board of Health
14 Forest Road
Acton, MA 01720

Subject: **Oil Recovery Program**
51 Independence Road

Dear Mr. Halley:

Attached is the December Quarterly Monitoring Report for the Oil Recovery Operation. There were no system problems encountered during the last quarter of 1991.

Also included is a summary of monthly oil recovered from the system (Att:2).

As promised during our July 1991 meeting, all of the reports submitted to the Board of Health in 1991 will be provided to you shortly in the microfiche format.

If you have any questions or require additional information, do not hesitate to contact me at (617) 861-6600, Ext. 2353.

Sincerely,

Rosanne M. Joyce

Rosanne M. Joyce
Environmental Engineer

Att: 2

cc: E. Benoit, DEP, Worcester
Chief Craig, Acton Fire Department
D. Johnson, Acton Town Hall
D. Kronenberg

rj/316

ATTACHMENT 2

MONTH	TOTAL GALLONS	DAILY AVERAGE	GALS. RECOVERED TO DATE
Jan 1991	16.6	0.5	28,181.2
Feb	6.8	0.2	28,188.0
Mar	11.1	0.4	28,199.1
Apr	12.5	0.4	28,211.6
May	4.0	0.1	28,215.6
Jun 13	1.7	0.1	28,217.3
Jul 22	3.2	0.1	28,220.5
Aug 14	4.2	0.2	28,224.7
Sep 4	8.0	0.4	28,232.7
Sep 30	4.2	0.2	28,236.9
Nov 1	14.4	0.5	28,251.3
Dec 6	11.5	0.3	28,262.8

Massachusetts Department of Revenue | Division of Local Services

BULLETIN

1/10

BOS — MAYBE I AM MISSING SOMETHING BUT MY THOUGHTS CAN BE SUMMED-UP IN TWO WORDS ... ABSOLUTELY UNBELIEVABLE!

Commissioner Mitchell Adams
Deputy Commissioner Leslie A. Kirwan

CC: DEPT. HEADS

January, 1992

Wow

To: School Superintendents; School Committee Chairs; Boards of Selectmen; City and Town Councils; Mayors; Town Managers and Administrators

From: Leslie A. Kirwan, Deputy Commissioner LAK
Division of Local Services

Chapter 493 of the Acts of 1991, Section 4, enacted on December 30, provides for $30 million in one-time emergency assistance to be distributed to local and regional school districts and county agricultural schools demonstrating serious educational emergencies in Fiscal Year 1992. The funds will be awarded to qualifying districts in early February. The program is being administered by the Massachusetts Department of Revenue, Division of Local Services in consultation with the Massachusetts Department of Education.

Emergency regulations and application forms are in the process of being drafted and will be issued on January 13. This BULLETIN is to give advance notice of the process and to assist district and municipal officials in preparing to develop and submit their applications.

PLEASE NOTE: This announcement is for informational purposes only. It does not constitute the official regulations for this emergency assistance program; we reserve the right to change or add to the information presented here. Chapter 493 prohibits districts from filing applications until the regulations are promulgated.

BASIS FOR AWARDS

Funds will be awarded to districts upon a determination involving three steps:

1. Eligibility. Any district demonstrating one or more of the following conditions shall be eligible for consideration. (For the

data that will be required to document these conditions, see below under **DATA REQUIRED FOR DETERMINATION OF ELIGIBILITY**.)

a. Decline in per pupil direct service spending between FY91 and FY92
b. Classroom overcrowding
c. Shortage or inadequacy of basic instructional materials

The regulations may indicate additional factors that may be used to determine eligibility. However, at a minimum any district meeting one of the above conditions is eligible for consideration.

2. Certification of Educational Emergency. The Department of Education will evaluate the applications of all eligible districts and certify those in which serious educational emergencies are determined to exist. This determination will be made on the basis of the information presented in documenting eligibility (as described above), and on other information as detailed in the regulations.

3. Evaluation of Proposals. Applicants must propose how they will use any funds awarded to alleviate their serious educational emergency. If the plan includes more than one element, applicants will be asked to rank the elements by priority. The proposal must indicate estimated costs and timeframes for implementation. In line with the intent of this emergency assistance legislation, proposals should focus on steps that can be taken immediately to produce noticeable improvements in the classroom.

Based on the availability of funds, awards will be made to districts with certified educational emergencies to fund approved proposals.

APPLICATION PROCEDURES

In order to accomplish this analysis and award funds as soon as possible, it is imperative that applicants follow the procedures below. In the tight timeframe proposed, it will not be possible to permit exceptions to these procedures.

1. Emergency Regulations and Application Forms will be issued on January 13. Complete packages will be mailed to the following officials:

School Superintendents
Regional School Superintendents
School Committee Chairs
Regional School Committee Chairs
County Agricultural School Superintendents
Boards of Selectmen
City Councils
Mayors
Town Managers and Administrators
City Managers
Legislators

In addition, copies will be available at the following locations:

DOR/Division of Local Services	Boston:	200 Portland Street, 3rd Fl. Boston, MA 02114
	Worcester:	75A Grove Street Worcester, MA 01605
	Springfield:	436 Dwight Street Springfield, MA 01103
Department of Education	Quincy:	1385 Hancock Street Quincy, MA 02169

2. Application Deadline. Completed applications must be received at the Division of Local Services in Boston by 5:00 p.m. on Thursday, January 23. No information submitted after this deadline will be considered, with the exception of the items detailed in Item 3 below.

3. Deadline for Other Submissions. Chapter 493 requires certain elements of the emergency aid application to be approved by the Board of Selectmen or City Council in the case of a local district and by the Boards of Selectmen of two-thirds of the member communities in the case of a regional district. In recognition of the lead time necessary to secure these approvals, we will extend the deadline for submission of these approvals to 5:00 p.m. on Thursday, January 30. The approval forms, to be supplied in the application package, must be received at the Division of Local Services in Boston by this deadline. The specific approvals to be submitted are as follows:

a. Approval of the application itself, on the form supplied in the application package.

b. Agreement to the repayment provision. The legislation provides for a payback to the Commonwealth of one-half of the funds awarded, to be made in five equal installments of 10% of the total grant, beginning in FY93, with the annual payment forgiven in any year for any district in which the Chapter 70 aid does not increase by at least the amount of the scheduled repayment. Annual payments for regional school districts shall be forgiven in any year in which the total of Chapter 70 and Chapter 71 aid does not increase by at least the amount of the scheduled repayment. The Board of Selectmen or City Council (or the Boards of Selectmen of two-thirds of the member communities in the case of a regional district) must agree to this repayment by signing the appropriate form, to be supplied in the application package.

c. Agreement to comply with reporting requirements. Chapter 493 requires reports to be filed on the use of emergency grants. The regulations will provide more information on this requirement, along with a form on which the district and/or municipality will agree to comply with the reporting requirements.

Potential applicants are advised to take steps to call whatever meetings are necessary to secure these approvals and submit them by the deadline. Unfortunately, time will not permit consideration of submissions after that date.

4. Announcement of Awards. The districts receiving awards and the grant amounts will be announced on or about Wednesday, February 5, 1992.

DATA REQUIRED FOR DETERMINATION OF ELIGIBILITY

The following information will be used to determine eligibility under Chapter 493. Districts should begin to assemble these data in preparation for making application for funds.

1. **Decline in per pupil direct service spending between FY91 and FY92.** Districts have already submitted the necessary FY91 data to the Department of Education as part of the Fiscal Year 1991 End-of-Year Report. The End-of-Year Report also includes estimated FY92 data. If there have been subsequent changes in the FY92 information, these should be documented in the application.

2. **Classroom Overcrowding.** Districts should submit information on the following:

   a. Number, grade level and building location of each regular education classroom with 35 or more students, listing the student:teacher ratio in each such classroom;

   b. Number, grade level and building location of each special or transitional bilingual education classroom with enrollments in excess of maximum requirements of state regulations, listing the student:teacher ratio in each such classroom; and

   c. Total number of kindergarten students and kindergarten classrooms where average enrollment exceeds 25 students per classroom.

3. **Shortage or inadequacy of basic instructional materials.** Districts should submit information on the presence of any of the following conditions, and the number of students affected:

   a. Classrooms with fewer than one textbook/workbook/preprinted instructional document per student

   b. Classrooms in which not all students have the same textbook/ workbook/preprinted instructional document

   c. Other examples of inadequate basic instructional materials.

QUESTION AND ANSWER SESSION

Staff from the Department of Revenue and Department of Education will be available to explain these procedures and answer questions

during a special segment of the Massachusetts Association of School Superintendents' annual mid-winter meeting. This session will run from 2:00 to 4:00 p.m. on January 16, and will be held at the Sheraton Tara Hotel in Framingham (Exit 12 off the Mass. Pike).

CONTACT

If you have questions in advance of receiving the emergency regulations, please contact Robert N. Addelson, Division of Local Services, (617)727-2300.

John F. Kennedy Library Foundation
Columbia Point
Boston, Massachusetts 02125
Telephone (617) 436-9986

January 3, 1992

Mr. William S. Weeks
472 Main Street
Acton, MA 01720

Dear Mr. Weeks,

On May 29, 1991, the John F. Kennedy Library Foundation presented its second annual Profile in Courage Award to Charles Longstreet Weltner, former United States Congressman from Atlanta, Georgia. The award was created in 1989 to honor President Kennedy and his strong commitment to public service, and to recognize outstanding examples of political courage.

In the spring of 1966, Representative Weltner signed an oath of loyalty to support his party's nominees in the general election. When an advocate of segregation emerged as his party's nominee for governor, rather than ignore the oath, Weltner withdrew from his own race for re-election stating that he could not "compromise with hate." Charles Weltner demonstrated the qualities of leadership and integrity that President Kennedy wrote about in Profiles in Courage.

I am writing to you and to other community leaders across the country to ask your assistance in identifying elected officials to be considered for the 1992 award to be presented in May. Last year, over 1,000 nominations were received which indicates that recognizing courage and integrity in our elected officials is a priority in today's society.

Enclosed is a brochure describing the award and a nomination form. I urge you to submit a nomination and return it to the Kennedy Library Foundation at the address listed on the form. All recommendations must be received by March 2, 1992. In addition, I would appreciate any efforts you would make to circulate this information among your colleagues.

The 1992 Profile in Courage Award will be presented on the 75th anniversary of President Kennedy's birthday. I look forward to celebrating this significant occasion by recognizing another truly distinguished individual who has demonstrated outstanding political courage in public life. Thank you for your assistance.

Sincerely,

Richard K. Donahue
Chairman
Profile in Courage Award

Enclosures

John F. Kennedy Library Foundation
Columbia Point
Boston, Massachusetts 02125
Telephone (617) 436-9986

The John F. Kennedy Profile in Courage Award

1992
Nomination Form

All nominations must be received by March 2, 1992.
Please note that nomination materials cannot be returned.
Thank you for your participation.

NOMINEE: Name: _____

Title/Position: _____

Address: _____

City: _____ State: ____ Zip: _____

Telephone: work ( ) _____ home ( ) _____

1) Please summarize in a few sentences the actions or events in which the nominee displayed political courage. Please note: rather than honoring officials for their careers, priority will be given to elected officials who have demonstrated specific acts of political courage.

(over)

2) In support of your nomination, please provide additional information in the space below. Also, if available, please attach background materials on the nominee, including biographical materials and newspaper or magazine articles describing the nominee's actions.

3) Please list the names, addresses and telephone numbers of persons able to provide further information about the nominee.

Your Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: (____) _____

Please mail to: The Profile in Courage Award Committee
John F. Kennedy Library Foundation
Box 112
492 East Broadway
South Boston, MA 02127

"PROFILES OURAGE" –
THE BOOK BY JOHN F. KENNEDY

John F. Kennedy wrote "Profiles in Courage" as a young Senator in 1955, while recuperating from a serious operation on his back. An avid student of history, he researched the lives of famous Americans who risked their political careers by resisting the pressures of constituents in order to serve the interests of the nation. Among the dramatic stories told in the book:

John Quincy Adams of Massachusetts, as a Senator, supported President Thomas Jefferson's Trade Embargo of 1807, even though the embargo was contrary to the mercantile interests of New England.

Senator Daniel Webster of Massachusetts, in an effort to stave off the Civil War, broke with the Abolitionists in New England and supported Henry Clay's Compromise of 1850, which prohibited slavery in certain new states and territories but permitted it in others.

Edmund Ross of Kansas was the freshman Senator whose vote saved President Andrew Johnson from conviction on impeachment charges in 1868.

Senator Oscar Underwood of Alabama fought unsuccessfully to include an anti-Ku Klux Klan plank in the Democratic Party platform at the 1924 Convention.

Charles Evans Hughes of New York, as a private citizen in 1920 (after serving as Governor of New York, Associate Justice of the Supreme Court, and Republican Presidential nominee in 1916) defended five Socialists denied their seats in the New York State Legislature because of their radical views.

"Today the challenge of political courage looms larger than ever before. For our everyday life is becoming so saturated with the tremendous power of mass communications that any unpopular or unorthodox course arouses a storm of protests."

"The continued political success of many of those who withstood the pressures of public opinion, and the ultimate vindication of the rest, enables us to maintain our faith in the long-run judgment of the people."
– John F. Kennedy, "Profiles in Courage"

The John F. Kennedy Library Foundation
Cohasset, Massachusetts

The John F. Ken

Profile in Courage Award

"The stories of past courage can define that ingredient – they can teach, they can offer hope, they can provide inspiration. But they cannot supply courage itself. For this each man must look into his own soul."

– John F. Kennedy,

THE JOH ENNEDY PROFILE IN COURAGE AWARD

This award was created by the John F. Kennedy Library Foundation in Boston in 1989 as a means of honoring President Kennedy and promoting the quality of political courage in public officials.

The award derives its name from the famous book "Profiles in Courage" written by John F. Kennedy in the 1950's when he was a Massachusetts Senator. The book describes events from American history in which Senators and others risked their careers and the wrath of constituents by taking principled stands for unpopular positions. The book received the Pulitzer Prize for Biography in 1957.

The award will be presented to the public official or officials at the federal, state, or local level whose actions best demonstrate the quality of political courage.

The award will be administered by the Kennedy Library Foundation, which is affiliated with the John F. Kennedy Library and Museum in Boston. A committee named by the Foundation is seeking nominations for the award, and the committee will select the recipient or recipients. The award will be accompanied by a $25,000 monetary prize, which will be shared if there is more than one recipient.

The award will be presented annually each May at a ceremony at the John F. Kennedy Library in connection with the observance of President Kennedy's birthday, May 29th.

"A man does what he must – in spite of personal consequences, in spite of obstacles and dangers and pressures – and that is the basis of all human morality."

QUALIFICATIO OR THE AWARD

Political courage has many meanings. But as used by President Kennedy, the words refer to *officials who act in accord with* their conscience, even at risk to their careers, by pursuing a larger vision of the national, state or local interest, in opposition to the prevailing views of their constituents.

The need for political courage is especially important today. Too often, modern elected officials are captives of public opinion polls, reluctant to act in the national or local interest by taking unpopular courses of action or offending powerful groups.

In light of the many domestic and international challenges facing the country, there is a need for men and women in elective office willing to speak out and to do what is right for their country and their community. The "Profile in Courage Award" is designed to promote the quality of courage in public officials. In addition, the award is intended to encourage the American people to value that quality more highly and to respect officials who demonstrate it.

Individuals at all levels of government – federal, state, and local – are eligible for the award.

Ordinarily, the award will be made to living Americans who are elected officials, although in especially deserving cases, posthumous awards, awards to appointed officials, and awards to private citizens and citizens of other lands may be considered.

Emphasis will also be placed on contemporary acts of political courage, rather than examples from the distant past. In addition, priority will be given to recognizing specific acts of political courage, rather than honoring officials for their careers.

HOW TO SUBMIT A N ATION

- Consider whether the person you wish to nominate meets the criteria for political courage set forth by President Kennedy.

- Send the name of your nominee and your reasons for the nomination in a letter to:

The Profile in Courage Award Committee
John F. Kennedy Library Foundation
Columbia Point
Boston, Massachusetts 02125

- Please include any biographical material or other background information if available, such as local newspaper or magazine articles describing the actions of the nominee.

- Please also include, if possible, the names addresses of persons who can provide further information on the nominee.

- Official nomination forms are available upon request from the John F. Kennedy Library Foundation.

"In whatever arena of life one may meet the challenge of courage, whatever may be the sacrifices he faces if he follows his conscience – the loss of his friends, his fortune, his contentment, even the esteem of his fellow men each man must decide for himself the course he will follow."

A man of principle

Caught between a political obligation and his conscience, this year's winner of the Kennedy Library's Profile in Courage Award sacrificed a promising career rather than compromise

'Without belittling the courage with which men have died, we should not forget those acts of courage with which men have lived.'

John F. Kennedy, from his 1956 book, "Profiles in Courage"

It's hard to imagine how a man as self-effacing as Charles Weltner could move Lester Maddox to anger and Caroline Kennedy to awe. But beneath the wing-tipped, buttoned-down surface of this Georgia Supreme Court justice is the soul of a fighter. A man who believes in honor and self-sacrifice.

Weltner, 63, is the winner of the second annual Profile in Courage Award, given by the Kennedy family in memory of John F. Kennedy to honor bravery in politics. He was presented with the $25,000 cash prize and a silver trophy at Boston's Kennedy Library on May 29, what would have been JFK's 74th birthday. Weltner was chosen from among more than 1,000 nominees after an announcement appeared Feb. 10 in USA WEEKEND.

Justice Weltner was selected because he gave up his career in the U.S. House of Representatives and a promising future as a civil rights crusader on Capitol Hill to do the right thing.

In the spring of 1966, then-Rep. Weltner signed a loyalty oath to support the entire Georgia Democratic ticket in the fall election. But when Lester Maddox, a segregationist, was nominated for governor, Weltner no longer could back the ticket. Trapped between his promise and his principles, he stepped out of his own re-election race. "I decided I didn't have to be a congressman."

Caroline Kennedy and other members of a JFK Library committee honored Charles Weltner, above, for heroism.

Weltner's decision still rankles Maddox. "He used me as an excuse to not be beaten in a campaign," says the ex-governor, who now runs a Marietta, Ga., real estate business. "I think it was a farce and a sham."

To Caroline Kennedy, who was on the selection panel with Martin Luther King III and Theodore Sorensen, Weltner is a hero. She says he "made a very great sacrifice for something he believed was the right thing for our country. People in public life are subject to lots of pressures, and it helps to know there were other people out there before you who had the courage to do the unpopular thing."

Weltner, a self-described stoic, downplays his decision, referring to it simply as a "career change." He frowns with distaste at talk of his "courage." When an acquaintance drops by his office in Atlanta and tells him what a deserving winner he is, he thanks the man for "extravagant compliments." Weltner no more wants to bask in being a Profile in Courage winner than he wants to brag about his proficiency in seven ancient languages, his degrees in literature and theology and his Georgia Supreme Court decisions on ethics in government. He'd rather let a quotation from Czech president Vaclav Havel that rests on a silver inkstand in his office speak for him: *"I simply take the side of truth against any lie, of sense against nonsense, justice against injustice."*

It's all part of a gentleman's honor code he learned from his father, who once resigned a chancellorship at the University of Georgia over a matter of principle. "My father taught me by his own example that it was possible to be totally independent."

But it wasn't easy for Weltner to shrug off politics. By 1966, the two-term member of Congress already had earned a reputation as an eloquent voice of the New South, complimented by President Kennedy for speaking out against racist violence. Weltner was one of two Southern members of Congress to vote for the landmark Civil Rights Act of 1964. Friends told him that he had a good shot at the Senate or the vice presidency.

After leaving Washington in 1967, Weltner returned to Atlanta and struggled to set up his law practice again. To the delight of his political opponents, many of his constituents were angry and disappointed. "The people who did not like me, they just had a gleeful time of it," he says. When he tried to win back his congressional seat in 1968, he lost. A 1973 bid to be elected mayor of Atlanta also failed. Eight years later, Weltner was appointed to the Georgia Supreme Court.

There were personal setbacks, too. Weltner's marriage began coming apart after the 1968 race and ended in a divorce in '71. He regrets being so busy getting his career on track and paying bills that he didn't take the time to watch his four oldest kids grow up.

Weltner strives to make up for those losses with his second wife, Anne, and their daughters, June, 11, and Anne, 9. He avoids travel — other than family trips to the beach at Sea Island, Ga. — so he can spend more time at their home in Atlanta.

In the past year, a crisis has brought the family closer. In 1990, Weltner was diagnosed with cancer of the esophagus, and he quietly prepared to die. "I said to myself: 'I will check my will and see if I can't arrange to dispose of my personal things with the minimum dissension. And then I will peacefully yield to the inevitable.' " But a good friend sat him down and helped him get his fighting courage back. "He said: 'The people who live are the ones who *decide* to live, who've got something to live for. You've got two little girls who need you.' And since that time, I have never felt that I was going to die." Illness has, however, left him about 30 pounds leaner, and at times he appears to be out of breath, his voice fading to a whisper.

Weltner says he'd like to pass along the sense of independence he inherited from his father. "I would like for my girls to know that they do not have to be dominated by anybody or anything."

Caroline Kennedy says her father handed down a similar message to his children. "My father's career was characterized, as was my Uncle Bobby's, by this idea that each person can make a difference and that everyone should try," she says. "Courage is a big part of that: being involved and staying involved."

By Mary Ellin Barrett

Photograph by John Goodma

After 26 Years, a Lawmaker's Fight Is Recognized as a Profile in Courage

By RONALD SMOTHERS
Special to The New York Times

JASPER, Ala., May 26 — As a member of Congress from northwest Alabama more than 30 years ago, Carl Elliott was an uncommon Deep South politician, championing revolutionary social legislation, eschewing racial demagoguery and more often than not finding himself casting a crucial vote to advance Federal initiatives in education, health care or civil rights.

His stands eventually cost him his seat in Congress, in 1964, and much more as the segregationist and states-rights positions of George Wallace came to dominate Alabama.

Mr. Elliott, 76 years old, now lives on a meager Social Security check and in a sagging frame house that he long since lost to creditors, who rent it back to him. Suffering from a kidney ailment, diabetic, nearly blind and restricted to a wheelchair, he still ponders large issues with the same wry country humor he did in 16 years in Congress. But the resonance has faded some as he holds forth in homey columns occasionally written for the local newspaper or in a series of short monographs he publishes himself, his daughter Lenora Cannon said, "whenever he gets two nickels to rub together."

Last week Mr. Elliott won some belated recognition for his efforts while in Congress: he was named the recipient of the first Profiles in Courage Award. The award, named for the book by John F. Kennedy, will be given annually by the John F. Kennedy Library Foundation to recognize public servants who showed political courage in the face of tremendous odds. Mr. Elliott will receive his award in Boston on Tuesday.

'Intense Public Scorn'

Paul G. Kirk Jr., chairman of the foundation, said Mr. Elliott "faced intense public scorn and suffered personal abuse and eventual political defeat while achieving victories for the good of a nation he loved."

Though the words had the ring of vindication and redemption for a man who many friends said had been forgotten, Mr. Elliott smiled at the suggestion.

"It's a nice gesture by these folks," he said in an interview, "but as far as I'm concerned, I didn't think much vindication was required. I saw myself making social change. But I also saw myself having a long political career until George Wallace came along."

$500,000 in Debt

Mr. Elliott said he was still about $500,000 in debt from 39 lawsuits from creditors after his 1964 re-election campaign and a subsequent unsuccessful run for governor against Mr. Wallace's wife, Lurleen, in 1966. He cashed in his hefty Congressional pension to finance the two campaigns. It has taken some effort to get over the losses, he said, but, he added, "I hope it didn't all make me bitter."

After his defeat by the Wallace forces in 1964 and 1966, Mr. Elliott practiced law, first in Washington and Birmingham, and then in Jasper only, where his office was in a shed attached to his house. A sign in the overgrown yard still reads "Carl Elliott Sr., Attorney at Law."

The oldest of nine children growing up on a nearby farm in Franklin, Mr. Elliott attended the University of Alabama in the 1930's. To pay his tuition, he worked shoveling coal into a campus boiler, shining shoes, waiting on tables and clipping shrubs. University officials, impressed with his diligence, allowed him to live free in a building basement.

After graduation, he practiced law in Jasper until he won a seat in Congress in 1948.

William Bernard, chairman of the history department at Alabama, said Mr. Elliott was part of "an incredibly effective and remarkably progressive" Alabama political tradition that included men like John Sparkman, Lister Hill and Hugo Black.

Legislation to Aid the Poor

As a Congressman, Mr. Elliot sponsored legislation intended to help the poorest of Americans. He wrote and pushed through the National Defense Education Act in 1958, which has helped more than 20 million poor college students, and the Library Assistance Act, which helped libraries in poor regions of the country.

But as the Fedefal Government began to press for an end to racial segregation in the late 1950's and early 1960's, Mr. Elliott's views collided with a growing "states' rights" tone in the South and resistance to integration.

"Now I wasn't out front there marching with Martin Luther King or anything, because you just couldn't do that then and stay in Congress," Mr. Elliott said, adding that like most of his Southern colleagues he routinely voted against civil rights bills in the 50's. "The whole South was galvanized against civil rights, but I knew that the bills I was supporting would help both white and colored, and my opponents knew that, too."

A liberal Alabamian remembers old battles.

Campaigned for Kennedy

Mr. Elliott was one of the few Southern leaders to campaign actively for Kennedy as President in 1960, and a year later his Congressional shadow lengthened as Speaker Sam Rayburn chose him to fill the new seat created on the powerful House Rules Committee to push through the Kennedy programs.

Mr. Elliott laughed as he recalled the contrasts: his conservative colleagues angrily denying him his own chair at the committee table; the the more liberal members calling him on the morning of panel meetings to ask which bills he, the junior member and swing vote, was going to let advance to the floor that day. A crucial fight was over creation of the Medicare program, and it was Mr. Elliott's committee votes that advanced those measures.

But in Alabama Mr. Elliott was in trouble.

"Suddenly the things Carl Elliott was fighting for were unpopular," said Julian Butler, a Huntsville lawyer who has long been active in the state Democratic Party. "With Wallace's rise, if you were unwilling to make race the be-all and end-all you were removed. Carl Elliott was unwilling to do this and he was removed."

In the process, though, the soft-spoken Mr. Elliott found a new voice. He set about attacking the Ku Klux Klan, the John Birch Society and the White Citizens Council. But the opposition was too much. He was narrowly defeated for re-election in 1964 and placed third in the Democratic primary for governor two years later.

In the years after that, Mr. Elliott said he suffered some social ostracism from those who at one time sought him out. Some friends said that it was the financial and commercial sectors in the state, by then aligned with Mr. Wallace, who helped drive Mr. Elliott into near poverty. But others suggested that there were strong and perhaps impractical principles in the man that accounted more for his problems.

Mrs. Cannon, his daughter, said her father was "an idea man and not a detail man," so many things went unattended.

Mr. Butler recalls Mr. Elliott's unwillingness, at 56 years old and out of Congress, "to merchandise his legal and governmental skills" as well as the fierce pride he showed in refusing to declare bankruptcy in the face of lawsuits.

Award Includes Stipend

Mr. Elliott's Profiles in Courage award includes a $25,000 stipend. Some of his friends say they hope that among other things he can get secretarial help in writing the memoir he has always wanted to write.

If he writes his memoir, Mr. Elliott said, he would tell about how as he teen-ager he settled on the goal of going to Congress. It was "quite a thing to do for a fellow with no money, no connections and not much encouragement," he said. But he did it, and he said the reason for his initial success was probably the same as for his subsequent defeat.

"I never swapped an old friend for a new one," he said, "and I guess in the beginning people saw that as a mark of courage."

Alan S. Weiner for The New York Times

Carl Elliott, whose votes to advance initiatives on social issues like civil rights cost him his Alabama Congressional seat in 1964, with his daughter, Lenora Cannon, and Herman Maddox, right, a political ally, at his Jasper, Ala., home. At 76, Mr. Elliott is nearly destitute and lives on Social Security.

TELEPHONE (508) 263-9107

Water Supply District of Acton

P.O. BOX 953

MASSACHUSETTS AVENUE

ACTON, MASSACHUSETTS 01720

CC: BOS

BOARD OF WATER COMMISSIONERS
HARLAN TUTTLE BUILDING
693 MASSACHUSETTS AVENUE
ACTON,MA. 01720

January 13, 1992

AGENDA:

7:30 P.M. CALL TO ORDER

7:31 P.M. ACCEPT MINUTES OF MEETING DECEMBER 9, 1991

OPEN DISCUSSION & COMMENTS FROM CITIZENS

NEW BUSINESS

WARRANTS & COMMUNICATION

ANNUAL REPORT - COMMISSIONERS REPORT

WATER RATES

WARRANT ARTICLES

BUDGET

OLD BUSINESS

CONANT LAND

WATER WORDS

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

Telephone: (617) 573-0100

Facsimile: (617) 227-4420
Telex: 951104

CC: BOS - INFO.

January 8, 1992

Mr. Roland Bartl
Town Planner
472 Main Street
Acton, MA 01720

Dear Roland: (Meadowview)

I enclose a copy of a letter from Warren Bolton on the Meadowview plan. He says the Board will receive a final revised plan soon. I have returned the stipulation of dismissal in the first Metwest case to him directly, and am notifying him by this letter that you will forward a copy of the covenant form the Board uses. This mater seems close to final resolution.

Very truly yours,

Mike

Acheson H. Callaghan

AHC/dcb
Enclosure

cc: Warren R. Bolton, Esq.
Don Johnson

WARREN R. BOLTON
ATTORNEY AT LAW
560 ORLEANS ROAD
CHATHAMPORT, MASSACHUSETTS
02650

TELEPHONE
AREA CODE 508
945-3948

WINTER ADDRESS: NOV TO MAY
32 COLONY POINT DRIVE
PUNTA GORDA ISLES, FL 33950
813-639-3222

January 3, 1992

Acheson H. Callaghan, Esq.
Palmer & Dodge
One Beacon Street
Boston, MA 02108

Re: Land Court Docket # 129959 and # 140073.

Dear Mike:

Enclosed herewith please find the original and a copy of the Stipulation of Dismissal with Prejudice for Land Court Case # 129959 per our Agreement for Judgment. Please note that the original is signed by Judith Pickett, Esq and myself. I would appreciate it if you would return the original to me because I wish to photocopy same before filing with the Court, and send a photocopy with notice to the Acton Town Clerk as required by the Agreement for Judgment. A self-addressed, stamped envelope is enclosed for this purpose.

My engineers have been "out straight" trying to complete the definitive plan which should be ready this coming week, and therefore I am trying to complete all other required details.

Would you please send me a copy of the covenant required by the Town of Acton for the completion of road work, etc.. Is it up to you to approve this covenant? Title to this land is in the names of "Warren R. Bolton and Doris A. Bolton" and there are no mortgages or other outstanding encumbrances on same.

Many thanks for your continued cooperation and prompt attention to this matter. I hope you and your family have a healthy and pleasant new year.

Very truly yours,

Warren R. Bolton

Warren R. Bolton

WRB/db
encls.

CC: DICK HOWE - FYI
BOS

NORTH EAST SOLID WASTE COMMITTEE

MEMORANDUM

To : Advisory Board Members
Chief Executive Officers

From : Francis J. Hopcroft
Executive Director

Subject : WHITE GOODS MANAGEMENT

Date : January 7, 1992

As indicated to you several times last year, the Commonwealth of Massachusetts has implemented solid waste regulations which provide that certain materials are banned from disposal in landfills and combustion facilities. Among the banned materials are white goods, which are banned as of December 31, 1991.

The waste ban regulations only require that white goods not be burned at waste to energy facilities. They do not prohibit the sortation of white goods from other municipal solid waste at those facilities prior to combustion. The North Andover facility has been accepting white goods from member communities since start up of the facility in 1985 and has been sorting them from the incoming refuse prior to combustion. The NESWC communities had no reason to believe that this practice could not and would not continue after January 1, 1992.

On or about December 18, 1991, member communities received a letter from MRI indicating that white goods would not be accepted at the facility beginning on January 1, 1992. The rationale for this action is that the DEP has a policy which ties facility operating permits to the degree the facility operators facilitate and encourage recycling in the Commonwealth. Those which have poor recycling incentive programs have difficulty getting their annual operating licenses renewed. MRI decided that banning all white goods from the plant was the most positive approach they could take. Unfortunately, they neglected to tell NESWC about this plan until it was approved by the DEP in the middle of December. That was the first indication that there was going to be a prohibition on receiving the materials at North Andover and it took the NESWC communities by surprise.

At a meeting with plant personnel on January 6, 1992, it was agreed that all NESWC communities would permanently cease deliveries of white goods to the facility as quickly as possible, and in any event no later than July 1, 1992. In the

109/123 Main Street • North Andover, MA 01845 • Telephone (508) 686-6234

interim, those which have been delivering white goods as part of their regular municipal solid waste will be allowed to continue to do so. Special or separate collections for white goods will not be allowed to be disposed at the North Andover facility.

The enclosed survey of the NESWC communities shows the methods currently used by members for white goods collection and disposal. At the end of the survey is a list of the names, addresses and telephone numbers of vendors, including those cited in the survey. In most cases the vendor will go to the community and pick up white goods from a central location at no cost to the community. Brockton Iron and Steel and Turner Trucking of Lynn have been particularly cooperative in this area. If a community wants a box into which homeowners can drop off white goods, those generally have a rental fee associated with them.

Communities which do not now have a white goods management program in effect are urged to contact the various vendors as soon as possible. It will be necessary to manage white goods on an individual community basis by the beginning of July.

If there are any questions about this memorandum or about what actions need to be taken, or if we can be of further assistance with developing a community program for white goods, please let me know. If there are any problems encountered with white goods disposal at the North Andover facility in the interim, please contact the NESWC office, preferrably while the truck is still at the plant, and we will assist with correction of the problem.

WHITE GOODS SURVEY

City/Town	Method of Disposal	Curbside/Drop-off	Collection Method	Cost
Acton	Homeowner delivers to transfer station. Taken by Brocton Iron & Steel. Break even situation.	Drop-off	Accepted anytime	$12 large items $ 3 smaller items Homeowner charged.
Andover	Picked-up with regular collection, brought to North Andover RESCO.	Curbside	Accepted anytime	No charge to homeowner. N. Andover tip fee
Arlington	Picked-up with regular trash collection. Taken to Strogoff in Chelsea.	Curbside	Accepted anytime	No charge to homeowner.
Bedford	Picked-up with regular trash collection.	Curbside	Accepted each cycle One per household.	N. Andover tip fee
Belmont	Picked-up with regular trash collection.	Curbside	Accepted each cycle One per household.	N. Andover tip fee
Boxborough	Homeowner drops off on special collection. Saco Steel Co. trucks them away.	Drop-off	Accepted eachcycle	No charge to homeowner
Burlington	Picked up with regular trash collection.	Curbside	Accepted each cycle	N. Andover tip fee

Carlisle	Homeowner delivers to transfer station. Town transports to Millis Used Auto, Millis, MA. No charge by Millis.	Drop-off	Accepted anytime	Town pays for transportation to Millis Used Auto
Dracut	Pick-up with regular trash collection.	Curbside	One bulk item per household per week.	N. Andover tip fee
Hamilton	Special collection brought to plant.	Curbside	Every other year	N. Andover tip fee
Lexington	Homeowner delivers to Landfill. Turner Trucking of Lynn picks up.	Drop-off	Accepted 1 day a week.	No charge.
Lincoln	Homeowner delivers to transfer station. Metro hauls them to Somerville. Charge is $125 per box every 2 weeks or so.	Drop-off	Anytime	No charge to homeowner.
Manchester	Homeowner delivers to transfer station or pick-up in special collection twice a year. Brockton Iron & Steel accepts the white goods.	Drop-off/Curbside	Drop-off anytime	
N. Andover	Separate pick-up Hauled to salvage co.	Curbside	Every other week	No charge to homeowner.

N. Reading	Pick-up with regular trash collection.	Curbside	Anytime	Homeowner needs to purchase a permit for $25 per year.
Peabody	Pick-up with regular trash collection.	Curbside	One bulk item per household per week.	N. Andover tip fee
Tewksbury	Private contractor disposes of white goods.	Curbside	Separate collection	No charge to homeowner
Watertown	Picked up with regular trash collection.	Curbside	Once a week	N. Andover tip fee
Wenham	Pick-up at special collections. Brockton Iron & Steel removes them perodically.	Curbside	Designated times	No charge to homeowner
Westford	Pick-up with regular trash collection.	Curbside	Anytime	N. Andover tip fee
West Newbury	Homeowner drops off at designated area. Brockton Iron & Steel takes them away.	Drop-off	Anytime	No charge to homeowner
Wilmington	Removed from regular waste stream. Brockton Iron & Steel pays $2.50 per ton.	Curbside	Regular cycle	No charge to homeowner
Winchester	Homeowner delivers to transfer station. Turner Trucking removes white goods and charges town on per ton basis.	Drop-off	Anytime	Within $50 fee that homeowners pay per year for use of transfer station.

Metals Companies

American Metals Recycling
565 Rounseville Road, Box 14
Rochester, MA 02770

Brockton Iron & Steel
45 Freight Street
Brockton, MA 02401
508 586 4640

Turner Trucking & Salvage, Inc.
239 Commercial Street
Lynn, MA 01901
617 595 3741

Millis Used Auto
1465 Main Street
Millis, MA 02054
508 376 8700

Saco Steel Company
PO Box 187
Saco, Maine

CC: BOS
FIN COM
SCHOOL COMM.
COORD. COMM.

144 Great Road
Acton, MA 01720
January 7, 1992

Don P. Johnson, Town Manager
472 Main Street
Acton, MA 01720

Dear Don,

The Retirees' Committee appreciated the opportunity to attend the Coordinating Committee's Meeting last Monday morning. It was very informative!

The free and open discussion of various pertinent matters is beneficial to the Town.

We were pleased with the attention that was given to the Retirees Health Insurance situation. The analysis of the costs associated with their request for additional funding was very enlightening and indicated how relatively small the total dollar amount would be and how minuscule the effect on the tax rate if the full 75% contribution were made available, or if that percentage were achieved in two steps, the first at 15% and the second at 10%.

I believe it is unconscionable to tie the relief for the Retirees to union negotiations or any other process. These things take time, possibly up to several years, and the Retirees need this burden to be lightened **NOW** !

The extreme disparity between the Town's contribution for Active employees and Retirees has gone on for too many years. According to the financial impact figures in the cost analysis, it would seem that this additional funding could be readily absorbed in the next fiscal year's budget.

The State has not provided a COLA for four years, but the Town of Acton has the opportunity to give the Retirees a financial lift starting July 1, 1992.

Sincerely,

Don

Don Nylander

Please distribute copies to:

Board of Selectmen
Finance Committee
Coordinating Committee

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

CC: BOS
BEACON COMMUNICATIONS - ATTN. DARREN GARNICK

January 2, 1992

D.P.U. 91-228

Investigation by the Department of Public Utilities on its own motion concerning the emergency plans and procedures implemented by electric and telephone companies subject to the jurisdiction of the Department for restoration of service interruptions by Hurricane Bob on August 19, 1991.

The Department of Public Utilities is conducting an investigation of eight electric utilities (Boston Edison, Cambridge Electric, Commonwealth Electric, Eastern Edison, Fitchburg Gas and Electric Light, Massachusetts Electric, Nantucket Electric and Western Massachusetts Electric Companies) and New England Telephone Company, regarding their preparations for Hurricane Bob and service restoration following the storm.

Hearings will be conducted on this matter at the following locations and dates:

TUESDAY, JANUARY 21, 1992 AT 7:30 P.M.
MIDDLE SCHOOL - LARGE CLASSROOM
47 WHITING STREET
HANOVER, MASS.

WEDNESDAY, JANUARY 22, 1992 AT 7:30 P.M.
GRADE SIX SCHOOL
HIGH SCHOOL ROAD
HYANNIS, MASS.

THURSDAY, JANUARY 23, 1992 AT 7:30 P.M.
KEITH JUNIOR HIGH SCHOOL
70 HATHAWAY BOULEVARD
NEW BEDFORD, MASS.

MONDAY, JANUARY 27, 1992 AT 7:30 P.M.
WORCESTER CITY HALL
CITY COUNCIL CHAMBER
455 MAIN STREET
WORCESTER, MASS.

(CONT.)

TUESDAY, JANUARY 28, 1992 AT 7:30 P.M.
JOHN J. DUGGAN JR. HIGH SCHOOL
1015 WILBRAHAM ROAD
SPRINGFIELD, MASS.

WEDNESDAY, JANUARY 29, 1992 AT 7:30 P.M.
WEST ELEMENTARY SCHOOL AUDITORIUM
BEACON STREET
ANDOVER, MASS.

THURSDAY, JANUARY 30, 1992 AT 7:30 P.M.
CONDON COMMUNITY SCHOOL
200 D STREET
SOUTH BOSTON, MASS.

By Order of the Department,

Mary L. Cottrell

MARY L. COTTRELL, SECRETARY

B05

Mr Norman Lake
& To Members of the Board,

I want to thank you so much for the $100. check. It helped my situation alot, especially this time of the year. I think the Elizabeth White Fund, is a very wonderful contribution, I'm certain all those that Benefited were extremely Grateful, and wis.

Thank You,
Racine Hawkins

CC: BOS

TOWN OF ACTON
BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts 01720 (508)264-9632

January 6, 1992

Pasta Villagio
36-38 Great Road
Acton, MA 01720

Re: Freestanding Sign

Dear Sir:

I am writing regarding your freestanding sign. As you will recall, your sign did not comply with section 7 of the zoning bylaw. The Board of Appeals granted you a temporary variance to allow a 24 square foot sign when the bylaw permitted only an 8 square foot sign. The Planning Board granted you special permits for using plastic material instead of wood and having a landscaped area of insufficient size.

There still appears to be an issue regarding illumination and improper setback. You need to supply proof to this office that the sign is a minimum of 5 feet from the front set back. It was the Planning Boards opinion that they could not grant a special permit for the illumination because it did not meet the bylaw sections 7.4.3.4. b., C. It will be necessary for you to obtain a variance for the illuminations of your sign.

It is also necessary for you to obtain a license for your sign. This Department cannot issue you a license until you prove your sign is at least 5 feet from the setback or you obtain the necessary variance. You will also need a variance for your sign illumination. You need to resolve this issue within 30 days or remove the sign.

If you do not resolve these issues, it will be necessary for me to take legal action. You are cautioned that a violation of the Bylaw, a sign without a license is a violation, shall be punishable by a fine of $300.00 for each offense. Each day that such violation continues shall constitute a separate offense.

I would like to remind you that the Board of Selectmen conditioned your Common Victuallers License. You were required to lower your exterior lights so as to prevent glare for passing motorists. It is my opinion that this has not been done.

If I can be of any assistance, I can be reached at 264-9632, Monday thru Friday from 8:00 to 5:00.

Very truly yours,

Garry A. Rhodes
Building Commissioner

cc: Town Manager

(435)

cc: BOS

Town of Acton Planning Department

472 Main Street Acton, Massachusetts 01720 (508) 264-9636

January 6, 1992

MINUTES OF JOINT MEETING HELD ON JANUARY 2, 1992 by representatives of the Board of Selectmen and the Planning Board, and the South Acton Revitalization Committee (SARC).

Note: The subject of the meeting was SARC's role in the upcoming planning effort by the Planning Board in South Acton. It follows a previous meeting with the Planning Board and SARC on the formation of a South Acton Village Planning Committee where differences over SARC's role in the South Acton village planning effort remained unresolved (see Planning Board minutes of 12/16/91).

Present: Anne Fanton (Board of Selectmen)
Jim Lee (Planning Board)
Anne Forbes (SARC)
Sandra Whaley (SARC)
Greg Niemyski (Planning Board)
Betsy Eldridge (SARC)
Sam Manca (SARC)
Roland Bartl (Town Planner)

Anne Fanton opened the meeting by recapping the reasons for the meeting and stated that the results of the meeting will be reported and discussed at the next meeting of the Board of Selectmen. She said that she had talked with both Greg Niemyski and Sandra Whaley prior to the meeting and understood that the purpose of the meeting was to discuss both the South Acton Village Planning Committee and SARC's future activities.

Greg Niemyski reiterated the Planning Board's approach to developing a South Acton Village Plan and indicated that he will present the results of this meeting at the next Planning Board meeting for discussion.
Greg Niemyski referred to the Master Plan recommendation for detailed village plans. In carrying out this recommendation for South Acton, the Planning Board wishes to establish a village planning committee including members of SARC and intends to build upon the 1982 Technical Report prepared by SARC and MAPC using the expertise and knowledge accumulated during that effort. He stated that the 1982 technical report needs to be updated in light of the recently completed master plan and due to the fact that it is now almost 10 years old.

Roland Bartl stated that the 1982 technical report is a good basis to build from but is very general and limited only to the very core of the South Acton village. The South Acton village plan to be carried out under the direction of the Planning Board should be far more detailed, be expanded to include a larger area and result in the implementation of specific recommendations. He also recalled contacts between the Planning Council and SARC two years ago during the development of the town wide master plan. As a result of these contacts the Planning Council excluded the South Acton area from any major zoning recommendations, since SARC had requested to wait with such recommendation until a more detailed village plan for South Acton was developed.

Sandra Whaley and Anne Forbes briefly summarized the history of the 1982 technical report, stressed its accomplishments and emphasized the value of this effort and its results. They acknowledged that the 1982 Technical Report lacked the desired

detail due to lack of funding for MAPC staff and that since then SARC had been waiting to continue the planning effort for South Acton. They had assumed this would be a SARC project but welcomed the Planning Board's initiative to update the 1982 report and to prepare a more specific plan and to expand its scope.

Sandra Whaley stressed SARC's accomplishment in securing $150,000.00 dollars of planning funds from the Great Hill Development project and that SARC wishes to protect that money to ensure that it is used for the designated purposes. She referred to the 11/10/1987 letter from Armand Dufresne to SARC which recommends how these funds should be spent.
Sandra Whaley agreed with Roland Bartl's recollection of the Planning Council/SARC contact two years ago. She offered, that SARC be absorbed into the South Acton Village Planning Committee proposed by the Planning Board but that SARC otherwise retain its separate identity as an advisory committee to the Board of Selectmen.

Anne Fanton made it clear that the Great Hill funds were given to the Town and that any budget for expending these funds needs the Selectmen's approval. She pointed out the changes in the planning environment in Town largely due to the town wide master plan and a Planning Board now actively involved in planning. She also suggested that there may be other options for SARC's future rather than to remain a standing town committee. She questioned the wisdom of having a town committee represent neighborhood interests and suggested that, since the Planning Board's South Acton Village Planning Committee will now assume the planning function, SARC may be in a better position to pursue its interests by being an independent neighborhood advocacy group instead.

Sandra Whaley stated that South Acton already has a neighborhood group - the South Acton Improvement Association, and that SARC itself should remain a standing committee since it has many other functions beyond planning such as bringing neighborhood concerns to the attention of the Town and organizing annual clean-up events. Sandra Whaley also reiterated that in her opinion SARC is responsible for the proper spending of the Great Hill funds.

After continued discussions on the above matter Anne Fanton stated that she has still not heard a compelling reason for the continuation of SARC as a standing advisory committee to the Board of Selectmen and that she would prefer that only one group - the South Acton Village Planning Committee - report on South Acton village planning issues. Differences between SARC and the Planning Board should be worked out within the Village Planning Committee.

In concluding it was agreed that SARC should cease it planning role and delegate members to the South Acton Village Planning Committee to be formed by the Planning Board. SARC offered to call a vote among SARC members to confirm this position. The question on the status of SARC as a Town committee remained unresolved. Minutes prepared by Roland Bartl.

cc: Don Johnson, Board of Selectmen, Planning Board, SARC.

CC: BOS

ACTON SCHOOL COMMITTEE

Library
McCarthy-Towne School

January 9, 1992

AGENDA

7:30 I. CALL TO ORDER

7:31 II. APPROVAL OF MINUTES OF DECEMBER 12, 1991 AND STATEMENT OF WARRANT

7:35 III. PERIOD OF PUBLIC PARTICIPATION

7:45 IV. EDUCATION REPORT - Parker Damon

8:05 V. SUPERINTENDENT'S REPORT FOR THE MONTH OF JANUARY
Robert Kessler
RECOMMENDATIONS
1. Second and Final Reading of Drug Free Workplace Policy
2. Recommend Acceptance of Early Retirement Request
3. Recommendations on Use of Space for SY'92-'93 and Future Study

8:15 VI. FOR YOUR INFORMATION
1. Personnel Items
2. Panther Pages
3. First Reading - Modified Policy and Procedures on AIDS
4. Follow-up on Douglas School Report Cards Revisions

8:20 VII. WARRANT DISCUSSION

8:25 VIII. CONCERNS OF THE BOARD

8:40 IX. NEXT MEETING - February 13, 1992, Douglas School Library

8:41 X. EXECUTIVE SESSION

9:10 XI. ADJOURNMENT

cc: BOS

ACTON SCHOOL COMMITTEE

Library
Gates School

December 12, 1991

Members Present: Steve Aronson, Jean Butler, Sally Campbell, Lees Stuntz (7:34 p.m.)

Also Present: Robert Kessler, William Ryan, Steve Desy, Fran Leiboff, Mac Reid, Jim Palavras, Joan Little, Parker Damon, Mary Jane Merrill, faculty members from Gates, citizens and press.

The meeting was called to order at 7:32 p.m. by Jean Butler, Secretary.

Warrant #92-012 in the amount of $79,110.65 and warrant #91-110 in the amount of $140.16 were signed by the secretary and circulated to the other members of the Committee. On November 22, 1991, warrant #92-011 in the amount of $41,072.39 and warrant #91-109 in the amount of $2,936.55 were signed by the Committee.

EDUCATION REPORT: Gates Principal, Jim Palavras, conducted a tour of the school and pointed out special projects that were in progress in each classroom. Faculty members, Fran Bitteker, Gail Wick, Sherrie Feinberg and Marguerite Mazzone were present and added comments about the activities in their classes.

There now being a quorum present, the minutes of November 7, 1991 were approved as written.

PUBLIC PARTICIPATION: None

SUPERINTENDENT'S RECOMMENDATIONS FOR DECEMBER
It was moved, seconded and unanimously

VOTED: To accept the gift of a Risograph copy machine to the McCarthy-Towne School from the McCarthy-Towne PTSO valued at $7,619.

VOTED: To accept the gift of $8,100 from the Gates School PTO to fund the salary of a math aide, purchase of a laminator, installation of a portion of a Project Challenge course in the gym and to provide a stipend for an advisor to the Student Council.

VOTED: To accept the gift of funds from the Douglas School PTO to pay the salary of a computer aid at $11 per hour for 40 hours per month, the first payment to be made December 1 through June 1, 1992.

FOR YOUR INFORMATION:

Dr. Kessler asked for any comments on the proposed Drug Free Workplace policy which will be voted on at the January meeting.

Bill Ryan handed an Informational Guideline Release which explains further amendments to the Teachers' Summer Pay Deferral and Amortization Act and the ramifications affecting the local and regional school districts.

Steve Desy explained the circumstances of the gas main rupture at Merriam School caused by a construction crew digging in the area. The building was evacuated immediately, the damage minor and was fixed within the hour.

Dr. Kessler handed out copies of the report and recommendations prepared by the Use of Space Committee chaired by Parker Damon. Dr. Kessler asked that the Committee, prior to the January meeting, review and submit to him any concerns they may have about the contents. He said he agreed with almost everything in the report and will make a recommendation in January concerning the use of space at Merriam as well as enrollment and school choice issues.

Reference was made to the invitation to the Japanese Language and Culture Program Graduation at Douglas School.

WARRANT: There were no questions.

CONCERNS OF THE BOARD:

Sally Campbell referred to the Holiday Concert on Wednesday, December 18 in the ABRHS Auditorium.

EXECUTIVE SESSION: No need for one.

NEXT MEETING: January 9, 1992 in the McCarthy-Towne School Library starting at 7:30 p.m.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Evelyn I. Smith,
Secretary, Pro Tempore

Board of Selectmen

Acton Recycling Task Force

Meeting Minutes

Date: Tuesday, December 10, 1991 (postponed from Dec. 2nd due to snow storm)
Location: Room 126, Town Hall

Members present: Nancy Tavernier, Chairman; Maya Spies, Vice Chair/Clerk; E.V. Tear; Peggy Mikkola

The meeting convened at 9:00 am.

I. Discussion of League of Women Voters Meeting on Statewide Recycling

Last night (Dec. 9), the League of Women Voters held a public meeting on statewide recycling efforts. Peggy Mikkola represented the Recycling Task Force and described Acton's new recycling program with BFI. The three other speakers were Senator Bob Durand, Representative Pam Resor, and League Legislative Director (Massachusetts) Micki Williams, each of whom commented on recent attempts to legislate recycling. All agreed that no bill yet satisfies state needs, in large part because of bickering between industrial and environmental interest groups and very little compromise. Those attending raised a number of questions about Acton's NESWC and BFI contracts. Everyone left the meeting feeling frustrated with the magnitude of the problems we must resolve before large-scale recycling is possible.

II. Review and Acceptance of Minutes

One minor change of last meeting's Minutes was seconded and approved.

III. Public Education Program—Phase One

A. Task Force completed its no-cost phase of the public education program:
Maya finalized a simple educational flyer on the BFI recycling program.
Nancy mailed the flyer to 35 community groups and churches (from the Acton Guide) asking them to publish the information in their newsletters.
Peggy distributed the flyer to five school recycling coordinators.

B. BFI clarified several aspects of its recycling program:
Lids can be included with plastics and metal cans.
Sunday inserts can be included with newspapers (but no magazines).
Other questions to ask BFI: Where should #2 oil containers be put?
Can we take a trip to their MRF?

IV. Public Education Program—Phase Two

A. Signs and traffic flow at Transfer Station need improvement
It was agreed that Task Force members will meet with Dick Howe at the recycle area at 8:00 am on Tuesday, December 17, to discuss improving signs, traffic flow, and full-bin cleanup.
Suggested "teaser" sign to be placed between doorways at trash dropoff area:

Recycle your Food Containers
Plastics Glass Metal cans
At the Recycle Center

B. Educational flyer needs to be circulated to all Acton households
Develop informative single-sheet flyer. Research most cost effective method of distribution.

C. Occasional articles need to be written for Beacon publication
Suggested topics: Cost comparison of trash pick at home vs. dropoff at transfer station.
BFI's MRF in New Hampshire.

V. Other Business

A. Suggestion to develop a comprehensive recycling brochure

E.V. Tear presented an idea for an in-depth brochure on recycling. It would include not only a description of Acton's recycling program, but additonal dropoff sites where a wider range of recyclables could be delivered, lists of reasons and motivations for recycling, explanations of dos and don'ts, and classifications of types of recyclables. It would be similar to the pamphlet written by Tim Smith, Assistant Town Planner, in 1989, but in a more digestible format.

The group decided that such a project may be a possibility in the future, and that E.V. should develop it further if she would like Task Force members to consider it at a later date. It was noted that the cost of printing such a sizeable brochure may be prohibitive and that its scope may be outside the domain of the Task Force as it stands.

B. Solid Waste Survey of area towns

The Chairman proposed that Task Force members conduct a simple telephone survey of nine neighboring towns to find out what types of recycling and disposal systems they had. One-page Solid Waste Survey forms were distributed among members.

Towns to be surveyed are: Concord, Carlisle, Boxborough, Maynard, Westford, Littleton, Stowe, and Sudbury.

Questions to be asked include: Type of disposal system, user fee system, average annual cost per household, hours open, restrictions, is recycling available and if so what items.

VI. Preparations for Next Meeting

Dick: Provide sign and traffic input.
John: Schedule Task Force trip to BFI's MRF in New Hampshire.
Peggy: Get some data on home trash pickup providers which serve Acton residents.
Maya: Determine mail and printing costs for public ed flyer to all (7,000) Acton households.
All members: Bring in results of Solid Waste Survey calls.

The meeting adjourned at 10:40 am. The group agreed to meet again on Tuesday, January 7, at 9:00 am.

Respectfully submitted,

Maya Spies

Maya Spies, Clerk

cc: Town Clerk
Board of Selectmen
All members of Task Force

DPJ:
FYI
DAC

CC: BOS

BOSTON EDISON
800 Boylston Street
Boston, Massachusetts 02199

January 3, 1992

TOWN OF ACTON
Mr. Dean Charter
Director
Municipal Properties
472 Main Street
Acton, MA 01720

Re: Street Light Outages
Correspondence

Dear Dean,

Pursuant to the above, you have me at a disadvantage having me try to justify approximately 3% of the installed street lights we provide the town out at any one time. Unfortunately, it is not a perfect world that we live in and I cannot, nor do I claim to guarantee the life of any mechanical device, however, that I would like, nor does the Boston Edison Company by its rate schedule, (see attached) guarantee any interrupted service to any customers as we simply cannot. We do, however, repair and replace any defective street light when informed of such outaged.

Your conviction that the Town of Acton taxpayers are giving Boston Edison around $3,000.00 per year and receiving nothing in return is not true. Via the S-1 rate, we provide poles, lamps, fixtures, wire and the electricity as part of the cost for the street light.

When we receive a street light outage call, it is generally put into our Trouble Information Management System (TIMS). From that moment until the light is back on line, outage credits are given the community.

On the matter that we overcharged the Town some $626.45 for the removal of two street lights on Charter Road which were deemed no longer necessary, again that action was made necessary by the structure of our S-1 rate; If I had the authority to waive the charges I would have, I do not, so I couldn't help in that regard.

Regarding monitoring our overhead plant, when our employees are working within a community, they have and will continue to report outages as they become aware of them, however, we also rely on local residents, police and others to report any kind of trouble outage when they occur or are noticed. From time to time we promote this kind of information via bill inserts.

Each year I provide the Town with a computer print out of all street light lamp and fixture locations by street and lumen size. Matching the list you sent me with our list of 12/16/91, discrepancies do appear, and can be resolved with a one on one meeting. For example, your list indicates that you are being billed for 28 lamps which you cannot find on poles, and 27 lamps on poles which you are not being billed for. Easily resolved.

Last but not least, I too wish to continue our cordial relationship; as you know I have been the account representative to the Town of Acton for seven years and have always been available to town officers, residents and community leaders, providing assistance when ever called upon. Your assertion that changes to our billing practice or operating procedure is in order may indeed have validity, but before I make any recommendations, I must know exactly what you have in mind.

Previous discussion on various issues with town officials and others have indeed at times resulted in changes to the mutual benefit of all, hopefully this can continue.

Contact me at your earliest convenience so that we can meet and fully discuss this matter.

Very truly yours,

John T Murray

J. Murray
Energy Services Department

JM/jla

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

January 2, 1992

TO: Board of Selectmen

FROM: Trustees of the White Fund

SUBJECT: Update on White Fund Grant Application

The White Fund Trustees met on December 24, 1991 to reconsider the grant application which, we understand, you had discussed in executive session at your meeting on December 17, 1991.

The trustees voted to withhold this grant until the pending court action is resolved.

We appreciate your prompt action on our recommendations.

CC: BOS -

CONFIDENTIAL