

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

8/14/92

\*\*\*\*\*

DATE: August 7, 1992

TO: Nancy Tavernier, Chairman, Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Hayward Road Missile Fence

David Abbt has contacted the State regarding the missile fence on the Hayward Road bridge. He has been informed that the fence is on order but that it has a special anodized finish that requires a longer lead time. It was not clear from his conversation as to how long before they expect it to be in and installed.

We have expressed our concern for the safety of children when school starts.

David will follow-up on the timing issue.



cc: D. Abbt  
Board of Selectmen

cc: BOS

Tel. (508) 636-1003  
Admin. Asst. (508) 636-1150



## TOWN OF WESTPORT

MASSACHUSETTS 02790

The Coastal Agricultural Resource Community of New England

### BOARD OF SELECTMEN

August 3, 1992

To: City Councilors, Aldermen, and Boards of Selectmen

From: Westport Board of Selectmen

Re: Payment In Lieu of Taxes Litigation

On June 24, 1992 the Town of Westport filed a Complaint aimed at requiring the Commonwealth to fully reimburse the Town for payments in lieu of taxes for state-owned land in our community.

We are now seeking other municipalities interested in becoming additional plaintiffs in this lawsuit.

As a brief background, several years ago the "Cherry Sheet" line item for Loss of Taxes was buried in the Additional Assistance line. At that time, we expressed concern to our legislators that the reimbursement for loss of taxes for state-owned land required by Chapter 58 section 17 of the General Laws would be forgotten, and eventually lost to us.

Unfortunately, this sad prediction became a reality. No appropriation at all was made in prior State budgets, and any appropriation in the FY93 budget is insufficient to fully fund payments in lieu of taxes for state-owned land.

The State must recognize and meet its legal obligation to the cities and towns hosting state properties. If your community is host to state-owned land, and you would like to be added as an additional municipal plaintiff, please write to us at your earliest convenience before September 1st, 1992 at 816 Main Road, Westport, MA 02790.

Thank you for your attention. If you have any questions, please feel free to contact Geoffrey Wermuth at the law firm of Murphy, Hesse, Toomey & Lehane at (617) 479-5000.

*James J. [Signature]*  
*John [Signature]*  
*William [Signature]*

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION

DATE: August 4, 1992

TO: Don P. Johnson, Town Manager  
FROM: Garry A. Rhodes, Building Commissioner *JAC*  
SUBJECT: Site Plan Special Permit for CML Group, 524 Main Street

We have recently received a request for a Site Plan Special Permit from CML Group, located at 524 Main Street. Based on rotation, Mr. Hunter will be in charge of this permit. I would like guidance as to how Mr. Hunter would like to proceed.

(851)

# CHAPTER 21E OVERHAUL

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## The overhaul shifts DEP's focus from management to enforcement.

**T**he long-touted efforts to overhaul the waste site cleanup program in Massachusetts have now produced substantial results. On July 20, Governor Weld signed the Commonwealth's fiscal year 1993 budget legislation. Outside sections of the budget include fundamental amendments to General Laws Chapter 21E, the Massachusetts Oil and Hazardous Material Release Prevention and Response Act.

The amendments respond to a decade of mixed experience with Chapter 21E, which was enacted in 1983 and strengthened by a voter initiative in 1986. Key amendments include the following:

- Licensing waste site cleanup professionals
- New obligations on secured lenders and fiduciaries, in exchange for liability limits
- Significantly stronger enforcement authorities
- New permits and fees
- Authority to impose property restrictions
- A revised standard for allocating multi-party liability
- Mandatory pre-litigation claim procedures for private claimants
- Statutes of limitation

### Immediate Effect

Importantly, most of the amendments have immediate effect. For example, the mandatory pre-litigation claims procedure and the stronger enforcement authorities became effective immediately upon the Governor's signature. By contrast, the provisions to license waste site cleanup professionals will only take hold as regulations and policies are issued over the next few years.

## LICENSED SITE PROFESSIONALS

The central reform is to privatize waste site cleanups in Massachusetts by licensing hazardous waste site cleanup professionals, colloquially known as **licensed site professionals** or (**LSPs**). The amendments establish a new board of registration. The Department of Environmental Protection (DEP) is directed to set requirements for waste site cleanup activity opinions by LSPs, and to determine when to require LSP opinions. Licensing regulations have already been drafted by a DEP advisory committee, but are not due until July 1, 1993.

The motivating idea is for LSPs, instead of DEP, to make the detailed cleanup decisions at most sites. The decisions would be subject to DEP's strict standards and auditing. By removing DEP from day-to-day involvement at most sites, the hope is to accelerate cleanup activities.

### In-house LSPs

Extensive debates considered whether employees of parties potentially responsible for disposal sites (PRPs) could qualify as LSPs. The amendments adopt the position taken by many industry groups, including Associated Industries of Massachusetts, and direct that PRP employees may qualify as LSPs.

Most PRPs are still likely to opt for the expertise and security of outside LSPs, especially in complex situations, but in-house LSPs may be appropriate for larger PRPs with in-house expertise and multiple incidents. Such PRPs should track the development of regulations by the new board of registration, which will set the

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Under Rule 3.07 of the Supreme Judicial Court of Massachusetts, this communication may be considered advertising.

educational and experiential requirements to qualify as an LSP. DEP's regulations defining which response actions require LSP opinions also will be critical. If DEP does not require LSP opinions for simple releases, the need and benefits for licensing an in-house LSP may diminish.

## STRONGER DEP ENFORCEMENT

An under-emphasized implication of the popular move to privatize site cleanups is DEP's shift in focus from management to enforcement. Under the former system, DEP's substantial involvement in approving response actions, combined with DEP's resource problems, tended to temper DEP's enforcement instincts. The new model is meant to free DEP to oversee site cleanups in an enforcement mode.

### Audits

A key sign of this shift to enforcement is the new provision directing DEP to audit LSPs and site cleanups. At least twenty percent of sites requiring annual compliance fees are supposed to be audited each year. Since many sites will take a number of years to go through the process, **most sites should be audited at least once.** DEP's enforcement approach through these audits remains to be developed, but has the potential to undercut many of the private sector's goals in the effort to privatize cleanups.

### Site Discovery

An explicit purpose of the overhaul is to free DEP's resources to search out sites that require remedies. The amendments direct DEP to develop a site discovery plan by January 1, 1994. Historical records to guide that effort are readily available. Owners of sites of former industrial operations such as gas manufacturing should anticipate possible attention from DEP.

## Administrative Record Review

Several amendments provide DEP with enhanced enforcement authority parallel to EPA's authority under the federal Superfund. Important examples are DEP's authority to determine the remedy for a site, and restriction of judicial review to DEP's administrative record. While judges have always been reluctant to second-guess DEP's decisions on risk and remedy, now DEP's decisions are even more insulated. PRPs dissatisfied with DEP's decisions at a site now must take extra care to document their reasons in the administrative proceedings.

## Administrative Orders and Treble Damages

The amendments also strengthen DEP's authority to issue administrative orders directing PRPs to conduct remedial activities. Where DEP includes a finding that an order is necessary to abate an imminent hazard, the order is not subject to an administrative hearing or direct judicial review. If DEP pursues litigation to recover response costs against a person who has not complied with an administrative order, DEP will be entitled to at least double and possibly treble damages unless the non-compliant PRP carries the burden of proof to show a good faith basis for failing to comply.

## Broad, New Criminal Provisions

Generally the amendments only affect the waste site cleanup program, but one significant exception is now in effect. The LSP sections provide criminal penalties for knowingly making any materially false or inaccurate statement to the LSP board or DEP, or knowingly suffering or allowing any employee, agent or contractor to make such a statement. This provision is **not restricted to the Chapter 21E program**; it applies to any state-

ments made in any circumstances to DEP or the LSP board.

Even more important, the criminal penalties also apply to knowingly false **statements in any records required to be maintained** under any law, statute or order to protect the environment, even if the record has not actually been filed with the LSP board or DEP. Again, this applies to any such records, not just records under the waste site cleanup program.

## DEP PERMITS AND FEES

Both to enhance DEP's enforcement powers under Chapter 21E and to provide some funding for DEP's Bureau of Waste Site Cleanup, the amendments authorize DEP to require permits, to impose permit fees, and to impose annual compliance charges. The revenues will be dedicated to the Bureau's activities, but will not suffice to maintain the Bureau's current staff levels and remedial activities at abandoned sites. Appropriations in the budget provide FY 93 funding for the Bureau from a combination of the General Fund, bottle deposit escheatage, and environmental penalties.

### Permits

DEP expects to mandate permits only for more significant sites. Less significant sites will be left to the LSPs and DEP audits. For the past year, DEP has worked with its Waste Site Cleanup Advisory Committee to detail the anticipated new system. The legislation directs DEP to propose regulations by January 1, 1993, and to issue the regulations by July 1, 1993.

### Fees

The legislation caps the permit fees at \$6,000 at least until 1995, and caps the annual compliance fees at \$10,000. These fees will substitute for DEP's existing system of unrestricted oversight charges.

## PRIVATE PARTY CLAIMS

The amendments significantly affect private party claims seeking contribution to remedial costs by changing the contribution standard, by authorizing DEP to provide contribution protection, and by mandating a pre-litigation claims procedure. The amendments also establish statutes of limitations on contribution and other claims, which are discussed below.

### Equitable Contribution

Chapter 21E included a right of pro rata contribution where two or more parties were found to be negligent. This standard was unworkable and unfair in many circumstances. The amendments provide for **equitable contribution** from parties and eliminate the need to show negligence. This conforms Chapter 21E to the federal Superfund amendments of 1986. As under the federal system, determination of fair shares is left to the courts on a case-by-case basis.

### Contribution Protection

The amendments seek both to coerce and to encourage private party agreements with DEP to clean up sites. The most important incentive may be the authority for DEP to provide contribu-

tion protection to settling parties, to insulate the settling parties against claims by non-settling parties for increased contributions to the costs of cleaning up a site. The legislation authorizes **contribution protection only against non-settling parties with notice and opportunity to join in the settlement**. PRPs contemplating a settlement with DEP must insist that DEP strive to identify and involve all possible PRPs prior to any settlement.

The amendments also protect one class of liable parties from contribution claims. Current owners or operators of sites who are liable solely because of that status, and who did not cause or contribute to a release or threat of release, remain liable to the Commonwealth up to the post-cleanup value of the property. The amendments now protect such PRPs against contribution claims from other liable parties.

### Pre-litigation Claims Procedures

The amendments create a **mandatory pre-litigation procedure**, in effect now for claims not already filed in court, for parties seeking to recover cleanup costs from other PRPs. Claimants must send notice to the proposed contributors, who must respond in good faith or risk an award of attorneys' fees and costs to the claimant in subsequent litigation. There are op-

tional alternative dispute resolution procedures. When claimants invoke these procedures but still wind up in litigation, the courts may be inclined to award attorneys' fees liberally in order to encourage pre-litigation outcomes. Persons receiving claims invoking this procedure should therefore proceed cautiously.

This procedure is not mandated for claims under Chapter 21E for damages to real or personal property.

## STATUTE OF LIMITATIONS

Chapter 21E did not specify a statute of limitations for most claims brought under its authority. This uncertainty was compounded by conflicting judicial rulings.

The amendments specify and clarify periods of limitation for claims under Chapter 21E, as noted in the chart at the bottom of this page.

### Citizen Suits

Early bills had proposed a one-year statute of limitations on suits by citizens to enforce Chapter 21E. This provision was not included in the amendments as enacted.

## RIGHTS OF WAY

Public utilities and agencies of the Commonwealth frequently maintain rights of way over open property ripe for unauthorized dumping or affected by contamination on adjacent properties. The amendments conditionally exempt such persons from liability under Chapter 21E arising merely out of ownership or operation of the right of way. The public utility or agency must show that it had no knowledge of the release, gave prompt notice upon learning of the release, and did not cause the release in any way. "Public utility company" is defined, and in-

Claimant	Claim	Limitations Period	Period Begins
Commonwealth	Response costs; lien enforcement	5 years	Date all costs are incurred, or date of discovery of PRP, whichever is later.
Commonwealth	Natural resource damages; damage to real or personal property	3 years	Date of discovery of the damage and connection to the release, or date of PRP, whichever is later.
Persons other than the Commonwealth	Response costs	3 years	Incurrence of all costs, or date should have discovered PRP, or date send notice under §11A, whichever is later.
Persons other than the Commonwealth	Damage to real or personal property	3 years	Date of discovery, or date reasonably should have discovered PRP, whichever is later.

cludes municipal light departments. "Agencies of the Commonwealth" is not defined, but probably does not include municipalities.

## OBLIGATIONS ON SECURED LENDERS AND FIDUCIARIES

The amendments provide significant protection to secured lenders and fiduciaries against the possibility that their own liabilities under Chapter 21E could exceed the value of a contaminated site.

In order to qualify for the limitations on liability, secured lenders and fiduciaries must still satisfy **substantial obligations**. The release or threat of release of oil or hazardous material must not be caused or made worse by the fiduciary or secured lender. Furthermore, once the fiduciary or secured lender takes title to, possession of or control of a site, they must notify DEP immediately upon knowledge of the release or threat of release, prevent exposure, provide reasonable access to the site to persons performing response actions, and undertake short term responses to imminent hazards.

A secured lender also must be careful not to "participate in the management" of a site. The amendments define management as involving substantial possession or control over those aspects of an operation involving the management of oil or hazardous materials. Specific exclusions from this definition are intended to create a safe harbor for activities such as conducting assessments, periodic monitoring, conditional financing, providing general advice on legal obligations under Chapter 21E and the Massachusetts Contingency Plan, and engaging in financial workouts.

A secured lender must also act diligently to sell or divest itself from ownership or possession of a site, once

obtained. For the first eighteen months, there is a presumption that the secured lender is acting diligently. Thereafter, the secured lender carries an increasing burden of proof. After five years, if the secured lender still owns or possesses the site, it may be liable to the Commonwealth up to the value of the site, or incur more substantial liability if it cannot prove that it has acted diligently to sell or divest itself of the site.

A fiduciary is obligated to prevent exposure and undertake short term response actions to imminent hazards provided such actions will not cost more than the assets of the estate or trust of which the contaminated site is a part. Assets of the estate or trust may include all assets that are transferred out of the estate or trust, after knowledge of a release or threat of release, in an effort to avoid liability. If there are insufficient assets in the estate or trust to conduct the requisite response actions, a fiduciary must notify the DEP of the asset deficiency.

Secured lenders and fiduciaries should review these provisions and their individual circumstances with great care, particularly since they are already in effect.

## DEP AUTHORITY TO IMPOSE PROPERTY RESTRICTIONS

Chapter 21E requires that cleanups eliminate risks for any **current or reasonably foreseeable uses** of a site and the surrounding environment. DEP recognizes that the likely uses of many sites do not include residential uses, and therefore that cleanup levels need only account for industrial or commercial uses. At actual sites, however, it has been difficult to satisfy DEP that a property might not eventually turn to residential uses.

The amendments ease that problem by authorizing DEP to accept **perpetual, recorded restrictions on future site use**. This authority may help PRPs achieve cost-effective cleanups that take realistic account of the permanent industrial character of many sites. The effect of such restrictions on real property values remains to be seen, but probably will be positive or negative on site-specific bases.

Be aware that the amendments also authorize DEP to **impose** such restrictions, and to order property owners to record such restrictions. This authority may raise controversy, especially where a site includes parcels not controlled by a PRP.

## MISCELLANEOUS AND CONCLUSION

The amendments contain many other changes, now in effect, such as protections for owner-residents of single to three-family residences, new site listing requirements, and PRP access rights. Every person involved in owning or financing real estate in Massachusetts, or in advising on real estate and environmental issues, should carefully review the new system.

This newsletter was prepared by the members of our Environmental Practice Group

Ralph A. Child, Chair

William L. Lahey

Scott P. Lewis

John G. Casagrande, Jr.

Mark A. Kablack

Kathleen E. McGrath

Raymond M. Murphy

Susan C. Wawrose

Rebecca S. K. Webber

Jonathan L. Weil

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# Chase Access Services Corporation

95 Haven Avenue  
Lexington, Massachusetts 02173 9144  
617 861 8600

cc: Selection  
D. H. = P. T. 1/2

3 Mallet Dr.

7-29-92

Dr. Mr. Johnson,

This is just a short note to commend the Highway Dept for their prompt and efficient response to a couple of small repairs needed on roads in my area. By their quick responses I believe that more costly repairs were avoided. The jobs were done well. In addition, the person taking my call was attentive and quite courteous even though my request was hardly major. In this time of financial strain ~~on~~ our municipal governments the response of the Highway Dept. was particularly appreciated and I thought you might want to be aware of it.

Sincerely  
Bruce Heltick



CC. K.C.



UNIVERSITY OF MASSACHUSETTS  
AT AMHERST

Department of Landscape Architecture  
and Regional Planning

Hills North  
Amherst, MA 01003  
(413) 545-2255  
FAX: 413-545-1772

August 3, 1992

Mr. William Mullin  
Selectman  
Town of Acton  
Town Hall  
Acton, MA 01720

Dear Bill:

As I mentioned to you I'll be teaching at M.I.T. this fall. One of my responsibilities is to work with graduate students on a field exercise involving a practical planning problem. The students work on the project for approximately ten weeks (5 - 10 hours per week). There will be 2-3 students on each project, each of whom must have a specific component for which he/she is responsible. These students work under the guidance of a professor (me) and there is no cost to the community.

I would be very interested in developing a project for Acton. Your idea of a Capital Improvements Plan (CIP) is exactly the type of project that would work.

Can we work this out? I'd be happy to meet with you and the Board to further discuss the possibilities, if you wish. Please let me know. Thanks, Bill.

Sincerely,

A handwritten signature in black ink, appearing to be "John R. Mullin".

John R. Mullin, Ph.D., AICP  
Department Head

JRM:dm

ACTON SCHOOL COMMITTEE

Conference Room  
Junior High School

For August 6, 1992 Meeting

AGENDA

Approx.

- 8:30 I. CALL TO ORDER
- 8:31 II. APPROVAL OF MINUTES OF JULY 9, AND STATEMENT OF WARRANT
- 8:35 III. PERIOD OF PUBLIC PARTICIPATION
- 8:45 IV. SUPERINTENDENT'S REPORT FOR THE MONTH OF AUGUST  
William Ryan

RECOMMENDATIONS

- 1. Regional Action Requiring Acton Approval:
  - a) Appointment of Director of Curriculum and Instruction
  - b) Adoption of Cafeteria Benefit Plan
  - c) Recommendation to Accept Bid for Rubbish Removal
- 2. Recommendation for Instructional Staff Appointment
- 3. Recommendation to Appoint Interim Superintendent to the EDCO Board of Directors

- 9:00 V. FOR YOUR INFORMATION
  - 1. Merriam Tenants
  - 2. Personnel Items
  - 3. Kids' Design for Discovery Project

- 9:05 VI. WARRANT DISCUSSION

- 9:10 VII. CONCERNS OF THE BOARD
  - 1. EDCO Board Appointments
  - 2. Enrollment Issues

- 9:25 VIII. NEXT MEETING - September 10, 1992 - Conference Room, Junior High School - 7:30 p.m.

- 9:30 IX. EXECUTIVE SESSION

- 10:00 X. ADJOURNMENT

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Conference Room  
Junior High School

August 6, 1992

AGENDA

- 7:00 I. CALL TO ORDER  
7:01 II. APPROVAL OF MINUTES OF JULY 9 AND JULY 14 AND STATEMENT OF WARRANT  
7:05 III. PUBLIC PARTICIPATION  
7:15 IV. SUPERINTENDENT'S REPORT FOR THE MONTH OF AUGUST - William Ryan

RECOMMENDATIONS

1. Appointment of Director of Curriculum and Instruction
2. Instructional Staff Appointments
3. Recommend Appointment of Fall Coaches
4. Recommend Approval of High School Band's Participation in Shenandoah Apple Blossom Festival
5. Recommend Bid Awards for Athletic Supplies and Equipment
6. Recommendation to Adopt the Acton Public/A-B Cafeteria Benefit Plan
7. Recommend Acceptance of Gifts of Equipment
8. Recommend Acceptance of Bid for Rubbish Removal

- 7:30 V. FOR YOUR INFORMATION  
1. Letter to Don Gilberti  
2. MESTEP Program  
3. Visiting Teacher from Russia

- 7:35 VI. WARRANT DISCUSSION

- 7:40 VII. CONCERNS OF THE BOARD  
1. Search Firm Discussion  
2. EDCO Board Appointments

- 8:00 VIII. NEXT MEETING - September 3, 1992, Conference Room, Jr. High 7:30 p.m.

- 8:05 IX. EXECUTIVE SESSION

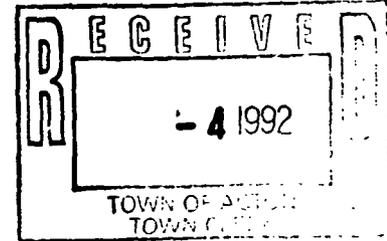
- 8:30 X. ADJOURNMENT

COMMITTEE OR  
GOVERNING BODY: NESWC Financial Affairs Subcommittee

*John W. Murray*  
11/15/92

MEETING PLACE: Room 111, Lexington Town Hall

DATE AND TIME  
OF MEETING: Thursday, August 20, 1992 at 1:00 pm



SIGNED *John W. Murray*  
CHAIRMAN OR SECRETARY

DATE: 7-31-92

ALL MEETING NOTICES MUST BE FILED AND TIME STAMPED IN THE TOWN CLERK'S OFFICE AND POSTED ON THE MUNICIPAL BULLETIN BOARD 48 HOURS PRIOR TO THE MEETING.

(IN ACCORDANCE WITH CHAPTER 303 ACTS OF 1975)

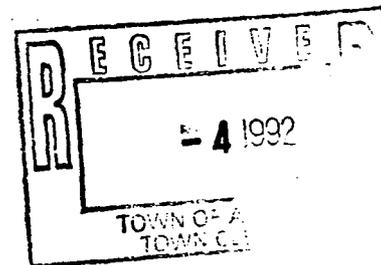
MEETING NOTICE

COMMITTEE OR  
GOVERNING BODY: NESWC Executive Committee

Town Clerk's Time Stamp

MEETING PLACE: Selectmen's Rm, Lexington Town Hall

DATE AND TIME  
OF MEETING: Thursday, August 20, 1992 at 1:30 pm



SIGNED *John W. Murray*  
CHAIRMAN OR SECRETARY

DATE: 7-31-92

ALL MEETING NOTICES MUST BE FILED AND TIME STAMPED IN THE TOWN CLERK'S OFFICE AND POSTED ON THE MUNICIPAL BULLETIN BOARD 48 HOURS PRIOR TO THE MEETING.

(IN ACCORDANCE WITH CHAPTER 303 ACTS OF 1975)

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Conference Room  
Junior High School

July 9, 1992

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

Also Present: Robert Kessler, Mac Reid, Fran Leiboff, William Ryan, George Frost, Steve Desy, William Noeth, Student Representative: Lisa Napoli, citizens and press.

The meeting was called to order at 6:30 p.m. by Chairperson, Donald Wheeler.

Minutes of June 4, 1992 were approved as written. Minutes of June 22 were approved as amended. On page 3, paragraph 4, after the word constraints "concerning Bob's staying beyond the school year" was added.

Warrant #92-048 in the amount of \$208,659.49, warrant #92-049 in the amount of \$71,285.60, warrant #92-050 in the amount of \$140,471.06 warrant #92-052 in the amount of \$39,678.27, warrant #92-053 in the amount of \$174,583.86, warrant # 92-054 in the amount of \$359.93 and payroll warrants totaling \$1,376,094.47 were signed by the chairperson and circulated to other members of the Committee.

PUBLIC PARTICIPATION None.

SUPERINTENDENT'S RECOMMENDATIONS FOR JULY

It was moved, seconded and unanimously

VOTED: To approve an application for a waiver for Fran Leiboff as Director of Pupil Services for the 1992-93 school year.

VOTED: To appoint Kathy Carlin as Speech and Language Chairperson, K-12.

VOTED: To approve the following leaves of absence for the 1992-93 school year:

Joean Doherty from .2 FTE of her duties as teacher of French  
Claire Dix from .2 FTE of her duties as teacher of Spanish  
Nancy Langone from .2 FTE of her duties as teacher of French  
Winslow Smith from .2 FTE of his duties as teacher of social studies  
Pam Lynn from .2 FTE of her duties as teacher of social studies  
Fran Hearn from .2 FTE of her duties as teacher of English  
Laura Watkins from .4 FTE of her duties as teacher of social studies  
Judith Fishman from .2 FTE of her duties as teacher of mathematics.

Amy Stout, special educator at the High School - a child-rearing leave for the 1992-93 school year in accordance with section 6.91. of the Agreement with the AEA.

Susan Heartlein, teacher of social studies at the Junior High School - a child-rearing leave of absence for the 1992-93 school year in accordance with section 6.9.1 of the Agreement with the AEA

VOTED: To appoint the following instructional staff for the 1992-93 school year:  
David McClung as teacher of physics at the High School  
Mary Ellen Hammann as teacher of French at the High School  
Katherine O'Sullivan as teacher of French at the High School  
Robert Donaldson as teacher of social studies at the High School  
James Maloney as teacher of earth science at the High School  
Judith Painter as speech and language specialist at the High School (.6 FTE)  
Mary Anderson as teacher of mathematics at the Junior High School  
Laura Crowell as teacher of art at the Junior High School (.6 FTE)  
Susan Michaels as teacher of social studies at the Junior High School.

VOTED: To reappoint the following instructional staff for the 1992-93 school year:

Mark Toporoff - second year appointment as teacher of science at the Junior High School.

Cindy Patton - third-year appointment as teacher of science (.6 FTE) at the Junior High School.

William Seymour as teacher of social studies and drama at the High School - .6 FTE of his salary to be paid from school choice monies.

Barbara Offenhartz, teacher of science at the High School - .5 FTE of her salary to be paid from school choice monies.

Susan Michelson, (FTE.8) teacher of Spanish at the High School. Her salary will be funded by school choice monies.

VOTED: To accept the resignation of Dale Miller as teacher of Music at the Junior High School, effective July 9, 1992.

VOTED: To approve payment for extra-curricular activities performed by:  
Dennis Brett - Jr. High Chess Club  
Ann McNeece - Junior High Musical

VOTED: To approve the following Research and Development Proposals:

Library Automation Training - cost to the Region:\$1275.

The Commonwealth of Independent States - Junior High social studies unit revision - Cost to the Region: \$1,262.90

Mathematics - Junior High School to re-examine levels 1 and 2 mathematics

curriculum and rearrange so that all 7th graders may demonstrate their ability to handle level 1 Pre-Algebra. Cost to Region: \$3,520.

Computer Graphics at the Senior High School - to develop a course outline for computer graphics and unit plans for semester course and implement course in the fall of 1992. Cost to the Region: \$3,520.

Some of the above proposals are being funded from monies left in the substitutes account.

VOTED: To award the bid for vending machine juices to Coca-Cola, apparent low bidder. To award the bid for potato chips to Wachusett Potato Chip Co. apparent low bidder.

VOTED: To award the bid for milk to A.C. Parker and Sons, Inc., apparent low bidder.

VOTED: To award the bid for bread to Best Foods Baking Group, apparent low bidder.

VOTED: To accept a gift of film and chemicals to be used by the Graphic Arts Department from the Materials Manager, University of Massachusetts, Boston.

VOTED: To appropriate \$91,312 from the Excess and Deficiency Fund for the payment of additional legal expenses.

Steve Donovan asked what the remaining balance in the Excess and Deficiency Fund will be. Bill Ryan said it should be around \$195,000 which is a much better position than expected.

VOTED: To approve that the appropriation for the Acton-Boxborough Regional School District for the fiscal year July 1, 1991 through June 30, 1992 be set at \$11,141,831 and that member towns be assessed in accordance with the terms of the Agreement and amendments, thereto as follows: Acton \$7,167,824; Boxborough \$1,337,951, remainder to be accounted for by the Anticipated Regional School Aid, Chapter 71, Section 16D in the amount of \$814,347; Anticipated Aid, Chapter 70, in the amount of \$732,675; Transportation Aid, Chapter 71, Sec. 16C in the amount of \$376,378; Special Education Transportation Aid in the amount of \$46,790; Anticipated Aid, Construction of School Projects in the amount of \$293,598; Federal Aid, P.L. 81-874 in the amount of \$5,680; and the Revenue from Local Sources in the amount of \$366,588.

Bill Ryan said this will not affect the assessments.

VOTED: To approve the FY92 School Choice Budget in the amount of \$288,410.

VOTED: To approve that the FY93 School Choice Budget be \$468,028.

Bill Ryan said as of July 1, 295 K-12 school choice students have enrolled. There is a \$138,000 balance from this year. If full funding is received from the state, which is unlikely, the amount received would be \$338,000. The amount of reimbursement likely to pass is 75% of per pupil cost not to exceed \$5000

per student. SPED students are to be reimbursed full cost.

Bob Kessler said because the legislature at this writing had not yet passed the budget, the School Choice Budget is based on the system receiving 2/3 of the regular day cost per student. Contracts issued to staff being paid from school choice funds will contain disclaimers which enables us to declare the contracts null and void although there is very little chance that will happen. Steve Aronson said that memos from the secondary school principals bring out the fact that we are still doing without resources and staffing in our existing system - with choice money, we are just holding our own.

#### FOR YOUR INFORMATION

Dr. Kessler read a statement regarding the status of basketball coach, Rich McLeod and advising that we would be looking for a new basketball coach for the 1992-93 school year.

#### WARRANT DISCUSSION

There were two questions - Jean Butler questioned the payment to Postage by Phone. Bill explained that we send a check to them which allows us to use our postage meter. Steve Aronson asked about payments to the Holden Group. Bill explained that some of our employees have money deducted from their checks and sent to this Group for tax-sheltered annuities.

#### CONCERNS OF THE BOARD:

Dr. Kessler read a letter (copy attached) containing his resignation as Superintendent of Schools effective July 31, 1992.

It was moved, seconded and unanimously

VOTED: To accept with regret, the resignation of Robert E. Kessler, Superintendent of Schools, effective July 31, 1992.

Don Wheeler said he has been on the Committee for 12 years and the reason he was still here was because of Bob Kessler. He said he enjoyed working with him more than he could say and wished him luck. Lees said all of us thank you, will miss you and wish you the best. Bill Ryan speaking for his colleagues, said that working with Bob was a challenge for all, that his leadership has been remarkable - He said they will miss Bob terribly and wish him the best of luck.

The Superintendent recommended that Bill Ryan be appointed Interim Superintendent and Mac Reid, Interim Assistant Superintendent.

Steve Aronson said he had the unenviable task of objecting. Adding that while he had the greatest degree of confidence and respect that they would provide the greatest expertise, he asked that the Committee consider hiring outside for the interim. He said over the past 18 months,

they and the central office administration have suffered from the absence of personnel, some who filled their positions well, some not so well. It has been a strain on those who had to fill the voids. Bob's leadership will be missed along with his enthusiasm and "hands on" management. Steve said he wondered what the loss of Bob's management skills will do to Bill and Mac. He did not feel it would be difficult to find someone outside who understands education and management process who could fill in until a new Superintendent is hired. Bill and Mac will still have to do their own jobs which have been expanded over this past year besides taking on new responsibilities of management. Bob manages with such expertise that it masks how much he really does. It puts undue pressure on Bill and Mac and the rest of the system, therefore, I cannot support this recommendation.

Lees said that she felt the School Committee is fully cognizant that Bob cannot be replaced but thinks the energy involved in training a new person would have to be repeated in 12 months. Bill and Mac are conversant with the issues and have expressed their willingness to take this on. If that is that is the kind of challenge they wish to have then they should have it. They have done a fine job for us in the past and will continue to do so. Jean Butler said she had the utmost confidence that Mac and Bill will work out and supports them.

It was moved, seconded and

**VOTED:** To appoint Bill Ryan as Interim Superintendent of Schools and Malcolm Reid as Interim Assistant Superintendent of Schools:

The motion carried by a vote of 7 to 1 - Steve Aronson voting against.

Don Wheeler said the Committee has been working these past two weeks on deciding how they want to replace Bob. The Committee wants to meet the needs of the system and the community. To help them do that, several firms which provide support in a superintendent search are being interviewed. NESDEC and J.A. Roy Associates have already made presentations and a mid-west firm, Hedrich and Struggles are scheduled. Although Micki Williams and Harry Hersh preferred to defer any decision on the route to go until they have heard Hedrich and Struggles, Steve Aronson said that in view of the tremendous work load Bill and Mac will have, the Committee must go with a search firm. Mary Anne Vogel agreed with this statement. Dr. Kessler was asked to schedule Carroll Johnson, a professor emeritus of Columbia University and who has a wide network, to speak before the Committee. It is hoped that the process can be concluded by the first of the year and then to negotiate when the new superintendent can come on board.

**NEXT MEETING:** August 6, 1992, in the Conference Room at the Junior High School starting at 7:00 P.M.

At 7:50 p.m., it was moved, seconded and unanimously

**VOTED:** To go into executive session to discuss strategies relative to salary 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.

Mr. Wheeler said the Committee would return to public session to vote.

The Committee returned to open session at 9:00 p.m.

It was moved, seconded and unanimously

VOTED: To approve a 6% increase on the non-instructional staff salary schedule for FY'93 effective July 1, 1992, 1/2 of which is a one-time payment to compensate for the change in the health benefits ratio from 90% of costs paid by the system to 85% of costs paid by the system.

VOTED: To approve a 6% increase on the non-Unit B administrators' salaries for FY'93 effective July 1, 1992, 1/2 of which is a one-time payment to compensate for the change in the health benefits ratio from 90% of costs paid by the system to 85% of costs paid by the system.

Lees Stuntz moved, it was seconded and unanimously

VOTED: To add a one-year stipend of \$10,000 each to be paid evenly throughout the '93 fiscal year to William Ryan and Malcolm Reid to compensate for extra duties this coming year.

VOTED: To approve the Agreement with Unit A as negotiated by a sub-committee of the School Committee.

Lees Stuntz moved, it was seconded and

VOTED: To approve the Agreement with Unit B as negotiated by a sub-committee of the School Committee.

The motion carried by a vote of 7 to 1, Steve Aronson voting against.

It was moved, seconded and unanimously

VOTED: To approve the Agreement with Unit C as negotiated by a sub-committee of the School Committee.

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

Respectfully submitted,

Evelyn I. Smith, Secretary

## ACTON SCHOOL COMMITTEE

Conference Room  
Junior High School

July 9, 1992

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

Also Present: Robert Kessler, Fran Leiboff, Mac Reid,,Bill Ryan, Steve Desy, Lisette Kaplowitz, Sandy Wilensky, Su Henry, citizens and press.

The meeting was called to order at 9:08 p.m. by Jean Butler, Chairperson.

Warrant #93-001 in the amount of \$27,105.34, warrant #92-026 in the amount of \$140,457.55 and warrant #91-123 in the amount of \$547.48 were signed by the chairperson and circulated to the other members of the Committee. On June 25, 1992, warrant #92-025 in the amount of \$58,221.07 and warrant #91-122 in the amount of \$1,136.43 were signed.

MINUTES: The minutes of June 11, 1992 were approved as written.

PUBLIC PARTICIPATION: None.

EDUCATION REPORT: Dr. Kessler told the Committee that we did not receive any monies from the America 2000 grant application. He introduced Lisette Kaplowitz, Sandy Wilensky and Su Henry to give an update on a New Concept School they have been working on for the past year. Lisette said the Space Committee determined that by the 1993-94 school year, the system would be in trouble regarding available space. This Committee recommended development of a new school concept drawing from the excellence already present in the four elementary schools and a look at meeting space needs through flexible grades and age patterns with the same per pupil expenditure. Such a school would meet all state mandates and Acton's curriculum requirements, student-teacher ratio and a budget commensurate with the other schools. Sandy Wilensky said the space problem has provided an opportunity for many Acton teachers who have enjoyed meeting, sharing and reflecting in a meaningful way. They have been stimulated and challenged to design a school which would solve space needs, take into consideration new educational ideas and provide a stable environment for children. All ideas considered are still in preliminary stages. Kate Camara, from Tufts School of Education, has worked with the group this summer. Dr. Camara, who worked on the America 2000 grant application said even though no grant money was awarded, she would honor Tufts' commitment and would use this opportunity to continue collaboration. A packet containing information on participation to date, basic assumptions, guiding philosophy, and a preliminary time line was distributed to School Committee members. Lees Stuntz, after looking at the time line, suggested the need for some community involvement before October. She said they did not need a vote from the School Committee before doing this. Micki Williams said it was really important to get the community behind this concept before the Committee votes on it. Steve Aronson asked if there are similar exercises going on anywhere else. Kate Camara said she thought there were many communities such as Somerville and Sudbury taking the opportunity, as buildings are being reclaimed, to build on some new creative ideas. Lisette emphasized that the concept was not being developed out of discontent but out of a space problem.

SUPERINTENDENT'S RECOMMENDATIONS FOR JULY

It was moved, seconded and unanimously

VOTED: To approve Regional Action as follows:

- a) To request a waiver for Fran Leiboff as Director of Pupil Services.
- b) Bid awards to apparent low bidders for :  
Vending machine juices to Coca-Cola  
Potato Chips to Wachusett Potato Chip Co.  
Milk to A.C. Parker & Sons  
Bread to Best Foods Baking Group
- c) Appointment of Kathy Carlin as Speech and Language Chairperson, K-12.
- d) A 6% increase on the non-instructional staff salary schedule, 1/2% of which is a one time payment to compensate for the decrease in health benefits paid by the system from 90% to 85%.
- e) A 6% increase for Non-Unit B administrators, 1/2% of which is a one time payment to compensate for the decrease in health benefits paid by the system from 90% to 85%.
- f) Approval of the Agreement with Unit A negotiated by the sub-committee of the School Committee.
- g) Approval of the Agreement with Unit C negotiated by the sub-committee of the School Committee.
- h) Acceptance, with regret, of the resignation of Robert E. Kessler as Superintendent of Schools, effective July 31, 1992.

The following action was approved by a vote of 7 to 1, Steve Aronson dissenting:

- i) Appointment of William Ryan and Malcolm Reid and Interim Superintendent and Interim Assistant Superintendent respectively.
- j) Approval of the Agreement with Unit B negotiated by the sub-committee of the School Committee.

The following was unanimously approved;

- j) An additional \$10,000 each to be distributed evenly through the fiscal year to Bill Ryan and Mac Reid for additional duties.

It was moved, seconded and unanimously

VOTED: To approve the following leaves of absence for the 1992-93 school year:

Jayne Carter from .4FTE of her duties as speech and language instructor at Douglas  
Ursula Konde from .5FTE of her duties as kindergarten teacher at Douglas  
Linda Nadolny from .3FTE of her duties as physical education instructor at Douglas

Sue Waterman from .5 FTE of her duties as kindergarten teacher at McCarthy-Towne

A discretionary leave of absence for Joyce Nohmer, teacher of Grade 6 at Gates School, in accordance with section 6.12 of the Agreement with the AEA.

VOTED: To reappoint the following instructional staff members for the 1992-93 school year:

Selina Anderson to a .5 kindergarten position at McCarthy-Towne School.  
Selina's salary will be funded with school choice monies.

Diane O'Hare to a FTE.2 position as counselor.  
This will be funded from school choice monies and will bring Diane up to a FTE 1.0 having previously been approved for a .8 position.

VOTED: To appoint the following to instructional staff appointments for the 1992-93 school year:

Glens Colman as teacher of kindergarten at Gates School  
Vanessa Coulacos as teacher of grade 3 at Conant School  
Cheri Kesler as teacher of grade 5 at Gates School  
Ann Morgan as teacher of grade 2 at Conant  
David Rachlin as teacher of grade 6 at McCarthy-Towne School  
Elizabeth Parker as teacher of art (FTE.5) at Gates School.

VOTED: To appoint Nancy Kolb as Elementary Special Education Chairperson.

VOTED: To approve the following R & D Proposals:

a) K-6 Counseling - "Free to Be You and Me" to respond to our schools' philosophy and in anticipation of a continued increase in our multicultural population. Cost: \$1,320

b) K-3 ESL - Primary Curriculum - identification of topics and development of curriculum. Cost: \$1,715.72

c) New Concept School - to develop and inform the Superintendent and School Committee of the philosophy, structure and time line for planning and implementation of the school. Cost: \$6,267.50

Lisette Kaplowitz said they were not calling it a New Concept School, will have another title in September.

d) Library Automation Training - Cost \$2,550.30

VOTED: To approve that the FY'92 School Choice Budget be \$63,973.

VOTED: To approve that the FY'93 School Choice Budget be \$149,379.

Fran Leiboff explained her recommendations for Assistant and Contracted Services positions. These positions are needed to support the integration of some students from out-of-district placements and the services described in their Individualized Educational Plans. Margery Condon has been hired as nurse/instructional assistant at Gates School and Mary Martin and Mary Wylie will share a special education assistant position at Douglas School. Niki Holtzman has been contracted as a .5 FTE Occupational Therapist and Carol Huebner as a .7FTE Transition/Integration Specialist. As these are contracted services, they will not receive benefits.

FOR YOUR INFORMATION:

Dr. Kessler referred to Joe McInerney, fifth grade teacher at McCarthy-Towne School, being selected as one of three Massachusetts semi-finalists to receive the Presidential Award for Excellence in Elementary Mathematics Teaching.

Lisette Kaplowitz talked about the four Douglas School student's experience in communicating with the astronauts. She said it was made possible through a computer borrowed from Digital.

WARRANT: There were no questions.

CONCERNS OF THE BOARD:

Jean Butler has signed up to be voting delegate to the MASC Conference in November. She asked if anyone was interested in being an alternate. The consensus was that they were happy to have Jean represent them.

Mary Donald asked if there would be any input from the community and staff in the Superintendent's selection process if a search firm is used. She was assured that the firm would not select the Superintendent - would only provide an applicant pool. There will be a screening committee and community and staff input will be solicited.

NEXT MEETING: August 6, Room 114, Junior High Conference Room, following the adjournment of the Regional meeting.

EXECUTIVE SESSION: No need for one.

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Evelyn I. Smith,  
Secretary, Pro Tempore

# Acton Recycling Task Force

## Meeting Minutes

Date: Tuesday, June 30, 1992  
Location: Room 126, Town Hall

Members present: Nancy Tavernier, Chairman  
Maya Spies, Vice Chair/Clerk  
John Murray, Asst. Town Manager  
E.V. Tear  
Rosemary Lundberg

The meeting convened around 9:00 am. Last meeting's Minutes were accepted.

1. NESWC's Invitation to Towns to Lower Their Guaranteed Annual Tonnage (GAT) Rate  
The Chairman updated Task Force members on NESWC current events, as follows. Jerry Hopcroft, NESWC Executive Director, recently invited all 23 NESWC towns to lower their GAT rates, effective for the next 14 years, and instead pay a higher (unknown) tipping fee to defray the incinerator's operating costs. He gave towns one week to submit new GAT proposals. Acton requested and received an extension in order to analyze the financial implications for Acton of various GAT/tip fee levels.

Assisted by financial and legal counsel, Town staff determined that Acton should propose a 55% GAT decrease, at the same time substantially expanding the Town's recycling program (by increasing recycling tonnage, solid waste tonnage is decreased). Most other NESWC towns were expected to seek only modest decreases, to satisfy their immediate GAT problems and to reduce the risk of incurring an impossibly high new NESWC tipping fee.

The logic behind Acton's radical 55% decrease proposal is two-fold: It makes sense in terms of Acton's long term solid waste and budgetary planning, and it will compel NESWC administrators and the other towns to address the economic consequences of lowering the GAT.

The reason Acton is willing to be absolutely honest about the financial ramifications of a universal GAT decrease is because, of all the NESWC towns, Acton has the most to lose. If Acton were forced to accept a modest GAT decrease, Acton would not resolve its own GAT deficit, and it would jeopardize the carefully cultivated relationship with private trash haulers which has helped Acton to meet current GAT requirements.

John Murray was meeting with the NESWC Executive Committee early this morning with Acton's proposal. Around 9:30 am, he arrived before the Task Force to report what had happened at that meeting, as follows. As expected, the 23 other NESWC towns proposed a 10-15% GAT decrease and were irritated with Acton for proposing a vastly lower GAT. They did not want to risk a higher tipping fee and were unwilling to acknowledge that they had not yet studied long term financial effects of an across-the-board GAT reduction. Mr. Murray pointed out that Acton's proposal was simply responsive to Acton's needs. When he was met with opposition, he offered a counterproposal: Acton would be willing to accept monetary compensation for being forced to accept a more modest GAT rate. This offer was also received without enthusiasm.

When Mr. Murphy left the meeting, he made it clear to the Executive Committee that Acton would have no alternative but to sue NESWC if they refused to address Acton's needs. A decision in Acton's favor had to be made by Thursday, July 2, to avoid litigation.

2. Transfer Station/Recycling Center Operations Update

John Murray reported that a banner is now hanging above the transfer station roadway, stating that recycling is mandated by the state. Beautiful new signs have also been erected in the recycling center.

BFI is continuing to haul recyclables, but no longer under the barter arrangement. The Town must now pay \$150 per pull plus per tonnage charges. To offset these charges and to prepare for greater control of recycling costs in the future, the Town is taking measures to acquire more rolloffs and shredders/balers, etc., taking advantage of state grants available for such purposes.

3. Newspaper Series on Recycling

E.V. Tear reported that Kris Kelleher, Beacon editor, was leaving to take another job. This staff change is not expected to jeopardize the Task Force's series on recycling, which is published once a month and has been overseen by Ms. Kelleher. E.V. and Nancy Tavernier have been preparing several articles in advance.

4. Public Education Brochure

Because of the muddle caused by the NESWC situation, neither the recycling RFP nor the recycling public education brochure can go ahead. Tentative publication date for the brochure is September, but it will depend entirely on the status of the RFP.

Some discussion ensued regarding the paper size for the brochure, because recycled legal-size, 60# paper was found to not be readily available. Decisions regarding size, content, and design will be made when we know exactly what the brochure will include.

It was reported that all four Acton elementary schools have donated money for the publication of the brochure. The Acton Conservation Trust has also promised a contribution. The League of Women Voters is the primary sponsor and the Jr. Women's Club has also made a sizable contribution.

The meeting was adjourned at 10:20 am.

Our next meeting is scheduled for Tuesday, August 4, 1992 at 9:00 am.

Respectfully submitted,



Maya Spies, Clerk

cc: Town Clerk  
Board of Selectmen

cc: Selectmen



OFFICE OF THE  
**BOARD OF HEALTH**

TOWN HALL, 472 MAIN STREET  
ACTON, MASSACHUSETTS 01720  
TEL: 264-9634

August 4, 1992

Mr. Don Foster  
22 Everett Street  
Westwood, MA

Dear Mr. Foster:

The Acton Board of Health has been notified by Ed Bennett, Acton Fire Captain, and has made a subsequent inspection, regarding Hazardous Materials and Wastes improperly stored and potentially discharged onto property located at 23 Lawsbrook Road, as shown on Town Atlas H-4, parcel 128 & 127. In accordance with the Town's Hazardous Materials Control Bylaw you are hereby notified that you are in violation with Sections 2.11, 2.1.2, 2.1.5, 3.1 and 3.1.1 of that bylaw.

You are hereby ordered to immediately come into compliance with all conditions of the Hazardous Materials Control Bylaw. All hazardous materials or wastes on site must be identified and placed in suitable and securable containment or be removed from the site by a licensed Hazardous Waste Hauler. Failure to come into compliance with this order may result in a fine of not more than \$300.00 for each day and for each violation that is cited. You are also hereby notified that this site has been referred to D.E.P. as a potential site to be investigated under Chapter 21E.

Should you have any questions regarding this matter please contact me at 264-9634.

Sincerely,

Doug Halley  
Health Director

- cc: Board of Selectmen  
~~Town Manager~~  
Police Chief  
Fire Chief  
Building Department  
Kevin Murphy, Shawmut  
William Phillips, D.E.P.



Kevin Murphy (617) 292-2870

Shawmut Fire Department  
Incident Report with Narratives

Sunday 13:22

Ch r G. Daniel  
Amaty Lon. Officer

Shawmut Bank 656-8277  
One Federal Street, Boston, MA 02211  
Tel. 617-292-2877 Fax 617-292-3879  
A Shawmut National Company

Dispatcher: Not reported

LOCATION OF INCIDENT

Address: 25 LAWSBROOK ROAD  
Alarm: Run list: 2  
Occ/Land: \*FOSTER MASONRY  
Prop use: Not reported  
Phone: None  
NOTE: See map 156

Dispatched: 10:25 00:00 00:00  
Arrived: 10:32 00:07 00:07  
To medical: None  
At medical: None  
Cleared: 12:27 01:55 02:02

INCIDENT CLASSIFICATION

Situation: INS Inspection Priority: Low  
Nature: Safety Severity:

ALARM METHOD AND PERSON

Method of alarm: VERB Verbal  
Reporting person: Chief Craig Phone: None  
Address: 256 CENTRAL STREET

OTHER INFORMATION

Officer in charge: C4 Edward Bennett, Captain  
Actual situation: INS Inspection  
Reporting officer: C4 Edward Bennett, Captain

Comments: Inspected former Foster Masonry with Chris Daniel of the Shawmut Bank.

UNIT CHRONOLOGY BY TIME

Unit Time Status Unit Time Status

[No unit chronology on file.]

19921602 Narrative 1 By: Wm. Klauer, Firefighter Last edit: 07/19/92 Status: Open

July 16, 1992  
at 10:30 to 12:30

Bob,

Per your request, I went to Foster Masonry at 25 Lawsbrook Road and met with a Christopher Daniel of the Shawmut Bank. We walked the property with Engine 26's crew. At that time a locksmith was fixing all the door locks and was going to put a chain and lock on the gate. He will give a key to the Police Department and I advised Chris if we needed entry that we would cut the lock, he agreed. The areas of concern I have are.

1. The security of the buildings as they all were open and a small fire had been set in one of the office spaces. I notified the Police Department and asked for pictures and they advised me that they had been taken two weeks

Narrative 1 By: Wm. Klauer, Firefighter (Continued)

before.

2. I asked for the power to be shut off to the entire property, that has been done.

3. We found a large propane cylinder with product in it and Chris will call and have it removed as soon as possible.

4. There are 15 to 20 tanks or drums with an unknown product in them (some appear to be grease and oil) which Chris will have removed from the yard.

5. There are 2 transformers that he will check to see who owns them and see what product is in them. One appears to be real old and could have PCB's in it.

6. There are many stacks of blocks, 4 pallets high, that pose a hazard. I have requested that they be no more than 2 high.

7. Although there are other areas of some concern, such as the integrity of the structures themselves under a fire situation, I did not press the issue. I did call Doug Healy and Gary Rhodes and will meet with them next week at the site to see if further steps are required and what the final disposition of the property will be.

Ed.

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TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: July 31, 1992

TO: Walter Kiver, Chairman, Commission on Disability

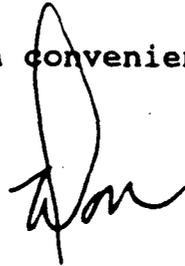
FROM: Don P. Johnson, Town Manager

Subject: Meeting With Board of Selectmen

I am in receipt of your letter to Nancy Tavernier. Your letter mentions several questions and concerns that you seek to address with the Board of Selectmen.

We have not scheduled you with the Selectmen as yet because many of your concerns are more appropriately addressed through my office. I would suggest that you and I meet to discuss the points that we can resolve. Then the Commission could take a more concise list to the Selectmen.

Please give me a call to schedule a convenient time for our meeting.



cc: Board of Selectmen



## ACTON COMMISSION ON DISABILITY

Town Hall  
Acton, MA 01720

June 23, 1992

Nancy Tavenier, Chairperson  
Acton Board of Selectmen  
Town Hall  
Acton, MA 01720

Dear Nancy:

The Acton Commission on Disability requests a place on your agenda to discuss the following: How can the commission become a part of planning for the community? We would like to request space in the new Council on Aging building. A town coordinator for the American with Disabilities Act was required, as of January 26th., 1992, but no one has been appointed yet. Can we have input into the choice? We would like to be able to work with the coordinator to help increase awareness for town employees and the town. We would like to discuss some of the comments received on our latest survey.

Thank you.

Sincerely,

Walter Kiver, Chairman

SELECTMEN'S MEETING  
JULY 28, 1992

DRAFT

The Board of Selectmen held their regular meeting on Tuesday, July 28, 1992, present were Norm Lake, Nancy Tavernier, Anne Fanton, and Town Manager Johnson

CITIZENS' CONCERNS

Joyce Greer of 80 Peter Spring Road, Concord read a prepared statement to the board regarding the events surrounding her purchase of a vehicle from Dan Wagner. She wanted the board and anyone else to know what had happened to her and to be informed. She cited the fact that he gave her a sales receipt for \$500 instead of the \$1,500 actual price in order for her to avoid sales tax, his non-business like operation and his hours of operation. Nancy thanked her for her information and asked that a copy of her statement be filed prior to December when the licenses would be up for renewal.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON/NEW ENGLAND TELEPHONE - GREAT ROAD AT MAIN STREET  
NORM LAKE - Moved to approve. ANNE FANTON - Second.  
UNANIMOUS

CEMETERY COMMISSIONERS OVERSIGHT MEETING

Mr. Putnam, Mr. Bailey and Mr. George discussed the number of lots and cemetery maintenance with the Board. It was noted that there is a preference for Woodlawn. Nancy wanted to discuss the roles of the Commissioners and to clarify them. Communications was noted as a problem by the Commissioners. They feel that they ask for guidance and when they see the final request in writing it is not what they said or meant. They felt the reorganization by Bernie Murphy has not aided them in the operation. Nancy asked that all policy issues be handled by the Commissioners and Board of Selectmen and that the day to day operations and personnel issues should be handled by the Superintendent, Director of Municipal Properties and Town Manager. Nancy asked the Town Manager to look into the problem of communications to try to resolve the issue.

Whit Mowery former commissioner spoke about his dissatisfaction with regard to the recent purchase of the Cemetery truck and the desire to have the maintenance building built both items which he ascertains became a problem because of communication problems.

Anne wanted to be sure the plantings discussed in the expansion were put in as required, and commented on the fine condition of the Cemeteries in Acton. She also inquired as to

what level of the budget was funded by Trust Funds. Mr. Putnam said he would look into the ratio.

The Board thanked the Commissioners for their hard work and efforts in keeping Acton cemeteries so well maintained.

#### CABLE TV TRANSFER HEARING

Mr. Joseph Neal and John Hendricks outlined the proposed transfer. The plan is strictly financial, it has no change in the management of the operation. It is an equity finance by Pinkus. This will improve their liquidity and management of funds. Norm wanted to know if the Board of Director would change. Three members from Pinkus and three from Cablevision will make up the new board, and they assured this would have no bearing on the cable operations. Norm also expressed concern that this would translate into higher cable rates being passed on to the consumer. They explained that the process was much like refinancing your home. It would have not impact on the rates. Nancy asked about the license section 13, it appears that bond for \$25,000 was not filed. They agreed to file the required bond. However, they felt the bond would be for maintenance of lines not for recruiting a new cable provider. Don Johnson said counsel would advise us on this issue.

Ms. Ingrarham of 6 Puritan Road spoke about the process. She said the transfer document should be reviewed carefully, because it states they are in compliance with the original license, she feels that if we are not, and enter into this transfer we give up our rights to question the original license. She also wanted the Town to have a subscriber list available to check the service and amount paid to us. She further spoke about the local programming and capital expenditures and A/B rates and revenue figures. She also wanted to be sure all 59 drops to the schools and 42 to the Town had been installed and she questioned the validity of their answers to Access Equipment on pages 33 and 34.

She asked the Board to reinstate the Cable Committee and that she would offer to participate.

Nancy proposed that a member of the Board get together with the Town Manager and discuss the questions outlined in her statement as well as others brought to their attention. She further suggested that the hearing be reopened at a later date.  
NORM LAKE - Moved to continue the hearing to August 25 at 8:15 P.M. ANNE FANTON - Second. UNANIMOUS VOTE.

The Board will discuss reactivation of the Cable Committee at the next meeting to prepare a scope and purpose for the committee so that VCC can recruit.

**CONSENT CALENDAR**

The Board approved the Consent Calendar as submitted - NORM LAKE - Moved to accept. ANNE FANTON Second. UNANIMOUS VOTE.

**SELECTMEN'S CONCERNS**

OPEN SPACE RECREATION PLAN - Anne commented on the amount of time and fine job staff did in preparing this document. ANNE FANTON - Moved to accept the 5 year Open Space Recreation Plan as drafted by Staff. NORM LAKE - Second. UNANIMOUS VOTE.

DEVELOPMENT GUIDE - Anne commented on the recent Development Guide developed by staff. She said that while it was not fancy looking, it is full of all kinds information which will assist developers. This Guide is in line with what was outlined in the Master Plan.

**TOWN MANAGER'S CONCERNS**

FY92 REVENUES - Don updated the Board on the FY92 Revenues. The rough figures look like we were at 103% of the Plan, or 3% above plan. This is attributed to the planning done in the Coordinating Committee Process.

**EXECUTIVE SESSION**

ANNE FANTON - Moved to go into executive session for the purpose of discussing Litigation. NORM LAKE - Second. UNANIMOUS VOTE - Roll Call taken, ALL AYES.

The Board adjourned into Executive Session at 9:15 P.M.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Joyce  
Recording Secty.  
cmjW11-(257)

EXECUTIVE SESSION

JULY 28, 1992

LMI SITE PLAN SUIT

Don updated the Board on the recent LMI suit. It appears that an Agreement for Judgement has been filed. This means that the two parties, LMI, and the neighbor have negotiated a settlement and the second building will not be built. Nancy commented that it was her recollection that the second building during the review process was not a critical aspect of the plan.

Adjourned session at 9:30 P.M.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Joyce  
Recording Secretary

## EXECUTIVE SUMMARY

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This report of the State Auditor's Office, Division of Local Mandates (DLM), provides an estimate of the fiscal effect that mandatory recycling proposals would have in cities and towns throughout the Commonwealth. In recent years it has become apparent that recycling and composting of reusable components of the solid waste stream are a means to address environmental, economic, and public health concerns surrounding solid waste disposal in Massachusetts. To successfully implement such initiatives, however, Proposition 2 1/2 and the Local Mandate Law (G.L. c. 29, s. 27C) obligate the Commonwealth to either assume the costs a recycling law would impose on local units of government, or proceed with local option legislation.

To aid the General Court in drafting an enforceable, multi-material recycling law, this report examines the methods and costs of existing municipal waste management services, and projects the cost of tailoring existing practices to comply with state mandated recycling and composting.

Cities and towns use two basic methods of solid waste collection - - curbside pickup and drop-off centers. It is clear that population density is the most significant variable determining which method is used. A total of 158 cities and towns use curbside pickup, with a population per square mile averaging 2,347 persons. The remaining municipalities provide drop-off centers where individuals deliver or arrange for delivery of their own solid waste; the average population per square mile is 330 persons in these communities. In sum, about 80%, or 2.4 million tons, of the residential solid waste generated annually in Massachusetts is handled by curbside pickup communities, representing 45% of all cities and towns.

Experience with existing, voluntary local recycling programs indicates that municipalities using the drop-off method could incorporate mandatory recycling with little or no adverse budgetary impact. Only a few of those using the curbside method for recycling could do so without increases in waste management budgets. Accordingly, DLM focused its review on 23 curbside communities that have voluntarily initiated curbside recycling programs, and compared their estimated solid waste management costs without recycling to their costs with recycling. It should be noted that although these 23 communities currently represent the most active recyclers in the Commonwealth, none of them source separate the complete array of recyclable goods and materials targeted by the several mandatory proposals we have reviewed. A legislative mandate that includes a greater variety of materials would be an additional cost for these and other affected municipalities.

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\*\*\* Nonetheless, this study shows that, contrary to popular expectations, savings from avoided disposal costs (not having to pay to landfill or incinerate tonnage diverted to recyclable use) and revenue from the sale of recycled materials do not commonly offset the additional costs of implementing and operating recycling programs.

The current fiscal situation indicates that substantial state financial assistance would be necessary to support a mandatory municipal program. A combination of an improved market for recyclables and increases in solid waste disposal costs over the next several years will dictate a more favorable climate. In the long run, recycling experts predict that the environmental and economic benefits of recycling to society, as a whole, will ultimately balance the investment required to institute effective recycling programs.

The highlights of our study results are as follows:

- Of the 23 communities we surveyed that have instituted curbside recycling and composting programs, 18 spent an aggregate \$2.8 million more per year recycling. Individually, waste management cost increases ranged from 2% to 29%. On average, waste management costs for these 18 communities increased by \$44 for each ton recycled or composted (diverted ton), or 11% of solid waste budgets, with one community's increased cost exceeding \$94 per diverted ton.
- Recycling and composting reduced the solid waste management budget of 5 municipalities. Total savings for this subset of the sample was \$695,724, or a savings of \$27.40 per ton diverted. The average savings was 4.2% of municipal solid waste budgets.
- Based on recent cost data, all but a few of the 158 municipalities that provide curbside collection of solid waste will be required, at least in the short run, to spend additional funds to implement a mandatory recycling program.
- Communities that utilize drop-off centers are likely to realize cost savings.
- \*\*\* Markets for recyclable materials have not performed well and are not generating sufficient revenue to substantially reduce the cost of diversion. This condition will continue unless demand is stimulated. Also, the Bottle Bill has taken most aluminum and plastic, the major revenue sources, out of the municipal waste stream.

- 
- Private industry contract bid prices for recycling pickup and reuse have escalated significantly, with recent bid prices averaging approximately \$130 per ton compared to \$90 per ton average cost in effect at the time of our survey.
  - We estimate the short-term additional annual cost impact of mandatory recycling on all 158 curbside cities and towns to be within the range of \$16.4 million to \$30.6 million per year. The \$16.4 million estimate is based on historical data, while the \$30.6 million estimate applies the recent \$130 per ton average contract price for pickup and diversion. Therefore, using a conservative approach, it is more likely that \$30.6 million per year is required. The costs will be proportionately lower if all curbside municipalities are not mandated to establish recycling programs.
  - Many communities may suffer additional financial losses because of existing long-term contracts that commit minimum tonnage deliveries to incinerators. In other words, tonnage diverted through recycling would still have to be paid for under these existing contracts.
  - The percentage of material diverted from solid waste disposal to curbside recycling and composting from our sample was 22% (diversion rate).

**We recommend:**

- 1) That any mandatory recycling program initiated by the Commonwealth be funded sufficiently to prevent any adverse impact on local budgets. Based on our study, up to \$30 million per year over the next few years would be necessary to mandate that all curbside collection cities and towns recycle.
- 2) If adequate state funding is not available, that the Commonwealth establish a voluntary program with state funding incentives. Our report shows the impact of partial state funding proposals and demonstrates the levels of participation that could be achieved at various levels of state funding.

AUGUST 21, 1992

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

#####

AGENDA

ROOM 204

7:30 P.M.

AUGUST 25, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 BOSTON EDISON- NAGOG/SUTTON - underground conduits
2. 7:45 VCC OVERSIGHT MEETING
3. 8:15 CABLE TV RE-OPENING HEARING OF JULY 28, 1992
4. 8:40 COMMON VICTUALER LICENSE - Beef and Ale - 134 Great Road -  
Enclosed please find staff comment for Board action.
5. 8:45 BEER AND WINE TRANSFER - BEEF AND ALE - 134 Great Road -  
Enclosed please find application and staff comment for Board  
action.

III. CONSENT AGENDA

6. SELECTMEN'S MINUTES - Enclosed find Minutes of July 28, 1992 for  
Board approval.
7. ACTON HOUSING AUTHORITY - Enclosed please find a request from the  
Housing Authority's Application for Section 8 Certificates for  
Board approval and letter of support for signature.

IV. SELECTMEN'S CONCERNS

V. TOWN MANAGER'S REPORT

8. South Acton bridge - The Town Manager will report on the status of this structure.
9. Police Department sign - The attached materil indicates that we have been offered a gift of a new sign.
10. Fort Devens Citizen Advisory Committee - See attached memo.

VI. EXECUTIVE SESSION

11. The Town Manager will need an executive session for the purposes of dicussing litigation.

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.

Sept. 8

Boston Edison  
Library Foundation  
Historic District Overview  
Historic Commission Overview  
Mobil Oil 24 hr. permit discussion

Sept. 22

SARC Overview  
Ft. Devens Reuse Update with BOS  
Main Street Sidewalk

753 acs

8/25/92

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 25th day of AUGUST, 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:

Nagog Hill Road - Northeasterly approximately 2,795 feet northwest of Sutton Place, a distance of about 7 feet - Conduit

**BOARD OF SELECTMEN**

Form 518D  
648ACS

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

TO: Board of Selectmen  
FROM: David F. Abbt, Engineering Administrator  
SUBJECT: Boston Edison Petition  
Nagog Hill Road

DATE: 7/27/92  
*D. Abbt*

This petition is for the installation of a seven foot (7') section of underground conduit to be located approximately 2795 feet northeasterly from Sutton Place. This conduit will provide electric service to the new house north of Alex's barn.

We have reviewed this petition and field inspected the location. We find that the stone wall in the vicinity will need to be reconstructed after the installation of the conduit. We have no other concerns with the proposed installation.





8/25/92

(3) @

cc: BOS

FAX TRANSMISSION COVER SHEET

DATE: 8/14/92

PLEASE DELIVER THE ATTACHED TO:

NAME: MR. JOSEPH NEAL

FIRM: A-R CABLE SERVICES, INC.

FAX NO: 508 568-0965

THIS MESSAGE IS BEING SENT FROM:

NAME: DON P. JOHNSON

FIRM: TOWN OF ACTON

DEPARTMENT: TOWN MANAGER

FAX NO: 508-264-9630

WE ARE TRANSMITTING 9 PAGES, INCLUDING THIS COVER SHEET

MESSAGE: THE CHAIRMAN OF THE BOARD OF SELECTMEN  
HAS ASKED THAT YOU RESPOND TO QUESTIONS AS NOTED  
IN THE ATTACHED MATERIAL. WE WOULD APPRECIATE RECEIVING  
YOUR RESPONSES IN TIME TO INCLUDE THEM IN THE SELECTMEN'S  
MAIL PACKETS ON FRIDAY, AUGUST 21.

*Don P. Johnson*

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

Don P. Johnson  
Town Manager

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August 14, 1992

Mr. Joseph Neal  
A-R Cable Services, Inc.  
577 Main Street  
Hudson, MA 01749

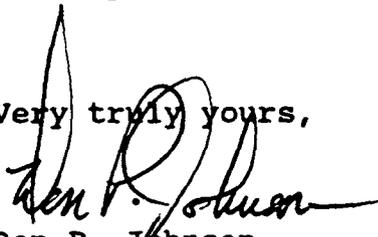
Dear Mr. Neal:

As you are aware, a number of questions arose during the Selectmen's July 28 hearing concerning your request for a license change. I have previously provided you with a copy of written questions that were submitted by Ms. Sharon Ingraham. After reviewing Ms. Ingraham's questions the Chairman of the Board of Selectmen, Mrs. Tavernier, has asked that I write you and seek your response to the points that have been made.

I have attached a copy of Ms. Ingraham's comments for your convenience. We would urge that you prepare a response to all of her questions; however, at a minimum, we would ask that you respond to the specific paragraphs that we have marked.

If you are able to deliver written responses to my office by Friday, August 21, I will see that the Selectmen receive them in their weekend packets, for review prior to the August 25 meeting.

Very truly yours,

  
Don P. Johnson  
Town Manager

cc: Board of Selectmen

DPJ:373

Comments and Recommendations  
Re: Transfer of Town of Acton Cable Television Franchise

NOTE TO MR. NEAL :  
AT A MINIMUM, PLEASE RESPOND  
TO PARAGRAPHS IN BRACKETS, [ ] .

Tom Johnson

Prepared By:  
Sharon B. Ingraham  
6 Puritan Road  
Acton, Massachusetts  
July 28, 1992  
HOME # 897-5066  
OFFICE # 897-3937

Preface

Just as initial franchising and renewal require intense scrutiny by municipal Issuing Authorities, the act of license transfer requires close inspection. Questions about the financial condition of the new licensee, indications of their willingness to comply with license terms and confirmation of current compliance should be ascertained. In addition, any transfer applications must be viewed carefully, in order to assure that the existing franchise is not inadvertently modified during the transfer process, either explicitly or by acquiescence.

In looking at the current franchise request by Cablevision Systems Corporation two separate sets of questions must be addressed:

- 1) Any questions regarding the transfer document, itself.
- 2) Any questions regarding the current license compliance. This is particularly of note, since the current operator warrants in the transfer documents that it is currently in compliance with the franchise.

[ In the transfer document, Acton is grouped as "Middlesex." For renewal and regulatory purposes, the Town should be able to get individualized reporting of subscriber 3's, local programming expenditures and revenues, in order to determine compliance. ]

Transfer Document

This by no means represents a thorough examination of the transfer documents, however, even a cursory examination raises some issues.

1. In more than one place in the Transfer document, Cablevision warrants that it in compliance with the license. This should therefore be reviewed and ascertained.

Exhibit 18, page 3

PLEASE PROVIDE A COPY OF THE  
CABLE COMMUNICATIONS POLICY ACT  
OF 1984, SECT. 631.

In its discussion of subscriber privacy, Cablevision essentially replaces the existing language of the Final License (see Final License, pages 60-61, Privacy and Rights to Information). While most of this section is acceptable, there is a paragraph stating that the Town is not entitled to have a copy of the subscriber list. This list may be necessary for a number of legitimate regulatory purposes:

- 1) To verify the subscriber count in order to see if the franchise fee being received by the Town is the proper amount
- 2) To use during the renewal process during needs ascertainment and subscriber satisfaction research. These are essential elements of franchise renewal.
- 3) For other periodic customer service surveys that the Town may wish to conduct in its role as Issuing Authority.

For this reason, the Town should not approve the Transfer application with the existing language.

Exhibits accompanying State transfer form

Cablevision makes reference to the access services mentioning only:

- 1) The studio, with equipment currently valued at \$70,000.
- 2) That 10-15 hours per week are cablecast
- 3) That there is interconnect capability between the Towns in the "Middlesex" system
- 4) That although the company does not exert editorial control, as required by the Cable Act, it does require "balanced coverage of the issues"
- 5) The company states that it will remove obscene programming from the access channels

As will be stated later, in the compliance section, the Company make no reference to several other compliance areas, such as training, funding, I-Net, etc. I might also note that under the Cable Act and FCC regulations, there is no requirement that access channels be "balanced." The operator should be prohibited from exerting influence over the content of the channel. (In fact, the FCC has abolished the "Fairness Doctrine" for broadcaster and cable operators, and exempted public access from the "Equal Time" rule for political candidates in 1980.)

7 Year Business Plan

In the line item regarding capital expenditures, the figure (000's omitted) is \$10,368 for 1992 and jumps to \$26,000 in 1993 & 1994, then goes down. Why? What significant capital costs does the company anticipate in those years?

## 1991 Budget and Forecast

Note that "churn" (subscribers who drop cable or change services) was 17.8% for Middlesex, the second highest for all their systems. How does this compare to industry trends?

## 9A Financial Reports

Showed cash flow growth of 12.8%, an increase of 730 subscribers, margin improvement of 598 and revenue growth of 1,084 (I assume, as elsewhere that the ending 000 were omitted).

On p. 71, it showed that revenues were 11.8% better than forecast and the annual revenue per subscriber went up 7.6%.

## Moving on the Local Department Budgets

[ p.27 For the Middlesex System, franchise fee payments were 16.7% lower than projected. How does this relate to increase revenue over the period? ] ✓

For the record: Franchise fees as a percentage of subscriber revenues were reported as 0.4%. Note that in other parts of the country, the operator is likely paying 5% (including access operating funds, but NOT including capital expenditures for local programming).

p.43 - Programming (I assume this refers to the amount spent on local programming)

The report indicates that actual spending was 9.9% lower than projected. Why, particularly since the system probably not spending the amount called for in the franchise?

p. 45

## **Local Programming**

Operators are fond of citing the "high cost" of providing local programming. The transfer document shows that Cablevision is spending (by its estimation) 2.3% of revenues (not necessarily gross revenues) on local programming, which they state is 82 cents per subscriber.

## **Customer Service**

Cablevision states that their actual spending for customer service per subscriber was 3.0% of gross revenue or 99 cents per sub. How does this compare to industry standards?

2nd Amendment to Management Agreement - Exhibit IVD

p.5 The buyer agrees to pay Cablevision a management fee of 3.5% of gross revenues. How does this compare with any current management fees being payed by A-R Cable Services to Cablevision. How might this impact on the local department budgets? Is this likely to be passed through as a rate increase?

Representations and Warranties - Exhibit VIA

p. 11 (k) There is a statement that there are no undisclosed liabilities. One could argue that failure to comply with franchise requirements such as local programming, I-NET provisions, etc. is a potential liability.

p.14 Cablevision states that it currently has no pending or other threatened litigation

Schedule G - Complaints - states few from Issuing authorities, I'm not sure that is wholly true, but is likely beyond the jurisdiction of the Town to inquire

R-2

Cablevision lists programming services provided. Please note that Black Entertainment Television and Madison Square Garden are two services not offered in Middlesex.

## Franchise Compliance

Although this is, again, not an exhaustive look at the Final License, it is worth asking for reporting or verification of the following, prior to approval of the transfer. Failure to inform the operator of compliance failures puts the Issuing Authority in a poor position relative to renewal or denial of the franchise.

### p. 13 Free Cable Drops

Have all 59 drops promised to the A-B School District and all 42 promised to the Acton Public Schools been installed? Are all schools capable, as promised, of being hooked up to the I-NET?

Are all 15 sites (town and public buildings) currently hooked up to the interconnect?

p.19 Is the A/B switch provided at cost? It's not clear that this is superseded by the Cable Act.

p.21 Although Cablevision is subject to the "Equal Time" provisions of the FCC when it produces programming, the public access channel is exempt.

p.23 Is there currently a \$25,000 bond posted through the life of the license, as required per Section 13?

p. 29 Calls for service to all Town residents. Is this currently in compliance?

p.33 There is no mention in the transfer document that the company ever provided the \$50,000 in equipment specifically earmarked for the I-NET (cameras, modulators and microphones, etc.)

The first paragraph also stated that there would be a survey of potential I-NET users, was this done?

p.34 Outlines Access Equipment and states that there will be \$140,000 of equipment of a high technical standard. Is there any current inventory to compare the promised equipment with current equipment? p.38 (1) States that all access equipment will be kept in good working order, and that (2) the cost of preventative maintenance, repair and replacement will be assumed by the Licensee. It also states that (3) whenever a major piece of equipment is broken, that equivalent loaners will be available.

I would question whether that has been kept in really good order. In one instance, the studio went without a TBC (a major influence on signal quality) for over a year.

This section states (4) that the company shall encourage and emphasize use of access and origination. Please ask the company to detail its community outreach plans and efforts and the

number of users trained and training programs conducted in the last three years.

(5) The company states that there will be an access operating budget of \$50,000 a year, adjusted (upward, I assume) in future years to *maintain the level of services specified in the application*. We should have a complete accounting through either the life of the franchise or the time that Cablevision has owned the system of expenditures.

(6) If the operating budget was to be reduced, it was to be discussed with the licensee. Was this ever done formally?

(7) The Licensee states that at its own expense, they will provide the L//Access coordinator. tech support and access user training. They should report on how they have satisfied this requirement.

p. 40 States that there shall be 4 access channels and 1 L.O. channels. The company should report on there status. Also note that since 1984, the operator has needed the permission of the Issuing Authority to place any other programming on those channels. Is this currently the case? (see "fallow time rules", Cable Act)

p. 40 States that operating rules for Access will be formulated by the Licensee **in cooperation with** the Issuing Authority. Clearly this was not the case in the painful days of 1989. Although we came to a peaceful resolution, it took massive negotiating and media efforts to move the company to reasonable discussion.

p.41 Leased access is mandatory under the Cable Act. This language should be reviewed at some point.

p. 53 Defines the Cable Advisory Committee and its role. This should not be in the license and should not be restricted by license language.

#### p.54 Reports and Information

1) The Town should be receiving information pertaining to Acton subscribers, only.

2) Is the Town receiving the quarterly reports regarding customer service complaints?

p.55 How does the Town verify that the franchise fee being paid is based on an accurate subscriber count? What amount was paid last year?

#### pp. 60-61 Privacy

This appears to be replaced by the transfer document. In the actual final license, the Town is not specifically barred from receiving the list.

## Conclusion

It is my feeling that at least some of these issues should be addressed prior to approval of the license transfer. Those issues that are not required for approval should be entered into the public record and resolved at a later time.

During the original transfer from Adams-Russell to Cablevision, the company stated that it would make every effort to comply with local programming requirements. In fact, it stated that local programming was its specialty. I do not see evidence of this in the quality or quantity of local programming, the quality of the production equipment, the quality of training and community outreach and the apparent amount spent on access operations.

This license is up for renewal in 6 years, and the renewal process begins in only three years. Many of these issues have a critical bearing on that process and its outcome.

Given these issues, and upcoming changes in Federal legislation, regulation and the entry of the telephone companies into video services, I strongly recommended that the Town of Acton reactivate the Cable Advisory Committee and volunteer to serve as a member,

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

8/25/92  
3  
b

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DATE: July 28, 1992

TO: Board of Selectmen  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Cablevision Restructuring

Through my oversight this report did not get in your packets last weekend. I have highlighted the critical lines in the attached material to assist you in reviewing this information before the hearing.

In essence, this application is similar to an application the Board approved in 1987. At that time the request was to transfer the license from Adams Russell Cable Services, Inc. to Cablevision Systems Corporation. This application seeks approval of a restructuring and the addition of a new financial partner, Warburg, Pincus Investors, L.P.

The transfer/assignment of this existing license seems rather straightforward; however, there are some aspects of which you should be aware prior to your vote:

1. The principal reason for this action is to improve the financial stability of the system, as noted in their cover letter.
2. The Certified Public Accounting firm of Peat Marwick has audited the balance sheets of A-R Cable Services, Inc. and a copy of their report is included with the application. The applicant has noted under paragraph #28 that the audit

does not reflect the current restructuring and refinancing. Nonetheless, several notes to the consolidated financial statements raise a flag that should be brought to your attention:

a. Five years after this restructuring agreement, either of the parties to the agreement may irrevocably cause the sale of the company.

b. At two points in the notes we are cautioned that "prior to June 30, 1993, the Company will need to refinance its obligations. There can be no assurance as to the Company's ability to refinance its debt or the terms or timing of any refinancing alternatives."

c. The company has entered into an agreement with the New York State Commission on Cable Television which requires the company to upgrade substantially all of its New York State systems to a 77 channel capacity by 1994. Peat Marwick expresses reservations as to the Company's ability to comply with this agreement and indicates a failure to comply in this area might be deemed a breach of its numerous franchise agreements.

d. The petitioner has not signed the application as required by MGL Ch. 166A, s7.

[PRESUMABLY, THE CURRENT REFINANCING/RESTRUCTURING ADDRESSES THE CONCERNS IN PARAGRAPHS "b" AND "c".]

3. Section 16 of the original license required a "maintenance bond" of \$25,000 for the duration of the license. I am unable to find any indication that such a bond was ever posted with the Town.

In conclusion, while the restructuring/refinancing proposal would seem to justify a "rubber stamp" by the Town, the financial picture raises a number of concerns. Any failure of this organization could cause the Town to expend large sums in rebidding and awarding a new franchise. Staff would recommend that if the Board is inclined to approve this request, conditions such as the following be attached:

1. The petitioner shall submit a properly executed signature page in accordance with the requirements of MGL Ch. 166A, s7.
2. Prior to the Selectmen's approval, the petitioner shall post the \$25,000 maintenance bond as originally required by the license. In the alternative, the petitioner may submit proof that the bond requirement has previously been satisfied.
3. Prior to the Selectmen's approval of the petitioner's request, the petitioner shall post an additional \$25,000 bond, in a form suitable to the Town Treasurer, to cover costs incurred by the Town if the petitioner defaults during the duration of this license.
4. All other relevant terms and conditions of the original and existing contract/license shall remain in full force and effect.

A handwritten signature in black ink, appearing to read "Don R. Johnson". The signature is written in a cursive style with a large, prominent initial "D".



COVER LETTER FOR APPLICATION

May 27, 1992

Ms. Connie Huber  
Town Clerk  
Acton Town Hall  
40 Nagog Park  
Acton, MA 01720

Dear Ms. Huber:

On February 12, 1992, Cablevision Systems Corporation announced a restructuring and refinancing plan for its wholly-owned subsidiary, A-R Cable Services, Inc., which provides cable television service in your community. We were very pleased to unveil this plan, as it is designed to ensure access to resources which will improve the financial stability and operational predictability we need to continue providing the best cable television service possible.

There will be no change in the management or operation of the cable system as a result of this restructuring. Cablevision will continue to provide service to your community. However, this plan involves a new financial partner, Warburg, Pincus Investors, L.P. You will find a brief summary of this transaction attached.

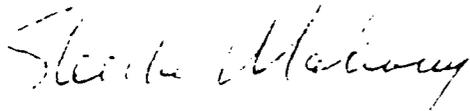
Warburg has provided not only a significant infusion of new capital into Massachusetts and the other states in which A-R operates, but also offers business acumen earned over many years as one of the nation's leading venture banking firms.

Pursuant to the rules of the Massachusetts Community Antenna Television Commission, a restructuring of this kind requires the approval of your community. With this letter we request that you initiate the approval process described in the Commission's regulations. You will find a "Form 100" application for transfer or assignment of an existing license enclosed with this letter providing a detailed description of this restructuring and other information which we hope will prove useful in making the appropriate determination.

Page 2  
May 27, 1992

In addition to appearing at the required public hearing, we will be happy to meet with you or your designated representatives at any other time, and to provide you with any additional information you may need. Please feel free to call me at 516-496-1108; our local General Manager, Pennie Contos; or the system's Director of Public Affairs, Jay Somers, if you have any questions or comments about this application or any other aspect of cable television service in your community.

Sincerely,



Sheila A. Mahony  
Vice President

SAM:la

Attachment

PART OF APPLICATION

VI. APPLICANT AND OWNERSHIP INFORMATION

28. Attach as Exhibit #13 a certified balance sheet of applicant as of the latest audit, showing applicant's financial position.\* If the status and composition of any assets and liabilities on the balance sheet are not clearly defined in their respective titles, attach as Exhibit N/A schedules which give a complete analysis of such terms. (It is assumed that the balance sheet will, to the best of applicant's knowledge, represent the applicant's current financial status.)

\* The attached certified balance sheet dated December 31, 1991 does not reflect A-R Cable's restructuring and refinancing which was consummated on May 11, 1992. For financial information which reflects the restructuring and refinancing see Exhibit #19.

29. If applicant or any part thereof is an applicant or licensee as defined in Section 1 (e) of Chapter 166a MGLA in any other municipality within Massachusetts, supply as Exhibit #14 the following information for each such municipality.

a) Name of municipality

b) Status of franchise

1) Application pending

2) License granted/system not operational

3) License granted/system operational

30. If applicant or any party to this application is an applicant or licensee outside of Massachusetts, supply as Exhibit #15 a-d the same information requested in question 29 for each such municipality, including state in which municipality is located.

31. How much insurance does applicant propose to carry for the cable system described in this application?

See Exhibit #16.

32. State the proposed amount of bonding which will be submitted in accordance with subsection k of Section 5 of Chapter 166a, MGLA:

See Exhibit #16.

33. Submit as Exhibit #17 a-d the applicant's equal employment opportunity program for the system, indicating specific practices to be followed in order to assure equal employment opportunity for minority groups and women in each of the following aspects of employment practice: recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff, and termination.



Certified Public Accountants

One Jericho Plaza  
Jericho, NY 11753

INDEPENDENT AUDITORS' REPORT

The Board of Directors  
A-R Cable Services, Inc.

We have audited the accompanying consolidated balance sheets of A-R Cable Services, Inc. and subsidiaries (a wholly-owned subsidiary of Cablevision Systems Corporation) as of December 31, 1991 and 1990, and the related consolidated statements of operations, stockholder's deficiency and cash flows for each of the years in the three-year period ended December 31, 1991. These consolidated financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these consolidated financial statements based on our audits.

We conducted our audits in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the consolidated financial statements referred to above present fairly, in all material respects, the financial position of A-R Cable Services, Inc. and subsidiaries at December 31, 1991 and 1990 and the results of their operations and their cash flows for each of the years in the three-year period ended December 31, 1991 in conformity with generally accepted accounting principles.

*KPMG Peat Marwick*

March 6, 1992

A-R CABLE SERVICES, INC. AND SUBSIDIARIES  
(a wholly-owned subsidiary of Cablevision Systems Corporation)  
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS  
Years Ended December 31, 1991, 1990 and 1989  
(Dollars in thousands)

## NOTE 1. THE COMPANY

A-R Cable Services, Inc. ("A-R Cable" or the "Company") became a wholly-owned subsidiary of Cablevision Systems Corporation ("CSC") on January 4, 1988 in accordance with the terms of a merger agreement dated July 15, 1987 (the "Acquisition"). The cost of the Acquisition, excluding financing fees, was approximately \$463,800 and was financed by (i) CSC's contribution of \$40,000 in common equity; (ii) a ten year, \$285,000 nonamortizing term loan (the "Senior Term Loan") from General Electric Capital Corporation ("GECC"); (iii) GECC's purchase of 200,000 shares of the Company's 1987 Cumulative Preferred Stock (the "Preferred Stock") for \$20,000 and (iv) \$125,000 in proceeds from the placement of \$272,533 face amount of the Company's Senior Subordinated Deferred Interest Notes (the "Notes"). See Note 5 - "Debt" and Note 6 - "Preferred Stock".

## NOTE 2. SUBSEQUENT EVENT

In February 1992, the Company announced a proposed transaction (the "A-R Cable Restructuring") which would result in a cash investment of \$105,000 in A-R Cable by Warburg, Pincus Investors, L.P. ("Warburg Pincus") and a \$45,000 cash investment by CSC in exchange for new Series A and B Preferred Stock, respectively, of A-R Cable. In addition, GECC will extend approximately \$70,000 of revolving credit loans to A-R Cable as part of the transaction. The funds will be used to purchase 90% of the Company's outstanding Senior Subordinated Deferred Interest Notes (see Note 5) pursuant to a tender offer. In connection with its investment, upon receipt of certain required franchise approvals, Warburg Pincus will have a majority voting interest in A-R Cable and will be permitted to elect three of the six members of the Board of Directors of A-R Cable. After the fifth anniversary of the consummation of the A-R Cable Restructuring, either Warburg Pincus or CSC may irrevocably cause the sale of the Company, subject to certain conditions. In certain circumstances, Warburg Pincus may cause a sale of the Company before that date. Consummation of the A-R Cable Restructuring is subject to a number of conditions, including acceptance of the tender offer by the holders of 90% of the Notes.

In connection with the proposed transaction referred to above, the Company will repurchase, for nominal consideration, and retire its outstanding Preferred Stock, and the transaction fee agreement between the Company and GECC will be terminated and the Company will have no further liability thereunder.

FROM APPLICATION

BY PEAT MARWICK

A-R CABLE SERVICES, INC. AND SUBSIDIARIES  
(a wholly-owned subsidiary of Cablevision Systems Corporation)  
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS  
(Dollars in thousands)  
(continued)

Revolving Line was restricted for certain letters of credit issued for the Company. Unrestricted and undrawn funds available to the Company at December 31, 1991 amounted to approximately \$11,850.

In connection with the Senior Term Loan agreement, the Company entered into an agreement under which GECC has the right, under certain circumstances, to receive a transaction fee (the "Transaction Fee Agreement") (see Note 2 and Note 7).

Substantially all of the assets of the Company have been pledged to secure the borrowings under the Senior Term Loan agreement.

The Senior Term Loan agreement contains various restrictive covenants, among which are the maintenance of certain financial ratios, limitations regarding certain transactions by the Company, prohibitions against the transfer of funds to the parent company (except for reimbursement of certain expenses) and limitations on levels of permitted capital expenditures. The Company was in compliance with all of the covenants of its Senior Term Loan agreement at December 31, 1991. See Note 2 - "Subsequent Event".

Subordinated Notes Payable

In connection with the Acquisition, the Company issued \$125,000 (\$272,533 face amount) of the Notes due December 30, 1997. The Notes are subordinated to all senior indebtedness (as defined) of the Company. No interest is payable on the Notes until June 30, 1993, at which time interest, at 16-3/4% per annum, is payable semi-annually. The original issue discount of \$147,533 is being charged to operations over the period January 4, 1988 to December 31, 1992 using the interest method at a rate of approximately 16.2%. The accreted balance of the Notes at December 31, 1991 and 1990 amounted to \$233,194 and \$199,533, respectively. The Indenture pursuant to which the Notes were issued contains various restrictive covenants with which the Company was in compliance at December 31, 1991.

Prior to June 30, 1993, the Company will need to refinance its obligations. There can be no assurance as to the Company's ability to refinance its debt or the terms or timing of any refinancing alternatives. See Note 2 - "Subsequent Event" and Note 12 - "Additional Financing".

FROM APPLICATION

By PEAT MARWICK

A-R CABLE SERVICES, INC. AND SUBSIDIARIES  
(a wholly-owned subsidiary of Cablevision Systems Corporation)  
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS  
(Dollars in thousands)  
(continued)

NOTE 11. OPERATING LEASES

The Company leases certain office, production, satellite transponder, and transmission facilities under terms of operating leases expiring at various dates through the year 2017. The leases generally provide for fixed annual rentals plus certain real estate taxes and other costs. Rent expense for the years ended December 31, 1991, 1990 and 1989, was approximately \$952, \$891 and \$1,095, respectively.

In addition, the Company rents space on utility poles for its operations. The Company's pole rental agreements are for varying terms, and management anticipates renewals as they expire. Pole rental expense for the years ended December 31, 1991, 1990 and 1989 was approximately \$1,247, \$1,130 and \$1,058, respectively.

The minimum future annual rentals for all operating leases, including pole rentals from January 1, 1992 through December 31, 1996, and thereafter, at rates now in force are approximately: 1992, \$2,042; 1993, \$1,852; 1994, \$1,802; 1995, \$1,803; 1996, \$1,733; thereafter, \$325.

NOTE 12. ADDITIONAL FINANCING

The Company anticipates that its cash flow from operations and amounts available under its Revolving Line should be sufficient to pay cash interest on its senior debt, to fund its capital expenditures and to meet its working capital requirements through fiscal year 1992. All of the Company's outstanding long-term indebtedness, including its obligations under the Senior Term Loan and the Notes is scheduled to mature on December 30, 1997. Prior to that time, the Company has no scheduled principal repayment obligations. Imputed interest expense on the Notes will increase over the next year as the original issue discount is amortized. Interest on the Notes becomes payable on a current basis on June 30, 1993. The Company anticipates that funds generated from operations together with amounts available under the Revolving Line, if any, will be insufficient to fully pay such current interest on the Notes, to fully fund capital expenditures in connection with upgrades of certain of the Company's cable systems or to pay the principal of its debt at maturity. Accordingly, prior to June 30, 1993, the Company will need to refinance its obligations. There can be no assurance as to the Company's ability to refinance its debt or the terms or timing of any refinancing alternatives. See Note 2 - "Subsequent Event" for the terms of a proposed restructuring of the Company's obligations.

FROM APPLICATION

By PEAT MARWICK

A-R CABLE SERVICES, INC. AND SUBSIDIARIES  
(a wholly-owned subsidiary of Cablevision Systems Corporation)  
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS  
(Dollars in thousands)  
(continued)

NOTE 13. CONTINGENCIES

The Company is party to various legal proceedings, some involving substantial amounts, arising in the ordinary course of its operations. Management of the Company is of the opinion that the ultimate outcome of such legal proceedings would not have a material adverse impact on the financial position of the Company.

The Company entered into an agreement with the New York State Commission on Cable Television (the "Agreement") which requires the Company to upgrade substantially all of its New York State systems to a 77 channel capacity by 1994. The Company believes that the level of capital expenditures in 1993 required to comply with the Agreement is in excess of the amount of capital expenditures permitted under the Company's Senior Term Loan agreement. Unless GECC agrees to amend the capital expenditure covenant or waive any breach, the Company's compliance with the Agreement will likely result in a default under the Senior Term Loan agreement. In such event, GECC could exercise any of the remedies available to it under the Senior Term Loan agreement, which includes accelerating the debt. In the event the Company is unable to make the necessary capital expenditures, the resulting failure to meet the requirements of the Agreement may be deemed to be a breach of the Company's numerous franchise agreements.

FROM CONTRACT

SECTION 16 - PERFORMANCE BOND

Prior to commencement of construction, the Licensee shall submit and maintain throughout the duration of the construction period or any renewal thereof and until full turn-on of the system, a performance bond running to the Town with a surety authorized to do business as a surety in the Commonwealth of Massachusetts in the amount of One Hundred Thousand Dollars (\$100,000.00) <sup>2 - from, including, to the Tax Treasurer</sup> conditioned on the following terms:

- (i) the satisfactory completion of the construction installation and operation of the cable system within the time schedule provided in the provisional license and otherwise in accordance with the provisions of Section 5 (a), (m) & (n) of G.L.C. 166A;
- (ii) the satisfactory restoration of pavements, sidewalks and other improvements in accordance with G.L.C. 166A & 5 (g) and as approved by the Superintendent of Public Works of the Town;
- (iii) the indemnity of the Town in accordance with G.L.C. 166A & 5 (f).
- (iv) the satisfactory removal of the system in Accordance with Provisional License and M.G.L. Ch 166A Section 5(f)
- (v) Upon completion of the construction, or by full turn-on of the system the construction bond will terminate and will be replaced by a maintenance bond for \$25,000 for the duration of the license.

SECTION 17- SERVICE INTERRUPTIONS

In the event that Licensee's service to any subscriber is interrupted for twenty-four (24) or more consecutive hours, it will grant a pro rata credit or rebate, on a daily basis, of that portion of the service charge during the next consecutive billing cycle, or, at its option, apply such credit to any outstanding

*FROM CONTRACT*

whichever occurs first. All conditions and requirements of Chapter 166A of the General Laws of Massachusetts and the rules and regulations of the Federal Communications Commission and the CATV Commission are incorporated herein by reference, to the extent not enunciated herein.

SECTION 33 - TRANSFER AND ASSIGNMENT

This License or any renewal License may not be transferred or assigned, including transfer or assignment through bankruptcy or insolvency proceedings, without the prior written consent of the Issuing Authority, which consent shall not be arbitrarily or unreasonably withheld. Such consent shall be given only upon written application on forms prescribed by the CATV commission. The applications for consent to an assignment shall be signed by the Licensee and by the proposed assignee or by their representatives, evidence of whose authority shall be submitted with the application.

SECTION 34 - REVOCATION OF LICENSE

The License issued hereunder may, after hearing, be immediately revoked by the Issuing Authority for any false or misleading statements in any application submitted pursuant to Section 4 & 5 G.L.c. 166A or any annual return under Section 8 of G.L.c. 166A.

The Issuing Authority, may after hearing, revoke this License for any one of the following defaults provided that the Licensee has not commenced to cure such default within thirty (30) days after the Licensee had received formal written notice from the issuing Authority of such default and proceed to complete such cure within 60 days of such notice. The Issuing Authority shall grant an extension where reasonable good faith efforts to cure are demonstrated by the licensee.

**Total Client-Service Library<sup>®</sup> References—**

17 Am Jur Legal Forms 2d, Telecommunications § 245.82 (License for television company to erect antenna system on property of licensee).

*FROM MASS. GENERAL LAWS***§ 7. Transfer of License.**

No license or control thereof shall be transferred or assigned without the prior written consent of the issuing authority, which consent shall not be arbitrarily or unreasonably withheld. Such consent shall be given only after a hearing upon a written application therefor on forms to be prescribed by the commission. The application for consent to a transfer or assignment shall be signed by the licensee and by the proposed transferee or assignee or by their representatives, evidence of whose authority shall be submitted with the application. The consent of an issuing authority to a transfer or assignment shall not be given if it appears from the application or from subsequent investigation or otherwise that the consideration being paid in the proposed transaction includes a substantial payment for the license issued hereunder. (1971, 1103, § 1; 1975, 674, § 7, approved, with emergency preamble, November 1, 1975.)

**Editorial Note—**

The 1975 amendment rewrote the section, expanding it to provide a detailed procedure for obtaining the issuing authority's consent to assignment or transfer of license or control thereof.

**Total Client-Service Library<sup>®</sup> References—**

74 Am Jur 2d, Telecommunications §§ 184 to 190.

**§ 8. Standards of Installation and Maintenance; Filing of Annual Statements.**

Each licensee shall install its CATV system and maintain the quality of the signals transmitted over its system to its subscribers in accordance with standards to be prescribed by the Federal Communications Commission and the commission. With relation to each license that it holds in the commonwealth, each such licensee shall file annually with the commission and the issuing authority on forms to be prescribed by the commission, an audited and sworn statement of its revenues and expenses and a statement disclosing its ownership for official use only. In addition, each such licensee shall also file with the commission and the issuing authority on forms to be prescribed

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

8/25/92  
(3)  
(C)

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DATE: August 21, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Cable TV License Transfer

I have spoken with Mr. Jeff Winston, Chairman of the Sudbury Cable Committee, regarding their review of the current A-R Cable Services, Inc. transfer request. Mr. Winston has been kind enough to share the attached materials with us. I believe you will find their activities interesting, informative and helpful in your deliberations.



To: Don Johnson

FROM Jeff Winston

8/19/92

15 pages to follow

TO: Joe Magno of Cablevision

FROM: Jeff Winston, Chairman, Sudbury Cable Committee

RE: License transfer. 7/14/92

Dear Joe:

I have reviewed, and discussed with the committee, your application for transfer, as well as our committee minutes and existing license. First, Cablevision's presence is requested at an August 6th meeting of the Cable Committee where the transfer will be discussed (7 PM, Parsonage). We request that yourself and Pennie come, along with any Cablevision representatives, to explain and answer questions about the transfer. At the meeting we wish to discuss a number of issues regarding compliance with the current license.

Unfortunately, because of vacations, I was unable to contact everyone I wanted to this week. However, rather than create delays I am forwarding the following partial list. Another (probably shorter) list may follow in approximately 7-10 days.

1) We would like Cablevision to clarify their policy with respect to putting wide-interest Local Access programming on the L.O. channel. Recently we were told that town programming was held back from the L.O. channel because it "made the other (non-participating) access coordinators look bad", and because of conflict with CSPAN-II. (See our minutes for details). Sudbury believes all general interest Public Access programming should be shown on regionally-available channels, (For Example - the annual Maynard telethon, the Patriots basketball game, etc), and that finding space on the dial is not an issue.

2) Your transfer application lists channel 60 as the Educational Access channel. We would like to know how we can begin to make use of this channel since we cannot program it from any Sudbury location. For starters, we are interested in running the LSRHS bulletin board on that channel.

3) We would like Cablevision to clarify their policy with respect to the annual \$30,000 programming budget called for on page 35 of the Amended Application (and thus incorporated into the final license). In the past, some of this funding has been used for line extensions, wiring of town buildings, and for support of a regional maintenance center from which Sudbury derives no net benefit. The Cable Committee feels that the license specifies that this \$30,000 per year be spent EXCLUSIVELY on studio maintenance, upgrades, and personnel. Other sections of the license provide for line extensions and wiring of town buildings, and our support of your regional facility should be limited to the benefit we derive from it. Because of Cablevision's recent performance in this regard, the Committee feels it is essential that studio funding be secured according to the terms of the

license before any transfer is approved, and that funding for line extensions and the like be secured from a different source so that no competition for funds exists.

4) In the transfer agreement, Section #3, page 1, attachment #1 specifies the build schedule for the Middlesex system for the decade. We request that Cablevision submit a similar chart showing the Sudbury component of these figures. We may ask for details about these figures at the August meeting

5) We would like Cablevision to assess providing service to the Lincoln Road/Lincoln Lane section of Sudbury. There have been many requests for cable from this section, and much construction as of late. Cablevision can present their results at our August meeting.

6) We would like Cablevision to state their current policies with respect to availability of vans for taping at remote sites. Joe Magno recently said that there were four vans available to us and that we could plan on their availability for taping local lacrosse and field hockey. We would like to confirm the easy availability of the vans.

7) We would like Cablevision to clarify their policy with respect to providing internships to high school students, as per page 91 of the Amended Application. The application calls for internships for high-school students who will participate in the production of community-oriented educational and/or access programs. At times, our production capability has been limited by lack of trained operators. Paid internships will help generate a pool of trained staff to facilitate increased production of local programs.

Please call if you have any questions.

/Jeff

**CABLEVISION'S RESPONSE TO  
TOWN OF SUDBURY QUESTIONS  
JULY 1992**

1. We would like Cablevision to clarify their policy with respect to putting wide-interest Local Access programming on the L.O. channel. Recently we were told that town programming was held back from the L.O. channel because it "made the other (non-participating) access coordinators look bad", and because of conflict with C-SPAN II (see our minutes for details). Sudbury believes all general interest Public Access programming should be shown on regionally-available channels, (For Example - the annual Maynard telethon, the Patriots basketball game, etc.), and that finding space on the dial is not an issue.

Cablevision's decision to split channels, in the first place, so that each community did not see each other's programs was predicated on complaints from subscribers that "we don't want to watch another Town's programming". As far as the L.O. channel goes, channel 29, Cablevision's decision resulted directly from one Community's complaint about watching Sudbury basketball instead of their own town. This decision was made by a previous General Manager.

*Maynard  
Telethon?*

The fact regarding C-SPAN II is correct. Presently, channel 29 is shared with C-SPAN II. As General Manager, my philosophy leans toward all towns using channel 29, the L.O. channel. We would plan to work with all communities in the future to put on events of regional interest and also host "Graduation Week" or "Thanksgiving Football Week" and represent every town.

2. Your transfer application lists channel 60 as the Educational Access channel. We would like to know how we can begin to make use of this channel since we cannot program it from any Sudbury location. For starters, we are interested in running the LSRHS bulletin board on that channel.

*SRHS*

Currently, channel 60 is shared with The Learning Channel, which is an integral part of our Cable In The Classroom program. Cablevision suggests that Sudbury High School places their bulletin board on the public access channel 61 to keep with the theme of regional access. We would be happy to coordinate the four towns of Middlesex doing regional educational access programs if the interest exists.

Section 20 of the final license calls for a shared educational access channel. It is a subject to be discussed at revenue time, not during a transfer.

1317

3. We would like Cablevision to clarify their policy with respect to the annual \$30,000 programming budget called for on page 35 of the Amended Application (and thus incorporated into the final license). In the past, some of this funding has been used for line extensions, wiring of town buildings, and for support of a regional maintenance center from which Sudbury derives no net benefit. The Cable Committee feels that the license specifies that this \$30,000 per year be spent **EXCLUSIVELY** on studio maintenance, upgrades, and personnel. Other sections of the license provide for line extensions and wiring of town buildings, and our support of your regional facility should be limited to the benefit we derive from it. Because of Cablevision's recent performance in this regard, the Committee feels it is essential that studio funding be secured according to the terms of the license before any transfer is approved, and that funding for line extensions and the like be secured from a different source so that no competition for funds exists.

used for  
own budget

This is our second year in the regional maintenance center. We are now getting clearer records. We hope the costs do come down - funds will go to operating costs. We are monitoring expenditures for maintenance closely now that it is the third year of operation.

Because prior financing was so tight, we had to be more strict with the capital dollars. The purpose of tonight's meeting is one way to correct this.

4. In the transfer agreement, Section #3, page 1, attachment #1 specifies the build schedule for the Middlesex system for the decade. We request that cablevision submit a similar chart showing the Sudbury component of these figures. We may ask for details about these figures at the August meeting.

Refer to Joe Neal.

5. We would like Cablevision to assess providing service to the Lincoln Road/Lincoln Lane section of Sudbury. There have been many requests for cable from this section, and much construction as of late. Cablevision can present their results at our August meeting.

Refer to Joe Neal.

6. We would like Cablevision to state their current policies with respect to availability of vans for taping at remote sites. Joe Magno recently said that there were four vans available to us and that we could plan on their availability for taping local lacrosse and field hockey. We would like

P417

**to confirm the easy availability of the vans.**

As stated, there are four vans within the A-R franchise area. It has been clear on several occasions that Cablevision would be most happy to make use of a van available for productions in Sudbury, providing requests are coordinated through Joe Magno and that sufficient lead-time is given. It should also be understood that priority on van use goes to the system to which the van was assigned by franchise agreement (we have used the various vans in our Middlesex system on numerous occasions, and when the rules outlined alone have been followed, access to the vans has been quite easy). Finally, it should be noted that the vans are driven only by authorized Cablevision personnel and they supervise the operation of van equipment.

Five years ago, during the A-R transfer, discussions took place on a \$5,000 package for mobile equipment. Cablevision is happy that this equipment has been utilized widely on such projects as graduation and Town Meetings. At the time of the transfer, we also extended the invitation for use of a van for major events such as the 350th Anniversary Celebration. For everyday events and games, we purchased the \$5,000 package, but would certainly bring out a van for a major tournament. It should be remembered that use of the van is cumbersome and requires six to eight volunteers to assist.

7. We would like Cablevision to clarify their policy with respect to providing internships to high school students, as per page 91 of the Amended Application. The application calls for internships for high school students who will participate in the production of community-oriented educational and/or access programs. At times, our production capability has been limited by lack of trained operators. Paid internships will help generate a pool of trained staff to facilitate increased production of local programs.

In an effort to provide better service to our subscribers, we have taken several alternate steps to meet Sudbury's needs. We have a part-time access coordinator, the use of a professional production technician, and we have opened and maintained a regional maintenance facility.

PC/dw  
0054.PC

TO: Pennie Contos, Joe Magno @ Cablevision  
CC: Board of Selectmen

FROM: Jeff Winston, Sudbury Cable Committee

DATE: 8/3/92

RE: Your responses to my memo

Greetings. I have read your responses to my memo. Although I'm sure the rest of the committee will have their own questions. I am sending you my responses early in order to make Thursday's meeting more productive. I also have some additional questions which are listed below.

1. I appreciate your response in principle, and would appreciate a few more examples of what you consider appropriate L.O programming. For example, would you put the Maynard telethon, or the LSRHS/Patriots basketball game on L.O.?

2. I believe that the intent of Section 20 of the license is for Educational, Government, and Public access (and L.O.) to share one (composite) channel, until such that these uses require more appropriate-scheduled air time than is available on a single channel. At that time, the licensee must make more channel capacity available. One channel is no longer sufficient to support our Local Access and Educational Access needs. To comply with the license, Cablevision must now make a second Sudbury channel available. As per our discussion this evening, I can find nothing in the license that suggests that any Sudbury access channel must be "shared" with other towns. If you believe this section has different meaning, we need to discuss how to get a impartial interpretation of this section.

3. First of all, I would appreciate a clarification from Cablevision on the appropriate and inappropriate uses of the Programming Budget mentioned in the Amended Application. For example, does Cablevision feel line extension is an appropriate use of these funds? Further, some comment on the allocation of the programming budget among the appropriate uses would also be appreciated.

4. I would appreciate information on Cablevision's build plans for Sudbury in future years. If, as Mr. Neal said, the plan is "zero build", then the committee will take that answer into consideration.

5. With respect to cabling of Lincoln Road/Lincoln Lane/River Ridge. I plugged Mr. Neal's figures of \$19,000, 8976 ft., and 28 homes into the line extension cost formula on page 144 of our Amended Application. The resulting Actual Unit Cost comes out less than the Nominal Unit Cost, implying a special installation cost less than zero. Accordingly, I would appreciate a commitment from Cablevision to build this extension.

See  
p3

6. I spoke with Peggy again and discovered my information was out-of-date and that there are currently no issues regarding the van. My apologies for working from bad data.

7. I understand your answer to mean that you feel that your alternate steps (a part-time coordinator, 4 hours per week of a production technician, and a \$7,500 contribution to your regional maintenance center) should be accepted in lieu of the commitments listed on page 91 of the Amended Application to provide paid internships for high school students.

Page 91 of the amended application is the fourth page of a six page section entitled "EXHIBIT 5, NONAUTOMATED PROGRAMMING". In the 3rd paragraph of this section, Cablevision commits to providing a local access Director. <In addition> to this, Cablevision commits on page 93 to providing a) production internships and b) paid technical internships to high school students. I do not see how 4 hours per week of a technician's time, plus self-dealing payments to your access center fulfill these commitments. The transfer application warrants your 100% total compliance with the license. I do not see how you are in compliance with page 91 of the Amended Application.

8. Please detail the management fees in excess of the 3.5% to be paid to the parent company (and/or provide detailed references to the transfer application), and the effect any and all management fees will have on rates.

9. RE: Exhibit 18, Page 3: Cablevision should be willing to issue a copy of the subscriber list to the town for regulatory purposes.

10. The application lists seven year projections. Interestingly, the Middlesex system is predicted to have simultaneously increasing subscriber counts and a decreasing license fee. Since the license fee is a flat rate per subscriber per year, I find this confusing. I would like to see the Sudbury component of the projections broken out.

See you Thursday night.

Regards,  
/jeff

**CABLEVISION'S RESPONSE TO  
TOWN OF SUDBURY QUESTIONS  
AUGUST 1992**

3. First of all, I would appreciate a clarification from Cablevision on the appropriate and inappropriate uses of the Programming Budget mentioned in the Amended Application. For example, does Cablevision feel line extension is an appropriate use of these funds? Further, some comment on the allocation of the programming budget among the appropriate uses would also be appreciated.

The programming budget is an operating budget which is used for items we previously discussed i.e., salaries, benefits, supplies, tape stock, equipment repair & maintenance and other studio costs. Line extension is a capital item.

4. I would appreciate information on Cablevision's build plans for Sudbury in future years. If, as Mr. Neal said, the plan is "zero build", then the Committee will take that answer into consideration.

The Form 100 does not breakout construction by community. Annually, we sit down and review our needs for the upcoming calendar year. We review all plans for new construction filed with the community, review all requests from residents, Cable Committee or Issuing Authorities. This is an annual event. We then present our capital plan for the fiscal year. What is shown in the Form 100 is a general overview for the period. It is not by specific project.

5. With respect to cabling of Lincoln Road/Lincoln Lane/River Ridge, I plugged Mr. Neal's figures of \$19,000, 8976 ft. and 28 homes into the line extension cost formula on page 144 of our Amended Application. The resulting Actual Unit Cost comes out less than the Nominal Unit Cost, implying a special installation cost less than zero. Accordingly, I would appreciate a commitment from Cablevision to build this extension.

This is an area that was revisited based upon the Committee's request. There appears to be sufficient homes in the area to warrant construction. We will make pole attachment applications for this area. Upon receipt of approval to attach, we will begin construction within 30 days.

8. Please detail the management fees in excess of the 3.5% to be paid to the parent company (and/or provide detailed references to the transfer application), and the effect any and all management fees will have on rates.

Cablevision Systems Corporation has a management contract to operate and manage the A-R Cable system. Reference Exhibit IV.D in the Form 100 for details. The management fee is 3.5% of Gross Revenue per year and accrues annually. The management fee shall be paid only after full payment of GECC Sr. debt obligations and certain other obligations.

9. RE: Exhibit 18, Page 3: Cablevision should be willing to issue a copy of the subscriber list to the Town for regulatory purposes.

Cablevision will comply fully with the privacy rights as required by the Cable Act of 1984.

PC/dw  
0056.PC

T O W N   O F   S U D B U R Y  
C A B L E   T E L E V I S I O N   C O M M I T T E E  
=====

Sudbury, MA 01776

Minutes of Meeting, 8/6/92

\*\*\*\*\*  
\*   N E X T   M E E T I N G :   T H U R S D A Y ,   S E P T E M B E R   3 ,   1 9 9 2            7 : 0 0   P M   \*  
\*\*\*\*\*

The meeting was called to order at 7:10PM. Attending were Jeff Winston, Chris Trimper, and Fred Walker. Also Joe Neal and Joe Magno of Cablevision (Pennie Contos arrived at 7:30). Items discussed are below.

- Chris said that he and Peggy would have a plan for spending our FY 1992 budget at the September meeting.

- The remainder of the meeting was spent discussing the compliance issues raised by the Cable Committee in anticipation of the license transfer approval requested by Cablevision. The committee submitted an original list of issues to Cablevision on 7/14. Cablevision provided replies at the public hearing on 8/3. At the hearing, Cablevision outlined the transfer, and answered a few questions. Letters from Town Counsel and Ralph Tyler were submitted and are discussed below in turn. Jeff requested a continuance of the hearing since the committee had not yet met. This was granted (to 8/17). Jeff sent replies to Cablevision's responses on 8/4 (dated 8/3) and Cablevision provided their second responses at the meeting this evening.

Attached is a copy of Cablevision's most recent responses, and the letter from Town Counsel. The resolution of issues as discussed at the meeting is summarized below.

First: Pennie clarified the new hierarchy at Cablevision: Pennie Contos is General Manager for all A/R Cable systems. This includes all Cablevision Massachusetts systems except Boston and Brookline, which are other Cablevision subsidiaries similar to A/R Cable, and Haverhill, which is directly part of Cablevision. Joe Neal is Operations Manager for A/R Cable. Jay Somers is Assistant General Manager and Director of Regulatory Affairs for A/R Cable. Joe is Public Affairs Coordinator for the Middlesex systems. Now, into the issues:

1) Cablevision replies that they will put more town events on L.O., and that the examples suggested by the committee (LSRHS/Patriots Basketball, Maynard telethon) are appropriate.

2) The committee is concerned about Local Access and MCET sharing channel 61. Fred expects heavy use of MCET programs, not only during the school day, but also in the evenings, (when programs may be assigned for student viewing). Jeff pointed out that this will

directly conflict with current Local Access programming and bulletin boards, as well as with plans for televising the LSRHS bulletin board. Accordingly, the committee wants a second Educational Access channel made available for MCET programming. If an entire channel is not available, daytime use of SportsChannel or Bravo is another option, with MCET switching to 61 in the evening.

The committee feels that Section 20 of the license requires Cablevision to grant the request. The committee feels that Section 20 says that the town is granted 3 access channels, one each for Local, Educational, and Municipal access. However, to make best use of channel capacity, these uses can be combined on a single channel (and even combined with L.O.) until such time that use requires additional channels.

Alternately, Cablevision contends that the word "shared" in section 20 refers to channels shared on a regional basis. With the exception of Channel 61, Cablevision feels that all other access channels are "shared"

by the 5 Middlesex communities and cannot be programmed by an individual town. For example, Cablevision feels that all 5 towns are receiving Educational Access on Channel 60 (which they refer to in their amended application as the "Educational Access" channel) by virtue of the fact that the Learning Channel is broadcast on Channel 60.

Jeff said that he called John Urban (the MA CATV Commissioner), and asked him informally for an interpretation of the section based on his familiarity with how Cable licenses are generally worded. Mr. Urban's informal opinion (which he stressed was anecdotal and not binding, and that the wording was somewhat ambiguous) was that the most common meaning of the wording of Section 20 generally agreed with the committee's interpretation, and that "shared usually means within a community...this is the conventional meaning...usually all three access uses are shared on a single channel until, say, 80% of capacity is used, then a second channel is made available...". Further, he said that regional use of an access channel is not common, and although it may be possible to read Cablevision's interpretation into the wording, he would typically expect that the word "regional" be explicitly used if that's what was meant.

Cablevision disagrees with the Committee's interpretation, and do not feel they are required to give Sudbury a second channel for MCET. To resolve this difference, Cablevision will first discuss it with their attorneys. If C/V does not change their mind (or convince the committee that C/V is correct), we will probably request a formal opinion from the Commission.

3) All of Cablevision's representatives agreed with the committee's contentions that

a) the license requires Cablevision to spend at least \$30,000 on local programming (the studio) annually. If operating costs are less than \$30,000 (which they were for 1991), the balance should

- be spent on new equipment. (This does not preclude spending amounts above \$30,000 when appropriate).
- b) the \$30,000 should not be spent on line extensions, wiring of town buildings, or other non-programming costs.
- c) the committee should receive a detailed annual accounting of how the \$30,000 was spent.
- 4) The Cablevision attendees admitted they don't understand the cited "Attachment 1" (in general, they claimed that had no better understanding of the organization or details of the transfer application than that of the committee). However, Joe Neal guessed that it referred to major construction only, and showed us a table from a different part of the application that showed reasonable budgets for line extensions.
- 5) The committee thanked Cablevision for committing to build Lincoln Road/Lincoln Lane/River Ridge.
- 6) Outside of the meeting, Joe Magno and Peggy came to agreement about van use. Peggy is happy with the result. Joe Magno commented that Sudbury is well-equipped with remote capability, but if the van is needed, users should talk only to Peggy or Joe Magno. Generally, the van is not meant to be used for "run of the mill" activities because it is difficult to use, Sudbury's remote equipment is better.
- 7) Cablevision wishes to back away from the Amended Application commitment to train high school students to repair and maintain equipment simply because the equipment has become more difficult and complicated to understand - which is why they opened a regional maintenance facility. However, they are willing to hire and pay Sudbury High School students to work on Sudbury-related L.O programming, as is now done for Hudson. Joe Magno committed to hiring two LSRHS interns who will train in the Sudbury studio. They will be funded by the Sudbury portion of Cablevision's L.O. budget. Chris also suggested providing summer jobs.
- 8) Joe Neal said that the total management fee is 3.5%, but that it was accumulated rather than paid in cash. When the system is sold back to Cablevision the accumulated fee will be subtracted from the final amount paid. Thus, it does not effect system finances on an on-going basis.
- 8a) Jeff said that he had discussed Dan Doneski's letter with Dan, and that Dan was convinced the transfer laid the groundwork for Warberg-Pincus to take a controlling interest in A/R Cable. Joe Neal disagreed. He said that W/P gets 3 seats on the board and a 60% interest, but no say in running the company. Marti Green from Cablevision will call Dan. The committee will defer to Dan's subsequent opinion.
- 9) Cablevision says they will abide by whatever the 1984 Cable Act provides.

10) Cablevision says this is a typo. The license fee is \$.50/subscriber/year.

11) The letter from Ralph Tyler raised issues which both Cablevision and Jeff Winston considered inappropriate for discussion at a transfer hearing, as they all called for changes in the basic franchise agreement.

Since the transfer agreement warrants 100% current compliance with the license, the following issues must be resolved before the committee can recommend a transfer.

A) Issue #2 above (re: providing a second channel for access).

B) Issue #8a above. We defer to Dan Doneski's final opinion after conferring with Cablevision.

C) Jeff mentioned that, spurred by comments made by an Acton resident at their hearing, Acton Town Counsel is pursuing a much more detailed review of the transfer agreement that we were able to do in Sudbury. Jeff suggested that the committee may withhold an opinion until Acton has completed their review process on 8/24. However, assuming A) and B) are resolved, Jeff will check Acton's progress before the 8/17 continuation of the Sudbury hearing.

Meeting was Adjourned at 9:05 PM.

Respectfully Submitted,

J. Winston

cc: Board of Selectmen  
Pennie Contos  
Peggy Fredrickson  
Mike Gonnerman  
Chris Trimper  
Fred Walker  
Jeff Winston

*Jeff Winston*

## TOWN OF SUDBURY

Town Counsel

Sudbury, Mass. 01776

August 3, 1992

TO: R. E. Thompson, Executive Secretary  
FROM: David J. Doneski  
RE: Cable Television License Transfer Application

I have reviewed the application materials submitted by A-R Cable Services, Inc. (A-R) and offer the following comments.

As set forth in the summary of A-R's restructuring and the response to question 35 in Tab 1 (form 100), the transaction requested to be approved by the Board is the investment in the corporation of two entities: Warburg, Pincus Investors, Limited Partnership, and Cablevision Systems Corporation (CSC) (the parent company to A-R). The agreement leading to this additional investment, as formalized in the Restated Articles of Organization of A-R provides for eventual acquisition of a majority voting interest in A-R by Warburg, Pincus.

Simply stated, Warburg, Pincus will obtain these voting rights upon approval by local franchising authorities, such as Sudbury, of the "transfer" represented by the new investments. The franchising authorities whose approvals are at issue are those in the other communities within Massachusetts and elsewhere, where A-R operates a cable system. (The required approval is for those jurisdictions representing 95% of the basic subscribers of A-R systems.)

The rights created by the investment transaction are based on two new classes of stock to be issued by A-R: one indicates a possible inability to comply with certain capital expenditures, required pursuant to an agreement with the New York State Commission on Cable Television, which could result in breach of franchise agreements. The statements are prepared prior to finalization of the new investment/restructuring transaction and the problem may have been cured thereby. However this is not specifically addressed in the application.

*David J. Doneski*  
David J. Doneski  
Assistant Town Counsel

DJD/cd

c. Board of Selectmen

To: Sudbury Cable Committee

From: Jeff Winston

RE: Transfer Hearing

Date: 8/19/92

As you remember from the minutes, there were still 3 open issues after our meeting on the 6th. At the public hearing continuation on August 17th, Cablevision responded to two of these concerns as follows:

1) Joe Neal agreed with Dave Doneski that his conclusions were valid, and read the enclosed response into the record. Dave was satisfied and the issue was closed.

2) Joe Neal agreed that the license entitles Sudbury to 3 Sudbury-only access channels, as described in Section 20 of the license. All three access purposes now share channel 61, but Joe agreed that additional access channels will be made available for these uses when the first one is used up, reversing their earlier position. However, they do not feel that MCET programming will cause overflow on our existing channel. Joe Magno read the enclosed response into the record. Assuming Fred is satisfied with this response, I believe we should consider this issue closed.

3) They think our interest in the Acton proceedings is inappropriate.

Because I was a bit blindsided by their responses, and did not have a chance to discuss them with the committee before the hearing, and because of the process in Acton, I recommended a further continuation (until the next Selectman's meeting, which turned out to be on Sept. 14) which was granted. However, since Pennie and Joe have been so forthcoming with satisfactory responses to most of our concerns, I told them that I would try to get them an expedited approval provided the remaining issues could be wrapped up quickly. (Unfortunately, I was unable to get written copies of the enclosed documents until today).

Please contact me ASAP if you have any problems with their responses 1 and 2 above. Further, I have enclosed the section of questions posed to Cablevision by Acton related to the transfer agreement. Cablevision is supposed to supply responses by August 21. If their responses are satisfactory, I will contact all committee members during the week of August 24th to see if we can expedite our recommendation to the selectmen.

Dont forget, we have a meeting on Thursday, September 3rd. at 7PM.

Regards

/Jeff

CC: Board of Selectmen

Joe Magno @ Cablevision (without enclosures - you guys already have them all)

Mike Gonnerman

Chris Trimper

Fred Walker



## TOWN OF SUDBURY

Sudbury, Mass. 01776

443-8891  
Selectmen's Office  
Richard E. Thompson  
Executive Secretary

August 12, 1992

Ms. Pennie Contos, General Manager  
Cablevision  
577 Main Street  
Hudson, Massachusetts 01749

Subject: In Board of Selectmen  
August 3, 1992  
Public Hearing - A-R Cable Services, Inc.

Present: Cablevision Employees: Ms. Pennie Contos, General Manager; Mr. Joseph Magno, Manager of Community Relations; Mr. Joseph Neal, Operations Manager for A-R Cable Services, Inc., in Massachusetts. Finance Committee Chairman Mr. James Haughey, and Cable Television Committee Chairman Mr. Jeffrey Winston.

In accordance with the regulations of the Commonwealth of Massachusetts Community Antenna Television Commission, 207 CMR 4.05, the Board of Selectmen held a public hearing on August 3, 1992, to consider the application of A-R Cable Services, Inc., requesting approval of an investment in said corporation by Warburg, Pincus Investors, L.P., which under the regulations of the Commission constitutes a transfer of the existing cable TV license issued by the Town of Sudbury.

Executive Secretary Thompson reported that in compliance with State Statutes, notice of public hearing was duly posted at the offices of the Town Clerk, Selectmen, and at the Flynn Building; shown on the Community Cable Bulletin Board for two weeks beginning July 15; copies of notice to Cablevision - New York and Hudson, and was advertised in accordance with regulations in a newspaper having local circulation on July 16, 1992 and July 23, 1992. In addition, a copy of said application is on file in the Town Clerk's Office and Selectmen's Office.

The Board is in receipt of the initial letter of transfer dated May 27, 1992, to Town Clerk Ms. Jean MacKenzie from Cablevision Vice President Sheila A. Mahoney accompanied by Cable Antenna Television Committee Form 100, application for transfer, and a report outlining the restructuring of A-R Cable Services, Inc.

In addition, the Board is in receipt of a communication dated July 14, 1992, from Sudbury Cable Television Committee Chairman Jeffrey Winston to Joe Magno of Cablevision regarding the license transfer and outlining the Committee's concerns; a communication dated July 21, 1992 from Sudbury resident Mr. Ralph S. Tyler, and a communication dated today, August 3, 1992, from Assistant Town Counsel David J. Doneski.

Ms. Pennie Contos, General Manager

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August 12, 1992

Mr. Thompson requested Cablevision to make their presentation and respond to the above mentioned correspondence.

Operations Manager of A-R Cable Mr. Joseph Neal responded they are present to ask for a transfer of a license from A-R Cable Services, Inc., a wholly owned subsidiary of Cablevision Systems Corporation, to A-R Cable Services, Inc., and Warburg, Pincus Investors, L.P. Mr. Neal explained it is a transfer to the same company with a new financial investor and they have submitted Massachusetts Application Form 100 which he noted is quite cumbersome for use of this type of transaction and mainly was designed for full transfers or new applications.

Mr. Neal noted the reason for the transfer is a restructuring of finances for A-R Cable Services, Inc. In order to accomplish this, Cablevision Systems Corp. issued a new class of preferred stock and added equity to A-R Cable. Cablevision Systems Corporation invested \$45M and Warburg, Pincus Investors, L.P. invested \$105M. This restructuring, according to Mr. Neal, provides two things: 1) New and better financial stability, and 2) It insures that Cablevision will stay in place with regard to Cablevision management of A-R Cable Services at the Corporate and local levels.

Mr. Neal noted that in order for the issuing authority to determine the level of service between the transferee and transferor, consideration needs to be given to the fact that A-R Cable Services, Inc. has the financial resources and qualifications, management and technical expertise, character qualifications, experience in the cable industry, and performance in other communities.

The infusion of the investment by Warburg, Pincus Investors, L.P. reduces A-R Cable Services, Inc. debt and makes it a financially stronger company, and the same management and technical expertise support will continue as has been provided in the past. Mr. Neal continued that Cablevision Systems Corporation was organized in 1973 and serves 1.7 million subscribers in 14 states and is the fifth largest cable TV operator in the United States.

Mr. Neal stated that no consideration is being paid by Warburg Pincus with regard to this license or any other license held by A-R Cable Services, Inc. As was previously mentioned, Warburg, Pincus has invested \$105M in exchange for shares in a new class of preferred stock. In response to Mr. Doneski's letter of today with regard to voting rights, Mr. Neal explained that the preferred stock currently has no voting rights and entitles Warburg, Pincus to receive one out of eleven seats on the A-R Cable Board. After receipt of necessary franchise approvals, Warburg, Pincus will be entitled to receive three of six seats and will receive 60% of the vote on all matters for which holders of capital stock are entitled to vote and approval rights on certain major corporate decisions of A-R Cable. Warburg, Pincus will have no say in the day-to-day operations, and it is the increase in rights of Warburg, Pincus that the Town has been asked to approve.

In response to Mr. Doneski's last paragraph in his communication of today with regard to an agreement with the New York State Commission on Cable Television, Mr. Neal noted he believes, with the restructuring and refinancing, it is not applicable.

Mr. Thompson asked if A-R Cable would respond to Mr. Doneski's August 3, 1992 letter by stating that the problem has been cured as referred to in his letter. Mr. Neal responded that A-R Cable's Counsel in New York, Senior Associate Counsel Mr. Marty Green, is prepared to provide a statement saying it is cured.

Mr. Jeffrey Winston, noted that Cablevision representatives had been unable to schedule a meeting with the Committee before tonight's hearing in order to review and discuss the Committee's concerns with regard to this transfer. Mr. Winston requested a continuance of this hearing before the Selectmen in order to

Ms. Pennle Contos, General Manager

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August 12, 1992

give the Cable Committee an opportunity to meet with Cablevision at their scheduled meeting on Thursday, August 6, 1992.

Chairman Drobinski noted there was concern by Cablevision that the necessary approvals would be completed within the time frame specified by the Massachusetts Cable Commission; and therefore, the Board scheduled the hearing for today. Mr. Drobinski added there is not a problem with a continuance, because the Board values the Cable Committee's concerns.

With regard to Mr. Tyler's communication, Mr. Neal responded that Mr. Tyler is incorrect in thinking that an infusion of capital will eventually be paid for by the subscribers; conversely, it is more beneficial in these economic times to make the change because the equity growth accrues over a period of time. He noted it is an advantage both to Cablevision and to the subscribers. With regard to Mr. Tyler's mention of changing the license expiration, Mr. Neal suggested an expiration change is against the laws in Massachusetts and is not applicable or allowable under a transfer.

Mr. Winston responded that there are some very clear Federal laws that have changed with regard to licenses and that a transfer cannot change the license; however, a compliance review can occur by the Cable Committee and is currently being done. The Cable Committee's letter includes a partial list of items the Committee will be discussing with Cablevision in their meeting on Thursday.

Selectman Cope asked about public benefits to the community. Mr. Winston noted there are no regulations with regard to costs—it is what the market will bear; however, the licensers do require the cable company to do a certain amount with the Town and Cablevision has provided to the Town much equipment.

Chairman Drobinski noted there was discussion with regard to the availability of the use of the van at the hearing for the renewal in 1987, and asked if there would be more availability to the Town of Sudbury.

Secretary Thompson noted there was a joint compromise made with Cablevision and the Advisory Committee with regard to using the van for only special events in lieu of equipment purchased for the Town.

Mr. Magno, the liaison to the Sudbury Cable Television Committee, noted that in the franchise, mobile vans are to be made available and they will be happy to schedule their use, but it is not a simple process because of the personnel needed not only to drive the van but to supervise the use of the equipment. Mr. Magno added that Cablevision will make every effort to have the van available for special events.

Selectman Cope asked about the expansion of service to areas in Town currently not connected to cable. Mr. Winston commented that the license does not require that the entire Town be covered. Mr. Neal reported he is the one to make recommendations to the General Manager for installation of service. He noted Lincoln Road and Lincoln Lane, an area that is a distance of 1.7 miles from Concord Road and consists of 28 homes, is an area that is being considered for construction. He added Cablevision has been trying to respond to the Cable Committee and look at these different areas seriously, and considering waiving the line extension costs.

Mr. Winston commented he thinks Cablevision is a much better run Company than it was a few years ago and it has been very cooperative in resolving a number of issues. One major issue, according to Mr. Winston, is studio funding, which the Committee will be discussing with them.

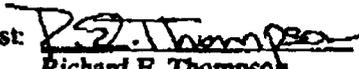
On motion by Chairman Drobinski, it was unanimously

Ms. Pennie Contos, General Manager

-4-

August 12, 1992

**VOTED:** To continue this Public Hearing, held in accordance with the regulations of the Massachusetts Community Antenna Television Commission, 207 CMR 4.05, to consider the application of A-R Cable Services, Inc., requesting approval of an investment in said corporation by Warburg, Pincus Investors, L.P. until August 17, 1992 at 8:00 p.m. to be held at the Fairbank Senior Center, in order to allow time for the Sudbury Cable Television Committee to meet with A-R Cable Services representatives and address the Committee's concerns.

Attest:   
Richard E. Thompson  
Executive Secretary

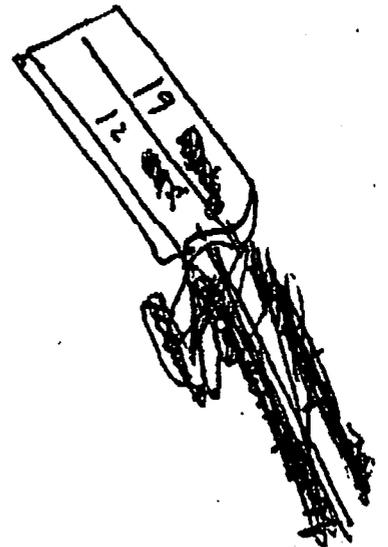
RET:yef

cc: Cable Television Committee

SUMMARY RESPONSES

1. As described in the Form 100, A-R Cable's restructuring was consummated on May 11, 1992. As a result of the \$105 million investment made in A-R Cable at that time by Warburg, Pincus Investors, L.P., Warburg received shares of a new class of preferred stock in A-R Cable. This stock currently has no voting rights, but entitles Warburg to receive one out of eleven seats on A-R Cable's Board of Directors. A-R Cable's agreement with Warburg provides that after receipt of necessary franchise regulatory approvals, Warburg will become entitled to receive three of six seats on A-R Cable's Board of Directors, receive 60% of the vote on all matters on which holders of capital stock are entitled to vote and have approval rights over certain major corporate decisions of A-R Cable. It is this increase in Warburg's rights which the Town is being asked to approve.
2. The restructuring transaction provides A-R Cable with the resources to meet its obligations under its agreement with the New York State Cable Commission. Accordingly, the disclosure referred to in the Town's comment is no longer applicable.

APM/445/3



**CABLEVISION™**MEMORANDUM

TO: Pennie Contos, Jay Somers

FROM: Joe Magno, Community Relations

DATE: August 12, 1992

SUBJECT: Sudbury Access Channel 61 (Jeff Winston's Issue #2)

-----  
It is important to note that the following is currently going on with the Sudbury Access studio on Channel 61:

- 1.) Daily programming of original nature rarely exceeds two hours. The programming for the day, some of it repeat shows, is placed on a two hour tape and played several times during the day. I think this is where Jeff has come up with his figure of Sudbury doing 35 hours of programming per week. (It is not anywhere near that figure if we are talking about original programming.)
- 2.) I talked with Peggy Friedrichson and she said that there would be no problem with her cablecasting 6:00 to 9:00 Pm as we do in just about all our other communities, thus opening up channel 61 for several hours each day.
- 3.) I think it is important that everyone realize that it takes a lot of programming to fill a channel and that we are not against providing one, but would like to suggest testing out the situation before we make any moves. For example, my work with Cable In The Classroom brings me into a dozen or more communities which are MCET schools. Use of the programming varies from very little to moderate. I am sure this will grow over time, but I think it would behoove Sudbury school officials to consider teacher demand, type and quality of the programs, and several other factors which are involved, not the least of which is having sufficient staff to handle taping of shows, etc.

Therefore, regardless of the interpretations laid out by Jeff Winston in Issue #2, I am suggesting that the school department and Cablevision work slowly and closely to assess the real needs and demands that arise in Sudbury before we put on another channel for Access. As I have stated, in my role as liaison with the schools through our Cable In The Classroom Program, I would be happy to offer the benefit of my experiences to Fred Walker and help get things rolling. (I have worked with several schools in implementing their MCET involvement because in most cases it involves equipment modification within our studio to get the MCET signal out to other schools over the residential

577 Main Street, Hudson, MA 01749

network.)

PROPOSAL FOR THE 1992-93 SCHOOL YEAR: (To be reviewed in January and again in June to see if an additional channel is indeed needed.)

8:00 AM to 2:00 PM (Channel 61 studio and equipment available for MCET use and for courses to train students. I assume this training is a joint effort between Fred Walker and Peggy Friedrichson. Thus, MCET programs for students, which occur during the school day in 95% of the cases, could be sent to any Sudbury school over the residential network. Some adjustments for an occasional night MCET program could easily be made.)

2:00 PM to 6:00 PM (School and Community Bulletin Board could be run. There is no reason not to combine them, although they could be tagged with a separate logo and background color to distinguish each, since they would both be going over the residential network.) (I would think long and hard about a separate channel just for a school bulletin board which would run all day.)

Most MCET teacher workshops are run in the afternoon, usually 2:30 to 4:30 PM, and they are not every day. When necessary the bulletin board could be pre-empted for these workshops.

Again, an occasional night program could be used in place of Access broadcasting since it must be assumed that programs of educational value would have appeal to most Sudbury residents. In such cases we could pre-empt Public Access for MCET.

6:00 PM to 9:00 PM SUDBURY PUBLIC ACCESS PROGRAMMING.  
(Courses for adult Access users could also be run at this time.)

9:00 PM to 8:00 AM SCHOOL AND COMMUNITY BULLETIN BOARD.

In summary, I am suggesting that we go this route to determine how MCET fits in to the Sudbury Public Schools, review the situation periodically, and assign additional channels as needed, once channel 61 is being fully utilized.

Joe Magno  
JM/nmc

TOWN OF ACTON  
NOTICE OF HEARING

8/25/92  
④

The Board of Selectmen of the Town of Acton will hold a public hearing under Section 140 of the Mass General Laws on Tuesday, AUGUST 25, 1992 at 8:40 P.M. on the application of RICHARD E. TANZI D/B/A YE' BEEF 'N ALE, for a Common Victuallers License at 134 GREAT ROAD Acton, MA.

Plans are on file in the Selectmen's Office and may be viewed during normal working hours.

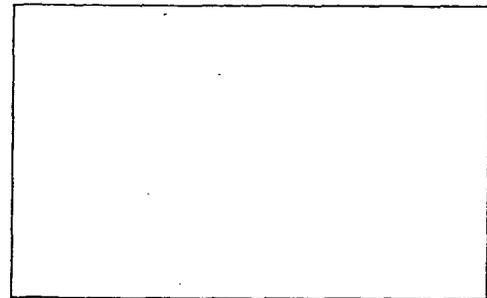
NANCY E. TAVERNIER  
F. DORE' HUNTER  
ANNE B. FANTON  
WILLIAM C. MULLIN  
NORMAN D. LAKE  
BOARD OF SELECTMEN



SENT TO  
BOH  
7/30  
License or Permit Application

TOWN OF ACTON  
MASSACHUSETTS

FOR TOWN USE ONLY



7/30.....19....

To the Licensing Authorities of Acton:

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

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

- Auction
- Entertainment
- Flea Market
- One-Day Liquor
- One-Day Beer and Wine
- Other Common Liceteller

Name of Organization/Applicant... RICHARD TANZI  
 Location of Event... YE BEEF + ALE 34 GREAT RD  
 Name of Owner of Premises.....

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

11:00 - 12:00 midnight  
7 day

Day/Date of Event: SAME AS CURRENT Hours of Event: SAME AS CURRENT

DESCRIPTION OF APPLICANT

Name of person making application... RICHARD TANZI  
 Occupation.....  
 Residential Address... 50 WALNUT RD WRENTHAM  
 Business Address.....  
 Telephone: Home (508) 384-8697 Business.....  
 Date of naturalization, if not born in U.S.....  
 Male or Female... MALE  
 Date of birth... 1-2-57  
 Place of birth... BOSTON  
 Father's name... EMILIO  
 Mother's maiden name... DORA TEDESCHI  
 Height... 6 ft. 0 in.  
 Weight... 250  
 Complexion.....  
 Hair... Brown  
 Eyes... Brown

Have you ever been arrested for any law violation?..... NO  
 If so, when.....  
 where.....  
 State briefly.....

- References: (Names and addresses)
1. JOHN W PAINE WELLESLEY
  2. ALAN McDONALD ORCHARD ST WATERLOO
  3. DAVID TURNER SHORE DRIVE WRENTHAM

Remarks:.....

Signature of Applicant... Richard Tanzi

8/25/92  
⑤

**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 AUGUST 25, 1992 at 8:45 P.M. on the application of Richard E. Tanzi, 50 Walnut Road, Wrentham, MA for transfer of an Wine and Malt Beverages as a Common Victualer from John J. Pacelli, 134 Great Road, Acton, to Richard E. Tanzi.

Nancy E. Tavernier  
Dore' F. Hunter  
Anne B. Fanton  
Norman D. Lake  
William C. Mullin

**ACTON BOARD OF SELECTMEN**

INTERDEPARTMENTAL COMMUNICATION

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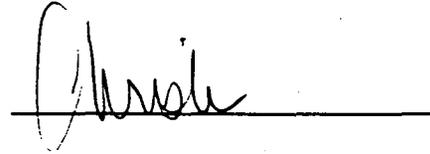
TO: BOARD OF HEALTH AND BUILDING COMMISSIONER

FROM: DON P. JOHNSON, TOWN MANAGER

SUBJECT: LIQUOR LICENSE TRANSFER - BEEF AND ALE  
Common Victualer License 134 Great Road

Enclosed please find a copy of the application for liquor license Transfer for Beef and Ale.

The public hearing is scheduled for August 25, at 8:45 P.M. Please send your comments and recommendations.

A handwritten signature in cursive script, appearing to read "D. Johnson", is written over a horizontal line.

cc: Police Chief  
Fire Chief

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 50

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  Wine and Malt Beverages

3. Applicant is an  Individual  Partnership  Limited Partnership  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.

RICHARD E. TANZI 50 WALNUT RD WRENTHAM, MA. 026-38-7984

b. Firm or trade name, address and telephone no: YE BEEF 'N ALE 134 GREAT RD.

ACTON, MA. 508-263-1844

c. Business name (d/b/a) if different: SAME

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. If applicant is a corporation:

a. 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
-------	-----------	--------------	---------------------	---

N/A

b. Corporation name: \_\_\_\_\_

Address \_\_\_\_\_ 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)

12. If applicant will be leasing the premises to be licensed, state:

a.	b. Beginning date of lease	Ending date of lease
\$ <u>3,000</u> per <u>MONTH</u> <small>(MONTH, YEAR, ETC.)</small>	<u>10/1/92</u>	<u>10/1/2002</u>

13. a. 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:

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE NUMBER</u>
<u>RICHARD E TANZI</u>	<u>50 WALNUT RD. WREATHAM, MA</u>	<u>(508) 384-8697</u>
<u>JOHN J. PACELLI</u>	<u>41 BOX MILL RD. BOXBORO, MA</u>	<u>(508) 263-3126</u>

b. Describe all types of financial and beneficial interest each person or entity will have in this license:

RICHARD E TANZI - LICENSEE

JOHN J. PACELLI - SECURITY INTEREST

14. 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  No b. If yes, state for each person or entity:

<u>NAME</u>	<u>TYPE OF LICENSE</u>	<u>LICENSE ADDRESS</u>	<u>DESCRIPTION OF INTEREST</u>
-------------	------------------------	------------------------	--------------------------------

15. 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  No b. If yes, state for each:

<u>NAME</u>	<u>TYPE OF LICENSE</u>	<u>LICENSE ADDRESS</u>	<u>DATE LICENSE GRANTED</u>
-------------	------------------------	------------------------	-----------------------------

16. a. Has any person or entity named in question 13 ever had his/her/its license revoked or cancelled?  Yes  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  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)

19. 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)

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?  Yes  No
- 22. a. Does the applicant have an entertainment permit?  Yes  No
  - 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? 13% From food? 87%
- 24. Does applicant plan to offer a full service or limited menu? FULL SERVICE
- 25. a. What is applicant's proposed maximum occupancy? 25
  - b. What is applicant's proposed maximum seating capacity? 25
- 26. a. Is the kitchen a separate room or rooms?  Yes  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:
    - CHAR BROIL GRILL, FLAT-TOP GRILL, FRY-O-LATOR.
    - LOCATED BEHIND 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:
    - N/A
- 28. a. Are there sufficient toilets for men on the premises?  Yes  No.
  - b. Are there sufficient toilets for women on the premises to be licensed?  Yes  No.

The Commonwealth of Massachusetts

Town of Acton

July 30, 1992

TO THE LICENSING BOARD

The undersigned licensee, JOHN J. PACECCI  
 respectfully petitions for the transfer of the RESTAURANT BEER AND WINE  
 (Class of License)  
 all alcoholic beverages license now exercised by the said licensee on the premises located at  
134 GREAT ROAD, ACTON, MA.  
 to RICHARD E. TANZI  
 whose address is 50 WARENT RD., WRENTHAM, MA. 02093

(If present licensee is a corporation, fill in the following paragraph)

The said licensee is a corporation duly organized under the laws of the Commonwealth of Massachusetts, and its officers, directors and stockholders, their residences and shares owned by each are as follows:

FROM:	(NAME)	(ADDRESS)	(SHARES)
	N/A		
	President		
	Treasurer		
	Clerk		

(If proposed transferee is a corporation, fill in the following paragraph.)

The proposed transferee is a corporation duly organized under the laws of said Commonwealth and having a usual place of business in said ....., and its officers, directors and stockholders, their residences, and shares owned by each are as follows:

TO:	(NAME)	(ADDRESS)	(SHARES)
	N/A		
	President		
	Treasurer		
	Clerk		

The above named proposed transferee hereby joins in this petition for transfer of said license, and respectfully petitions the Board to grant such transfer.

SIGNATURE OF LICENSEE Richard E. Tanz  
(If a corporation, by its authorized representative)

SIGNATURE OF PROPOSED TRANSFEEE John J. Pacecci  
(If a corporation, by its authorized representative)

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

NANCY E. TAVERNIER  
Chairman

---

July 30, 1992

Mr. Richard E. Tanzi  
50 Walnut Street  
Wrentham, MA 02093

RE: Beef and Ale Transfer

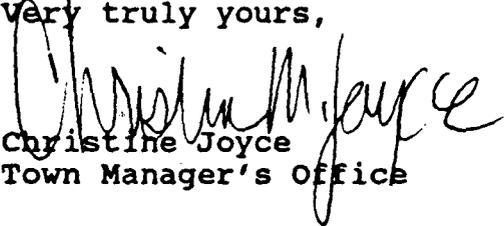
Dear Mr. Tanzi:

Enclosed please find a copy of an advertisement to appear in the Assabet Valley Beacon on Thursday, August 6, 1992 at your expense.

Your hearing has been scheduled for 8:45 on August 25, 1992.

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 BEEF AND ALE  
David Morin

749

8/25/92

(5)

**TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION**

**DATE:** July 30, 1992

**TO:** Don P. Johnson, Town Manager  
**FROM:** Garry A. Rhodes, Building Commissioner *GAR*  
**SUBJECT:** Liquor License Transfer - **Beef and Ale**  
Common Victualer License 134 Great Road

The Beef and Ale is an existing restaurant that does not appear to have had any changes, therefore I do not have any comments.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager  
FROM: Alan D. Perry, Health Officer *ADP*  
SUBJECT: Liquor License Transfer - Beef & Ale  
Common Victualer License - 134 Great Road

DATE: 8/11/92

*BOS HEARING FILE*

The Health Department has reviewed the application for a liquor license transfer for the Beef & Ale and has the following comments:

- 1) The Board of Health requires that the Food Service Permits currently issued to the Beef & Ale be transferred to the new owner, Richard Tanzi. Applications need to be submitted by Mr. Tanzi to the Health Department.
- 2) If the new owner plans to change or add to the existing premises, the Health Department should be notified.

[358]

8/25/92  
⑥

**SELECTMEN'S MEETING**  
**JULY 28, 1992**

The Board of Selectmen held their regular meeting on Tuesday, July 28, 1992, present were Norm Lake, Nancy Tavernier, Anne Fanton, and Town Manager Johnson

**CITIZENS' CONCERNS**

Joyce Greer of 80 Peter Spring Road, Concord read a prepared statement to the board regarding the events surrounding her purchase of a vehicle from Dan Wagner. She wanted the board and anyone else to know what had happened to her and to be informed. She cited the facts that he gave her a sales receipt for \$500 instead of the \$1,500 actual price in order for her to avoid sales tax; his non-business like operation and his hours of operation. Nancy thanked her for her information and asked that a copy of her statement be filed prior to December when the licenses would be up for renewal.

**PUBLIC HEARINGS AND APPOINTMENTS**

**BOSTON EDISON/NEW ENGLAND TELEPHONE - GREAT ROAD AT MAIN STREET**  
**NORM LAKE - Moved to approve. ANNE FANTON - Second.**  
**UNANIMOUS**

**CEMETERY COMMISSIONERS OVERSIGHT MEETING**

Mr. Putnam, Mr. Bailey and Mr. George discussed the number of lots and cemetery maintenance with the Board. It was noted that there is a preference for Woodlawn. Nancy wanted to discuss the roles of the Commissioners and to clarify them. Communications was noted as a problem by the Commissioners. They feel that they ask for guidance and when they see the final request in writing it is not what they said or meant. They felt the reorganization by Bernie Murphy has not aided them in the operation. Nancy asked that all policy issues be handled by the Commissioners and Board of Selectmen and that the day to day operations and personnel issues should be handled by the Superintendent, Director of Municipal Properties and Town Manager. Nancy asked the Town Manager to look into the problem of communications to try to resolve the issue.

Whit Mowery, former commissioner, spoke about his dissatisfaction with regard to the recent purchase of the Cemetery truck and the desire to have the maintenance building built, both items which he ascertains became a problem because of communication problems.

Anne wanted to be sure the plantings discussed in the expansion were put in as required, and commented on the fine condition of the Cemeteries in Acton. She also inquired as to

what level of the maintenance budget was funded by Trust Funds. Mr. Putnam said he would look into the ratio.

The Board thanked the Commissioners for their hard work and efforts in keeping Acton cemeteries so well maintained.

#### CABLE TV TRANSFER HEARING

Mr. Joseph Neal and John Hendricks outlined the proposed transfer. The plan is strictly financial, it has no change in the management of the operation. It is an equity finance by Pinkus. This will improve their liquidity and management of funds. Norm wanted to know if the Board of Directors would change. Three members from Pinkus and three from Cablevision will make up the new board, and they assured the board that this would have no bearing on the cable operations. Norm also expressed concern that this would translate into higher cable rates being passed on to the consumer. They explained that the process was much like refinancing your home. It would have no impact on the rates. Nancy asked about the license section 13; it appears that the bond for \$25,000 was not filed. They agreed to file the required bond. However, they felt the bond would be for maintenance of lines not for recruiting a new cable provider. Don Johnson said counsel would advise us on this issue.

Ms. Ingraham of 6 Puritan Road spoke about the process. She said the transfer document should be reviewed carefully, because it states they are in compliance with the original license. She feels that if we are not, and enter into this transfer we give up our rights to question the original license. She also wanted the Town to have a subscriber list available to check the service and amount paid to us. She further spoke about the local programing and capital expenditures and A/B rates and revenue figures. She also wanted to be sure all 59 drops to the schools and 42 to the Town had been installed and questioned the validity of their answers to Access Equipment on pages 33 and 34.

She asked the Board to reinstate the Cable Committee and that she would offer to participate.

Nancy proposed that a member of the Board get together with the Town Manager and discuss the questions outlined in her statement as well as others brought to their attention. She further suggested that the hearing be reopened at a later date. NORM LAKE - Moved to continue the hearing to August 25 at 8:15 P.M. ANNE FANTON - Second. UNANIMOUS VOTE.

The Board will discuss reactivation of the Cable Committee at the next meeting to prepare a scope and purpose for the committee so that VCC can recruit.

## CONSENT CALENDAR

The Board approved the Consent Calendar as submitted - NORM LAKE - Moved to accept. ANNE FANTON Second. UNANIMOUS VOTE.

## SELECTMEN'S CONCERNS

OPEN SPACE RECREATION PLAN - Anne commented on the amount of time and fine job staff did in preparing this document, she expressed hope that the action plan would be followed. ANNE FANTON - Moved to accept the 5 year Open Space Recreation Plan as drafted by Staff. NORM LAKE - Second. UNANIMOUS VOTE.

DEVELOPMENT GUIDE - Anne commented on the recent Development Guide developed by staff with the help of MPCC mebmers. She said that while it was not fancy looking, it is full of all kinds information which will assist developers and responds to a request by the Chamber of Commerce to clarify Zoning Bylaw and Master Plan requirements.

## TOWN MANAGER'S CONCERNS

FY92 REVENUES - Don updated the Board on the FY92 Revenues. The rough figures look like we were at 103% of the Plan, or 3% above plan. This is attributed to the planning done in the Coordinating Committee Process.

## EXECUTIVE SESSION

ANNE FANTON - Moved to go into executive session for the purpose of discussing Litigation. NORM LAKE - Second. UNANIMOUS VOTE - Roll Call taken, ALL AYES.

The Board adjourned into Executive Session at 9:15 P.M.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Joyce  
Recording Secty.  
cmjW11-(257)



**EXECUTIVE SESSION**

**JULY 28, 1992**

**LMI SITE PLAN SUIT**

Don updated the Board on the recent LMI suit. It appears that an Agreement for Judgement has been filed. This means that the two parties, LMI, and the neighbor have negotiated a settlement and the second building will not be built. Nancy commented that it was her recollection that the second building during the review process was not a critical aspect of the plan.

Adjourned session at 9:30 P.M.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Joyce  
Recording Secretary

JUNE 10, 1992

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

#####

AGENDA  
ROOM 204  
7:30 P.M.  
July 14, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 BOSTON EDISON - ESTERBROOK ROAD
2. 7:32 BOSTON EDISON/NEW ENGLAND TELEPHONE - Hip and Guy Wire - Main Street
3. 7:45 COUNCIL ON AGING OVERSIGHT MEETING
4. 8:15 MOBIL OIL- Night Hour Bylaw Permit review with new franchisee.
5. 8:30 MILL CORNER /GREAT HILL

III. CONSENT AGENDA

6. SELECTMEN'S MINUTES - Enclosed find Minutes of June 9, 1992 for Board approval.
7. NAGOG RESTAURANT CORP. - SCUPPERJACKS - Enclosed please find a request for Pledge of the Liquor License to US TRUST for Board action.
8. GIFT ACCEPTANCE - Enclosed please find a request for the Board to accept a cash gift to be used by the West Acton Library for Board action.

9. EMERGENCY POWER HOOK-UP - Enclosed please find a request and staff comment for permission to hook-up prior to hearing for 13 Rear Oakwood Road for Board action.
- 10 BETSY BALL REQUEST - Enclosed please find request for appropriation for Board action. (Confidential)

#### IV. SELECTMEN'S CONCERNS

11. TRANSFER STATION CONCERNS: RECYCLING - Issues of recycling, especially curbside, have recently appeared in the Globe. Selectman Hunter would like to discuss this matter. Bottle Collection - Selectman Tavernier wishes to discuss the questions of redeemable bottle collection recently raised by the Community Supper.

#### V. TOWN MANAGER'S REPORT

12. SIDEWALK/PARKING ON TOWN COMMON - Please see attached correspondence. The Town Manager will seek input from the Board regarding policy matters.
13. LAND GIFTS POLICY - Attached correspondence relates to several parcels of land that are being or will be offered to the Town. The Town Manager will seek input regarding policy matters discussed in his memo of July 2 to the Town Planner.
14. ACORN PARK - The attached correspondence from the Town Planner describes problems encountered with the Massachusetts Highway department. Staff recommendations are enclosed. The Town Manager will seek the Board's direction in this matter.

#### VI. EXECUTIVE SESSION

15. There will be a need for an executive session to consider the purchase of real property.

#### 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.

July 28

Boston Edison  
Cemetery Oversight- Norm Assigned  
Cable License Transfer

August 11

Board of Appeal Oversight- Anne Assigned  
Planning Oversight - Anne Assigned

August 25

VCC Oversight

Sept. 8

Historic District Overview  
Historic Commission Overview

Sept. 22

SARC Overview



ACTON HOUSING AUTHORITY

Windsor Avenue  
P.O. Box 681  
Acton, Massachusetts 01720  
508/263-5339

TDD #- 1-800-545-1833 EXT.120

8/25/92

(7)

August 20, 1992

Ms. Nancy Tavernier  
Chairman/Acton Selectmen  
Acton Town Hall  
472 Main Street  
Acton, MA 01720

Dear Nancy:

Enclosed please find the Acton Housing Authority's Application for twenty five (25) Section 8 Certificates and/or Vouchers. Our three previous submissions to HUD have gone unfunded but due to our extensive Waiting List of homeless and at risk of homelessness families the Authority's Board and Staff continue to seek additional subsidies.

The Acton Housing Authority is requesting that the Selectmen review and vote to endorse our application. I have included a copy of a previous support letter sent by the Selectmen. Should you or the other members of the Board have any questions please feel free to contact me.

Thank you in advance for your continued support of the Authority's efforts.

Sincerely,

Naomi E. McManus  
Executive Director

Enc.

ACTON HOUSING AUTHORITY  
P.O. BOX 681  
ACTON, MA. 01720  
(508) 263-5339  
TDD #-1-800-5451833 EXT.120

August 25, 1992

Ms. Doris Desautel  
Regional Director  
Office of Public Housing  
U. S. Department of Housing and Urban Development  
Boston Area Office  
10 Causeway Street  
Boston, Ma. 02222

Dear Ms. Desautel:

Enclosed please find the Acton Housing Authority's Section 8 Existing Housing Application for twenty-five (25) Section 8 Rental Certificates and or Vouchers. Please note that the Acton Housing Authority is willing to accept less than our full request. As outlined in the July 29, 1992 NOFA the following information is provided.

- 1). The Acton Housing Authority's completed HUD 52515 Application form requesting 25 Section 8 Certificates and or Vouchers. Attached to the application please note Addendum A, B and C.
- 2). The Acton Housing Authority's Certification of a Drug Free Workplace.
- 3). The Acton Housing Authority's Anti-Lobby Certification and Disclosure Statement.
- 4). The Acton Housing Authority's Certification that the Authority will comply with Title VI of The Civil Rights Acts of 1964 and Title VII of the Civil Rights Acts of 1968.
- 5). The Acton Housing Authority's letter to HUD stating the Authority's compliance with 504 regulations.
- 6). The Acton Selectmen's letter supporting the Acton Housing Authority's Section 8 Application and that the submission is consistent with the Town's Local Housing Plan and that the letter should be considered their final comment.

- 7). A copy of the Acton Housing Authority's executed amendment certifying that the Authority will comply with all such amendatory contract provisions required by the June 23, 1989 Declaratory Judgement and Final Decree issued by the U.S. District Court in NAACP v. Kemp, Civil Action No. 78-850-S D. Mass.)
- 8). A narrative explanation and supporting documentation that the Acton Housing Authority's application meets the selection criteria/rating factors of 77 points as outlined in the NOFA for Rental Vouchers and Rental Certificate Program.

As your staff reviews our application please note that for the past five (5) years the Authority has had our own LOCAL Self-Sufficiency Program known as the Single Parent Program. Currently there are ninety-five (95) single parents being serviced by our program. In anticipation of receiving Certificates in February's round of funding offered by HUD under the Family Self Sufficiency(FSS) Incentive Award, we formed our own local Program Coordinating Committee(PCC) consisting of 14 community people representing numerous service/resources which will oversee our FSS Program. March 3, 1992 was the first of several meetings held with the PCC to develop a Local Action Plan for our FSS Program. Our FSS Program will integrate a broad base of community support, services and resources which will assist our Certificate Holders in developing self-confidence, self-reliance and finally independence. The Board Members of the Authority voted to designate four (4) of the Authority's current Section 8 Certificates as FSS Certificates.

All Certificates received from this application will be set aside for HOMELESS families. The current support services and resources provided by our Single Parent Program coordinator, a part-time staff person, will be expanded to include these additional Certificates.

Please contact this office directly should additional material be required or if there are any questions regarding the enclosed application and supportive documentation.

Thank you in advance for your review and consideration of our Section 8 Certificate and or Voucher application. The Acton Housing Authority is looking forward to your staffs favorable ranking of our endeavors as this agency struggles to end the continuing cycle of poverty.

Sincerely,

Naomi E. McManus  
Executive Director

**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



OAH Approved No. 2502-0123 (exp. 11/02/90)

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Records Management Officer, Office of Information Policy and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2502-0123), Washington, D.C. 20503.

Name of the Public Housing Agency (PHA) requesting housing assistance payments: **ACTON HOUSING AUTHORITY** Application/Project no. (HUD use only)

Housing Address of the PHA: **P.O. BOX 681  
ACTON, MA. 01720** Requested housing assistance payments are for: How many Certificates? How many Vouchers? **25 Certificates or Vouchers**

Signature of PHA Officer authorized to sign this application: **X** Have you submitted prior applications: No Yes  
... for Section 8 Certificates?    
... 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: **8/25/92**

Legal Area of Operation (area in which the PHA determines that it may legally enter into Contracts): **68 Windsor Ave.  
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								Total Dwelling Units
	Elderly, Handicapped, Disabled				Non-Elderly				
	Efficiency	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR		
Certificates <b>EITHER/</b>									
Housing Vouchers <b>OR</b>		5		13	5	2			25

**C. Need for Housing Assistance.** Demonstrate that the project requested in this application is consistent with the applicable Housing Assistance Plan making the greatest meeting the housing needs of lower-income families 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 and 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

**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

**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 24 CFR 882.109 and/or 24 CFR 887.251 OR THAT VARIATIONS IN THE ACCEPTABILITY CRITERIA ARE PROPOSED OR HAVE BEEN APPROVED BY THE FIELD OFFICE. IN THE LATTER CASE, EACH PROPOSED VARIATION SHALL BE SPECIFIED AND JUSTIFIED.

**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
FOURTH 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

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

Nancy E. Tavernier  
Chairman

---

August 21, 1992

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 August 28, 1992, 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 and no additional comments will be forthcoming.

Very truly yours,

Nancy E. Tavernier  
Chairman

acs

cc: Housing Authority

TOWN OF ACTON POLICE DEPARTMENT  
INTER-DEPARTMENTAL COMMUNICATION

8/25/92  
⑨

TO: Don Johnson, T.M.                      DATE: August 20, 1992  
FROM: Chief Robinson                      TIME: 2:48 PM  
SUBJ: Outdoor Station Sign

---

Mr. Carl Adams of 3 Larch Road, a sign creator<sup>or</sup>, has offered at no expense to the Town to construct and erect a sign to our specifications as a replacement of our present 25 year old one which is located on the front lawn. I have attached a drawing of the suggested sign which I believe is clean and neat in appearance. It will be white metal with "Acton Police" in blue letters. The ribbons of the Accreditation symbol will be blue with white letters while the remaining art work will be gold.

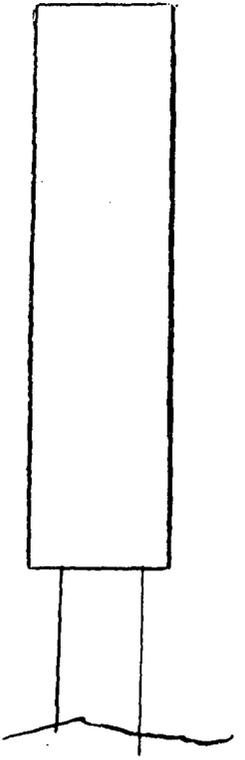
The Building Inspector does not have a problem with this sign as far as the sign bylaw is concerned. The station is not in the Historical District. There is electricity at the site which has serviced the old sign, Municipal Properties will be reconstructing so that lights will be ground mounted and show on the sign from both sides.

Mr. Adams would like to start as soon as possible on this project. I will wait to hear from you.



ACTON  
POLICE

End View



"NOT TO SCALE" APPROX 2'x6'x6"  
1" ALUM. TUBE FRAME WITH .040 ALUM FACES

8/25/92

10

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: 8/21/92

TO: The Board of Selectmen  
FROM: Don P. Johnson  
SUBJECT: FT. Devens CAC

It has come to our attention that The Office of Environmental Affairs and The Massachusetts Government Land Bank have decided to designate a Citizen's Advisory Committee to assist in the review and evaluation of the environmental impacts of the redevelopment of Fort Devens. I will seek your direction Tuesday evening concerning whether you wish my office to correspond to Secretary Tierney for the purpose of having Acton represented on this review panel.

8/25/92 (11)

TOWN OF ACTON

AUG 20 1992

INTER-DEPARTMENTAL COMMUNICATION

DATE: 8/20/92

TO: Don P. Johnson, Town Manager

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

SUBJECT: Land Court Case No. 6690-S199109  
George H. & Ruth S. Charter

I have reviewed the petition received from the Massachusetts Land Court concerning Plan 6690-K filed by George H. & Ruth S. Charter showing lot 13 (Town Atlas Map E-2, parcels 238 & 257-1) on Charter Road. The Board of Selectmen of the Town of Acton have been notified due to their having legal authority over the Town way known as Charter Road. If the Board chooses to respond, an objection in proper legal form must be filed by September 14, 1992.

In my opinion, the Town might choose to object for the following reasons:

1. The plan purports to show the legal sideline of Charter Road as it abuts George Charter's land (the "pine lot").
2. Charter Road is an "ancient way" laid out prior to 1846 (the date of enactment of the predecessor of the current day MGL Ch.82).
3. The Town Clerk's records of Town Meetings for 1769, pages 208, 209 & 210, apparently describe the layout of a way generally fitting the description and location of Charter Road. This road is laid out two (2) rods wide or 33 feet.
4. The width of two (2) rods (33 feet) was the normal standard for roads dating from colonial times.
5. The plan filed by George Charter shows Charter Road as "variable width".
6. The Town of Acton contends that Charter Road is 33 feet wide and should be shown as this width on the subject plan.
7. The subject plan does not show both sidelines of Charter Road so it can not be determined if the proper width of 33 feet has been maintained.
8. The land across the street from lot 13 is also part of Land Court Case 6690 and is shown as Lot A-1 on Plan 6690G and is also owned by George H. & Ruth S. Charter (Certificate #68421)
9. The Town of Acton requests that the Court require the subject plan to clearly show a minimum right-of-way width for Charter Road of 33 feet along the frontage of Lot 13.

This memo should be sent promptly to Town Counsel as a proper legal petition must be filed with the Land Court prior to September 14, 1992.

**RECEIVED**  
AUG 17 1992

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

ACTON ENGINEERING DEPT.

DEPARTMENT OF THE TRIAL COURT

CC: ENGRG. DEPT.  
PLANNING DEPT.  
BLDG. DEPT.  
HEALTH DEPT.

CASE NO. 6690-S1991 09  
(SEAL)

TO: Ira D. Smith, Barbara K. Smith, Leon Maraist, Barbara Maraist, Gerald R. Burgess, Margery E. Burgess, Joan B. Westcott, Marjorie R. Kennedy, T.F. Stewart Kennedy, Patricia Kennedy, F. David Von Jess, Peter Fordham, Susan B. Fordham, Authentic Homes, Inc., Susan C. Nordhausen and the Town of Acton, all of Acton, County of Middlesex, Commonwealth of Massachusetts.

You are hereby notified that a complaint has been filed in this Court by George H. Charter and Ruth S. Charter, both of Acton, Middlesex County, Commonwealth of Massachusetts, representing that:

1. Certificate of Title No. 90480 and 144284 issued from the South Registry District of Middlesex County stands in the name of George H. Charter and Ruth S. Charter.
2. Said petitioner has caused to be filed with the Engineering Department of the Land Court, Boston, Plan No. 6690K.
3. Said Land Court Plan No. 6690-K delineates the subdivision of lots numbered 4 and 9 as shown on prior Land Court Plan Nos. 6690-G and 6690-I into one lot to be shown as lot 13.
4. Said Land Court Plan No. 6690-K also delineates the measured data which differs from record.

Petitioners pray that said Land Court Plan No. 6690-K which delineates the above be approved.

It is, ORDERED: that the following be notified by certified mail: Ira D. Smith, 68 Charter Road, Acton, MA 01720; Barbara K. Smith, 68 Charter Road, Acton, MA 01720, Leon Maraist, Barbara Maraist, 74 Charter Road, Acton, MA 01720, Gerald R. Burgess, Margery E. Burgess, 86 Charter Road, Acton, MA 01720; Joan B. Westcott, 75 Charter Road, Acton, MA 01720, T.F. Stewart Kennedy, Patricia Kennedy, 195-197 Arlington Road, Acton, MA 01720, F. David Von Jess, 90 Charter Road, Acton, MA 01720, Peter Fordham, 102 Charter Road, Acton, MA 01720, Susan B. Fordham, 102 Charter Road, Acton, MA 01720, Authentic Homes, Inc., 98 Charter Road, Acton, MA 01720, Susan C. Nordhausen, 92 Arlington Road, Acton, MA 01720; Board of Selectmen, Town of Acton, Town Hall, Acton, MA 01720.

and if you desire to make any objection or defense to said petition, you or your attorney must file a written appearance and an answer under oath setting forth clearly and specifically your objection or defense to each part of said petition in the office of the Recorder of this Court, in Boston, at the Suffolk County Courthouse, on or before the 14th day of September 1992.

By the Court.

Attest:

Charles W. Trombly, Jr.  
Recorder

Dated: August 4, 1992

I hereby certify that I have mailed the above as directed by certified mail.

\_\_\_\_\_  
Recorder

Attorney for Petitioner:

Cathy S. Netburn  
268 Main Street  
P.O. Box 223  
Acton, MA 01720

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: 8/21/92

TO: The Board of Selectmen  
FROM: Don P. Johnson  
SUBJECT: Friday Packet Drop-off

Once again, it is time to update our files as to where you would like your Selectmen packets placed. Therefore, please provide written instructions by August 25th. You may choose a specific location at your residence, or you may choose to have the packet returned to the Police Station, if someone in your household is not able to physically take possession at time of delivery. If you choose to have your packet returned to the Police Station, you will have the ability to pick-up your packet 24 hours a day upon your return. If you choose a specific location, please make your directions specific so that a new officer would be able to find the appropriate spot.

Thank you for your time and consideration.

VOLUNTEER COORDINATING COMMITTEE MEETING 6/15/92

Present: Kadlec, Comstock, Powers, Lane, Whitcomb, George  
Absent: Husbands

Meeting called to order at 7:30 PM. Minutes from 6/01/92 read and approved with one correction.

INTERVIEW:

JOAN BURROUGHS for C O Aging or Minuteman Home Care.  
7 Elm St. 5 yrs. Acton, 27 yrs. MA. Has as Assoc. degree in Social Work, Nursery School courses, and music training. Works with W. Kiver and the Commission On Disability. Is busy, but wants to work with Council On Aging or MMHC. We need to clarify if any opening. Whitcomb will contact C. Lake.

\*No urgent need to advertise for board openings. May change.

Action since last meeting.

Jack Powers sworn in VCC 5/29/92.

Wm. Mc Ginnis sworn in B O Health 6/08/92.

- \* Kadlec sees need for data base. We agree. Would be a big help to VCC and possibly others at Town Hall. Husbands absent. Comstock will research what software is used now at Town Hall. There is a need to get this underway.
- \* Whitcomb reported a request from A. Fanton for a Rules & Regulations Guide which will be given to C. Joyce tomorrow. There was a question as to why the letter to the Ft. Devens Reuse/ 2nd Airport Task Force said members did not need to be sworn in. It was so noted on our copy of the action by the Board of Selectmen. A copy of it will go with the R & R Guide.
- \* Whitcomb will ask C. Joyce if we could continue to have a copy of the Selectmen's Meeting Agenda put in our box. It is a help to us and would be appreciated.
- \* No meeting next week. Next meeting July 20th at Town Hall.
- \* Bring to the meeting ideas, if any, on how we may improve our work as a committee.

Meeting adjourned at 8:30 PM.

Respectfully submitted,

Nancy A. Whitcomb, Secretary VCC

cc: Board of Selectmen and Town Clerk

cc: BOS  
FYI

TOWN OF ACTON

AUG 18 1992

INTER-DEPARTMENTAL COMMUNICATION

August 18, 1992

**TO:** John Murray, Assistant Town Manager  
**FROM:** Tom Tidman, Conservation Administrator *tt*  
**SUBJECT:** Ice House Pond Report

John,

At this time, we have compiled the following information in preparation of the Ice House Pond Report:

- \* Site History - from 1669 to present.
- \* Physical Parameters
  - sediment thickness
  - water depth
  - shoreline survey
  - sediment sampling - 2 stations
  - water quality analysis
- \* Nuisance Vegetation
  - Analysis - we know what the problem species is.
  - Control measures
- \* Permitting Process We know which agencies will require notification should dredging become an option

Peter Shanahan of the Conservation Commission is reviewing the sediment sample concentrations, and will let us know shortly if we should be concerned about the high Pb concentrations at Station 1.

TT:ahm  
587



environmental engineers, scientists,  
planners, & management consultants

July 27, 1992

CAMP DRESSER & McKEE

Ten Cambridge Center  
Cambridge, Massachusetts 02142  
617 252-8000

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

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

Subject: W. R. Grace, Acton, Massachusetts

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

Dear Ms. Jennings and Mr. Benoit:

On behalf of W. R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits the Blowdown Pit: Preconstruction Investigation of Hot Zone Workplan in response to the comments on the June 30, 1992 submittal. The three modifications requested in your letter of July 20, 1992 have been made.

Please call if you have any questions.

Very truly yours,

CAMP DRESSER & McKEE INC.

*Bruce R. Conklin*  
Bruce R. Conklin, P.E.  
Associate

BRC:paa  
Encs.  
#798-115-RT-WKPL

DISTRIBUTION:

Lynne Jennings (3)  
Edmond Benoit (3)

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

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



**CDM**

environmental engineers, scientists,  
planners, & management consultants

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center  
Cambridge, Massachusetts 02142  
617 252-8000

August 17, 1992

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

AUG 20 1992

and

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

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

Dear Ms. Jennings and Mr. Benoit:

On behalf of W. R. Grace & Co., Camp Dresser & McKee Inc. (CDM) hereby submits a revised draft **Other Source Area (OSA) Workplan for the Blowdown Pit and North Lagoon**. This document was prepared in accordance with the Government Parties' comments obtained during the meeting of July 7, 1992. Also included for your information is a brief outline of proposed workplan sections for the remaining OSAs (Battery Separator and Boiler Lagoons, Tank Car Area, Primary, Emergency and Secondary Lagoons).

This information should be the basis for a meeting on the well locations and overall workplan approach, in advance of preparing draft workplan sections for the remaining OSAs. Please contact us if you have any questions and let us know at which meeting these items can be discussed.

Very truly yours,

CAMP DRESSER & MCKEE INC.

*Bruce R. Conklin*

Bruce R. Conklin, P.E.  
Associate

BRC:paa

Enc.

#798-117-DN-MGT

# CDM

environmental engineers, scientists,  
planners, & management consultants

CAMP DRESSER & McKEE

Ten Cambridge Center  
Cambridge, Massachusetts 02142  
617 252-8000

August 17, 1992

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

and

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

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

Dear Ms. Jennings and Mr. Benoit:

On behalf of W. R. Grace & Co., Camp Dresser & McKee Inc. (CDM) hereby submits a discussion document on the design concept for the landfill cover and soil vent design. This document is for discussion at our next meeting.

Very truly yours,

CAMP DRESSER & McKEE INC.

*Bruce R. Conklin*

Bruce R. Conklin, P.E.  
Associate

BRC:paa

Enc.

#798-117-DN-MGT

Distribution:

Lynne Jennings (6)  
Edmond Benoit (3)

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

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

Selectmen

cc: BOS



MASSACHUSETTS

BOARD OF APPEALS

RECEIVED & FILED

DATE July 27 1992

*Patricia Bellini*  
TOWN CLERK ACTON

#92-14

## NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Wednesday

September 9, 19 92, at 7:45 P.M. in the TOWN HALL, Room 126

on the following petition:

by Kent D. Moorehead for St. Matthew's United Methodist Church,  
435 Central Street, for a PETITION FOR A VARIANCE from the requirements  
of Section 5.2.7.2 of the Zoning Bylaw, to allow the installation of a  
steeple unit consisting of a base, cupola and spire.

*Petitioner must be present, or send authorized representative*

BOARD OF APPEALS

By

Malcolm Burdine Clerk

cc: BOS

Selectmen



RECEIVED & FILED  
DATE July 15 1992  
William B. Bisher  
TOWN CLERK, ACTON

MASSACHUSETTS  
BOARD OF APPEALS

# NOTICE OF PUBLIC HEARING

#92-13

The Board of Appeals will hold a Public Hearing on Wednesday

September 9, 19 92, at 7:30 P.M. in the TOWN HALL, Room 126

on the following petition:

of Mark White for Kavanagh Homes, 503 Main Dunstable Road, Nashua, NH 03062 for a FLOOD PLAIN SPECIAL PERMIT from the requirements of Section IV.1.8 of the Zoning Bylaw to allow the installation of a water main between Nash Road and Overlook Drive. The proposed water line will tie into an existing water main on Robbins Street creating a loop system thereby improving the quality and flow of water to the Robbins Street area.

*Petitioner must be present, or send authorized representative*

BOARD OF APPEALS

By

Malcolm Burdine

Clerk

Date Received 8/14/92  
Asst TOWN CLERK  
By: Catherine Belbin



Date Received 8/14/92  
BOARD OF APPEALS  
By: Valie Squill

TOWN OF ACTON  
MASSACHUSETTS

AUG 2 1992

BOARD OF APPEALS  
(FORM 5)  
PETITION FOR VARIANCE

CC: BOS - Cover only  
Full Application in R.F.

August 14, 1992

I/We hereby petition the Board of Appeals for a public hearing and a variance from the requirements of Section see below of the Zoning By-Law, as provided by G.L. Chapter 40A, Section 10 to allow:

Sec. 7.7.4.2 To allow an exterior wall sign with a total height of 7'4" rather than 3' 0" as allowed by this section of the by-law;

Sec. 7.7.4.3 To allow a wall sign up to 34'8" maximum width rather than 30' as allowed by this section of the by-law;

Sec. 7.4.1.1 To allow a sign to feature three different product lines offered by the Dealership.

All at Swanson Pontiac, 12 Sudbury Road, Acton, MA

OFFICE USE ONLY
Four copies of petition? <input checked="" type="checkbox"/>
Location map? <input checked="" type="checkbox"/>
Plot plans? <input checked="" type="checkbox"/>
Additional briefs? <input checked="" type="checkbox"/>
List of abutters and other interested parties? <input checked="" type="checkbox"/>
Fee - \$100.00/1-25 abutters \$125.00/26+ abutters? <u>\$100.00 p.</u>
Next Hearing Date? <u>10/5/92</u> No <u>52-15</u> <u>2:30 p.m.</u>

Respectfully submitted,  
Signed John E. Swanson  
(Petitioner)  
Name Swanson Pontiac-Buick-GMC Truck, Inc.  
Address 12 Sudbury Road, Acton, MA 01720  
Phone # 897-3311  
Signed John E. Swanson  
(Owner of Record)  
Name John E. Swanson, Jr.  
Address 219 Hunters Ridge Rd.  
Concord, MA 01742  
Phone # \_\_\_\_\_

A variance may be granted by the Board of Appeals only if all the conditions, given in Section 10.5.5 are met. The Board may impose conditions, safeguards, and limitations as a part of their decision (Section X-D).

CHIEF ROBERT CRAIG  
ACTON FIRE DEPT.  
ACTON, MA 01720

AUGUST 13, 1992  
AUG 20 1992

DEAR CHIEF CRAIG,

THE PURPOSE OF THIS LETTER IS TO INFORM YOU OF THE OUTSTANDING WORK OF EMT'S SCOTT MORSE AND JOHN WHITE. ON AUGUST 4, 1992 AT 1930 HRS. I WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT IN CONCORD, MA. AS CONCORD'S AMBULANCE WAS TIED UP, ACTON SENT THE AMBULANCE ON MUTUAL AID. NOT ONLY WAS I SLIGHTLY INJURED, BUT MY WIFE LAUREN, WHO IS FOUR MONTHS PREGNANT, WAS ALSO INJURED AND VERY TRAUMATIZED. SCOTT AND JACK WERE ON SCENE VERY QUICKLY, AND ALTHOUGH THEY GIVE PROFESSIONAL CARE TO ALL THEIR PATIENTS, I COULDN'T HELP BUT FEEL THEY GAVE A LITTLE EXTRA IN HELPING MY WIFE. THEY ALSO TOOK THE TIME TO MAKE SURE I AND MY PARTNER (DON PALMA, WHO WAS IN THE BACK SEAT) WERE ALSO BEING TREATED. THEY WERE VERY CALMING, REASSURING, AND AGAIN, THEIR PROFESSIONALISM WAS OUTSTANDING.

IT'S A GREAT FEELING TO KNOW WE HAVE SUCH EXCELLENT EMT'S, AND IT'S A PLEASURE TO WORK ALONGSIDE THESE GUYS. FROM MY WIFE LAUREN AND I, WE'RE TRULY THANKFUL THAT THE ACTON AMBULANCE RESPONDED THAT NIGHT, AND THANKFUL SCOTT AND JACK WERE WORKING. I HOPE YOU CAN PASS THAT THANKS ONTO THEM FOR US.

SINCERELY YOURS,

STEWART FENNIMAN  
ACTON POLICE DEPT.

CC: BOS  
8/21 PERS. FILES (MORSE, WHITE AND S. FENNIMAN)

CC: Tour Manager: fyi.

Sandy



CC: BOS

FT. DEVENS TASK FORCE

V8/21

MAGIC



## Minuteman Advisory Group on Interlocal Coordination

Acton  
Boxborough  
Carlisle  
Concord  
Hudson

Littleton  
Marlborough  
Maynard  
Stow  
Sudbury

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

**MINUTEMAN ADVISORY GROUP  
ON INTERLOCAL COORDINATION**

*A Subregion of Metropolitan Area Planning Council*

### SAVE THE DATE!

#### Ft. Devens Reuse Forum

October 1, 1992

Acton-Boxborough H.S.  
7:15-10:00 p.m.

AUG 17 1992

The Metropolitan Area Planning Council (MAPC) and its MAGIC subregion are presenting an informational forum for public officials and others interested in the reuse of Fort Devens.

The agenda will include:

- \* the base closing timetable;
- \* the excessing process;
- \* what the army plans to keep;
- \* how the army will use what it retains;
- \* roles and responsibilities in reuse planning;
- \* proposals under consideration;
- \* potential impacts;
- \* how the proposals relate to each other;
- \* criteria for evaluating proposals; and
- \* how the environmental review will be handled.

The forum is open to the public without charge. A similar presentation will be hosted by the Montachusett Regional Planning Commission (MRPC) on October 14, 1992, 7:15 p.m., at the Fort Devens Officers Club. For more information, call MAPC at (617) 451-2770 or MRPC at (508) 345-7376.

cc: BOS  
FT. DEVENS TASK FORCE



# Metropolitan Area Planning Council

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

*Serving 101 cities and towns in metropolitan Boston*

AUG 17 1999

The Honorable Susan Tierney, Secretary  
Executive Office of Environmental Affairs  
MEPA Unit  
100 Cambridge Street  
Boston, MA 02202

## Project Identification

Project Name: Ft. Devens Redevelopment EOE: #9116

Project Proponent: Government Land Bank

Location: Ayer, Harvard, Lancaster, Shirley

Dear Secretary Tierney:

The Metropolitan Area Planning Council regularly reviews development proposals deemed to have regional impacts. Although Ft. Devens is outside MAPC's borders, its closing and redevelopment are likely to have significant impacts on fairly distant communities and on the region as a whole. Hence, it is important that MAPC and other RPAs voice the regional perspective in defining the scope of the EIR and in reviewing proposals as they evolve.

The first four comments below will address issues regarding the review process itself. The remaining comments will recommend specific items for inclusion in the EIR scope.

### 1. Consideration of Regional Impacts

With the currently proposed rail facility, as with future reuse proposals, impacts may be expected to extend far beyond the fort and its four host communities. The proposed rail facility, for example, is likely to affect rail use and grade crossings between the fort and Charlestown and may affect truck and auto travel along routes in many nearby towns. Similarly, air quality impacts of development activities must be analyzed within the context of the entire state's ability to comply with the requirements of the Clean Air Act.

Hence it is critical that regional planning agencies and localities beyond the four host communities be full participants in the review of all current and future reuse plans.

### 2. Formation of Two Task Forces

Marjorie A. Davis, *President*

Edmund P. Tarallo, *Vice-President*

Richard A. Easler, *Secretary*

Marylou Batt, *Treasurer*

David C. Soule, *Executive Director*

MAPC urges the Secretary to form two task forces, as is often the practice with major projects of this sort. The first group would be a citizens' advisory and the second would be a technical advisory. The existing Redevelopment Board cannot serve as an on-going citizens' advisory since its authorization expires in December 1992. In keeping with the need to recognize and address the regional impacts of the Ft. Devens redevelopment, the citizens' task force should include representatives of the regional planning agencies and of communities beyond the immediate hosts.

### **3. Consideration of Cumulative Impacts**

The EIR scope should specify how it will reconcile the review of individual interim projects with the evaluation of the cumulative impacts of the overall redevelopment of Ft. Devens over time. While it is desirable from an economic standpoint to proceed as quickly as possible to create new jobs and encourage economic activity, incremental development may have unanticipated consequences when combined with other, later project components. Sound regional planning requires a comprehensive analysis of the total redevelopment effort over time. The EIR should address how it will relate the interim project reviews to the larger, long-term picture.

The EIR should also address how it will review the cumulative impacts of Ft. Devens redevelopment in light of other, simultaneous or anticipated development in the region.

### **4. Timing**

The procedures suggested for reviewing major and complicated projects allow the Secretary to permit a major interim project to be completed up to one year prior to approval of the interim EIR. Such fast-tracking is likely to increase the difficulty in ensuring adequate planning, environmental protection, and impact mitigation; activities in operation will be more difficult to change than those which have not yet begun. As a general rule, MAPC concurs with the comments of the town of Acton urging strict compliance with the recommendations of the EIR prior to any site preparation activity or construction. Fast-tracking, if any, should be reserved for only the most unusual circumstances and should be viewed as conditional only, subject to the findings of the subsequent EIR.

### **5. Air Quality Impacts**

The overall planning for the redevelopment of Ft. Devens, as well as specific project plans such as the proposed Rail Facility, must consider the necessity of meeting the region's air quality goals as mandated in the Federal Clean Air Act and in the Massachusetts State Implementation Plan for Air Quality. Planning of new uses for Ft. Devens should be analyzed so that they will not increase the region's non-conformity with the Federal Clean Air Act; and will not hinder the region's ability to meet the goals of the Act. Proposed development should be planned in such a way as to offset current levels of emissions.

Environmental reviews of Ft. Devens redevelopment should require a comprehensive transportation assessment to determine the access needs of the proposed reuse. In particular, the review should consider measures to

ensure that future mobile source air emissions from the redevelopment not exceed the future no-build area emissions and contribute to the needed 24% reduction in emissions required of the state.

Such a plan will probably rely heavily on new transit improvements serving the Ft. Devens area. Funding will need to be committed from DoD or from site purchasers; costs must not be passed on to the Commonwealth, the MBTA, or local transit authorities because of lack of financial means to meet existing transit needs.

#### **6. Truck and Automobile Traffic**

The Rail Facility Project estimates up to 225 truck round-trips and 50 auto round-trips daily. This equates to 450 truck trip ends and 100 auto round-trips daily. Concerns have been raised by several MAPC communities (see letters from Acton, Concord, and Littleton) about the routes in and out of Ft. Devens, questioning especially the use of the Barnum Gate, and about the impacts of traffic on Routes 2, 2A, 111, and 27. We echo their concerns and recommend that the EIR review and analyze all routes in and out of Devens, seeking alternatives to the Barnum Gate route, and consider the impacts on Routes 2, 2A, 111, 27, including secondary arterial feeder roads, and extending into Littleton, Acton, and Concord.

#### **7. Rail Issues**

The EIR should address the relationship between the increased use of rail for freight purposes and existing and future commuter rail requirements and plans. Steps should be taken to avoid conflicts and to ensure that freight uses do not interfere with improvements in commuter service. Specific issues are presented in the Acton, Concord, and Littleton letters and are included here by reference.

The EIR should also evaluate the impact of increased rail use on grade crossings everywhere along the route.

In both cases above, the review should analyze added rail use in light of existing traffic patterns, including peak-hour and off-peak travel, and should consider demand management techniques among the options to mitigate any negative impacts.

#### **8. Hazardous Materials**

The EIR should address the issue of hazardous and flammable materials transported both on highways and on rail lines.

#### **9. Water Resources**

The EIR clearly needs to consider the impacts of redevelopment on the water supplies of the Devens host communities and communities further afield. The town of Littleton, for example, notes that the Stony Brook Watershed provides an important source of drinking water for many localities and states that a section of the Stony Brook Branch of the B & M Railroad falls within the Zone II protection district of Littleton's highest yielding well. The EIR must address the impacts of redevelopment on all

water resources. Protective measure and contingency plans need to be developed to deal with potential accidents, derailments, and release of toxic or hazardous materials near important water resources.

MAPC appreciates the opportunity to comment on this important project and looks forward to participating in on-going reviews.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Soule". The signature is fluid and cursive, with the first name "David" and last name "Soule" clearly distinguishable.

David C. Soule  
Executive Director

cc: Donna Jacobs, MAGIC Chair  
Nancy E. Tavernier, Acton BOS  
Judith R. Walpole, Concord BOS  
Richard Montminy, Littleton BOS  
Donald Gilberti, Acton MAPC Rep  
Leland Wood, Concord MAPC Rep  
Carol Bibbins, Littleton MAPC Rep  
Alfred Lima, Concord Planning Dept.  
Paul E. Smith, Jr., Littleton MAGIC Rep  
Judith C. Alland, MAPC

cc: BOS - ~~3~~

Fort Devens Task Force  
Meeting Minutes  
July 16, 1992

2

Present: Marilyn Wolfson, George Neagle, Alfred Rudolph, Carol Place, Mark Donohoe, John Ekberg, Dave Lunger

Secretary: Alfred Rudolph *AR*

1. Vice Chair - Mark was unanimously elected vice chair of this committee.
2. Secretary - The committee decided to rotate the responsibility to minute the meetings.
3. Member reports -

Mark contacted Phil Shutt, head of CITPlan (Coalition for an Integrated Transportation Plan), and Bill Thurston, who has responsibility for the planned prison facility. (ASERT is a political arm of CITPlan.) The proposed hospital facility is a 500 bed hospital, a 500 bed detention center, and a 1600 bed minimum security prison. The estimates are that it will employ ~ 300 people and result in a \$ 12 million addition to the local economy.

John has not yet contacted MAC (Massachusetts Aeronautics Commission), and discussion ensued with regard to asking the Board Of Selectmen to request MAC to send information to this committee c/o the BOS. It was felt that this would result in better flow of information than that to an individual committee member. Anne will be consulted.

It was suggested that we ask Brett Doney, staff to Joint Boards of Selectmen, to help us compile a list of other sources of information.

George attempted to contact Carter Hunt, who is coordinating the closure of the base, but was advised to speak with the land bank.

Carol has established that the next meeting of the Fort Devens Redevelopment Board will be in August, but there is no meeting date set yet. The Joint Boards meet every 2 weeks, with the next meeting on 7/8/92, at 7:00 PM at the Town Hall, Main Street, Ayer. The vote on the prison will be at that meeting, and it is expected to be approved.

4. **Name Change** - At our last meeting, a discussion of a possible change in the name of this committee led to the suggestion that "Committee on Fort Devens Re-use" might be more appropriate. ~~The term re-use has proven confusing, however, since others are using it to mean "other than airport use". It was therefore decided to keep our present name.~~
5. **Focus of this committee** - After brief discussion, it was the expressed view of this committee that our principal concerns should be impact on the town of Acton of an increase in Route 2 traffic and changes related to the proposed rail line serving the airport, or other re-use of Fort Devens. Mark will ask the Planning Board whether they have a Route 2 plan, or a railway plan, when he meets with them on another matter next week.
6. **Next Meeting** - Thursday, July 16, 7:30 PM, Acton Town Hall Room 126.

Ft. Devens Task Force  
Meeting Minutes  
July 16, 1992

cc: BOS, [scribble]

Present: Carol Place, Mark Donohoe, John Ekberg, Dave  
Lunger, George Neagle

Secretary: John Ekberg *JKE*

1. July 2 minutes were approved with the following amendments:

- Date of July 16 should read July 2
- Item 4 related to name change: reference should be made to Anne Fanton's memo dated June 26, 1992 that indicates the BOS concur.
- Item 5 regarding focus is clarified by Anne's memo indicating that the 2nd major airport is of equal concern to this task force as any Ft. Devens re-use proposals.

2. Member Reports:

Mark suggested that Brian Lafferty from the Executive Office of Communities and Development be invited to talk to the task force. Everyone agreed. Mark will also talk to Brian Forteis (MAPC) regarding an MBTA report (master plan?) just published that includes the Acton area. Finally, Mark talked again to Phil Shutt (CITPlan) and there is no new status; Phil believes there will be little activity regarding the 2nd major airport until it comes back into the forefront around the time of the ADL conclusions.

George reviewed the Joint Board of Selectmen (JBS) meeting in Ayer on July 8.

- They voted in favor of the Federal Prison for Ft. Devens after much discussion.
- Acton's presence was recognized
- There was discussion as to whether Leominster and Fitchburg should have representation. The JBS will pursue this.
- The Dept. of the Interior and the Bureau of Prisons are the only two agencies to send a notice of intent to the Dept. of the Army and the Dept. of Defense (DoD).
- There was discussion around the makeup of the Redevelopment Board.
- The Town of Ayer representative said they are suing the DoD for contamination of the town's water supply.

- ❑ Finally, the upcoming Scoping session was briefly discussed. Mark suggested the Acton BoS formally respond to the environmental impact to the town through this process.

Carol mentioned that on September 10, there is a tour of the Fort. It was unclear if it was limited to MAPC members, or the limit on actual people who could be accommodated. Carol will try and find out. Dave again offered an aerial tour using his plane.

### 3. Brett Doney presentation:

Brett is the coordinator-project specialist hired by the Joint Boards of Selectmen, and funded by a joint grant of the Mass. Land Bank and the DoD Office of Economic Development. He has an office on the Fort. Brett spoke at length about all of the plans for the Fort, and was questioned by the Task Force members. A summary of his presentation follows; a more detailed report is attached to these minutes.

- ❑ Brett hopes to convince the Army that *parcelization* is the model to use for re-use. That is, once an area is cleaned up and has a valid use, move on that immediately before actual base closure.
- ❑ The estimated economic loss is \$500 Million/year, and severely impacts towns 10 miles to the East, 10 miles to the West, and into Lowell and Southern New Hampshire.
- ❑ Brett's office is preparing a notebook with background information, as well as the first of a periodic newsletter, to be sent to 20 towns now listed as impacted by the base closure. Acton will receive both, with the newsletter due out in the next couple of weeks.
- ❑ Brett would like to see 1 person from each of these impacted towns on a regional planning committee, in order to set a regional consensus on re-use plans. This should be in place by the end of the summer.

John questioned the future of the Sudbury Annex, which is managed by Ft. Devens. Brett's charter only concerns the confines of the Fort. The Task Force will try to also assess any alternate uses for the approximately 3000 acres that reside in Maynard, Sudbury, and Stow.

### 4. Upcoming Meetings:

- ▶ Joint Board of Selectmen, August 6, Harvard, 7:00PM
- ▶ Task Force Meetings, July 30 and September 3, Room 126, 7:30PM
- ▶ Task Force presentation to Acton BoS is tentatively scheduled for September 22. All Task Force members should try to attend.

Presentation by Brett Doney  
(Staff to Joint Boards of Selectmen)  
to the  
Ft. Devens Task Force  
July 16, 1992

Brett spent well over an hour talking about the various ideas for re-use that he knows about. The presentation gave a large amount of information and the Task Force members asked many questions. His sole prop was a map of the Fort, which Carol has. The following is my summary of this talk; understand that some of the data may be inaccurate since I was furiously taking notes. All this information will be presented at the MAGIC forum on September 30/October 1 at ABRHS Auditorium.

- John Ekberg

Overview of Fort and Base Closure:

Ft. Devens is split into 3 areas:

1. South Post, 4600 acres, mostly south of Rte. 2, contains rifle and artillery ranges
2. North Post, 2000 acres, contains the existing airfield, the water treatment plant, and a large amount of undeveloped land.
3. Main Post, 3600 acres, contains most of the infrastructure, including 8 Million square feet of space.

The official closing date is October 1995

The Fort has a \$200 Million annual budget along with a \$62 Million annual procurement budget. This translates into:

- Loss of 800 Army jobs
- Loss of 2500 civilian jobs
- Loss of \$500 Million per year to the local economy. The most impacted areas are within 10 miles east to 10 miles west of the Fort, and include areas such as Lowell and southern New Hampshire.

There is a priority for determining re-use, and each priority level is done as a phase; that is, all requests are solicited for each priority, and then the Army moves on to the next priority. Priorities and the status of each phase is:

1. Other Dept. of the Army (DoA) .. *closed*
2. Other Dept. of Defense (DoD) .. *closed*
3. McKinney Act (homeless) .. *closed end of May*

4. Other Federal Agencies .. *closed July 2*
5. Local and State Agencies, on equal priority .. *not yet started*
6. Private Industry .. *not yet started*

There are 57 hazardous waste sites, all under Superfund status. This is mostly due to the number of sites and not necessarily the types of materials. The site is 1 of 2 in the country listed as *accelerated* (in need of immediate cleanup), but funding for that status has run out. There are 3 major issues:

1. asbestos in the buildings
  - ▲ estimated \$11 Million to clean
  - ▲ is old style asbestos so easier to clean out
2. lead paint
3. the old landfill leaked into Plow Shot Pond, and into Grove Pond
  - ▲ Plow Shot Pond is severely contaminated with cadmium
  - ▲ 18 well heads that are the reserve for the Fort and Ayer are along Grove Pond
  - ▲ Ayer has gone below State minimums and must therefore dip into reserves
  - ▲ Estimate by the Environmental Protection Agency (EPA) is 2001 (considered conservative) for total cleanup
  - ▲ Ayer wants an emergency declared and will sue the Army if need be.

A major impact of the base re-use proposals is traffic, including Rte 2, local routes through adjoining towns (e.g. 2A, 110), and traffic flow within the base. Brett would like to see a 3rd interchange off of Rte 2 (between 110 and the main base interchanges) to feed the industrial park but that would make the interchanges very close together.

Liabilities of the Fort include:

- ☐ 60 year old water treatment plant
- ☐ DoD wants top dollar for the land but
- ☐ Many of the groups involved in the re-use proposals are financially limited
- ☐ The existing airport does not meet FAA minimums for runway length for a commercial airport. The existing runway is bordered by the Nashua River and the Town of Ayer, so it's use as an airport is questionable.

Brett's goals:

Army's goal is that a consensus plan on total re-use is in place by the time the base closes. Brett and the Joint Boards of Selectmen (JBS) want that plan in place long before the closure.

Parcelization, or the immediate use of any part of the Fort that has been cleaned up and has an agreed to use. In short, do not wait for the closure to occur before starting.

Any state-sponsored development must go before town processes (e.g. zoning, etc.). In this way, the towns are responsible.

Acquisition of a GIS (Geographical Information System), which is a computerized mapping system, in order to do detailed planning, such as models for rezoning, and for timing studies in response to fire and emergencies by existing towns facilities.

Formal acceptance of a redevelopment "entity" now since closure is only 3 years away and the need is to minimize the time between closure and other uses.

#### Current Re-uses under consideration:

##### ➤ Intermodal Rail Transport Center, Main Post

- ❑ Announced by the Governor on July 16, 1992
- ❑ Intermodal means that it uses trucks to get goods to/from certain parts of the waterfront, and uses rail for transport beyond that. There is no rail access to the northern portion of Boston Harbor and the city wants to expand use in that part of the harbor.
- ❑ Most of the truck traffic would use Rte. 495, and Rte. 2 for access.
- ❑ The rail line into Boston is not "ours", but is named Stoneybrooke. Brett is trying to get a detailed map of the rail lines so that we can determine where it passes through Acton.
- ❑ The Center will use 34 acres near the existing rail spur.
- ❑ Boston & Maine (B&M) own the rail lines now traversing the Fort.
- ❑ Access beyond the Fort is provided by an agreement with Canadian Pacific.
- ❑ Brett is pushing for an industrial park around the Center

##### ➤ Reserve Training Facility, South and Main Post

- ❑ Retains the existing rifle/artillery ranges for training (South Post)
- ❑ On the Main Post, includes existing Ammunition storage and 341 units of housing.
- ❑ The housing includes both Army Reserve personnel and Hanscom Air Force personnel.

- The JBS have asked the Army to move the ammo storage to the South Post. The Army will oblige if the JBS get \$3.3 Million from Congress.
- The JBS have also asked the motor pool to be consolidated elsewhere in the enclave, and the Army is agreeable.

➤ Federal Prison and Hospital, Main Post

- Have filed notice with the Army, and the JBS have voted to accept this use
- Will use 600 acres, of which 250 will be developed
- Located around the existing base hospital
- Of the 1000 to 1500 jobs that will be created, 2/3 will be local and the remainder brought in from other facilities.
- Since it will be a major facility in the region, it will bring in local medical people as consultants/affiliates.
- On the question of AIDS (brought up by Alfred a few meetings ago), Brett would only say that the Federal Prison AIDS population is just under the national average.
- No base housing is proposed, so this will be a positive impact to the local real estate market.
- Everyone hopes to rush construction, estimated at \$120-150 Million by 1994.
- Timetable is 12-18 months for environmental impact, 12-18 months of construction.

➤ Recreation Areas, Main & North Post

- Mirror Lake, and some ball fields
- Would like to turn over to towns for recreational expansion.

➤ Shirley Housing Area, Main Post

- 160 units of affordable/mixed income housing is under study.

➤ Buena Vista and Chapel, McKinney Act housing, Main Post

- 2 proposals that are very preliminary
- 1 is for unwed mothers
- 1 is for single parents
- I did not get the names of the groups that were proposing

➤ Fish & Wildlife Areas, Main & North Post

- Requested an expansion of the Oxbow
- Would like to get a "greenway" along entire river
- Would be 438 acres on Main Post

- Brett would like them to include 150 acres of greenway on the North Post
- This would allow a visitor center, nature trails, canoe rental, etc.

➤ Environmental Reclamation Center, Main Post

- Would do the cleanup work at the post, and turn it into a business.
- Would be similar in charter to MCC and the Biotech Center ... that is, a state sponsored research center.

➤ Vicksburg Square (Historical District), Main Post

- 9 educational institutions are interested but have no money
- Acquisition is free but would require renovation
- Student population would be a beneficial impact on the base and local housing markets, as well as some local businesses.

➤ Other Uses

- first time homeowners housing
- some housing may be torn down due to age and/or cost of renovation
- research facility
- there was even a bid to get the National Music Institute sited there, but it was not accepted.

Things to be aware of:

These efforts are the result of the 1991 round of base closures. New rounds are scheduled for 1993, 1995, and 1997/98. One potential impact would thus be on the Reserve Enclave, which may be phased out. That would open all of the South Post to alternate use (such as the Second Major Airport).

The Federal Aviation Administration (FAA), as a Federal agency, could override any local or State use of parts of the Fort. While unlikely, it is possible.

cc: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Appeals

DATE: August 20, 1992

FROM: Roland Bartl, Town Planner *R.B.*

SUBJECT: Petition #92-15, Swanson Pontiac, Buick, GMC

With regards to the above referenced variance petition I remind that by general standards a letter sign measuring 1 foot in height can be read from a 500 foot distance. While the location of the site is indeed somewhat removed from the travelled route to which the petitioner wishes to advertise (195 feet away) the requested dimensions are not justified.

It is difficult to see how the requested variances for height and length could possibly pass the test of section 10.5.5.2 of the Zoning Bylaw.

The entire sign should be reduced in size to fit the proposed text within the current zoning requirements, using a special permit to increase size within the framework of the law if that is needed. I also recommend the use of the Buick trademark for better recognition similar to the Pontiac trademark already in use.

The request to allow the placement of all vehicle brands on the sign appears reasonable and would be what is customarily expected from a car dealership.

xc: Don P. Johnson ✓  
Planning Board

[]

Planning



Date Received 8/14/92  
 TOWN CLERK  
 By: Catherine Belton

Date Received 8/14/92  
 BOARD OF APPEALS  
 By: Valeri Siquier

TOWN OF ACTON  
MASSACHUSETTS

BOARD OF APPEALS  
(FORM 5)  
PETITION FOR VARIANCE

August 14, 19 92

I/We hereby petition the Board of Appeals for a public hearing and a variance from the requirements of Section see below of the Zoning By-Law, as provided by G.L. Chapter 40A, Section 10 to allow:

- Sec. 7.7.4.2 To allow an exterior wall sign with a total height of 7'4" rather than 3' 0" as allowed by this section of the by-law;
- Sec. 7.7.4.3 To allow a wall sign up to 34'8" maximum width rather than 30' as allowed by this section of the by-law;
- Sec. 7.4.1.1 To allow a sign to feature three different product lines offered by the Dealership.

All at Swanson Pontiac, 12 Sudbury Road, Acton, MA

OFFICE USE ONLY

Four copies of petition?

Location map?

Plot plans?

Additional briefs?

List of abutters and other interested parties?

Fee - \$100.00/1-25 abutters  
 \$125.00/26+ abutters? 8100.00 p.s.

Next Hearing Date? 10/5/92 No 92-15  
2 7:30 p.m.

Respectfully submitted  
 Signed John E. Swanson  
 (Petitioner)  
 Name Swanson Pontiac-Buick-GMC Truck, Inc.  
 Address 12 Sudbury Road, Acton, MA 01720  
 Phone # 897-3311  
 Signed John E. Swanson  
 (Owner of Record)  
 Name John E. Swanson, Jr.  
 Address 219 Hunters Ridge Rd.  
Concord, MA 01742  
 Phone # \_\_\_\_\_

A variance may be granted by the Board of Appeals only if all the conditions, given in Section 10.5.5 are met. The Board may impose conditions, safeguards, and limitations as a part of their decision (Section X-D).

Don, John + BOS; Please review the attached pages from the Master Plan, per our discussion on 8/11.

Anne

## Section 2

# FINANCIAL PLAN AND CAPITAL IMPROVEMENT PROGRAM

## Transportation Improvements

### Introduction

Past residential and commercial growth in the Town of Acton has resulted in increased awareness of transportation issues in the community. Traffic growth associated with anticipated future development will heighten this awareness. Accordingly, a comprehensive transportation analysis was conducted to identify existing roadway and traffic conditions, project future traffic growth patterns and determine the nature and extent of anticipated future transportation system deficiencies. Alternative measures to address transportation system deficiencies were developed and reviewed during a series of public meetings which led to the development of a recommended implementation program.

Described below are the recommended transportation system improvement actions. Specific improvements are grouped by geographical areas within the town of Acton. For each action an estimated implementation cost is given. Costs include design and construction fees but do not consider land taking costs where required. Priorities are also assigned to each improvement action with the highest priority given to these actions which address existing roadway and/or capacity deficiencies.

It is recommended that, for some of the road segments and intersections included in these recommendations, more study and public review be carried out to ensure that the recommendations adequately balance the goals and objectives for transportation improvements with goals and objectives relating to community character. In instances where a capital improvement to accommodate traffic growth may negatively impact community, scenic, or historic character, it is recommended that an analysis of transportation management options be conducted prior to funding of the design or construction of the capital improvement. These specific instances are noted in the text that follows. In other words, where noted, the Town, or the developer whose project impacts the road segment or intersection, should evaluate alternative measures to divert traffic from the impacted area, including such measures as one-way streets, turn restrictions, etc. Whether or not these measures are deemed feasible, the Selectmen should hold a widely-publicized public hearing, with special notice to abutters, to discuss whether the proposed improvement should take place, prior to its design and funding. It is strongly suggested that, in these instances, appropriate transportation management measures be instituted on a trial basis for a reasonable period of time before moving ahead with the capital improvement.

Recommendation 3: Widen Concord Road and Build a Sidewalk.

Concord Road was designed and built to serve as a local road carrying low traffic volumes. Existing traffic volumes show that it is functioning as a collector roadway carrying traffic between Routes 27 and 2A without an effort to divert traffic, volumes are expected to increase due to anticipated regional growth. Also, there are currently no sidewalks along Concord Road. Because of the potential conflicts that exist among the high volume of vehicular traffic, pedestrian traffic and bicycle traffic within the narrow pavement surface, it is recommended that Concord Road be widened by three to six feet and a sidewalk be installed or, at a minimum, a sidewalk should be installed. Due to the public comments received by the Planning Council, the widening of Concord Road may be inconsistent with Master Plan goals and objectives. Alternative measures to discourage its use as a collector roadway should be evaluated. A widening and/or a sidewalk will allow for safer and freer movement of vehicles, pedestrians and bicycles.

**Cost:** Approximately \$200,000 for design and construction of a roadway widening, exclusive of right-of-way requirements; a sidewalk reconstruction is approximately \$90,000 (not including labor).

**Priority:** Low for roadway widening. In spite of its existing geometric deficiencies, Concord Road has been limited accident experience and no major development projects are proposed along Concord Road which would result in any future dramatic increases in traffic. However, construction of a sidewalk is a high priority.

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

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

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

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

**Acton Center**

Recommendation 11: Upgrade the intersection of Route 27 with Concord Road and Newtown Road (Figure 3).

The Route 27, Concord Road and Newtown Road intersection in Acton's town center presently experiences a high number of accidents. In addition, the lack of gaps in the Route 27 traffic stream make it difficult for side street traffic to cross or enter Route 27 traffic flows. To address this problem, it is recommended that some minor alignment changes be made to Concord Road and that a traffic signal with pedestrian activation be installed at this intersection. In order to minimize the impact of the signal on the aesthetic character of the town center, it is recommended that a nontraditional signal design be employed that makes use of wood rather than metal support structures. Also, consideration should be given to installing signals on side-mounted posts rather than on overhead wire or mast arms. Installation of the traffic signal should greatly enhance cross street traffic operations at this intersection for vehicles and pedestrians. In addition, by introducing gaps in the Route 27 traffic stream, this signal may benefit side street traffic movements at nearby intersections such as the Nagog Road and Route 27 intersection. Prior to implementation of this recommendation, transportation management measures should be evaluated and tried on an experimental basis. These could include restriction of turning movements, traffic diversion, or other measures.

**Cost:** Approximately \$150,000 for design and installation.

**Priority:** Medium. While roadway capacity and safety issues identify this as an important roadway improvement, the situation is unlikely to worsen significantly in the near future as constraints elsewhere on the roadway system will limit the amount of traffic growth experienced on Route 27 in the town center.

ANDERSON & KREIGER  
ATTORNEYS AT LAW

STEPHEN D. ANDERSON  
(ALSO ADMITTED IN CT)

ARTHUR P. KREIGER  
(ALSO ADMITTED IN NY)

GEORGE A. HALL, JR.

ALLAN R. FIERCE  
(ALSO ADMITTED IN IL)

CYNTHIA HESLEN  
(ALSO ADMITTED IN VT)

The Bulfinch Building  
47 Thorndike Street  
Cambridge, MA 02141  
(617) 252-6575  
FAX (617) 252-6899

Western Mass. Office:

20 Federal Street, Suite 1  
Greenfield, MA 01301  
(413) 774-3392  
FAX (413) 772-2558

AUG 17 1992

August 14, 1992

Mr. Don Johnson  
Town of Acton  
Town Hall  
Acton, MA

Re: Advice: NESWC contract

Dear Don:

Enclosed is our statement for services rendered in the above matter for the month ending July 31, 1992. Payments received after August 1 will be reflected in our next statement.

Please feel free to call me if you have any questions.

Thank you.

Sincerely yours,



Stephen D. Anderson

SDA:kt  
Enclosure

act/nescw

CHRIS -

PLS. PREPARE FOR PYMT.

CC: BOS - FYI CONFIDENTIAL

ANDERSON & KREIGER  
THE BULFINCH BUILDING  
47 THORNDIKE STREET  
CAMBRIDGE, MA 02141

08/07/92

REFERENCE NO. 7577

Town of Acton  
Town Hall  
Acton, MA

Advice : NESWC contract

PROFESSIONAL SERVICES:

07/01/92	APK	1.80	\$135.00	FEE:	\$243.00
Conference with SDA Telephone conference with Fitch re TRO Prepare hearing Conference with SDA re filing Telephone conference with Fitch, White, et al.					
07/01/92	CH	4.05	\$100.00	FEE:	\$405.00
Research contract issues Telephone conference with SDA x3 re same					
07/01/92	SDA	.55	\$150.00	FEE:	\$82.50
Conference with APK re oral argument Telephone conference with CH re rescheduling					
07/01/92	SDA	1.00	\$150.00	FEE:	\$150.00
Telephone conference with REF re extension Correspondence to Johnson re same Telephone conference with Don, John re comments on complaint					
07/01/92	SDA	4.85	\$150.00	FEE:	\$727.50
Review and revise Complaint Telephone conference with Murray re REF information Correspondence to Fitch re same Conference call with Fitch, Johnson, re suit, extension Correspondence to Johnson re waiver election Conference call with Hunter, Johnson re suit Telephone conference with Johnson re meeting with ExComm Conference call with Johnson, Murray, APK, REF, White re SS Agr.					
07/02/92	APK	.10	\$135.00	FEE:	\$13.50
Telephone conference with Murray					
07/02/92	SDA	.20	\$150.00	FEE:	\$30.00
Telephone conference with REF re conditions letter					

Correspondence to Johnson re same

07/06/92	APK	.17	\$135.00	FEE:	\$22.95
Review fax from Town Conference with SDA					
07/07/92	SDA	.10	\$150.00	FEE:	\$15.00
Telephone conference with REF re Complaint					
07/07/92	SDA	.32	\$150.00	FEE:	\$48.00
Conference call with Johnson, Murray re status					
07/08/92	SDA	.10	\$150.00	FEE:	\$15.00
Telephone conference with Fitch re Acton's concerns					
07/09/92	SDA	.25	\$150.00	FEE:	\$37.50
Telephone conference with Johnson re Ex. Comm. Meeting					
07/14/92	SDA	.10	\$150.00	FEE:	\$15.00
Telephone conference with Johnson re withdrawal of waiver					
07/17/92	APK	.10	\$135.00	FEE:	\$13.50
Review fax re status					
07/17/92	SDA	.20	\$150.00	FEE:	\$30.00
Review DJ fax Telephone conference with DJ re same Conference call with DJ, Murray re same					
07/20/92	SDA	.53	\$150.00	FEE:	\$79.50
Review Murray fax re Tewksbury Telephone conference with Murray re same					
07/21/92	APK	.10	\$135.00	FEE:	\$13.50
Review faxes from Town					

TOTAL FEES \$1,941.45

EXPENSES:

06/26/92	Parcel Delivery	\$6.75
06/30/92	Photocopying	\$ .30
07/01/92	Fax	\$ .60
07/01/92	Fax	\$4.00
07/01/92	Fax	\$3.80
07/01/92	Fax Telephone Call	\$ .20
07/01/92	Fax Telephone Call	\$ .14
07/01/92	Photocopying	\$2.16
07/02/92	Fax	\$2.80
07/02/92	Fax	\$1.00
07/02/92	Fax	\$ .60
07/02/92	Fax	\$1.00

07/07/92	Fax	\$2.80
07/10/92	Photocopying	\$5.25
07/17/92	Fax	\$1.60
07/17/92	Telephone	\$13.38
07/20/92	Fax	\$.80
07/20/92	Fax	\$2.00
07/22/92	Postage	\$10.00
07/31/92	Photocopying	\$.56
07/31/92	Photocopying	\$.16

TOTAL EXPENSES	\$59.90
----------------	---------

TOTAL FEES AND EXPENSES.....	\$2,001.35
BALANCE FROM 07/01/92 .....	\$4,130.46
TOTAL AMOUNT DUE 07/31/92 .....	\$6,131.81

INDIVIDUAL RATE, TIME AND FEE SUMMARY:

Arthur P. Kreiger	\$135.00	2.27	\$306.45
Cynthia Heslen	\$100.00	4.05	\$405.00
Stephen D. Anderson	\$150.00	8.20	\$1,230.00

PALMER & DODGE

One Beacon Street  
Boston, Massachusetts 02108

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

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

August 11, 1992

Mr. Don Johnson  
Town Manager  
P.O. Box 236  
Acton, MA 01720

Dear Don:

I enclose our bill for services through June 30, 1992.

If you have any questions, please let me know.

Very truly yours,



Acheson H. Callaghan

AHC/dcb

Enclosure

CHRIS - PLS. PREPARE FOR PYMT.

CC: BOS

BLDG. COMMISSIONER

ASST. ASSESSOR

POLICE CHIEF

CONSERVATION ADMINISTRATOR

COVER LETTER  
& 2 SUMMARY  
PAGES ONLY.

August 11, 1992

Town of Acton  
P.O. Box 236  
Acton, MA 01720

**PALMER & DODGE**

One Beacon Street  
Boston, Massachusetts 02108-3190  
Telephone: (617) 573-0100

FEDERAL ID NUMBER 04-2170788

PLEASE RETURN THIS COPY WITH YOUR  
PAYMENT TO ENSURE PROPER CREDIT

For professional services through June 30, 1992, as follows:

General Town Matters

Advice of public bidding requirements; encroachment on town street layout; equipment lease, and miscellaneous other matters as shown on the attached summary of time;	\$ 950.00
Advice concerning Yetman special permit;	225.00
Advice and review of documents and other services related to street easements;	200.00
Preparation of pre-trial memo and court appearance in <u>Porrazzo v. Acton</u> ;	1,000.00

Litigation and Related Matters

Services in connection with Appellate Tax Board matters;	775.00
Services to perfect Town's title to Porrazzo property;	275.00
Services in collective bargaining matters;	250.00
Services in connection with Farm Hill Subdivision zoning appeal;	100.00
Services in connection with Coughlin suit;	450.00
Services in connection with <u>Co-Operative Bank v. Conservation Commission</u> ;	700.00

EXPENSES INCURRED BUT NOT POSTED PRIOR  
TO THE BILLING DATE WILL APPEAR ON A  
SUBSEQUENT STATEMENT.

DUE AND PAYABLE WITHIN THIRTY DAYS

Services in connection with Mobil Oil sign appeal;	50.00
Preparation of complaint to enforce sign bylaw; and	850.00
Services in connection with LMI matter.	<u>1,600.00</u>
<b>TOTAL SERVICES</b>	<b>\$ 7,425.00</b>

**DISBURSEMENTS:**

Duplication	\$ 48.60	
Food Services	34.00	
Official Fees	10.00	
Telecopier	123.00	
Telephone	48.02	
Title & Title Insurance	20.00	
Travel & Related Expenses	<u>11.90</u>	
<b>TOTAL DISBURSEMENTS</b>		<u>295.52</u>
<b>AMOUNT DUE</b>		<u><b>\$ 7,720.52</b></u>

**CONSERVATION COMMISSION  
MINUTES FOR  
JUNE 17, 1992**

**MEMBERS PRESENT:** Andrew Sheehan, Charlotte Timlege, Peter Shanahan,  
Morene Bodner, Ann Shubert, John Chalmers

**ASSOCIATE MEMBER:** Linda McElroy

**CONSERVATION ADMINISTRATOR:** Tom Tidman

**RECORDING SECRETARY:** Andrea MacKenzie

**VISITORS:** Anita Rogers, Sue Purchon, Mark White, Christopher Lorraine

7:45 Mr. Sheehan called the meeting to order.

CITIZENS' CONCERNS - There were no concerns stated from the public.

ACORN PARK

Mr. Shanahan brought to the Commission's attention, that Acorn Park has some gully erosion, with the potential of major erosion.

BUSINESS

Chapter 61A Committee - The Administrator brought the Commission up to date on the revived Chapter 61A Committee. This Committee wants the Conservation Commission to get more involved in land acquisition. The Administrator brought several ideas that were discussed at the Chapter 61A Committee meeting that involved soliciting donations, a possible land bank, and land purchase with partial resale keeping what is considered valuable to the town; all of which involves town meeting approval.

The Administrator also would like to see at least two Commissioners become directly involved with the Chapter 61A Committee.

7:50 REQUEST FOR DETERMINATION - 17 Grasshopper Lane

Mr. Sheehan opened the meeting under MGL Chapter 131, § 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for landscaping and removal of trees for a new home within 100' of a wetland.

The Administrator presented plans showing the removal of trees, grading and landscaping approximately 75' away from the edge of wetlands. There is no activity within 75' of the wetland.

Mr. Shanahan moved to find the work as presented to be within the Commission's jurisdiction, but will not impact the wetlands provided that haybales are placed as the Conservation Administrator finds necessary. Mr. Chalmers seconded the motion. the motion passed unanimously.

8:00 Continuation - Notice of Intent - Lot 3A Overlook Drive

Mr. Sheehan continued the hearing from June 3, 1992 under MGL Chapter 131, §40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a single family home within 100' of a wetland.

Christopher Lorraine, of LandTech Consultants presented modified plans relocating the house so as the proposed house is 45' from the edge of wetlands, and deck is 41' away. Both the primary and reserve leaching fields are shown on the plans. Haybales are placed at 25' from the edge of wetlands. Fill needed to meet the design requirements for the septic system goes up to the 25' buffer. Approximately 1500 yards of clean granular fill finishing in a two foot depth is what is necessary for the design requirements for the septic system.

The Administrator noted that all of the haybales and silt fence should be removed from the site once it is stabilized.

The Administrator noting on the question brought forward by an abutter to this lot at the last meeting, reported that he found no signs of a dump on this lot. The abutter must have been mistaken on the location comparative to the plans.

8:10 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

AMTRACK - Vegetation Management Plan

The Administrator reported that he has received notice that Amtrack will be commencing their herbicide spraying along the train tracks on July 5, 1992.

8:16 NOTICE OF INTENT - Lot 5A Overlook Drive - Meadowview

Mr. Sheehan opened the hearing under MGL Chapter 131, § 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for some landscaping and grading within 100' of a wetland.

Christopher Lorraine, of LandTech Consultants presented plans showing grading and landscaping approximately 95' away from the edge of wetlands. Haybales will be placed 30' away from the edge of wetlands and will be the limit of activity. Fill for the Title 5 septic requirements will be approximately 38' away from the edge of wetlands.

8:21 Hearing no further comments Mr. Sheehan closed the hearing.

Mr. Shanahan moved to issue a standard Order of Conditions with the additional condition that reference to this Order of Conditions be made in the deed to the property. Ms. Bodner seconded the motion. The motion passed unanimously.

Mr. Shanahan stated that a reference to an Order of Conditions in a property deed be a standard condition in the Town's Order of Conditions.

The Administrator asked Mr. White if the "B" portion of each lot receiving a building permit could be deeded to the Town at that time. Mr. White stated that he did not know and would have to contact his attorney, and get back to the Commission with an answer.

DECISION - NOI - Lot 3A Overlook Drive - Meadowview

Mr. Shanahan moved to issue a standard Order of Conditions with the additional condition that reference to this Order of Conditions be made in the deed to the property. Ms. Bodner seconded the motion. The motion passed unanimously.

8:35 Mr. Shanahan excused himself from the table, and left the room for the upcoming hearing, as he volunteered his engineering services for the Douglas School.

8:38 REQUEST FOR DETERMINATION - Douglas School - 21 Elm Street

Mr. Sheehan opened the meeting under MGL Chapter 131, § 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for playground enhancement

Anita Rogers presented plans showing modifications to existing contours to allow for people with disabilities access to playground equipment, while meeting present flood storage capacity for the site.

As the area exists there is a 30' plateau that drops 6' to the primary playground which is within the floodplain. The area is soggy and puddled in the spring, and icy in the winter. In its present condition, sand washes downhill to Fort Pond Brook. There is no way for disabled children to go into the primary playground. This proposal will stabilize the area, will provide access to the play area for disabled children, and create better drainage without siltation into Fort Pond Brook. The existing play area is presently sloped making it impossible to maintain sand or pea gravel under the equipment; they propose to install a wood retaining wall around the play area decreasing the slope of the play area and retaining the sand under the equipment.

The project sequence will involve (1) scraping the existing topsoil and reserving the topsoil, (2) cutting to two feet below final grade and reserving adequate material for backfilling, (3) placing a four inch coarse to medium sand drainage layer, (4) installing plastic pipe drains at the mid-field and both ends of the new playing field to drain the perforated pipe to gravity outlets at the wetlands, (6) replacing subsoils, (7) finishing to final grade with the reserved topsoil and (8) reseeding. This project if completed will result in a net increase in the flood storage volume.

Ms. Rogers stated that there is a Zoning Board of Appeals hearing on July 20, 1992 regarding working within the floodplain. If all approvals are attained, most of the work will be done in August.

The Commission stated that silt prevention devices need to be shown on the plans, and they need to see that the natural vegetative buffer below the retaining wall be reestablished, and the Douglas School maintenance does not try to maintain this area by mowing it.

The Administrator added that this proposal will improve the situation at this site dramatically..

8:59 Hearing no further comments or questions, Mr. Sheehan closed the meeting.

9:00 Mr. Shanahan rejoined the Commission.

9:00 REQUEST FOR DETERMINATION - Various Town Locations

Mr. Sheehan opened the meeting under MGL Chapter 131, § 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the routine maintenance to existing culverts on Carlisle Road, Main Street, River Street and Brook Street.

Mr. Tom Tidman, Acton Conservation Administrator, presented plans for maintenance of double culverts on the noted locations. The Acton Highway Department will sand bag and redirect the stream at each location in order to recoat the inside of the culverts with a cold tar epoxy. This cold tar epoxy dries within 24 hours, but it will be allowed to sit for two days (48 hour minimum). This recoating keeps the culverts from rusting and collapsing for a longer period of time.

9:04 Hearing no further comments Mr. Sheehan closed the hearing.

9:05 REQUEST FOR DETERMINATION - 9 Baxter Road

Mr. Sheehan opened the meeting under MGL Chapter 131, § 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of an above ground pool within 100' of a wetland.

Ms. Sue Purchon presented a plot plan showing her property and a proposed above ground pool approximately 65' away from the edge of wetland. There will be a deck constructed with the pool between the house and pool. She is getting an "ozonator" filter for the pool which will create 80% less need for chlorine. Any backwash will be done near the pool overground, which will dissipate any chlorine before it reaches the wetland resource.

9:19 Hearing no further comments, Mr. Sheehan closed the meeting.

Mr. Shanahan moved to find the work as proposed to be within the Commission's jurisdiction, but will not impact the wetlands. Ms. Timlege seconded the motion. The motion passed unanimously.

DECISION - Request for Determination - Various Town Locations

Mr. Shanahan moved to find that the work as presented is within an Area Subject to Protection Under the Act, but will nor remove,

fill, dredge, or alter that area. Therefore said work does not require the filing of a Notice of Intent.

Ms. Bodner seconded the motion. The motion passed unanimously.

Certificate of Compliance - Stoneymeade Replication Area 85-303

The Administrator reported that he has received a request from the Cooperative Bank of Concord to issue a certificate for the wetland replication area. Upon his inspection the Administrator found the area to be stable. The blueberry bushes that died August of '91 have been replaced, the special wildflower mix has some unknown non-native species in it. Hopefully other native species will migrate back into this area.

Mr. Shanahan moved to not issue a certificate of compliance for the Stoneymeade wetland replication area at this time based on Section 4.2(G), of the Town of Acton Wetland Protection Bylaw, Rules and Regulations, which states:

"If, after three growing seasons, the Commission determines that the replacement area has not satisfactorily developed into a wetland the applicant or owner may be required to submit new plans to successfully replace said wetland. No Certificate of Compliance shall be issued until the Commission has determined that a satisfactory replacement area has been completed at the end of the three year period."

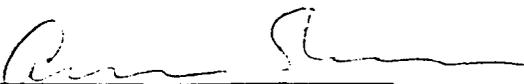
Mr. Chalmers seconded the motion. The motion passed unanimously.

9:55 Mr. Shanahan excused himself from the room for any discussion and vote for the Douglas School.

DECISION - Request for Determination - 21 Elm Street

Ms. Bodner moved to find the work as presented to be within the Commission's jurisdiction, but it will not impact the wetlands. Ms. Timlege seconded the motion. The motion passed four aye, one abstained (4:1).

10:00 Meeting Adjourned.

  
\_\_\_\_\_  
Andrew Sheehan, Chairman

Volunteer Coordinating Committee Meeting 7/20/92

Present: Whitcomb, Husbands, Comstock, Powers, Lane  
Kadlec and George.

Meeting was called to order @ 7:30PM with Whitcomb presiding  
Minutes from 6/15 were read and accepted.

### Interviews:

1. Margaret Beddoe - 18 Brewster Lane for COA - A retired teacher who has lived in Acton 38 yrs. She is recommended by Carol Lake as she is very active in activities at the Senior Citizens Center and helps with meals on wheels. Since becoming a citizen in 1986 she has been attending Town Meetings.

2. Joseph Mercurio - 10 Patriots Rd also for COA. During the 70's he was a member of the COA and MMHC. He is retired and has been a very active member of the Housing Authority until the present. He is still on the Advisory Board of MMHC and is very interested in Universal Health Care as well as housing for both elderly and needy families in Acton.

### Action, since last meeting:

Sworn in: Roy Trafton COA - 7/19/92 - 6/30/93 & Walter George Cemetery Comm. 7/14/92 - 6/30/95

Resigned: Nancy Rember - Arts Council 7/15/92

- Lane will advertise for Arts Council
- A Data Base Subcommittee was formed with Kadlec, Husbands, and Comstock to get this project underway.
- Next meeting August 17 at the Town Hall. Bring ideas for discussion with the Selectman.

Adjourned at 9:40PM

Respectfully Submitted,

Jean S. Lane, Secretary VCC

C.C. (Board of Selectman) and Town Clerk



August, 1992

cc: BOS  
ALL DEPTS.  
STAFF MTC

Blood Services  
Northeast Region

290 Park Avenue  
Worcester, MA 01609  
(508) 791-7444  
(800) 462-4101  
FAX: (508) 754-6981

Dear Friends,

The enclosed materials are for the Acton Town Hall blood drive on Thursday, August 27th from 1:00 PM - 7:00 PM.

Give blood, and light up the life of someone in need. Throughout the summer, the need for blood is often forgotten. But everyday the Red Cross must have blood available to help hospital patients. You can help assure that there is an adequate supply by giving blood at your community drive.

We have a goal of 100 units for the August drive and hope that through your support this next drive will be a great success.

Each unit of blood is precious and is greatly appreciated.

If you would like to schedule an appointment please call Deb Diskin at 635-5009 or me, Ginger Dean, at the American Red Cross at 1-800-462-4101.

Thank you for your assistance.

Sincerely,

Ginger D. Dean  
Recruitment Specialist

GDD/sac





Summer time means sun, sand, and fun . . . .

... . it also means a decline in blood donations.

COME TO THE  
ACTON COMMUNITY  
BLOOD DRIVE

DATE: THURSDAY, AUGUST 27

TIME: 1:00 PM to 7:00 PM

PLACE: ACTON TOWN HALL  
472 MAIN STREET  
ACTON, MA

*\*\*All presenting donors will be entered in a raffle for certificates to area restaurants.*

*To make an appointment or for more information call Deb Diskin at 635-5009.*

*GIVE THE GIFT OF LIFE!*

Please give blood this summer !



ENGINEERING DEPARTMENT  
472 MAIN STREET  
ACTON, MA 01720

CC: BOS - COVER LETTER  
FULL REPORT IN RF

File  
Copy

AUG 24 1992

8/28/92

August 21, 1992

Department of the Army  
New England Division, Corps of Engineers  
Karen Kirk Adams, Chief Permits Branch  
Regulatory Division  
424 Trapelo Road  
Waltham, MA 02154

re: Regulatory Division  
CENED-OD-R-21-199101928

Dear Ms. Adams:

In further response to your letter of April 22, 1992, and as a result of our meeting of May 22, 1992, we are pleased to submit five (5) copies of an alternatives analysis and revised plans for the proposed North Acton Recreation Area.

If you have any questions or if we can be of further assistance, please call either Bruce Stamski, P.E., Chairman of the Acton Recreation Commission at (508) 263-8585 or the undersigned at (508) 264-9628.

Very truly yours,

David F. Abbt, P.L.S.  
Engineering Administrator

DFA/dmj

cc: Don P. Johnson, Town Manager  
Thomas Tidman, Conservation Administrator

CC: BOS

ACTON SCHOOL COMMITTEE

AUG 7 4 1992

Conference Room  
Junior High School

August 6, 1992

*Members Present:* Jean Butler, Stephen Aronson, Rick Sawyer, Lees Stuntz, Micki Williams.

*Also Present:* Bill Ryan, Mac Reid, Fran Leiboff, Steve Desy, Bill Noeth and citizens.

The meeting was called to order at 10:15 p.m. by Jean Butler, Chairperson.

The minutes of July 9, 1992, were approved as amended.

Warrant #93-002 in the amount of \$86,125.83 and warrant #92-101 in the amount of \$25,880.26 were signed by the Chairperson and circulated to other members of the Committee.

PUBLIC PARTICIPATION: None.

SUPERINTENDENT'S RECOMMENDATIONS FOR AUGUST

It was moved, seconded and unanimously

VOTED: To approve Regional Action as follows:

- a) To appoint Daniel Leclerc as Director of Curriculum and Instruction (K-12).
- b) To adopt the form, terms and provisions of the Cafeteria Benefit Plan.
- c) To accept the bid of M.J. Connolly and Sons, Inc., for rubbish removal for FY '93.

It was moved, seconded and unanimously

VOTED: To appoint Thomas Iverson to an additional .2 FTE position, for a total of .6 FTE, as Speech/Language Specialist in the Douglas School.

It was moved, seconded and unanimously

VOTED: To approve the changes in the 1992-93 Gates School Handbook.

There were no changes in the Conant School Handbook; Douglas and McCarthy-Towne's to be presented in September.

FOR YOUR INFORMATION: Bill Ryan updated the committee on the Merriam building. The Facilities and Grounds crew have made a path between McCarthy-Towne and Merriam, the classrooms have been painted, rugs will be put in, some electrical work has been done. Steve Aronson asked that a summary be given to the School Committee from the time Merriam closed

OVER

until reopened (this year) to see if the economics made sense as well as giving flexibility of space. Bill Ryan said he has those figures, and that the buildings rental fees have exceeded expenses. Lees Stuntz reported on the excellent job Eileen Sullivan did in putting together the Kids' Design for Discovery Project grant proposal.

CONCERNS OF THE BOARD: Micki Williams asked Bill Ryan to check on the law requiring students to walk to school if they live within a mile and a half or two miles of school. Jean Butler was appointed as the voting representative from the local schools to the EDCO Board for the 1992-93 school year. Jean asked the Committee to review information from the Town of Acton's Master Plan Coordinating Committee, and respond to her by the end of the month. She will draft a letter on the Committee's behalf, which she will present at the September School Committee meeting.

WARRANT: There were no questions.

ENROLLMENT ISSUES: The number of students enrolled presently in grades 1, 2, and 3 is over the class size policy number. The biggest concern is grade one, which is now 17 students over the policy size number of 22. In response to Steve Aronson's question concerning current research on educational advantages of smaller class size, Lees said it has definitely been proven that 22 students per class or lower in grades K- 3 provide a better educational environment. Bill Ryan suggested that the Committee consider the possibility of adding an aide to handle the larger class size. After discussion, it was the consensus of the Committee that no decision would be made until the August 24th School Committee meeting. In the meantime, no more students will be placed.

EXECUTIVE SESSION: No need for one.

NEXT MEETING: August 20, 1992, 7:30 p.m., Junior High Conference Room (Search)  
August 24, 7:00 p.m., Junior High Conference Room (Enrollment)  
September 10, 7:30 p.m. Junior High Conference Room

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Sarah T. Lawton,  
Secretary, Pro Tempore

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Conference Room  
Junior High School

August 6, 1992  
AUG 7 4 1992

*Members Present:* Donald Wheeler, Stephen Aronson, Pam Harting-Barrat, Jean Butler, Harry Hersh, Rick Sawyer, Lees Stuntz, Micki Williams.

*Also Present:* Bill Ryan, Mac Reid, Fran Leiboff, Steve Desy, Steve Donovan, Cliff Card, Peter Beanland, Bill Noeth citizens and press.

The meeting was called to order at 7:00 p.m. by Donald Wheeler, Chairperson.

Minutes of the July 9, 1992, meeting were approved as amended.

Warrant #92-002 in the amount of \$331,832.56, warrant #92-004 in the amount of \$155,030.50, warrant #92-005 in the amount of \$52,901.35, warrant #92-101 in the amount of \$10,070.50, and payroll warrants totaling \$262,700.03 were signed by the chairperson and circulated to other members of the committee.

PUBLIC PARTICIPATION: None

SUPERINTENDENT'S RECOMMENDATIONS FOR AUGUST

**Student Handbooks:** Interim Superintendent Bill Ryan asked the Committee to review the changes in the Junior and Senior High student handbooks. No major changes were made. Addition of a paragraph on non-discrimination (required by the state) were added to each handbook. Steve Aronson asked about the new state disabilities act and Mac said appropriate additions would be made to next year's handbooks. Rick Sawyer and Lees Stuntz suggested that there be a general reference to student's rights to due process. Pam Harting-Barrat commented that the wording in some sections of the Junior High handbook should be changed to encourage student self-esteem, rather than competition. There was discussion as to how the timetable of reviewing these handbooks could be moved up to June or July to allow for a more thorough review. Rick Sawyer volunteered to work with Steve Donovan and Cliff Card on the handbooks during the year.

It was moved, seconded and unanimously

VOTED: To approve the 1992-93 edition of the Junior High School handbook.

Regarding the High School handbook, there was discussion about the graduation requirement for swimming. Steve Aronson said that this was not an appropriate time/way to make changes in graduation requirements. Mac Reid said that a Graduation Requirement Committee had been meeting all year and perhaps this could be discussed in that forum. A report from that committee will be made to the School Committee this coming year. Micki Williams suggested that the list of students rights in the High School handbook could be used in the other school handbooks.

It was moved, seconded and unanimously

VOTED: To approve the 1992-93 edition of the Acton-Boxborough Regional High School handbook minus the graduation requirement for swimming.

It was moved, seconded and unanimously

VOTED: To appoint Daniel Leclerc to the position of Director of Curriculum and Instruction (K-12). Dan comes to us from the Hingham Public Schools, where he has been Director of Social Studies Services since 1983. He will begin work in Acton on August 31, 1992

It was moved, seconded and unanimously

VOTED: To confirm the appointment (confirming the alternative hiring) of Gerrit Kischner as teacher of Social Studies at the Junior High School, and Thomas Gagne as teacher of Mathematics at the Senior High School for the 1992-93 school year.

It was moved, seconded and unanimously

VOTED: To appoint Stephen F. Donovan as Physical Education teacher (.4 FTE) at the Senior High School for the 1992-93 school year.. Steve's salary will be paid with School Choice funds.

It was moved, seconded and unanimously

VOTED: To appoint the following fall coaches:

William Maver	Head Football
Bruce Oetinger	Ass't Football
Ray Gallant	Ass't Football
Mark Martin	Ass't Football
Mark Smith	Ass't Football
Tore Kapstad	Head Boy's Soccer
Steve Desy	Ass't Boys' Soccer
Steve F. Donovan	Ass't Boys' Soccer
Michael Miskin	Junior High Boys' Soccer
Pippa Jolie	Head Girls' Soccer
Brooke Nicols	Junior High Girls' Soccer
Robert Asquith	Girls' Swimming
Sheila Lane	Golf
Elizabeth Cafarelli	Head Volleyball
Donna Sims	Varsity and JV Football Cheerleading
Eileen Murphy	Head Field Hockey
Shelley Babin	Ass't Field Hockey
Melinda McClure	Junior High Field Hockey
Bert Hubley	Junior High Cross Country
Laura Cattivera	High School Cross Country

Ray Hunt, parent of a girls' varsity soccer player, praised the dedication of last year's girls' soccer coach, Debbie Nyberg. She has continued to provide support and leadership for the team this summer.

It was moved, seconded and unanimously

VOTED: To approve the High School Band trip to the Shenandoah Apple Blossom Festival in Winchester, VA, April 28-May 2, 1993.

It was moved, seconded and unanimously

VOTED: To award bids for athletic supplies and equipment as listed in Encl. 4 totaling \$19,604.38.

It was moved, seconded and unanimously

VOTED: To adopt and approve the form, terms and provisions of the Acton Public/Acton-Boxborough Cafeteria Benefit Plan, in order to offer health insurance on a pretax basis.

It was moved, seconded and unanimously

VOTED: To accept the donation of a Franklin ACE Computer and software from Bob Kessler and an Apple IIe computer system from Joanne Sgroi.

It was moved, seconded and unanimously

VOTED: To accept the bid for rubbish removal for FY'93 of M.J. Connolly and Sons, Inc, 1 West Foster Street, Melrose, MA 01276. Bid prices are \$24.40 per disposal of 8 yd. container, \$30.50 per disposal of 10 yd. container, and \$36.60 per disposal of 12 yd. container.

FOR YOUR INFORMATION: Bill Ryan referred to a letter to Don Gilberti from Judy Jacobs in Boxborough expression appreciation for his assistance at the Boxborough Town Meeting. He also mentioned the information regarding the 1992-93 MESTEP program and information regarding Irina Orlova, a visiting teacher from Moscow for the 1992-93 school year. Bill distributed a memo from the Commissioner of Education regarding the state budget just passed. He mentioned the additional financial aid of \$100/pupil to the school districts. Jim Chace has been asked to head up two committees, one for each district, to develop a priority list of how this money will be spent. Bill's recommended guidelines are that the money be spent to directly impact the students in the curriculum and instruction area. A recommendation to the School Committee will be made at the September meeting.

WARRANT DISCUSSION: There were no questions.

CONCERNS OF THE BOARD: Appointments to serve on the EDCO Board for the 1992-93 school year were as follows: Bill Ryan, voting member for the regional schools, Lees Stuntz, non-voting member for the region, and Jean Butler, voting member for the local schools. Bill said that the system-wide objectives will be updated in September and asked that School Committee members give input to him or Mac know before the September meeting. Steve Aronson commented that cable TV coverage of School Committee meetings could be made more professional and informative by adding an introduction and a "trailer". Steve and Micki Williams

volunteered to work on this with Don Gilberti and the high school AV department. Dr. Mary Donald, member of the Acton Finance committee, asked for an update on co-generation. Bill Ryan said we will be getting RFP's tomorrow. These will be reviewed by engineer, Jay Silverston, who will come to the School Committee with a recommendation. Boston Edison and Boston Gas have both made attractive alternative proposals which will also be considered before a final decision is made.

A discussion was held on the Superintendent Search Process. Don Wheeler summarized the process thus far. Four search firms have presented their services at previous meetings, and two additional firms have sent information. There is a wide range of prices and services. All firms start the search process with a community needs assessment. It was the consensus of the committee that three of the six firms would not be hired: Heidrick and Struggles, Paul Ray & Carre Orban International (Dallas firm) and NESDEC. The Committee will hear a presentation from Future Management Systems on August 12, 18 or 20th. The Committee will meet again on August 24 to rank the three remaining firms. It is hoped that the finalist will meet with the committee at the regular September School Committee meeting. In the meantime, School Committee members will call their own contacts for references on the three firms. Criteria for rating search firms was discussed. Some of these were: need for significant community involvement, successful hiring experience with public school districts, broad geographical contacts, flexibility. A key requirement is that the School Committee be involved in the process. The definition and degree of community involvement in the search was thoroughly discussed.

EXECUTIVE SESSION: No need for one.

NEXT MEETINGS: August 20, 7:30 p.m., Junior High Conference Room  
August 24, 7:00 p.m., Junior High Conference Room  
September 3, 7:30 p.m. Junior High Conference Room

The meeting was adjourned at 10:10 p.m..

Respectfully submitted,

Sarah T. Lawton, Secretary

cc: BOS

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

MINUTES

Conference Room  
Junior High School

August 20, 1992

Members Present: Lees Stuntz, Rick Sawyer, Harry Hersh, Mary Anne Vogel, and  
Steve Aronson.

Also Present: Bill Ryan; Lyle Kirtman and Bob Spurberg of Future Management Systems

The meeting came to order at 7:30 p.m.. Future Management Systems presented a proposal to conduct a superintendent search.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Bill Ryan  
Secretary, Pro Tempore

ACTON SCHOOL COMMITTEE

cc: BOS

Conference Room  
Junior High School

For August 24, 1992 Meeting

AUG 24 1992

AGENDA

- Approx.  
8:30 I. CALL TO ORDER  
8:31 II. APPROVAL OF MINUTES OF AUGUST 6, AND STATEMENT OF  
WARRANT  
8:35 III. PERIOD OF PUBLIC PARTICIPATION  
8:45 IV. RECOMMENDATIONS  
1. Enrollment  
9:30 V. WARRANT DISCUSSION  
9:40 VI. CONCERNS OF THE BOARD  
9:45 VII. NEXT MEETING - September 10, 1992 - Conference Room, Junior  
High School - 7:30 p.m.  
9:45 VIII. EXECUTIVE SESSION  
10:00 IX. ADJOURNMENT

AUGUST 24, 1992

REGIONAL MEETING CONVENES AT 7:30 P.M.

LOCAL MEETING FOLLOWS

AT APPROXIMATELY 8:30 P.M.

ACTON BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Conference Room  
Junior High School  
7:30 P.M.

For August 24, 1992 Meeting

AGENDA

- 7:30 I. CALL TO ORDER
- 7:31 II. APPROVAL OF MINUTES OF AUGUST 6 AND AUGUST 20 , AND STATEMENT OF WARRANT
- 7:35 III. PUBLIC PARTICIPATION
- 7:45 IV. WARRANT DISCUSSION
- 7:50 V. RECOMMENDATIONS  
1. Music Department Appointments
- 7:55 VI. CONCERNS OF THE BOARD  
Superintendent Search
- 8:30 VII. NEXT MEETING - September 3, 1992, Conference Room, Jr. High,  
7:30 p.m.
- 8:30 VIII. EXECUTIVE SESSION
- 8:30 IX. ADJOURNMENT

CC/BOS

HISTORIC DISTRICT COMMISSION

AUG 25 1992

MINUTES: July 27, 1992

Members Present:

Dallmus, Forbes, Gates, Mowry, Peterman, (Moran (8:10))

Meeting was called to order at 7:50 in H.R. 46.

REVIEW OF APPLICATION # 9204--Janet Ristagno for sign at Crafty Creations, 273 Central Street, West Acton. J. R. noted that she has a variance from the Board of Appeals to permit the use of dark letters on a light background. After review of the by-law and viewing of the sign IT WAS UNANIMOUSLY VOTED that it did fall under HDC jurisdiction. After viewing of pictures of the building and further discussion IT WAS VOTED UNANIMOUSLY that the proposed change was not substantial enough to require a public hearing. After determining that the application was complete, the HDC VOTED UNANIMOUSLY TO APPROVE A CERTIFICATE OF APPROPRIATENESS for the "Crafty Creations" sign on condition that there is no negative response during the 10-day waiting period, following the sending of notices to the abutters.

Minutes of July 13 were accepted as corrected. Minutes of July 20 Hearing of Application # 9201 were accepted as read. Minutes of July HDC special meeting were accepted as read.

ANNOUNCEMENTS

No application has been received for temporary fenceing at 20 River Street.

Wording was approved for Application #9201.

~~Davis Monument~~ <sup>App # 9203</sup> Dallmus inquired whether D. C. had explored fully the option of fully buried lighting fixtures. Also discussed were possible lowering of the fixtures, screening with shrubs. Mowry and Peterman were going to investigate some options. The matter was taken under advisement.

ALTERNATE - Dallmus will check with VCC over appointment of an alternate.

An update of addresses, and discussion of sending notices to realtors in the area about the districts existence followed.

The meeting was adjourned at 10:05 p.m.

ACTON HDC MINUTES: July 13, 1992

CC: BOS

11/11  
AUG 25 1992

Members Present:

Dallmus, Forbes, Moran, Peterman. Betty Howard observed.

Meeting was called to order at 7:45 in H.R. 46.

Application for deck reconstruction at 1 Wright Terrace presented by Larry Parretti for stair replacement. L.P. advised that the work shall be performed to match present conditions. Materials to be pressure treated. Future consideration of painting/staining deck of a similar color of the residence was considered.

Michaela motioned for issuance of Certificate of Non-Applicability. (Cite 9.3.2)

Tom Peterman seconded.

It was voted unanimously.

L.P. inquired about roof shingle replacement. A.F. said that if shingle type were similar to existing it probably would be a Certificate of Non-Applicability.

A.F. to send out certificate.

Minutes of 22 June 1992 were approved as revised. A.F. to get revised copy to Joan Gates.

A.F. reviewed matter of discussion with Dean Charter regarding light installation. A.F. will contact D.C. via memo to submit application for monument lights in Acton Center.

Was there a building permit issued for this work? A.F. to check with Gary regarding permit submission date. A.F. to ask D.C. to stay after the public hearing to review the monument light issue.

At Selectman's meeting on July 14, 1992, there will be a presentation of the Lunn/Sweeney proposed development at Great Hill. L&S are offering limited sewer capacity to the town on the project site.

REVIEW OF LUNN & SWEENEY/GREAT HILL

Revised roadway plan reviewed. Single road terminating with a single cul-de-sac. Commission felt that site plan needed to show buildings and their placement. M.M. questioned their request for waivers due to existing conditions, why should it not conform to present standards? Waivers should not be necessarily granted due to the existing conditions. A.F. to submit comments to the Planning Board.

REVIEW OF HEARTHSTONE FARM

A.F. stated that it is on the Isaac Davis Trail which is listed on the National Register. Strawberry Hill Road is also designated a scenic road. A.F. will respond to the Planning Board with comments.

TOWN PROCEDURES

Re: Fees

Questions regarding the proper time for the payment of fees. A.F. to prepare a form letter advising applicants to submit fee after review of application by this Board with copy to Town Clerk, Connie Hubber

DETERMINATION OF JURISDICTION

Should everyone have to visit? two weeks? What to do if there exists a 3 week period between meetings? What is the process for determining jurisdiction?

SEPTIC SYSTEM REVIEWS

Doug Halley, Health Officer, questioned whether his septic application should be reviewed. Commission members were concerned with screening of vent pipes and substantial grading variations from existing. A.F. to send letter requesting review of all applications.

SIGNS

To be discussed at next meeting.

ALTERNATE

We need another alternate, preferably an individual with legal background. CLD to prepare letter for approval at next HDC meeting.

The meeting was adjourned at 10:06 pm.

Respectfully submitted,

  
Christopher L. Dallmus, AIA

CC: BOS



# METROPOLITAN DATA CENTER

A Service of the Metropolitan Area Planning Council • 60 Temple Place, Boston, MA 02111 • 617 / 451-2770

## IMPORTANT INFO!!

### Community Officials;

MetroPlan 2000, the regional growth plan for the Boston metropolitan area, has made recommendations to encourage economic development and jobs growth. A number of activities have been underway at MAPC to support such growth:

- With the support of the federal Economic Development Administration, MAPC has prepared a regional Overall Economic Development Program that sets priorities for economic development projects in the region.
- MAPC has assumed a leadership role with Cardinal Law's Challenge to Leadership. CTL brings together leaders of business, labor, government and the non-profit sectors in a working alliance to further develop actions to revitalize the regional economy.
- MAPC, Boston Edison and the Associated Industries of Massachusetts are organizing a meeting of state and local officials to discuss manufacturing issues. The workshop is scheduled for October 5. Communities will get an invitation soon.
- MAPC has been working with the Executive Office of Economic Affairs (Secretary Tocco's office) in developing new statewide economic development actions.

Now MAPC and member communities have an opportunity to provide a useful service. A new group has been established by the utility companies, the state's Office of Business Development and others known as Massachusetts Alliance for Economic Development (MAED). This group will market, nationally and internationally, industrial growth opportunities in Massachusetts. Working with MAED, we have the opportunity to provide information on potential sites for new industry within the MAPC region.

In 1983 MAPC and our member communities created a file of vacant industrially and commercially zones parcels for each city and town. This file was updated in 1987. We are now in the process of updating the file again.

Now when companies are looking to locate in the MAPC region we can provide information on available sites.

Marjorie A. Davis, *President*

Edmund P. Tarallo, *Vice-President*

Richard A. Easler, *Secretary*

Marylou Batt, *Treasurer*

David C. Soule, *Executive Director*

Douglas L. Camahan, *Data Center Director*

It is in the best interest of each community to help us get this system updated as soon as possible. Your assessor will be hearing from us soon (if he/she hasn't already). In the meantime if you have questions or suggestions on how best to collect this information for your community contact Doug Carnahan or Patricia Johnson at MAPC.

Thanks for your assistance,

A handwritten signature in cursive script that reads "David C. Soule".

David C. Soule  
Executive Director

Mailed to:

Local Chief Elected Official  
Local Manager/Administrator  
Local MAPC Representatives  
Local Planner  
Local Assessor

cc: BOS



Commissioner  
Mitchell Adams  
Deputy Commissioner  
Leslie A. Kirwan

Massachusetts Department of Revenue  
Division of Local Services

**BULLETIN**

AUG 25 1992

TO: ALL LOCAL FINANCE OFFICIALS.  
*Leslie A. Kirwan*

FROM: LESLIE KIRWAN, DEPUTY COMMISSIONER  
DIVISION OF LOCAL SERVICES

DATE: AUGUST 1992

SUBJECT: REPORTING REVISED CHERRY SHEET ESTIMATES  
ON FY93 TAX RATE/PRO FORMA RECAP FORM(S)

The recent Cherry Sheet revisions reflect increased estimates in a number of local aid accounts. To ensure flexibility in appropriating these increased estimates and to avoid disrupting the FY93 Tax Rate/Pro Forma Recap submission and approval process, the Bureau of Accounts will allow the following for FY93 only:

In submitting the FY93 Tax Rate Recap and/or Pro Forma Recap form(s), a city or town may use either initial or revised FY93 Cherry Sheet estimates issued by the Division of Local Services.

For Pro Forma Recap: If initial estimates are used, "raise and appropriate" if necessary and report the revised estimates on the applicable line(s) when submitting the FY93 Tax Rate Recap. The Pro Forma rule prohibiting an increase to Local Estimated Receipts and/or a decrease to Overlay has not changed.

For Tax Rate Recap: If initial estimates are used, appropriate if necessary after the FY93 tax rate is set from an available fund entitled "FY93 Additional Cherry Sheet Estimates" and report the action on the applicable FY94 forms as usual.

Please note that the additional education funds are considered offsets and may be spent without appropriation.

If you have any questions with regard to this Bulletin, please contact your Bureau of Accounts Field Representative.

*The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management.*

*The Division regularly publishes IGRs (Informational Guideline Releases detailing legal and administrative procedures) and the Bulletin (announcements and useful information) for local officials and others interested in municipal finance.*

Division of Local Services, PO Box 9655, Boston, MA 02114 - 9655 (617) 727-2300

# Purposes of Workshop

- To get you started on solving planning problems of concern to your community
- To inspire your efforts through relevant local examples
- To give you some practical suggestions, tools and resource information

## Who Should Attend?

The citizen planner, town board member (zoning, conservation, planning, health, historic), interested property owners, elected officials, local professionals and others.

## How Can I Attend At A Discount?

The workshop costs \$15. If you can get three people from your municipality to attend with you (four people in all), then you each can attend for \$10. Each group who represents a different agency will receive a copy of the publication *Massachusetts Place: A Self-Diagnostic Check List for Protecting Your Town's Character* by Philip Herr and the National Trust for Historic Preservation. If you are a resident of a host community you may be eligible for an additional discount. Call your local contact person for details.

In addition all attendees will receive a conference packet containing helpful material on getting planning started, model by-laws and other interesting information. And one person from each workshop will receive a selected bonus gift.

# Agenda

*cc: BOS  
PL. DEPT.*

6:00	Light Supper
6:30 - 6:45	<b>Making Place</b> <i>Local Leaders</i> Why Plan? Overview of Workshop
6:45 - 7:30	<b>IDENTIFYING COMMUNITY CHARACTER</b> <i>Walter Cuduhofsky</i> 45 min Slide show of local community Conceptualizing your community Towards a community vision Discussion
7:35 - 8:20	<b>GUIDING GROWTH</b> <i>Phil Herr or Sarah James</i> 45 min Introduction to "Saving Place" Completing a community self diagnosis
7:35 - 8:20	<b>MAKING IT HAPPEN</b> <i>Local Planner</i> Case study of a local planning issue and implementation strategy used to deal with it
8:30 - 9:15	<b>GETTING STARTED</b> <i>Local Leaders</i> The 1,2,3's of organizing and carrying out your planning process
9:15 - 10:00	<b>"CLINIC"</b> Informal discussion of your Community's specific planning problems

Continued

# Registration

*What do you want your community to be? How do you make it happen?*

*Fill in the registration below. Then come and find some answers!*

Mail form to:  
Metropolitan Area Planning Council  
60 Temple Place  
Boston, MA 02111

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_



print & use 100% recycled paper

**APA** American  
 Planning  
 Association  
 New England Chapter  
 Massachusetts Section

# Getting Started On A Community Plan

A Workshop For  
 Citizen Planners and Others  
 Who Care About Their  
 Communities

5 Locations

*Presented by*

*Massachusetts Section  
 American Planning Association*

*Funding by*

*Boston Foundation for Architecture  
 National Trust for Historic Preservation*

*Co-sponsored by*

*Executive Office of Communities  
 and Development  
 The Lincoln Institute of Land Policy  
 MAPC  
 1000 Friends of Massachusetts*

## Regional Workshop Locations & Local Contact Date

Central Mass. Wed., Sept. 16

Crafton Memorial Municipal Building  
 30 Providence Rd.  
 Peter Lowitt  
 (508) 839-4314

Pioneer Valley Thurs., Oct. 8

University of Massachusetts  
 Amherst  
 Bob Mitchell  
 (413) 256-4040

South Shore Wed., Oct. 14

Rockland Memorial Library  
 Rockland  
 Jean Christensen  
 (617) 451-2770

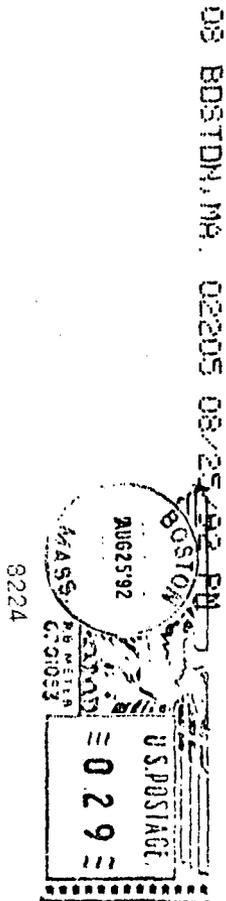
North Shore Thurs., Oct. 22

Memorial School  
 Manchester-by-the-Sea  
 Paul Bockelman  
 (508) 526-1712

Berkshire County Thurs., Nov. 5

Hilton Inn  
 Pittsfield  
 Barbara Bashevkin  
 (413) 663-5694  
 Berkshire County  
 Regional Planning Commission  
 (413) 442-1521

Town Manager  
 TOWN HALL  
 ACTON, MA 01720



attached

cc: BOS

# MMA Action

## ATTEND EDUCATION REFORM HEARINGS

Dear Local Official,

The House and Senate Chairmen of the Legislature's Education Committee will be conducting a series of public meetings on education reform. The schedule below lists the times and locations of the sessions. The stated purpose of the meetings is to seek ideas and feedback from a wide variety of business leaders, parents, and teachers in an informal setting. Local officials are encouraged to attend.

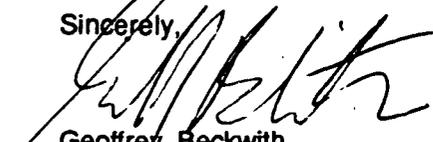
The issue of education reform has caused great controversy among the various parties involved in the process over the last year. Municipal officials have offered to share their knowledge and expertise on the issue with the committee and the governor, only to be kept at a distance. Now, we must contend with earmarking language that commits money for education, at the expense of all other general government services. Cities and towns cannot tolerate further "reform" that ignores the concerns of all municipal government.

**WE URGE YOU TO MAKE EVERY EFFORT TO ATTEND THE MEETING SCHEDULED IN YOUR AREA.** It is imperative that local officials send the committee a clear message that cities and towns:

- 1) must be involved in drafting the reform bill;
- 2) strongly support education reform, especially provisions to increase management flexibility by generally eliminating tenure, removing supervisory personnel from teachers' collective bargaining units, and having executive or legislative approval of school committee-bargained contracts;
- 3) oppose earmarking and "maintenance of effort" language that forces cuts in other local programs; and
- 4) need a broader commitment from the state to guarantee general local aid increases in addition to education aid.

Please contact MMA staff if you need further information. Thank you, in advance, for your efforts.

Sincerely,

  
Geoffrey Beckwith  
Executive Director

### Meeting Schedule

Thursday, August 27  
Pittsfield High School  
Pittsfield  
7:00 - 9:00 p.m.

Friday August 28  
Central High School  
Springfield  
10:00 a.m. - 12:00 p.m.

Wednesday, September 9  
Rockwood Auditorium/High School  
Everett  
7:00 - 9:00 p.m.

Thursday, September 10  
B. H. S. Green Cafeteria  
Brockton  
7:00 - 9:00 p.m.

Wednesday, September 16  
Hopkinton High School  
Hopkinton  
7:00 - 9:00 p.m.

Thursday, September 17  
Louise Davy Trahan Elementary  
Tewksbury  
7:00 - 9:00 p.m.

Wednesday, September 23  
Doherty High School Cafeteria  
Worcester  
7:00 - 9:00 p.m.

Please note: The committee is in the process of scheduling a meeting in Boston

LEGAL NOTICE  
COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
August, 1992

AUG 26 1992

Pursuant to M.G.L.c. 21E, Section 14(a) and the Massachusetts Contingency Plan (310 CMR 40.000), the Department of Environmental Protection announces the completion of Preliminary Assessments and/or Limited Site Investigations at the following locations:

<u>Community</u>	<u>Site Name/Address</u>	<u>Site No./Classification</u>
Acton	Sunrise Sunoco 421 Massachusetts Avenue	2-0745 NP(W)
Clinton	Land & Building on Green St. 99 Green Street	2-0909 NP(W)
E. Douglas	Guilford of Maine, Inc. 120 Gilboa Road	2-0562 NP(W)
Gardner	Stewart's Garage 492, 506-508 Main Street	2-0758 NP(W)
Westboro	Sunshine Cleaners 45 East Main Street	2-0878 NP(W)
Westboro	Former Smith Valve Facility 125 Fisher Street	2-0529 NP(W)
Westboro	King Instrument Corp. 78-82 Turnpike Road	2-0913 NP(W)
Worcester	Johnson Steel & Wire Facility 53 Wisner Avenue	2-0283 NP(W)

These investigations have confirmed that a release of oil and/or hazardous materials has occurred at these locations. Therefore, the Department has identified them as confirmed disposal sites. The Department has also determined that these sites are non-priority disposal sites (as defined by M.G.L. c. 21E, Section 2). M.G.L. c. 21E, Section 3A(g) requires that for each non-priority disposal site a permanent solution must be implemented. If a permanent solution is not feasible, then a plan for achieving a permanent solution must be developed.

Waiver sites (W) are non-priority disposal sites which have been granted a waiver of approvals by the Department pursuant to 310 CMR 40.537. This waiver allows the person granted the waiver to conduct remedial response actions at the disposal site without prior Department approval of these actions.

LEGAL NOTICE  
8/92

Page 2

M.G.L. C. 21E and the Massachusetts Contingency Plan provide several opportunities for public notice of and involvement in decisions regarding response actions at disposal sites, including:

The chief municipal official and board of health of the community in which the site is located will be provided with the following notifications: results of investigations, plans for remedial responses, and implementation of field work involving the use of heavy construction equipment and/or protective clothing (310 CMR 40.202).

Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, or upon the Department initiative, a plan for involving the public in decisions regarding response actions at the site will be prepared and presented at a public meeting. This plan will be revised based on comments received, and will be implemented over the course of the response action (310 CMR 40.203).

For more information on the confirmed disposal sites referenced above, and the opportunities for public involvement in their remediation, please contact Daniel J. Hannon, Central Regional Office (telephone: (508) 792-7653).



Commonwealth of Massachusetts  
Executive Office of Environmental Affairs

**Department of  
Environmental Protection**  
Central Regional Office

William F. Weld  
Governor

Daniel S. Greenbaum  
Commissioner

FOR RELEASE ON OR ABOUT: August 28, 1992

DEP Contact: JoAnne Kasper Dunne

DEP CLASSIFIES 8 HAZARDOUS WASTE SITES

~~The Department of Environmental Protection (DEP) announced today that it has completed initial assessments of eight (8) confirmed hazardous waste sites in Central Massachusetts. All ten of the sites were given "non-priority" designations.~~

DEP's Central Regional Office has classified 281 hazardous waste sites to date: 92 are priority disposal sites and 189 are non-priority.

Priority (P) sites pose the greatest potential threat to public health or the environment and are the focus of agency resources. Non-priority (NP) sites may qualify for a waiver (W) from DEP approvals, allowing work to move more quickly, with cleanup work subject to agency audit upon completion.

When Massachusetts voters amended the state Superfund law in November 1986, they committed DEP to an aggressive timetable for locating, assessing and cleaning up hazardous waste sites. The agency publishes a classification for each site where a petroleum or hazardous materials release is confirmed.

DEP also provides for public notice of and involvement in site cleanup decisions. The agency informs municipal officials whenever it investigates a site, plans for remedial actions or does any field work. In addition, ten or more citizens can petition the agency to develop a public involvement plan for a particular site.

--END--

Note: A list of the newly classified sites is attached.

DEP Press Release Attachment  
August, 1992

Community                      Site Name/Address                      Site No./Classification

**NON-PRIORITY SITES**

Acton	Sunrise Sunoco 421 Massachusetts Avenue	2-0745	NP(W)
Clinton	Land & Building on Green St. 99 Green Street	2-0909	NP(W)
E. Douglas	Guilford of Maine, Inc. 120 Gilboa Road	2-0562	NP(W)
Gardner	Stewart's Garage 492, 506-508 Main Street	2-0758	NP(W)
Westboro	Sunshine Cleaners 45 East Main Street	2-0878	NP(W)
Westboro	Former Smith Valve Facility 125 Fisher Street	2-0529	NP(W)
Westboro	King Instrument Corp. 78-82 Turnpike Road	2-0913	NP(W)
Worcester	Johnson Steel & Wire Facility 53 Wisner Avenue	2-0283	NP(W)



Commonwealth of Massachusetts  
Executive Office of Environmental Affairs

**Department of  
Environmental Protection**  
Central Regional Office

AUG 26 1992

William F. Weld  
Governor

Daniel S. Greenbaum  
Commissioner

August 24, 1992

Sun Refining & Marketing Co.  
35 Terminal Road  
Providence, RI 02905

RE: CRWSC - Acton  
Sunrise Sunoco  
421 Massachusetts Ave.

Site Case #2-0745

Attention: Mr. Carl Borkland, Regional Environmental Manager

Dear Waiver Recipient:

This letter concerns the referenced disposal site. M.G.L. c. 21E, Section 3A(d) (2) requires that the Department classify disposal sites as "priority" or "non-priority". The Department has reviewed the information available to it about the referenced disposal site, and has determined that it is a non-priority site, pursuant to the Interim Site Classification requirements in the Massachusetts Contingency Plan, 310 CMR 40.544.

In addition, M.G.L. c. 21E, Section 14(a) requires that, once a site has been classified, the Department publish a legal notice and press release informing the public of the location's status as a disposal site and its classification. The Department will issue a legal notice and press release containing this information on or about August 28, 1992, in the Westford Eagle.

Effective October 3, 1988, the extent of assessment and remediation required by M.G.L. c. 21E at locations and disposal sites will be determined by reference to the Massachusetts Contingency Plan (310 CMR 40.000 et seq.), promulgated pursuant to M.G.L. c. 21E, Sections 3, 3A(m), and 6. Remedial response actions required at locations and disposal sites are described in detail in Subpart E of the Massachusetts Contingency Plan (310 CMR 40.500 et seq.).

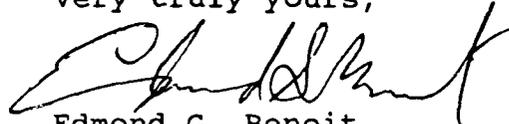
Sunrise Sunoco, Acton  
Site #2-0745

Page 2

For more information about the classification of the referenced disposal site, you may contact JoAnne Kasper Dunne at the DEP Central Regional Office, (508) 792-7653.

Copies of the Massachusetts Contingency Plan are available from the State Bookstore, Room 116, State House, Boston, Massachusetts 02133, (617) 727-2834.

Very truly yours,



Edmond G. Benoit  
Environmental Engineer  
Waste Site Cleanup

EGB/JKD/lcg

cc: Board of Health  
Board of Selectmen

# SYMPOSIUM ON REGIONALIZATION

Rec'd 9/24/92  
AM  
- All Finance  
- BOS  
- School Com  
- Super  
- Sele  
- Town  
M9F

## Having trouble making your operating budget balance?

A special complimentary symposium for Selectmen, Town Managers, Finance Committees, School Committees, School Superintendents and Planning Boards will highlight towns/programs that have found more creative ways to deliver services through innovative regional efforts.

- DATE:** September 24, 1992, Thursday
- LOCATION:** Hosted by Middlesex Community College, at their brand-new suburban Bedford Campus. (see map for directions/parking)
- TIME:**
- 5:30 - 6:30 pm Walking Tour-Campus from Campus Center Building
  - 6:00 - 7:00 pm Light dinner and social at Trustees House
  - 6:30 - 7:00 pm Speaker displays at Campus Center Building
  - 7:00 - 9:30 pm Symposium at Campus Center Building
- Speakers will be available before and after program.*

**PROGRAM:** Opening Remarks:

Joseph R. Piantedosi  
*President, Middlesex County Selectmen's Association*  
 Dr. Carole Cowan  
*President, Middlesex Community College*

1. REGIONALIZED FIRE SERVICES, JOSEPH MURPHY, TOWN MANAGER, HULL — Discussion on formation of a fire district for five towns to handle fire fighting, EMS, training, and search/rescue services. Task forces solve problems. (Cohasset, Hanover, Hull, Norwell, Scituate)
2. INSPECTION SERVICES, PETER HECKENBLEIKNER, TOWN MANAGER, READING — Learn the experiences of four towns in developing shared services starting with wiring, electrical, and plumbing. Building inspection is under discussion. (Melrose, Reading, Stoneham, Wakefield)
3. MILLIS CONSORTIUM, DOUG PRIEST, SELECTMAN — Over 8 towns are joining to pool household recycling efforts to maximize efficiencies and profits.

*First Question and Answer Period — followed by parts 4, 5 and 6. (over)*

\*\*\*\*\*

*Complimentary*

*Save the date*

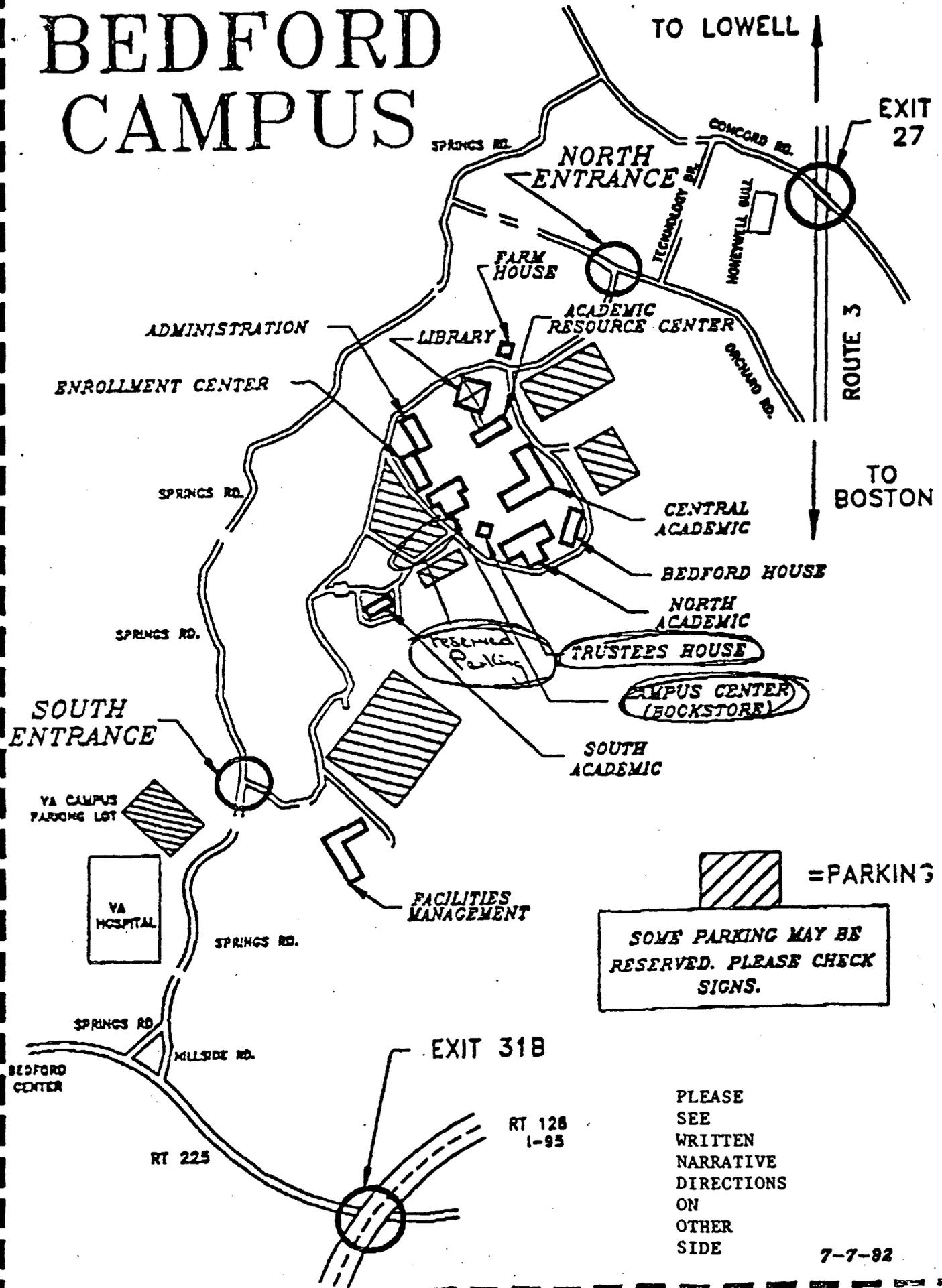
*Complimentary*

*Thursday, September 24, 1992*  
*Middlesex Community College, Bedford*  
*5:30 p.m.*

\*\*\*\*\*

# SYMPOSIUM ON REGIONALIZATION

# BEDFORD CAMPUS



SOME PARKING MAY BE RESERVED. PLEASE CHECK SIGNS.

PLEASE SEE WRITTEN NARRATIVE DIRECTIONS ON OTHER SIDE



OFFICE OF THE  
**BOARD OF HEALTH**

TOWN HALL 472 MAIN STREET  
ACTON, MASSACHUSETTS 01720  
TEL: 264-9634

cc: BOS  
PLANNING DEPT.

August 24, 1992

Mr. Kevin Murphy  
Shawmut Bank  
One Federal Street  
Boston, MA 02211

Dear Mr. Murphy:

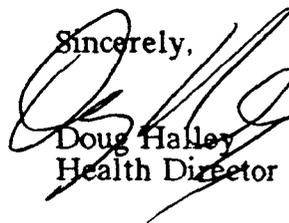
Enclosed with this letter is a copy of a letter the Town of Acton received from Donald H. Foster of Foster Masonry, responding to an Order letter that was sent by the Board of Health to Foster Masonry's attention on August 4, 1992. Mr. Foster maintains that Shawmut Bank has taken possession of the property, plant, equipment and the inventory. He further maintains that Shawmut Bank has specifically excluded him from entering the premises.

Therefore you are hereby notified that Hazardous Materials and Wastes are being improperly stored and potentially discharged onto property located at 23 Lawsbrook Road, as shown on Town Atlas H-4, parcel 128 & 127. In accordance with the Town's Hazardous Materials Control Bylaw, you are hereby notified that this site is in violation with Sections 2.1.1, 2.1.2, 2.1.5, 3.1 and 3.1.1 of that bylaw.

You are hereby ordered to immediately bring the above referenced property into compliance with all conditions of the Hazardous Materials Control Bylaw. All hazardous materials and/or wastes on site must be identified and placed in suitable and securable containment, or be removed from the site by a licensed Hazardous Waste Hauler. Failure to bring this property into compliance with this Order may result in a fine of not more than \$300.00 for each day and for each violation that is cited. You are also hereby notified that this site has been referred to D.E.P. as a potential site to be investigated under Chapter 21E of the Mass. General Laws.

Should you have any questions regarding this letter or the Town's Hazardous Materials Control Bylaw please contact me at 264-9634.

Sincerely,



Doug Halley  
Health Director

cc:

~~Board of Selectmen~~  
Town Manager  
Police Chief  
Fire Chief  
Building Department  
William Phillips, D.E.P.  
Don Foster



## **FOSTER**

MASONRY PRODUCTS, INC., 22 Everett Street, P.O. Box 65, Westwood, Mass. 02090/tel. (617) 762-1622

August 17, 1992

Mr. Doug Halley  
Health Director  
Acton Board of Health  
Town Hall, 472. Main Street  
Acton, MA 01720

Dear Mr. Halley:

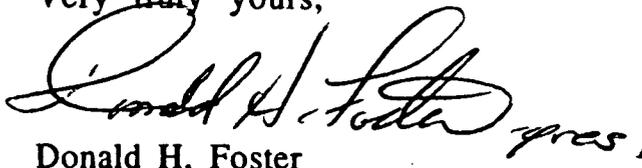
This is to acknowledge the receipt of your letter of August 4, 1992.

Please be advised that Foster Masonry Products, Inc. was converted to Chapter 7 (liquidation) by the U. S. Bankruptcy Court on August 5, 1992. The Case # is 92-13884-WCH. There are no employees and all of the resources of the company are under the control of a Federal Trustee.

Please be further advised that Shawmut Bank, N.A. has taken possession of the property, plant, equipment and the inventory and has specifically excluded the former owners from the premises. I have had several conversations with the police department about vandalism apparently caused by dirt bikers who are using the former office as a clubhouse.

The propane tank mentioned in your report is the property of Airco. The transformers belong to Boston Edison Company. I have no knowledge of the tanks or drums nor how they got on the site. Since Shawmut Bank has also taken possession of the inventory, it is their responsibility to restack the inventory.

Very truly yours,

  
Donald H. Foster

CC: BOS

AUG 26 1992

WEST ACTON VILLAGE PLANNING COMMITTEE

RECEIVED & FILED

Minutes of Meeting

DATE 8/27/92

August 19, 1992

*Christine Beebin*  
Acton TOWN CLERK, ACTON

West Acton Village Planning Committee (WAVPC) members in attendance were Vice Chairman Anne Jackson, Ron Issacs, Howard Canning, and Denise Glaser. William Shupert, Rosalie DeQuattro, Marvin Norman and Dennis Ahern were absent. Assistant Planner Donna Jacobs was also in attendance.

I. Approval of Minutes

Members reviewed the minutes of the August 5, 1992 meeting. Denise Glaser moved that the minutes be approved as rendered. The motion was seconded by Ron Issacs and passed by unanimous vote.

II. Revision of the Planning Area Boundaries

WAVPC members reviewed the revised map of the planning area as drafted by staff. Members agreed with the revised boundaries and approved the map by unanimous vote.

III. Review Present Zoning Controls

Committee members reviewed the provisions of the Zoning Bylaw and cited areas where change is likely to be needed to implement the Village Plan. Members suggested adding the following uses in the WAV District: combined business and dwelling, veterinary care; commercial recreation; multifamily dwellings; and bed & breakfast establishments. Members discussed changing the motor vehicle repair or body shop uses and amusement facility use to require a special permit. Elimination of the mini warehouse and car wash uses was also discussed.

Members also reviewed the "special provisions for village districts" section of the Bylaw and discussed whether WAV should continue with "NR" (not regulated) or whether the committee should recommend maximum limits for those uses listed in this section. Members also reviewed the Table of Standard Dimensional Regulations and discussed whether minimum lot areas should be established, whether the floor area ratio (FAR) of .20 should be increased substantially.

IV. Review Suggested Areas for Change - Planning Exercise

Committee members reviewed the "Areas for Zoning Changes" memo from planning staff and the associated map provided as a planning exercise. The pros and cons of adding to and/or subtracting from the present boundaries of

the West Acton Village were discussed at length. Members spoke of the problems associated with reducing the boundary to the north and also discussed why the boundary probably shouldn't be increased to the west. Extending the boundary to the east and south was also discussed by the committee.

The committee explored the idea of creating a new "Village Residential District" to accommodate some of the suggestions and recommendations presented by the public. This new district would be primarily residential in nature, but would allow certain business uses that would not adversely impact the residential atmosphere. Members thought that this idea would be better than recommending changes in the uses permitted for the R-2 District which presently surrounds the WAV District but also encompasses a substantial part of the entire Town. Members agreed to bring their thoughts on new boundary lines to the next committee meeting.

V. Agenda for 8/26/92 Meeting

The agenda for the 8/26/92 meeting will include the following: recommendations for zoning bylaw amendments; re-zoning with possible new "village residential" district - both uses and areas; and update of Village Plan progress.

Other Business

Donna Jacobs distributed copies of the Village Plan sections as presently drafted and asked that committee members review the written text and make recommendations on changes.

The meeting adjourned at 9:30 PM.