

REPORT

DRAFT

**SOUTH ACTION WASTEWATER
COLLECTION AND TREATMENT**

FEASIBILITY STUDY

JUNE 1993

**S E A CONSULTANTS INC.
Engineers/Architects
Cambridge, Massachusetts
Glastonbury, Connecticut
Londonderry, New Hampshire**



S E A Consultants Inc.
Engineers/Architects

June 18, 1993

Mr. Doug Halley
Board of Health
Town Hall
472 Main Street
Acton, MA 01720

Re: South Acton Wastewater Feasibility Study
Ref. No. 93082.01

Dear Doug:

In accordance with our agreement, we are submitting this report (10 copies) which evaluates connecting a portion of South Acton (approximately 40 homes in the River and School Street area) to the Great Hill/Mill Corner wastewater treatment facility. The intent of our work was to complete the preliminary design and cost estimates so that the Town can determine if the project is financially feasible.

One aspect of our evaluation was to consider using much of the existing sewer design for South Acton as possible, in order to reduce redesign costs and accommodate the future tie-in of the remainder of South Acton. However, construction of the sewer in River Street, as designed, will be expensive due to the deep cut. Since "conventional" sewerage is costly, we also considered using a grinder pump/pressure sewer system which would provide substantial savings. The disadvantage of this alternative is that the deep pipeline in River Street will have to be constructed at a later date in order to sewer the remainder of South Acton.

Our work in relation to the wastewater treatment facility started with a detailed review of the design (and field visits) followed by a determination of what remains to be done, as well as the development of capital and operation and maintenance costs.

Should the Town decide to proceed, we recommend that the pressure sewer collection system alternative be implemented due to its substantial cost savings over conventional gravity sewers. We would also recommend that the following issues be pursued, some of which could further reduce project costs:

1. Contact the Department Of Environmental Protection (DEP) to determine if the project is eligible for their 25% grant equivalent loan program.
2. Contact DEP to determine the procedure for getting the existing Groundwater Discharge Permit reissued in the Town's name.

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SEA Consultants Inc.
Engineers/Architects

3. Contact DEP to determine if the submerged RBC can be deleted from the treatment train. The potential capital cost savings is roughly \$80,000.
4. Evaluate project financing alternatives, including: options for capital and operation and maintenance cost recovery; user charge calculations; and betterment assessment calculations and alternatives.
5. Evaluate treatment facility expansion possibilities.

The report concisely summarizes our findings and conclusions. Once we receive the Town's comments, we will finalize the report. See you at the Selectmen's meeting on Tuesday night.

Very truly yours,

SEA CONSULTANTS INC.

A handwritten signature in black ink that reads 'Mark J. Thompson'. The signature is written in a cursive, flowing style with a prominent 'M' and 'T'.

Mark J. Thompson, P.E.

Background

The South Acton area has a long history of problems with on-site disposal of wastewater, as documented in Facilities Planning reports prepared by S E A in the late 80's. The latest study of the problems recommended construction of a municipal wastewater collection system, and the pumping of wastewater to the Maynard treatment facility. An in-town wastewater treatment was determined to be neither cost-effective nor technically feasible. Implementation of the project has been on hold for several years for financial reasons, and due to the lack of an intermunicipal agreement with Maynard.

The relatively recent bank acquisition of the former Great Hill Village subdivision, now named Mill Corner subdivision, has provided the opportunity for sewerage a portion of South Acton. The project is immediately adjacent to a portion of the area of South Acton recommended for sewerage. The former developer of the project started construction of a wastewater treatment facility (WWTF) for the project (including the foundation and subsurface disposal system) but never finished it. The Town now has the opportunity to utilize approximately 12,000 gpd of the WWTF's 22,000 gpd capacity. In the course of conducting this study, we have discussed completion of the WWTF with both the current developer (Mr. Kevin Sweeney) and the contractor who started construction of the WWTF (Mr. Dexter Loring).

In terms of available funding a \$140,000 "linkage" payment may be able to be used to offset the cost of sewer construction. Additionally, the owner/developer of the

project has committed to contribute \$300,000 to complete the WWTF.

Our entire approach to this evaluation is aimed at determining a cost-effective solution for tying a portion of the wastewater generated in South Acton into the Mill Corner WWTF, including completing the WWTF. We understand that 10,000 gpd of capacity in the WWTF is being reserved for the proposed Mill Corner development, leaving 12,000 gpd for other South Acton sewer connections. Approximately 40 homes can be served based on the 12,000 gpd figure using the design flow rates required in Title 5.

Based on our discussions with Town officials, document review, and our knowledge of the area, approximately 40 properties on School and River Streets which are included in the recommended sewerage program should constitute the project area. This section of South Acton is closest to the WWTF and could be constructed without crossing the river or railroad tracks (which is costly). Additionally, permit acquisition would be relatively straight forward.

Capital Cost Evaluation

There are two components to the overall project: the WWTF and the wastewater collection system. In the following paragraphs, we first evaluate the cost of completing the WWTF and then compare the cost of a "conventional" gravity sewer system with a grinder pump/low pressure sewer system (pressure sewers).

Wastewater Treatment Facility

As noted previously, the WWTF is partially constructed. Virtually all of the underground facilities, as well as the foundation, have been installed and approved by the Town. Work that remains mainly consists of the purchase and installation of the wastewater treatment equipment, and construction of the building to house the equipment. The table on the following page presents the estimated capital cost for completion of the WWTF construction.

In our opinion the \$300,000 figure, which has been quoted by others, would not be sufficient to complete the WWTF.

There has been some discussion indicating that the developer or another private party may finish the WWTF. For this reason, the estimate recognizes the difference between the public and the private sector construction.

Wastewater Collection System

The service area for the wastewater collection system is shown on the figures on the following pages. Thirty-nine properties about the conventional sewerage alternative, and 36 about the pressure sewer alternative. The three properties not included under the pressure sewer alternative could be connected if easements are acquired.

COST ESTIMATE

S E A CONSULTANTS INC.

Engineers / Architects
Boston, MA Portland, ME

JOB NO. 93082.01

CLIENT ACTON WWTF (23,000 gpd)

LOCATION Greet Hill / Mill Corner

DATE _____

BY MJT

SHEET _____ OF _____

PRELIMINARY

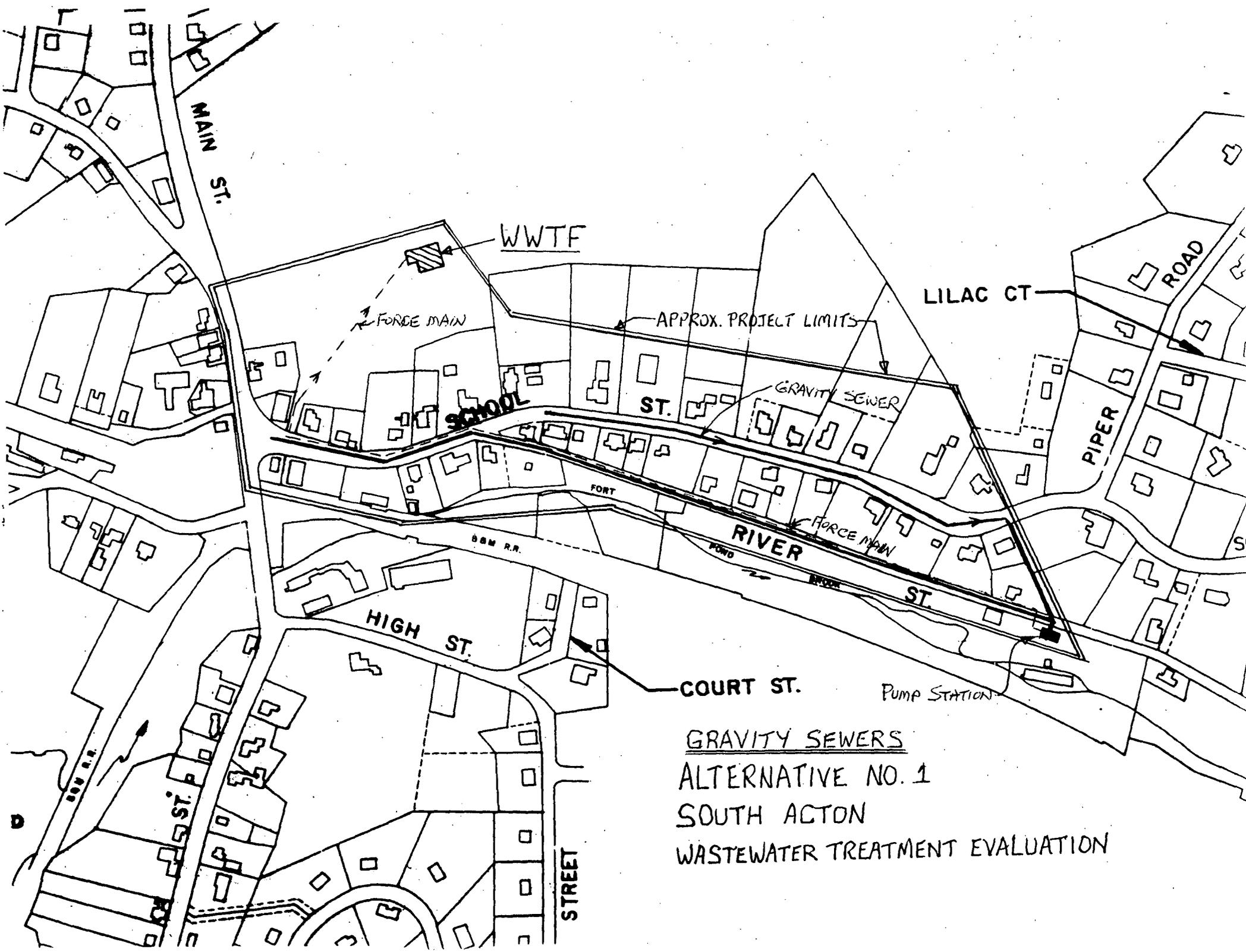
FINAL _____

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	MATERIALS		LABOR		SUB-TOTAL	TOTAL COST
				UNIT COST	AMOUNT	UNIT COST	AMOUNT		
1	Anoxic Pretreatment Tank				Installed				
2	Equalization Tank				Installed				
3	Yard Piping		L.S.		5,000 -			3,000 -	
4	Treatment Equipment		L.S.		229,000 -		35,000 -	264,000 -	
5	Wood frame Building	S.F.	1,440	45 -				64,800 -	
6	Heating, Lighting, Ventilation		L.S.					15,000 -	
7	Emergency Power		L.S.					30,000 -	
8	Interior Piping, Wiring		L.S.					5,000 -	
9	Interior Stairs		L.S.					2,000 -	
10	Sump Pumps		L.S.					1,000 -	
11	Siphon Chamber				Installed				
12	Effluent Disposal System				Installed				
									384,800 -
									Total Private Sector Estimate \$385,000 -
									5% Public Sector Add On 19,000 -
									Total Public Sector Estimate \$404,000 -
TOTAL THIS SHEET									

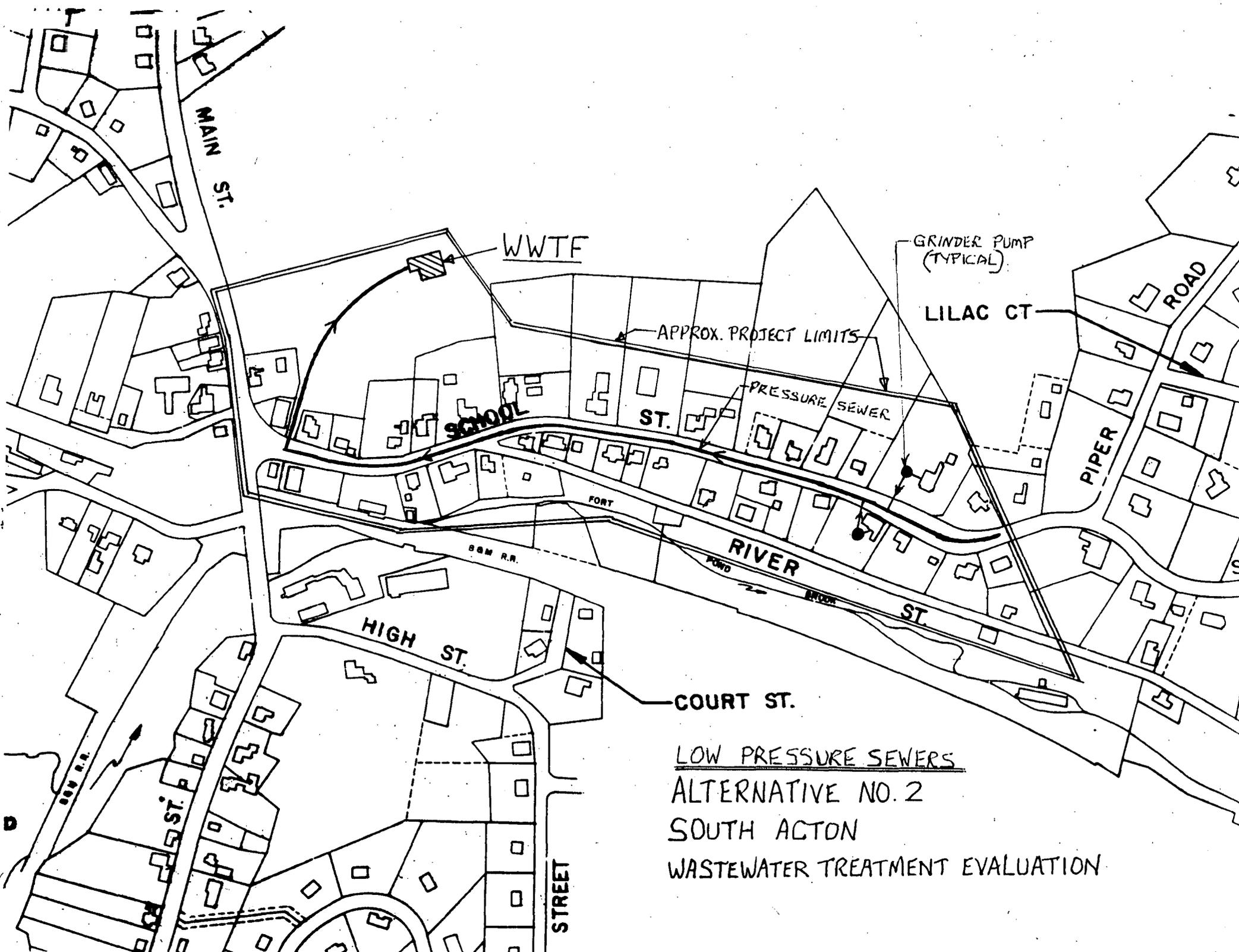
The intent of this evaluation is to determine whether or not the two streets can be cost-effectively sewered, while at the same time maintaining the integrity of the current design of the recommended sewerage system, which allows for the future sewerage of the remainder of South Acton. The idea is to construct gravity sewer in School and River Streets as currently designed, as well as the pumping station planned for River Street. The pumping station would initially discharge at the Mill Corner WWTF, but would be designed in a way that it could eventually be upgraded and/or relocated to discharge at the Maynard WWTF. This is obviously the preferred alternative (Alternative No. 1 - See Figure), assuming it is affordable, since it would accommodate the long term expansion of the South Acton sewer system, and would get some of that system in place now.

Our concern with the above approach is that the pipeline in River Street, as designed, is the main interceptor sewer which will eventually carry all wastewater generated in South Acton. In order to pick up all of South Acton by gravity, a portion of the sewer line is in excess of 20 feet deep, which will be costly to construct, and may not be affordable in the short-term if fewer than 40 homes are being tied in. The cost for this alternative is presented on Table No. 1.

Since the cost of accommodating the long term sewerage of South Acton within the current project may prove to be cost prohibitive, we have evaluated an alternative approach which is to determine the most cost-effective means to sewer School and River Streets over the short term while keeping the long term plan in mind by using a grinder pump/low pressure sewer system (Alternative No. 2). Under this plan, a



GRAVITY SEWERS
ALTERNATIVE NO. 1
SOUTH ACTON
WASTEWATER TREATMENT EVALUATION



LOW PRESSURE SEWERS
ALTERNATIVE NO. 2
SOUTH ACTON
WASTEWATER TREATMENT EVALUATION

TABLE NO. 1
TOWN OF ACTON
WASTEWATER TREATMENT EVALUATION
CONVENTIONAL SEWER ALTERNATIVE -- COST ESTIMATE

gravcost

ITEM	QUANTITY	UNITS	UNIT PRICE	PRIVATE	PUBLIC
				SECTOR	SECTOR
				<u>COST</u>	<u>COST</u>
1. CONSTRUCTION					
GRAVITY SEWER	4100	LIN. FEET	\$80	\$328,000	\$328,000
SERVICE CONNECTION	1200	LIN. FEET	\$15	\$18,000	\$18,000
FORCE MAIN	3000	LIN. FEET	\$25	\$75,000	\$75,000
PAVING	4100	LIN. FEET	\$15	\$61,500	\$61,500
PUMPING STATION	1	EACH	\$60,000	<u>\$60,000</u>	<u>\$60,000</u>
SUBTOTAL				\$542,500	\$542,500
TREATMENT PLANT				\$385,000	\$404,000
TOTAL CONSTRUCTION				\$927,500	\$946,500
2. LAND AQUISITION				\$50,000	\$50,000
3. ENGINEERING (+/-)				<u>\$100,000</u>	<u>\$125,000</u>
SUBTOTAL				\$1,077,500	\$1,121,500
4. CONTINGENCY (10%)				\$107,750	\$112,150
TOTAL PROJECT COST				\$1,185,250	\$1,233,650
MINUS AVAILABLE FUNDS				\$300,000	\$300,000
				\$140,000	\$140,000
NET PROJECT COST				\$745,250	\$793,650
COST PER ABUTTONOR (39)				\$19,109	\$20,350

Note: The following costs are not included:

financing; administrative; and legal.

grinder pump would be located on each property which would discharge into a pressure main in School Street, eventually discharging at the WWTF. Since properties on River Street also front on School Street, there would not be a need for a pipeline in River Street at this time resulting in considerable savings. When, and if, the pipeline is constructed in River Street to serve the remainder of South Acton, the pressure sewer could be connected to the gravity sewer at the intersection of School and River Streets. The cost for this alternative is presented on Table No. 2.

Capital Cost Summary

As indicated on the Tables, the WWTF with a pressure sewer collection system has a capital cost of about \$11,000 to \$13,000 per abutter, which is roughly \$8,000 per user less than the convention sewer alternative.

Operation and Maintenance Costs

Operation and maintenance (O&M) costs are presented on Table No. 3. The O&M costs indicated are for both the collection system and treatment facility. A range of costs is shown due to a number of currently undefined variables. The O&M costs anticipate that the facilities will be privately operated, and include: labor, power, chemicals, laboratory analyses, and a replacement fund. The Table also shows the estimated annual cost to the user to be in the range of \$400 to \$500.

TABLE NO. 2
TOWN OF ACTON
WASTEWATER TREATMENT EVALUATION
GRINDER PUMP ALTERNATIVE -- COST ESTIMATE

gpcost

ITEM	QUANTITY	UNITS	UNIT PRICE	PRIVATE	PUBLIC
				SECTOR	SECTOR
				COST	COST
1. CONSTRUCTION					
PRESSURE MAIN	2500	LIN.FEET	\$22	\$55,000	\$55,000
HOUSE SERVICES (TO P.L.)	900	LIN.FEET	\$15	\$13,500	\$13,500
SERVICE CONNECTION	1200	LIN.FEET	\$15	\$18,000	\$18,000
PAVING	2000	LIN.FEET	\$15	\$30,000	\$30,000
GRINDER PUMPS	36	EACH	\$4,800	\$172,800	\$172,800
SUBTOTAL				\$289,300	\$289,300
TREATMENT PLANT				\$385,000	\$404,000
TOTAL CONSTRUCTION				\$674,300	\$693,300
2. LAND AQUISITION				\$0	\$0
3. ENGINEERING (+/-)				\$100,000	\$125,000
SUBTOTAL				\$774,300	\$818,300
4. CONTINGENCY (10%)				\$77,430	\$81,830
TOTAL PROJECT COST				\$851,730	\$900,130
MINUS AVAILABLE FUNDS				\$300,000	\$300,000
				\$140,000	\$140,000
NET PROJECT COST				\$411,730	\$460,130
COST PER ABUTTONOR (36)				\$11,437	\$12,781

Note: The following costs are not included: financing; administrative; & legal.

TABLE NO. 3
TOWN OF ACTON
WASTEWATER TREATMENT EVALUATION
GRINDER PUMP ALTERNATIVE
COSTS TO THE ABUTTORS

	<u>RANGE</u>	
CAPITAL COSTS TO THE ABUTTORS	\$11,437	\$12,781
ANNUAL OPERATION & MAINTENANCE		
TOTAL WWTF & SEWERS (PER YEAR)	\$25,000	\$35,000
SO. ACTON SHARE (12,000/22,000 GPD)	\$13,636	\$19,091
O & M PER ABUTOR (36)	\$379	\$530

The O&M costs for both wastewater collection system alternatives are roughly the same, so we have not conducted a life cycle present worth cost analysis.

Financial Summary and Considerations

As currently contemplated, the capital cost (per sewer user) will be in the \$10,000 to \$12,000 range, with operation and maintenance costs of \$400 to \$500 annually. Several factors could have a positive impact on these costs.

The overall South Acton sewer project has been on DEP's priority list for state funding for a number of years. The currently contemplated project may be eligible for a low interest long-term loan which would equate to 25% grant funding. Additionally, the WWTF, as designed, has a submerged rotating biological contactor (RBC) for nutrient removal. Nutrient removal for a WWTF of this size, and in this location, is not required under DEP regulations. Accordingly, we think that a legitimate argument may be able to be made for deleting this unit process from the treatment train, resulting in a significant savings on the capital (\$80,000) and operation and maintenance costs.

Should both of the cost savings measures be pursued, and come to pass, the capital cost to the abutter could potentially be substantially reduced to the \$6,000 to \$7,000 range, as indicated on Table No.4.

TABLE NO. 4
TOWN OF ACTON
WASTEWATER TREATMENT EVALUATION
GRINDER PUMP ALTERNATIVE -- COST ESTIMATE
(OPTIMISTIC FUNDING PROJECTION)

gpcost

ITEM	QUANTITY	UNITS	UNIT PRICE	PRIVATE	PUBLIC
				SECTOR	SECTOR
				COST	COST
1. CONSTRUCTION					
PRESSURE MAIN	2500	LIN.FEET	\$22	\$55,000	\$55,000
HOUSE SERVICES (TO P.L.)	900	LIN.FEET	\$15	\$13,500	\$13,500
SERVICE CONNECTION	1200	LIN.FEET	\$15	\$18,000	\$18,000
PAVING	2000	LIN.FEET	\$15	\$30,000	\$30,000
GRINDER PUMPS	36	EACH	\$4,800	<u>\$172,800</u>	<u>\$172,800</u>
SUBTOTAL				\$289,300	\$289,300
TREATMENT PLANT					
FULL COST				\$385,000	\$404,000
MINUS DENITRIFICATION				<u>\$80,000</u>	<u>\$80,000</u>
SUBTOTAL				<u>\$305,000</u>	<u>\$324,000</u>
TOTAL CONSTRUCTION				\$594,300	\$613,300
2. LAND AQUISITION					
				\$0	\$0
3. ENGINEERING (+/-)					
				<u>\$100,000</u>	<u>\$125,000</u>
SUBTOTAL				\$694,300	\$738,300
4. CONTINGENCY (10%)					
				<u>\$69,430</u>	<u>\$73,830</u>
TOTAL PROJECT COST				\$763,730	\$812,130
MINUS AVAILABLE FUNDS					
				\$300,000	\$300,000
				<u>\$140,000</u>	<u>\$140,000</u>
SUBTOTAL				\$323,730	\$372,130
MINUS 25% DEP FUNDING					
				\$80,933	\$93,033
NET PROJECT COST				<u>\$242,798</u>	<u>\$279,098</u>
COST PER ABUTTONOR (36)				\$6,744	\$7,753

Note: The following costs are not included: financing; administrative; & legal.

Implementation Considerations

Obviously, the Town has never owned or operated a wastewater collection and treatment system. There are a number of issues which will have to be dealt with should the project proceed. As food for thought and discussion, we present the following:

1. Will the Town operate the system or will it be run privately ?
2. Will the Town or the property owners purchase and install the grinder pumps and sewer connections on private property ? If by the Town, easements will be required.
3. Each property will have a mechanical device (pump) with the potential for problems, even though the potential is very small.
4. How will costs be assessed to abutters ?
5. How will the Town insure that all abutters tie-in to the sewer to keep the operation and maintenance costs reasonable ?
6. Will the Mill Corner development participate in the operation and maintenance costs based on flow rate ?

FLANAGAN & HUNTER, P.C.
ATTORNEYS AT LAW
AND
PROCTORS IN ADMIRALTY
211 CONGRESS STREET
BOSTON, MASSACHUSETTS 02110-2434

TELEPHONE: (617) 482-3366

FAX: (617) 482-3467

FAX COVER SHEET

DELIVER TO:

Christine

AT:

Acton Town Hall

FAX NUMBER:

508-264-9630

FROM:

F. Dore' Hunter

Number of Pages, Including this Cover Sheet: 3 4

COMMENTS:

For inclusion in BOS packet.

DATE: June 3, 1993

FILE NO. None

Attention - Important Notice: This FAX is intended only for the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient of this FAX please take note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us immediately by telephone and return the documents by mail.

Dear Doré,

I am responding to your Proposed Selectmen Policy Memoranda which was sent to me at the Conservation Commission as well as other town boards. I commend you for realizing the public discontent at Town Meeting and your desire to address the outstanding issues. I have personally been kicking around some ideas in my head for several months and now feel your request for comments provide the proper forum to express them.

In terms of the budget, I would support the proposal you have put forth. I think it would go far in giving the Town Meeting members a greater feeling of involvement and empowerment. Beyond that, my own recommendation would be for a line item budget to be presented to an elected Town Meeting, so that a more thorough presentation of the budget may be made in a more controlled and controllable debate. I realize it may not be possible to sell the open Town Meeting members on the idea of an elected Town Meeting, or perhaps even the Selectmen, but I hope the idea would be discussed by the Selectmen.

I have no strong feeling on the issue of Selectmen's comments on school matters and vice versa, but I must plead for an end to the hostilities and for more cooperation. Presently there is a great deal of badmouthing going on which does neither side nor the public any good. From my vantage point I primarily see the Town cutting down the schools but am confident it works both ways. In such difficult times the last thing Acton needs is more animosity. Continued backstabbing only contributes to an "us versus them" conflict when we need to work together for a common purpose. I therefore ask that this issue be addressed by the Selectmen and that your board try to put an end to the bitterness and sophomoric posturing.

Your proposals 4,5 and 6 I heartily endorse. The Coordinating Committee certainly needs to be reworked in order to allay the public's fear that a shadow government is operating. Similarly, anything that can be done to expose the Schools to more democratic controls should be pursued, even if only in the form of nonbinding actions. And certainly I would agree that the "How great we are" presentations are a waste of time and oxygen.

I am glad you also have raised the issue of year end spending. It is an issue I and others have been bothered by for a long time. I guess it bothers me on an ethical level primarily, since it is simply needless waste. If there is anything that can be done to prod the Schools into ending this practice is unclear to me, but I hope you will pursue it. However, whether the schools change their practices is irrelevant: the Municipal side must do all it can to avoid useless and wasteful year end spending.

Again I thank you as a citizen, taxpayer and public servant for your willingness to tackle the pressing issues that face us in Acton and for welcoming public input. I trust you will consider my comments and inculcate any which the Selectmen feel will benefit the Town.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Sheehan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andy Sheehan
Conservation Commission

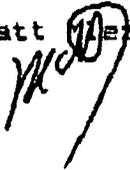
Dore:

22 May 93

In response to your Policy Memos, I offer the following comments:

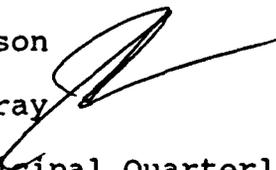
1. I would ask the Finance Committee to present a combined (Town and School) proposed budget that meets the Prop 2 1/2 limits. Then anyone (e.g., the Selectmen) could offer alternatives that would replace some activity with another at an equivalent cost/budget amount. This would permit any citizen to offer an alternative use of the funding available. The Finance committee as a "neutral" party would set the "baseline" for discussion and everyone would have the opportunity to recommend changes.
2. I would NOT offer comments on the School budget.
3. I suspect that the changes you have proposed would reduce the effectiveness of the Coordinating Committee to the point where it would become useless.
4. No Comment.
5. Agree

Matt D'Eriva



TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 6/4/93

TO: Don Johnson
FROM: John Murray 
SUBJECT: "The Municipal Quarterly"

Attached is the final version (subject to your approval) of our first quarterly letter to the citizens of Acton. As you are aware, many staff members have donated their time to the creation of this newsletter. Tom Tidman, acting as the editor and key design person, and Andrea McKenzie, acting as composition staff, deserve special recognition for their efforts. Tom has suggested that the distribution copies be on manila colored paper.

Due to the fact that we will be preparing the tax bills in the next few days, your comments would be appreciated as soon as possible.

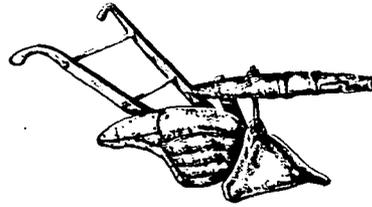
CC: BOS -

THIS IS FORWARDED FOR YOUR REVIEW AND COMMENT. WE WOULD LIKE TO INCLUDE THIS WITH THE UPCOMING REAL ESTATE TAX BILLS, SO COMMENTS NEED TO BE COLLECTED QUICKLY.





MUNICIPAL



QUARTERLY

VOLUME 1 NUMBER 1

JUNE 1993

ACTON, MASSACHUSETTS

SELECTMAN'S MESSAGE

In response to the request of this Annual Town Meeting for more information, the Board of Selectmen are happy to announce the initiation of a quarterly newsletter. The newsletter will contain a calendar of events, interesting articles, and other pertinent information.

In order to save the cost of an additional four mailings (approximately \$8,000), the Board of Selectmen have requested the Tax Collector to enclose this newsletter with your quarterly tax bill.

It is the hope of the Board of Selectmen that you will find the newsletter informative and helpful. Thank you for your time and consideration.

TREE PLANTING IN ACTON

Acton has had a public shade tree planting program since 1940, and over 3500 trees have been planted along the roadsides since that time. Partially in recognition of this long standing program, Acton has been certified as a "Tree City USA" community by the National Arbor Day Foundation for nine successive years.

This year, Acton was awarded a grant by the Massachusetts Department of Environmental Management to assist in our tree planting program. The grant, for \$9675.00, provided for purchasing and installing 75 new trees in various public locations, including the Town Common, Arboretum, Gardner Field, the South Acton Fire Station, Commuter Parking lot, and the ballfield at the intersection of Route 2A and Route 27. Because these funds originated with the Small Business Administration, the grant covered hiring a contractor to plant the trees, but Town employees will water and maintain the trees until they are established, as part of the "grant match".

To maintain a healthy urban forest, it is best to have at least as many replacements each year as we have removals. In an average year around 100 public trees succumb to insects, diseases, and injuries, but fortunately many are replaced through natural rejuvenation along the roadsides. Replacements are planted in locations where it is unlikely any trees will naturally seed in.

For information about street tree planting and maintenance, contact the Tree Warden at 264-9629.

TOWN HALL TALK

On a daily basis each town department answers many questions asked by Acton residents on a wide range of topics. Here are some of the commonly asked questions, with condensed responses.

Q: Do you have plans of our septic system or records of its maintenance?

A: The Health Department generally has "proposed plans" of septic systems for most homes built after 1963, "as built plans" for most houses built after 1975, and "certified as built plans" for houses built after 1990. Records for the pumping or maintenance of septic system is available dating back to 1972. For more information contact the Acton Health Department at 264-9634.

Q: How much land does the Town own between the street and my front property line?

A: The area between the actual paved street and the front property line of any given house can vary greatly throughout town. This area is called the "road shoulder" and its width is dependent upon several variables, including the width of the street layout and the width of the pavement. Since there is no single answer for every house, consult the Town Engineering Office at 264-9628 for information specific to your property.

Q: I think we have wetlands on our property, but I'm not certain, how can I find out?

A: Wetlands boundaries are defined by specific types of vegetation or communities of plant species. The Town of Acton has a Conservation Administrator qualified to identify wetlands on your property. For more information call the Conservation Office at 264-9631.

Q: When is a Building Permit required?

A: A building permit is required when any construction, reconstruction, alteration, repair, removal or demolition of a structure is planned. A building permit is also required to changed the use or occupancy of a building or structure. One is also required to file for a permit to install or alter any equipment for which provisions are made for such installations in the Building Code. No such work as outlined above may be initiated without first having completed a written building permit application, and secondly having obtained the required permit from the building official. For more information contact the Building Department at 264-9632.

Q: What is the Town doing for Mosquito control this year?

A: As in past years, the Town will be treated with Malathion applied with a truck mounted Ultra Low Volume Fogger approximately five times between May 20 and September 1. The fog applications occur between sunset and midnight on calm, dry nights, and it takes about ten nights to complete one cycle. Larviciding and water management were discontinued several years ago due to budget constraints. This year's program began on Friday, May 21 and, as always, we started in the southwest corner of town and worked north and east.

For further information about the program and what you can do to control mosquitoes in your own yard, contact the **Municipal Properties Department** at 264-9629.

Q: Can you tell me what's going on at the Commuter Lot, what are the rules?

A: Currently, the lot is on a first come first serve basis. Park only in the designated parking spots, you don't need a sticker. The Town will be implementing a new program at the lot in the near future. Two-thirds of the lot will be reserved for Acton Residents. Residents will be required to obtain and display a sticker on their vehicle in order to use the lot. The cost will be \$25.00 per year, per vehicle. Non-Residents will be serviced by parking meters in the balance of the lot, and the cost will be \$1.00 per day. The meters will take coins, or an electronic card which may be purchased for \$50.00 that is valid for 50 trips per card. For those residents that do not commute on a daily basis but wish to use the lot for day trips, they may park at a meter at a cost of \$1.00 per day.

As of this printing, we are awaiting the final parts for the meters, which will be installed as soon as they arrive. When they are in place, the Town will notify lot users on the procedure for obtaining cards and stickers. We anticipate notification by placing notices on the vehicles in the lot, informational signs at the entrance of the lot, and through notices in the Beacon newspaper.

When the program is in place anyone parking in the "residents only" area without displaying a sticker, at a meter without paying, or in a restricted area will be subject to a parking ticket issued by the Acton Police Department. For further information contact the **Town Manager's Office** at 264-9612.

Q: What is happening to the land behind my house? There are people doing work with a backhoe. (Or, there are surveyors working).

A: Chances are either that the owner of the land next to yours is thinking about building one or more homes or other buildings, or that the land is investigated to determine how many homes or buildings it could support at some future time. The latter may be done to establish a more accurate value for the land. Can they do that? Yes, the owner of the land is free to do whatever work and investigation he/she deems neces-

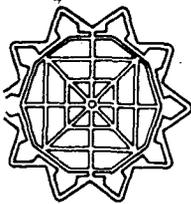
-sary to determine the value and development potential of his/her land, without asking the Town for permission. There are two exceptions: wetlands and water courses must not be disturbed and the adjacent streets must not be disrupted or damaged. Usually, those investigative activities occur long before the Town knows any details about a proposed development.

Any land is potentially available for the construction of homes or other buildings unless it is Town owned Conservation or Park Land, or otherwise under a public or private restriction prohibiting development, or if the land is wetland or located within a flood hazard zone.

Whether the land will be developed for future homes or other buildings, such as stores, offices or industry, depends on the zoning district in which the land is located. To find out what uses are allowed on the land surrounding your home, call the **Planning Department** at 264-9636. Most of Acton is zoned for single family residences; certain larger parcels of land within those single family residential districts may be eligible for variations to that theme. For instance, the homes may be "clustered" into smaller lots, or some of the homes may become attached by common walls, where significant open space is preserved; or the number of homes may be increased and several homes may be united into larger buildings if the new development includes some housing that is "affordable" to low or moderate income households.

Q: What is going on in West Acton?

A: The Town of Acton installed temporary traffic signals at the intersection of Massachusetts Avenue (Route 111) and Central Street during the Fall of 1989. This accomplished two very important things; first, it solved the immediate safety problem by reducing the accident rate from more than 40 per year to an average of 5 per year; second, it allowed the Town to prove to the Massachusetts Highway Department that the use of exclusive left turn lanes on Massachusetts Avenue was the best solution to the traffic flow problem. Last year the Massachusetts Highway Department finally approved the Town's design for the permanent signals and funding by the Federal Highway Administration became available so that this year construction of the permanent traffic signals could begin. This work is being done by a private construction company under contract with the Massachusetts Highway Department. The Massachusetts Highway Department has assigned one of its resident engineers to supervise the work. Town staff have been assisting the resident engineer in solving problems requiring local input and monitoring the progress of the work. The permanent signals will retain the existing traffic pattern and roadway geometry; but the signal equipment will be upgraded to be fully vehicle and pedestrian traffic actuated unlike the fixed-time temporary signals. The pavement, curbing and sidewalks will also be renewed. The completion date is August 1st and the value of the contract is approximately \$200,000.00 in state and federal funds.



**Massachusetts
Municipal
Association**

Sixty Temple Place (800) 882-1498
Boston, Massachusetts 02111 (617) 426-7272 FAX (617) 695-1314

CHRIS - PLS. PREPARE
FOR PAYMENT

CC: BOS

you

\$3,481

May, 1993

Dear Local Official,

Enclosed please find the invoice for your community's membership in the Massachusetts Municipal Association for FY 1994, which begins on July 1, 1993.

We all know that communities are facing an enormous number of serious fiscal challenges. By joining together with your colleagues from every corner of the state through your membership in the MMA, you ensure a clear, strong voice for the future of local government in Massachusetts.

The MMA serves as your voice on Beacon Hill, bringing together all communities to present a united presence on all legislative, budget, and regulatory matters affecting local government. The MMA provides you with key membership education programs, workshops and seminars throughout the year and at Annual Meeting. We publish *The Beacon*, *The Municipal Advocate*, our *Action Alert*, our new *Legislative Bulletin*, and a number of special publications. In addition, the MMA administers several service programs that generate significant savings and revenues for towns and cities, including insurance through MILA, parking ticket collections through VACS, and excise collections through our new EXPERT initiative.

At MMA's April 13, 1993 meeting of the Board of Directors, the Board voted to approve the Budget Committee's FY '94 budget recommendations, which include a 2.5% dues adjustment. MMA's dues have been frozen for two of the past three years. Earlier this year I wrote to inform you that dues could increase as much as 5%, and I am pleased to report that we were able to cut that projection in half. Coupled with a number cost savings measures that I have instituted in my first year as Executive Director, this modest adjustment will enable us to maintain our existing services, build our research and analysis capabilities, enhance our membership education programs, and embark on an aggressive public communications effort to increase awareness and support for municipal issues.

The MMA has worked hard this year to gain ground in the ongoing effort to rebuild a stronger local-state relationship, win a greater level of local aid, protect communities from costly mandates, and secure greater management flexibility for local governments. Some of this past year's highlights include the following:

MMA won an additional \$23 million in Cherry Sheet Lottery Aid for FY '93, and we are leading the effort to win an even greater increase for FY '94;

MMA was able to win restoration of the Chapter 90 grant program, providing cities and towns with an additional \$36.9 million in grants for local road programs in FY '93, we were in front of the effort to ensure that the administration released \$90 million in Chapter 90 bond funds as well, and we are embarking on an effort to win a permanent guaranteed share of gas tax funds;

MMA successfully worked to restore \$6.5 million in PILOT funding in FY '93 for

reimbursements to cities and towns for property taxes lost to state-owned land;

MMA has successfully pressed for full state funding of the so-called Quinn Bill, or Police Career Incentive Pay Program, in FY '93 (included in a recent supplemental budget), and we are close to ensuring full funding for FY '94 as well;

MMA has led the charge against the onerous and ill-advised mandates in the education "reform" bill, reducing the measure's overall negative fiscal impact, and will continue to serve as the only organization working to enact education reforms that would avoid hurting key municipal services such as public safety;

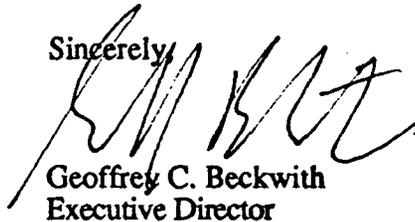
MMA has defeated a number of special-interest proposals to limit the authority of local officials to hold down health insurance costs;

MMA was a key part of the effort to ensure that \$185 million in FY '93 education aid was released in spite of the gridlock facing the education reform bill; and

MMA's insurance division, the Massachusetts Interlocal Insurance Association (MIIA), which provides 272 members with low-cost workers' compensation, property and casualty, and health insurance, has declared \$450,000 in dividends for those members in workers' compensation in FY '89 and property and casualty in FY '91, will offer large savings for FY '94 members, and is seeing its new Health Benefits Trust grow steadily.

The MMA is your organization, created, composed and governed by local officials. Our membership consists of you and your municipal colleagues from all across the state. We bring every community together to build the strongest, most diverse coalition in the commonwealth. With your continued membership, active participation and leadership, will we continue to advance the cause of local government. We look forward to working with you, and as always, remain at your service.

Sincerely,



Geoffrey C. Beckwith
Executive Director

Note: Auditing standards require us to inform you that a portion of your membership dues equivalent to \$18.00 multiplied by the number of your municipality's publication entitlements constitutes your subscriptions to the MMA's monthly newsletter, *The Beacon*. A portion of your membership dues equivalent to \$20.00 multiplied by the number of your municipality's magazine publication entitlements constitutes your subscription to the MMA's quarterly magazine, *The Municipal Advocate*. These are paid subscriptions in accordance with section 1332.22 of the U.S. Post Manual.



THE COMMONWEALTH OF MASSACHUSETTS
LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT BOARD
100 CAMBRIDGE STREET ROOM 903
BOSTON, MASSACHUSETTS 02202
TELEPHONE: (617) 727-6018 FAX: (617) 727-6084

WILLIAM F. WELD
GOVERNOR

CAROL C. AMICK
EXECUTIVE DIRECTOR

cc: BOS

CONTACT: BEN MCKELWAY
(617) 727-6018

NEWS RELEASE

RADIOACTIVE WASTE MEETING OPEN TO PUBLIC

Local citizens will have a chance at 7 p.m. Thursday, June 10, to speak up and ask about a set of proposed regulations and policies regarding the management of low-level radioactive waste.

Massachusetts Low-Level Radioactive Waste Management Board members and staff will conduct a public forum at the Harvard Elementary School "Cafetorium," 27 Massachusetts Avenue in Harvard. The event is sponsored by the League of Women Voters.

State and federal laws require the Management Board to decide whether or not the Commonwealth needs to develop a facility for the storage, treatment, or disposal of low-level radioactive waste generated within its borders. The Management Board's draft Management Plan and regulations, as well as draft regulations of the Massachusetts Departments of Environmental Protection and Public Health pertaining to siting criteria and licensing for such a facility, were issued in January and were the subjects of eight statewide public hearings in February and March, 1993. All three agencies recently extended the deadline for public comments on these documents -- the deadline is now July 15.

After input from the public, the draft documents will be revised and adopted, and the Management Board will vote on the controversial question of siting a facility in Massachusetts.

(MORE)

Although comments and questions on any topic will be welcomed at the meeting, the Management Board is attempting to focus on certain topics that have been the subject of many public comments thus far, such as property value protection and the role of local communities in siting a facility. Citizens who want to focus on other specific topics are encouraged to call the Management Board office at (617)727-6018 before the meeting.

Because it comes from a variety of sources, low-level radioactive waste takes many forms. Nuclear power plants generate sludges and metal waste in the course of normal maintenance. Latex gloves and other trash contaminated with relatively low concentrations of radioactivity come from research labs, hospitals, and other facilities. Currently, such waste generated in Massachusetts is shipped to a South Carolina disposal site, but access to that site is only temporary.

Available at the upcoming briefing session, which is open to everyone, the draft documents may also be obtained by phoning the Management Board's Boston office (See number above). Written comments on the drafts should be sent to the following address:
Low-Level Radioactive Waste Management Board, 100 Cambridge Street,
Room 903, Boston, MA 02202.

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TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 4, 1993

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Weekend Paving

In case you notice or receive any calls this weekend, we will be paving Sunday. This is being done with Chapter 90 monies. These monies were only recently awarded; nonetheless, we must complete the paving prior to the end of the fiscal year in order to qualify for our authorized reimbursement. The streets involved are Main Street, River Street, School Street and Lawsbrook Road.

The paving companies are swamped by State, municipal and private entities at this time of year so working on the weekend is necessary in order to get the work done by June 30. Board members may recall that this kind of diligence in recent years has secured the full Ch. 90 award for the Town of Acton, while other communities have fallen far short of being able to use their authorizations.

Finally, the Town will be paying only a small amount of overtime for this weekend work. Most of the workers involved will be employees of the private paving companies. This represents a double bonus for the town. We pay the same price for the materials "in place", so there is no premium for the

weekend. At the same time, this is being done under the bargain basement prices that are in effect through June 30. These prices are 30% lower than they were a year ago (hence we will be able to do more paving) and recent bids indicate that the prices will return to the higher level on July 1.

cc: Dick Howe

A handwritten signature in black ink, appearing to be 'don', located to the right of the main text block.

**SELECTMEN'S MEETING
MAY 25, 1993**

Draft

The Board of Selectmen held their regular meeting on Tuesday, May 25, 1993. Present were Dore' Hunter, Anne Fanton, William Mullin, Norm Lake, Nancy Tavernier and Town Manager Johnson

CITIZENS' CONCERNS

Dan Wagner came before the Board to ask that his Class II License issues be cleared up so that he could have a final license issued. Dore' assured Mr. Wagner that his current license was valid until such time as the Board makes their final review of the unresolved issues. Dore' instructed Don Johnson to contact Mr. Wagner to set up an appointment to resolve any outstanding issues.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON

NORM LAKE - Moved to approve the petition for Conduit on Main Street at Nylander Way. ANNE FANTON - Second. UNANIMOUS VOTE.

CLASS II LICENSE - BRUSCHI MOTOR WORKS - 72 WASHINGTON DR.

Mr. Bruschi explained his request for a Class II License. He currently buys and sells vehicles and this would allow him to reduce the cost he incurs transferring vehicles and paying sales tax. He stores and has the work done on these vehicles at friend's businesses in the towns of Littleton and Concord and would continue this practice. He is requesting a Non-Display License. He presented a letter from a neighbor stating no opposition to this license. Also there were no residents attending the meeting that spoke against this request. Staff has reviewed the application and as long as no vehicles are stored or repaired at the 72 Washington Drive address it is considered a home occupation.

NANCY TAVERNIER - Moved to approve a Class II License for Bruschi Motor Works at 72 Washington Dr. with the condition that No vehicles will be repaired, displayed, shown or sold at this location. ANNE FANTON - Second. UNANIMOUS VOTE.

JEAN SIFLEET - SCHOOL STREET SIDEWALK PRESENTATION

Ms. Sifleet outlined the process she has followed to gather information and citizen reaction to possible sidewalks on School Street. She proposed sidewalks connecting Piper Road to Sandy Drive and then to meet the sidewalk in West Concord at a later date. She has estimated \$30,000 would be needed to construct the

sidewalk. She want the Board of Selectmen's approval to have the Town Engineering Department staff to prepare a plan. She also would like funds earmarked so that contributions could be directed to that project. Dore' expressed the boards situation with regard to the current budget. Don updated the Board on a conversation with David Abbt. David has a problem with the design. It is suggested that a walking tour be taken prior to beginning any planning as it is a very complex engineering issue.

Anne said she had reviewed the Master Plan for sidewalks and felt that it could be amended to include School Street. Dore' felt that before staff time is expended we should see if the Board is willing to recommend funds or Town meeting action. Anne asked about the feasibility of betterments. Nancy said we could look at it but it seemed rather complex.

Dore' and Don felt a walk through would be important and that the Board should conduct it before anything is done.

NANCY TAVERNIER - Moved to give staff permission to explore in a very preliminary fashion, sidewalks and their feasibility and cost for School Street. NORM LAKE - Second. UNANIMOUS VOTE.

Bill Mullin noted that some of the same people who had given him an earful on the override, and had voted against it appeared on this list of folks wanting the sidewalk. He felt that speciality projects would be/ should be very carefully considered in light of projects for the general good of the Town.

PLANNING BOARD

This meeting was conducted in Executive Session.

CONSENT CALENDAR

NANCY TAVERNIER - Moved to accept the consent calendar as printed. ANNE FANTON - Second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

RFP LEGAL SERVICES - Dore' briefly discussed his draft of the RFP. Nancy stated that she was not inclined to do an RFP this year. She felt it is something that is labor intensive for both the bidder and staff and should be done at three year intervals. Anne agreed that there probably would be little change in the responses for last year. It was decided to shelve the RFP for this year and to be sure that when it is sent next time that it is also put in the MMA newsletter along with the Globe.

LEGAL GUIDELINE POLICY MEMO #7 - Bill Mullin asked for clarification of the Budget reference in the Policy. Dore' explained the difficulty in re-estimating each cases costs. Bill

asked what controls are used internally to control case costs. Don replied he has contact with counsel on cases as they progress. These contacts include discussions on potential costs to litigate.

MARTY MEEHENS HEALTH CONFERENCE - Dore' will try to attend on behalf of the Board. Staff to remind Mr. Hunter.

EPA - Dore' Hunter announced the EPA's Public meeting on June 10th at 7:00 to discuss the remedial cleanup at W. R. Grace.

MEMORIAL DAY - Anne and Norm will represent the Board. At the request of the PCCC the Board asked staff to pass on the names of Betty Powers, Warren Donovan or John Loring as possible candidates for this years Marshall.

CELL ONE - Norm brought the Board up to date on the current negotiations with CELL ONE. He asked to have the Town Manager, Mr. Burdett and himself continue discussions. NANCY TAVERNIER - Moved to take under advisement in order to negotiate further. ANNE FANTON - Second. Unanimous vote.

SUMMER SCHEDULE - Dore' suggested that the months on July and August have only one formal meeting each. Those suggested dates are July 13 and August 10th. Anne had a problem with the her inability to attend the July meeting. After a brief discussion she noted that they should go ahead and meet on July 13th without her. Dore' noted that a special meeting could be called if it were needed to handle any business. Dore' asked for everyone's vacation schedule again and he will review his suggestion of meeting dates.

DEVEN'S TASK FORCE - Anne asked that the Task Force be scheduled for June 22 at 9:00 in order to update the Board. Staff will schedule.

JUSTIN HARTMAN DAY - Anne asked that _____ be designated as Justin Hartman Day. Anne to prepare the letter.

EXECUTIVE SESSION

BILL MULLIN - Moved to go into executive session to discuss potential litigation and contractual issues. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

TOWN MANAGER'S CONCERNS

YEAR END SPENDING - This item will be discussed at the next meeting.

RABID RACCOON POLICY - Don outlined the Board of Health memo on the proposed policy. The Board asked Don to bring back a recommendation at the next meeting.

The Board adjourned at 10:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(400)

EXECUTIVE SESSION
MAY 25, 1993

FARM HILL - DiDuca

Anne Fanton discussed her memo outlining Pro's and Con's. She felt it would be a good case to appeal because of the groundwork that has already been done. Will Hill felt that the appeal should proceed at least on the zoning issue while he agreed the subdivision portion was weaker. The Planning Board feel the judge has encouraged spot zoning in her decision and has put a higher level on changing zoning. They felt it would open up many cases if the Town did not litigate this one. Dore' felt that we needed to make a decision to take it on even if the APA were not to support it. He felt that it was important to litigate both issues and keep talking.

Nancy said it has cost \$64,000 over the past two years and asked how much more could be expect to pay. Dore' asked if there were anyone present who felt we should not proceed. Nancy stated she was still not convinced to go forward.

Anne felt that if we lose this appeal we not pursue any fallouts that may be appealed. Anne asked if the Planning Board could accept not pursuing any new cases if this appeal were to lose. They replied yes.

Norm said he felt we could not justify the cost if we still had commercial use after the case was settled for or against and what was the point.

Bill felt that there would not be a positive outcome. Do we want to spend \$30,000 to prevent an uncertain event from happening. He questioned if it were worth it to send a message, is the money being well spent? Would he spend \$30,000 of his own money to defend? Mary Georgio said the issue is do we want to defend the Master Plan. She felt this was just and opening up of many more suits if we did not pursue the appeal.

Trey Shupert said this could affect how staff and the Planning Board works with developers. We would win the zoning. And by not going forward we run the risk of having developers challenge the addition of sidewalks etc. He felt that it would be a step back with regard to working with developers and the Master Plan.

Roland stated his concern is zoning and the Judge dismissing all the research that went into the zoning. He feels we have

done more zoning with public input and Master Plan than most communities. He felt Judge Sullivan choose not to look at all the facts. He was concerned with the integrity of all future zoning changes.

Josh Chernin feels it is a quality of life issue as witnessed by the recent failure of the override vote and the citizens' library being voted funds.

Dore' outlined the three litigation choices. Bill asked what we would win on appeal on the zoning to be articulated. It is less likely that another suit is filed. Anne felt we are inviting other suits if we do not litigate. Bill asked about whether others would be appealing while this was at appeal. Don felt we needed to defend this because it would send a message, if we roll on this that it will still have some sort of development.

Bill stated that he feels we should go ahead and appeal. ANNE FANTON - Moved to continue with the zoning appeal and defer to Mike to look at the strength of the subdivision. BILL MULLIN - Second. 4-1 - Norm No. Dore' asked that the 4-1 vote not be publicized out side of this Executive Session.

AUDUBON HILL

Don Johnson asked the Board whether they wanted to pursue the issue with an arbitrator. Dore' asked what would be decided tonight, and cautioned Don on the selection of an arbitrator. Don wanted to have the Board's approval to arbitrate. The meeting he had with Dave Connolly of the Bank and Roy Smith went well and he feels we could settle on them paying 15,000 and the Town contributing in like with service. Dore' gave the Manager authority to proceed with negotiations, however, the Manager will not have the final authority to make the decision. The final decision will be brought back for Board decision.

NADEAU SUIT

Don briefly updated the Board on the unfair labor practice suit brought against the Town by Sgt. Nadeau. Sgt. Nadeau was unprepared the arbitrator gave him until after labor day to organize his case.

The Board adjourned at 10:35 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(400392)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 4, 1993

TO: Acton Community Housing Corporation
FROM: Don P. Johnson, Town Manager
SUBJECT: MHP Questionnaire

The attached questionnaire has been received from the Massachusetts Housing Partnership Fund. The June 18 return date is fairly tight (and the content of the questions seems to be "right up your alley") so I have taken the liberty of forwarding the original document to you for response and filing. I am forwarding a copy of this material to the Board of Selectmen for their information.

Please send a copy of the completed questionnaire to the Board for their information.



cc: Board of Selectmen



ORIGINAL DOCUMENTS TO
ACHC FOR COMPLETION
& SUBMISSION.

cc: BOS

Massachusetts Housing Partnership Fund

June 1, 1993

Chairperson
Board of Selectmen
Town Hall
Acton, MA 01720

Dear Sir/Madam:

During the past few years, we have enjoyed working with your community's housing partnership to help create affordable housing opportunities for local residents. There are several events over the next month that I wanted to bring to your attention and which may be of particular interest to you:

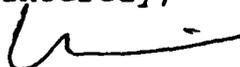
- ▶ Every year, housing partnerships in cities and towns across Massachusetts renew their affiliation with the MHP Fund. This makes the community part of an information network of local officials and volunteers who are working to address local housing needs. It also makes the community eligible for technical and financial assistance from the MHP Fund. In order to renew your community's affiliation with MHP, which does not involve any cost or obligation, please have your partnership complete and return the enclosed questionnaire by Friday, June 18, 1993.
- ▶ The MHP Fund periodically conducts forums across the state on current developments in affordable housing and new opportunities for city and towns to address their local housing needs. These forums are geared toward a general audience that often includes housing partnerships members, selectmen and city councilors, planning and community development officials, and other interested persons. Enclosed is a flyer that announces four regional forums to be held during the month of June. We strongly encourage you and other representatives of your community to attend.
- ▶ The MHP Fund is directly accountable to cities and towns through its association with local housing partnerships. A steering committee, composed largely of local partnership members, meets quarterly to advise the MHP Fund on its policies and programs. Each housing partnership affiliated with the MHP Fund has a vote in annual elections to this steering committee that will be held at each of the regional forums in June. If your community would like to have a stronger voice in state housing policy, please be sure you are represented at the forums.

I want to say a little more about the goals of the MHP Fund and our relationship with local housing partnerships. We have always believed that the only effective way to make housing affordable in Massachusetts is to work closely with the private sector and elected local officials to promote community and neighborhood leadership and to be flexible and responsive to local needs. Toward that end, volunteer housing partnerships have been established with our assistance in more than 200 communities across Massachusetts since 1985. Most of these partnerships remain active today.

During the next year, there will be many new opportunities for you and other community leaders to address your local housing needs. These opportunities range from new home mortgage products to new strategies to revitalize distressed neighborhoods. Continuing your affiliation with the MHP Fund will ensure that your local housing partnership has access to our programs and is eligible for technical assistance to help you take advantage of these opportunities. We will also assist you in any collaborative effort you undertake with local banks and will otherwise help you to expand housing opportunities for local residents.

If you have any questions regarding the enclosed questionnaire please do not hesitate to call Robert Jenkins at (617) 338-7868 or Rita Farrell at (413) 253-7379. We look forward to continuing our strong working relationship with you and your community.

Sincerely,



Clark L. Ziegler
Executive Director

cc: Housing Partnership

SOLICITOR'S OFFICE



DANIEL M. FUNK
CITY SOLICITOR

ASSISTANT CITY SOLICITORS

MICHAEL D. BASEMAN LAURA W. BROCK
OUIDA C.M. YOUNG CATHERINE A. LESTER
GAYLE A. SMALLEY FRANCES E. BALIN
RICHARD G. CHMIELINSKI

City of Newton, Massachusetts

Incorporated 1873

CITY HALL

COMMONWEALTH AVENUE AND WALNUT STREET
NEWTON CENTRE 02159

TELEPHONE
552-7050

FAX NO.
969-7872

N. LAKE
CC: BOS-RF

June 1, 1993

Civil Clerk
Middlesex Superior Court
40 Thorndike Street
Cambridge, Massachusetts 02141

RE: Middlesex County, et als. v. Middlesex County Advisory
Board et als.
Civil Action No. 93-2293

Dear Sir/Madam:

Enclosed for filing please find Answer of Defendant
Middlesex County Advisory Board regarding the captioned case.

Very truly yours,


Frances E. Balin
Assistant City Solicitor

FEB/kmc
Enclosure
cc: All Defendants

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 4, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: School Reform Foundation Spending

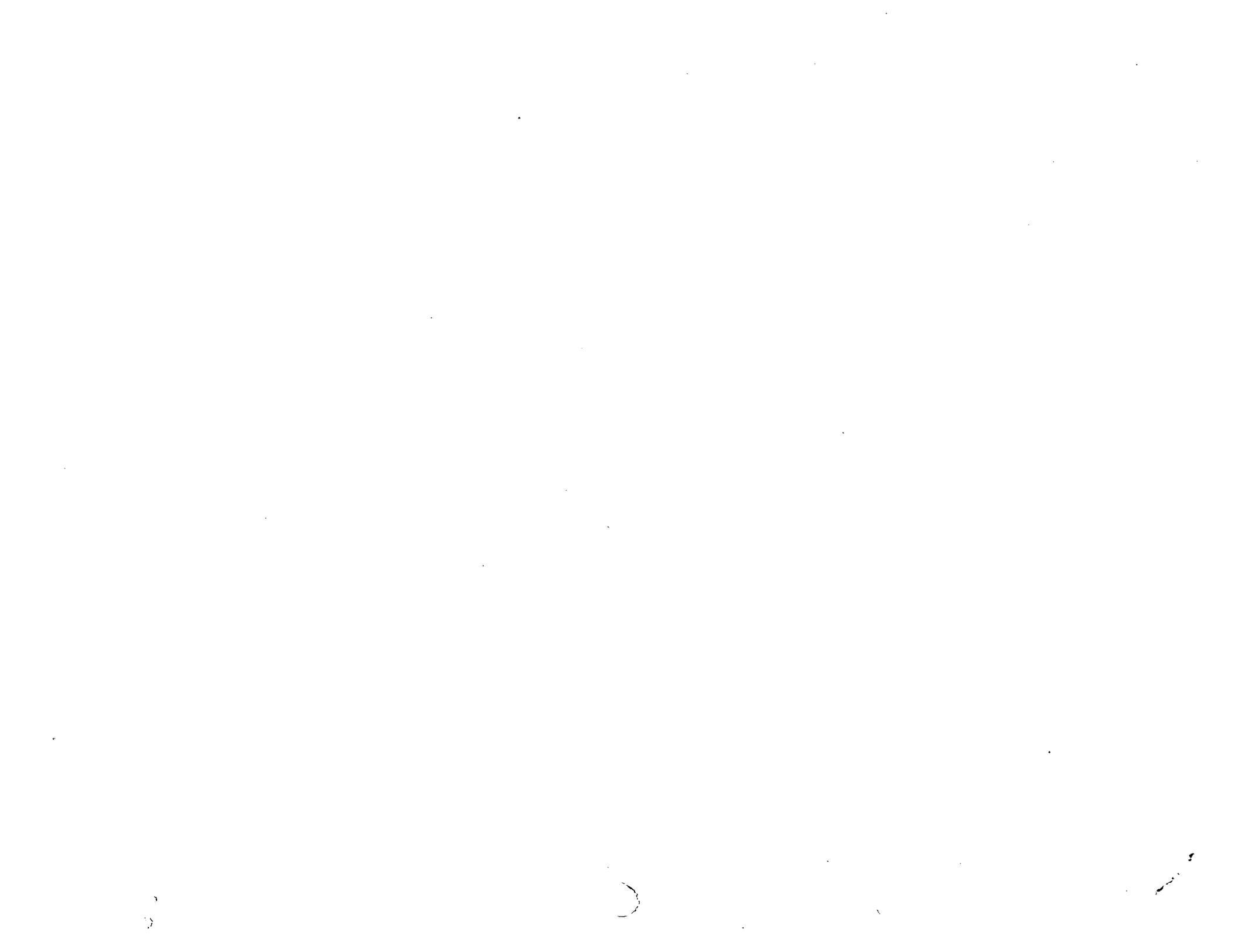
Senator Durand's office has forwarded the attached preliminary information regarding our status with respect to the foundation spending requirements of this legislation. (The FAX we received was of poor quality and cut off part of the information so I am attaching the best copy we have ... though it may be difficult to read. The names listed in the left column are Acton, Ayer, Berlin, Boxborough, Harvard, Hudson, Littleton, Marlborough and Maynard.)

Staff has little information regarding the content or import of these numbers and categories. Consequently, we have done no analysis. Nancy Tavernier has a better handle on the subject so you may wish to address any questions to her.



Statistics provided by the Finance Commission on May 10, 1994

Municipality District		Average Foundation Per-Pupil \$5,550	Average Found.	FY93 Spending	FY93 Actual Spending Per-Pupil	FY93 Gap	Std of Effort per 1000 SW Effort \$9.40	Gross Standard of Effort Gap	Raw Local Effort	Overburden Aid	Foundation Aid	Tax Equity Aid	Minimum Aid	Raw Base Aid	FY94 Raw Aid
Senator Durand															
CTON	LOCAL	9,049,209		9,664,167		0		0	0	0	0	0	89,603	0	89,603
	ACTON RD	7,339,666		9,130,878		0		0	0	0	0	0	88,934	0	88,934
	NIHUTENA	386,347		825,834		0		0	0	0	0	0	2,383	772	3,155
	TOTAL	16,775,222	5,212	19,620,879	4,096	0	7.84	0	0	0	0	0	180,920	772	181,692
VER	LOCAL	10,697,990		12,201,653		0		0	0	0	0	63,313	94,833	0	158,146
		0		0		0		0	0	0	0	0	0	0	0
		0		0		0		0	0	0	0	0	0	0	0
	TOTAL	10,697,990	3,639	12,201,653	6,432	0	13.32	0	0	0	0	63,313	94,833	0	158,146
ERLIN	LOCAL	669,308		854,397		14,983		2,703	432	2,271	0	0	8,612	19,282	21,085
	BERLIN B	573,378		876,562		0		0	0	0	0	0	5,628	0	5,628
	ASBURY	236,680		285,921		0		0	0	0	0	0	1,434	0	1,434
	TOTAL	1,679,358	5,337	1,996,880	6,370	14,983	6.34	2,703	432	2,271	0	0	15,674	19,282	28,147
XOROLOGA	LOCAL	1,539,966		1,403,407		134,339		24,735	24,735	0	0	0	15,127	25,054	40,181
	ACTON RD	1,518,926		1,889,612		0		0	0	0	0	0	14,266	0	14,266
	NIHUTENA	63,220		135,137		0		0	0	0	0	0	390	126	516
	TOTAL	3,122,112	5,241	3,428,156	5,755	134,339	5.88	24,735	24,735	0	0	0	29,783	25,180	54,964
MAYARD	LOCAL	4,410,116		3,041,982		0		0	0	0	0	0	62,861	703	63,564
	MONTAGNI	15,480		16,669		811		147	147	0	0	0	95	140	235
		0		0		0		0	0	0	0	0	0	0	0
	TOTAL	4,425,596	3,173	3,058,651	5,913	811	8.04	147	147	0	0	0	62,956	843	63,800
BOSON	LOCAL	12,696,824		11,635,198		1,061,626		121,530	0	121,530	71,044	0	47,184	200,127	439,883
	ASBURY	1,545,819		1,736,800		0		0	0	0	0	0	9,364	0	9,364
		0		0		0		0	0	0	0	0	0	0	0
	TOTAL	14,242,643	3,581	13,371,998	5,240	1,061,626	8.75	121,530	0	121,530	71,044	0	56,548	200,127	449,247
FLETCHER	LOCAL	5,266,173		3,951,951		0		0	0	0	0	0	49,817	0	49,817
	BASHORA	267,436		267,263		0		0	0	0	0	0	1,537	0	1,537
		0		0		0		0	0	0	0	0	0	0	0
	TOTAL	5,533,609	3,366	6,219,214	6,883	0	7.89	0	0	0	0	0	51,354	0	51,354
MORROWEN	LOCAL	20,531,980		19,548,851		983,129		179,623	179,623	0	0	0	189,486	39,217	248,703
	ASBURY	2,122,728		2,304,983		0		0	0	0	0	0	12,858	0	12,858
		0		0		0		0	0	0	0	0	0	0	0
	TOTAL	22,654,708	5,598	21,853,834	5,418	983,129	7.53	179,623	179,623	0	0	0	202,344	39,217	261,561
MAYARD	LOCAL	6,293,846		6,391,318		0		0	0	0	0	0	57,631	0	57,631
	ASBURY	688,456		764,324		0		0	0	0	0	0	4,122	0	4,122





City of Newton, Massachusetts

Incorporated 1873

CITY HALL

COMMONWEALTH AVENUE AND WALNUT STREET
NEWTON CENTRE 02159

FAX NO.
969-7872

DANIEL M. FUNK
CITY SOLICITOR

ASSISTANT CITY SOLICITORS

MICHAEL D. BASEMAN LAURA W. BROCK
QUIDA C.M. YOUNG CATHERINE A. LESTER
GAYLE A. SMALLEY FRANCES E. BALIN
RICHARD G. CHMIELINSKI

cc: BOS
N. COHEN
May 24, 1993
NORM LAKE, PLEASE
TAKE NOTE.
Norm

Charles E. Boyle, Esquire
40 Thorndike Street
Cambridge, Massachusetts 02141

RE: Middlesex County, et als. v. Middlesex County Advisory
Board et als.
Civil Action No. 93-2293

Dear Attorney Boyle:

Pursuant to Superior Court Rule 9A, enclosed please find one copy of Motion to Dismiss and for Sanctions in the above-referenced action.

Please send me the original and one copy of any opposition to this motion which you would like filed with it. Pursuant to Rule 9A, I will be filing the original of this motion June 7, 1993.

Thank you for your cooperation in this matter.

Very truly yours,
Frances E. Balin
Frances E. Balin
Assistant City Solicitor

FEB/kmc
Enclosure
cc: All Defendants

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

MIDDLESEX COUNTY, et als.)	
)	
Plaintiffs)	
)	
v.)	CIVIL ACTION
)	NO. 93-2293
MIDDLESEX COUNTY ADVISORY BOARD,)	
et als.)	
)	
Defendants)	
)	

MOTION TO DISMISS AND FOR SANCTIONS

Defendants Theodore D. Mann, Paul W. Blazar, Norman Lake, Thomas H. Conway, Jr., Robert W. Healey, Harriet Todd, Paul J. Glavey, Stephen P. LeDuc, Kenneth R. DeMars, Edward C. Cinella, Paul E. Coletti, James J. Norton, Leonard H. Golder, William F. Stanley, Mary Antes, Hal R. Schreiber, and Joseph J. Simas (the "Individual Defendants") and the Town of Acton, the Town of Billerica, the City of Cambridge, the Town of Lincoln, the Town of Littleton, the City of Marlboro [sic], the Town of Maynard, the City of Melrose, the City of Newton, the Town of Sherborn, the Town of Stow, the City of Waltham, the Town of Wayland, the Town of Westford and the City of Woburn (the "Municipal Defendants") hereby move to dismiss the Complaint against them pursuant to M.R.C.P. 12(b)(6).¹ The Complaint fails to state a claim upon which relief can be granted as to them. They further

¹The Middlesex County Advisory Board itself is not a party to this Motion, nor is John P. McGonigle, sheriff of Middlesex County.

seek sanctions against plaintiffs pursuant to M.G.L. c.231, § 6F and M.R.C.P. 11, due to the clearly frivolous nature of the case against them.

The Complaint filed by Edward J. Kennedy, Thomas J. Larkin and Francis X. Flaherty, in their capacity as County Commissioners of Middlesex County ("County Commissioners"), seeks to have a vote of the Middlesex County Advisory Board (the "Board") declared null and void, and force the Board to restore certain funds to the Middlesex County budget. The Municipal Defendants have been sued because they are part of Middlesex County and thus members of the Board. Complaint, ¶¶ 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34; see also M.G.L. c.35, § 28B. The Individual Defendants have been sued because they are the Chairman of the Board (Theodore D. Mann), the Chairman of the Board's Budget Committee (Paul W. Blazar), or the Municipal Defendants' representatives on the Board. Complaint, ¶¶ 4, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35. All have been sued in their representative capacity only. Id. Interestingly, the Individual and Municipal Defendants do not include all municipalities in Middlesex County who have representatives on the Board (for example, the City of Lowell is conspicuously absent from the caption), but apparently only those representatives who voted contrary to the County Commissioners' desires.

It is well-established in the Commonwealth that a public board may sue and be sued in its own name, and the members of the public board need not be named individually. Board of Appeals of Rockport v. DeCarolis, 32 Mass. App. Ct. 348, 351 (1992); Ciszewski v. Industrial Accident Board, 367 Mass. 135, 139-40 (1975); School Committee of Boston v. Reilly, 362 Mass. 334, 339-40 (1972). Thus, naming the Board as defendant, as the County Commissioners have done, is sufficient.

There is also no basis in law for naming as defendants only those members of the Board with whom plaintiffs disagree. Because the Board acts as a body, binding all members (and all communities in Middlesex County) by a majority vote, either all members must be named, or none need to be named.

Additionally, this Court can grant no relief to the County Commissioners against any individual or municipal member of the Board. The County Commissioners are allegedly aggrieved only by the action of the Board acting as a Board (i.e., by majority vote). The County Commissioners, should they prevail, can achieve full and appropriate relief by the Court's orders against the Board, without any relief from the Individual or Municipal Defendants. Their presence as defendants will merely cause undue confusion in the case and expense to the municipalities involved.

Finally, based on the letters the County Commissioners themselves attached to the Complaint (Exhibits B and C), it is abundantly clear that suit was instituted against the Individual and Municipal Defendants to harass them for failing to alter

their votes to the liking of the County Commissioners, and was not instituted in a good faith belief that they were necessary parties to this suit. Because the law is clear that the Board can be sued in its own name, and there is no basis for naming only selected members or representatives of the Board, the Individual and Municipal Defendants further seek sanctions pursuant to M.G.L. c. 231, § 6F and M.R.C.P. 11, including but not limited to the costs and attorneys' fees associated with the prosecution of this Motion to Dismiss.

Respectfully submitted,

By their attorney,

Frances E. Balin (BBO #027745)
Assistant City Solicitor
City of Newton Law Department
1000 Commonwealth Avenue
Newton Centre, MA 02159
(617) 552-7050

Dated:

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

Don P. Johnson
Town Manager

June 2, 1993

Ms. Jan Edry
ACCORD
41 Nashoba Road
Acton, MA 01720

Dear Ms. Edry:

I am in receipt of your request for certain employee information, in a specific format. The Town does not keep this information in a readily accessible form that would lend itself to the request you have made. This does not mean that the information is unavailable, it does mean that the Town would have to charge you the cost of assembling and producing the information you desire. My anticipation is that this cost would be rather high.

We have produced some of this information, in a different format, for another purpose. I have attached a copy in the hope that it may be sufficiently responsive to satisfy your request. The only additional cost to the Town in this instance is the cost of copying ... and that is nominal ... so I can provide this document without charge to ACCORD.

If you still desire to pursue the type of breakdown contained in your letter, please contact me. I will be happy to give you a better idea of the difficulty we will have in collecting this information ... along with a sense of the manhours and costs that would be involved.

Very truly yours,



Don P. Johnson
Town Manager

cc: Board of Selectmen

DPJ:696

TOWN OF ACTON
W-2 WAGES FOR MUNICIPAL PERSONEL
CALENDER YEAR

DEPARTMENT	EMP. NO.	LNAME	FNAME	1992
ENGINEERING	75	ABBT	DAVID	50,541
ASSESSOR BOARD	567	ADAMS	ROBERT	500
POLICE	295	ALLEN	FAITH	25,100
BUILDING		ANDRYSICK	WILLIAM	4,704
POLICE	685	ANTONELLI	KEVIN	23,133
FIRE	666	ARNUM	ANITA	31,949
ACCOUNTING	55	ARSENAULT	HELEN	26,510
CEMETERY	688	AUDETTE	JAMES	24,434
HIGHWAY	513	BAKER	KEVIN	8,213
HEALTH	626	BALL	SHERYL	22,465
PLANNING	549	BARTL	ROLAND	42,195
NURSING	71	BATEMAN	JUDITH L.	11,934
NURSING	17	BATISTA	MELODY F.	30,216
FIRE	13	BEAN	FORREST	42,635
CLERK	54	BELBLIN	CATHERINE	26,888
HIGHWAY	135	BELL	SAMUAL	28,852
FIRE	87	BENNETT	EDWARD	46,690
NURSING	403	BLECK	JANE MARIE	14,475
LIBRARY, M		BOCCADORO	RITA	
LIBRARY, W.A.	291	BOOTHBY	BETTY	260
HEALTH	264	BOSWORTH	JONATHAN	125
MUNC. PROP.	328	BOUCHARD	DAVID	24,098
LIBRARY, M	3	BRACKEN	JEANNE	21,157
COA	534	BRANDON	EDNA	
FIRE	707	BRINKLEY	SANDRA	21,270
CLERK	465	BROWN	BARBARA	22,517
HIGHWAY	138	BROWN	DAVID	44,145
POLICE	33	BROWNE	CHRISTOPHEF	39,600
BUILDING	600	BUXTON	SHIRLEY	9,650
NURSING	555	CALDERARO	THERESA	21,831
POLICE	708	CALI	ROBERT	
FIRE	83	CALKINS	DAVID	33,879
FIRE	86	CAQUETTE	BERNARD	45,100
POLICE	56	CARNEY	JUNE	27,450
LIBRARY, M	176	CHANDLER	RUTH	13,295
MUNC. PROP.	121	CHARTER	DEAN	48,144
LIBRARY, W.A.	169	CHAUTIN	DOROTHY	
LIBRARY, M	186	CHISVIN	CAROL	35,971
BUILDING		CHRISTIAN	NORINE	5,722
POLICE	645	COGAN	MICHAEL	243

TOWN OF ACTON
W-2 WAGES FOR MUNICIPAL PERSONEL
CALENDER YEAR

DEPARTMENT	EMP. NO.	LNAME	FNAME	1992
POLICE	28	COGAN	PAUL	43,590
POLICE	36	COGAN, JR.	JAMES	39,422
HIGHWAY	126	COMPTON	WILLIAM	33,392
FIRE	11	CONQUEST	JOSEPH	45,762
POLICE	619	COONEY	JOHN	47,207
FIRE	104	COPELAND	DONALD	49,389
POLICE	526	COUGHLIN	MICHAEL	35,354
POLICE	26	COWAN, JR.	ROBERT	33,219
FIRE	114	CRAIG	ROBERT	51,990
POLICE	45	CROWLEY	ALBERT	46,637
NURSING	202	CROWTHER	KATHLEEN	8,852
FIRE	85	DECKER	WAYNE	33,397
NURSING		DEZZANI	SUSAN	
LIBRARY, M	351	DONALD	JUDITH	2,160
LIBRARY, M	558	DONOHUE	EILEEN	23,092
POLICE	25	DUDLEY	JEFFREY	50,900
HIGHWAY	361	DUDLEY	PAUL	34,753
LIBRARY, M	504	DUFFY	LESLIE	5,918
HEALTH	563	DUNBAR	DOUGLAS	7,987
ENGINEERING	520	DUVEL	STEPHEN	3,643
LIBRARY, M	503	EGAN	KIMBERLY	1,068
LIBRARY, M	643	EICHHORN	JANET M.	1,514
NURSING	431	ELLIOTT	DEBRA	490
CEMETERY		ENGLUND	DAVID	3,005
HEALTH	690	ERDOZAINCY	ROSE M.	28,422
SELECTMEN	437	FANTON	ANNE	650
BUILDING	588	FARNSWORTH	WILLIAM	3,491
HIGHWAY	591	FARRELL	KEVIN	31,799
POLICE	651	FENNIMAN	STEWART	45,172
POLICE	327	FENNIMAN	TODD	45,877
LIBRARY, M	574	FINGERMAN	JENNIFER	970
HIGHWAY	119	FITZPATRICK	MARK	36,188
NURSING	153	FRITZ	JANET	9,625
FIRE	81	FROST	CLARENCE	43,121
FIRE		GANANG	NORMA	
COA	340	GENEAU	SANDRA	
SELECTMEN		GILBERTI	DONALD	
NURSING	464	GINN	POLLY	21,506
POLICE	39	GOODEMOTE	JAMES	38,711
POLICE	24	GOODMAN	BRIAN	69,576

TOWN OF ACTON
W-2 WAGES FOR MUNICIPAL PERSONEL
CALENDER YEAR

DEPARTMENT	EMP. NO.	LNAME	FNAME	1992
CEMETERY	606	GRAY	STEPHEN	26,030
POLICE	44	GREY	RAYMOND	54,523
NURSING	292	HALL	SANDRA	4,109
HEALTH	76	HALLEY	DOUGLAS	46,985
LIBRARY, W.A.	670	HAMEL	JOY	14,795
FIRE		HARRIS	DAVID	
POLICE	43	HARRISON	BERNARD	37,585
FIRE	287	HART	ROBERT	32,315
HIGHWAY	131	HAWE	DONALD	30,617
POLICE	30	HAYES	WILLIAM	46,675
POLICE		HERNANDEZ	PABLO	31,149
NURSING	455	HETHERINGTON	JEAN B.	31,403
MANAGER		HOWE	NANCY	484
HIGHWAY	8	HOWE	RICHARD	48,144
POLICE	626	HOWE	SCOTT	26,330
CEMETERY	61	HOWELL	NANCY	14,665
MUNC.PROP.	661	HOWELLS	JOSEPH	11,631
CLERK		HUBER	CORNELIA	23,016
SELECTMEN	193	HUNTER	DORE F.	650
FIRE	546	INSON	KENNETH	5,771
ASSESSOR	547	JACKSON	BETSY	23,701
PLANNING	659	JACOBS	DONNA	24,759
FINANCE	702	JAMES	KENNETH	33,434
CEMETERY	137	JENKS	STANLEY	10,495
MUNC.PROP.	488	JOHNSON	ARNOLD	25,415
MANAGER	125	JOHNSON	DON	75,365
POLICE	22	JOHNSON	RONALD	32,987
MANAGER	62	JOYCE	CHRISTINE	27,950
NURSING	144	KEENAN	JESSE	12,837
HIGHWAY	129	KENDALL	ROBERT	33,214
CEMETERY	161	KENNEDY	STEWART	37,771
FIRE	113	KESSLER	JAMES	43,014
FIRE	96	KLAUER	WILLIAM	47,157
LIBRARY, M	554	KNOWLAND	STEPHANIE	15,543
POLICE		KOCH	LINDA	66
ASSESSOR BOARD	117	KOTANCHIK	JAMES	600
COA	48	LAKE	CAROL	32,626
SELECTMEN	479	LAKE	NORMAN	683
HIGHWAY	141	LANE	KENNETH	33,667
POLICE	14	LAROCHE, JR.	RAYMOND	32,953

TOWN OF ACTON
W-2 WAGES FOR MUNICIPAL PERSONEL
CALENDER YEAR

DEPARTMENT	EMP. NO.	LNAME	FNAME	1992
ACCOUNTING	1	LARSON	MARY	37,771
HIGHWAY	57	LAWSON	ELAINE	27,690
CEMETERY	156	LEE	DAVID	31,292
LIBRARY,M		LORD	LINDA	
FIRE	105	LYONS	KEVIN	42,964
FIRE	608	LYONS	MICHAEL	38,243
HIGHWAY		MACGILLIVARY	DAVID	72
MUNC.PROP.	197	MACGILLIVARY	DAYLE	31,761
FIRE		MACGREGOR	MALCOLM	
MUNC.PROP.	155	MACGREGOR, JR.	MALCOLM	30,884
MUNC.PROP.	509	MACKENZIE	ANDREA	24,057
MODERATOR	441	MACKENZIE	DONALD	
HIGHWAY	132	MARTINSON, JR.	ROBERT	29,256
ASSESSOR		MAXWELL	RHODA	
BUILDING		MCCARTY	GERRARD	
LIBRARY, M	317	MCGUINNESS	GLORIA	24,680
ASSESSOR	467	MCMULLEN	BRIAN	16,743
POLICE	41	MCONIFF	JOHN	47,681
POLICE	27	MCPADDEN	JAMES	68,056
ASSESSOR BOARD	538	MILLER	SUSAN	250
POLICE	667	MILLIGAN	ANNE	7,961
FIRE	84	MORSE	DANIEL	31,509
FIRE	609	MORSE	SCOTT	32,695
SELECTMEN		MULLIN	WILLIAM C.	433
MANAGER	639	MURRAY	JOHN	54,075
POLICE	29	NADEAU	BRUCE	48,116
FIRE	111	NEAGLE	GEOFFREY	35,146
FIRE		NEAGLE	MARIANN	
FIRE	271	NELSON	KRIST	32,327
FIRE		NICHOLS	DAVID	20,674
LIBRARY, M	175	NULL	WANDA	45,554
COLLECTOR	66	O'CONNELL	BARBARA	19,880
FIRE	110	O'LEARY	RICHARD	36,603
COA	6	OLIO	NORMA	1,885
POLICE		OMAN	MICHAEL	
NURSING	506	O'SULLIVAN	BRIAN	2,896
COA	498	OULETT	GAIL	1,340
POLICE	658	PALMA	DONALD	39,265
POLICE	42	PARISI	ROBERT	65,644

TOWN OF ACTON
W-2 WAGES FOR MUNICIPAL PERSONEL
CALENDER YEAR

DEPARTMENT	EMP. NO.	LNAME	FNAME	1992
COA	516	PASKAVITZ	RONALD	24,057
COA	497	PEDERSON	GEORGE	1,203
HEALTH	662	PERRY	ALAN	31,360
LIBRARY, M	191	PETERSON	JOAN	18,918
LIBRARY, W.A.	297	POMEROY	SUZI	16,442
POLICE	612	PREHL	CHRISTOPHEF	48,988
FIRE	107	PRIMIANO	WILLIAM	39,521
FIRE	610	RAY	JAMES	33,326
POLICE	614	RENTSCHLER	FREDERICK	52,845
LIBRARY, M	251	RHEULT	LISA	31,411
BUILDING	115	RHODES	GARRY	44,776
POLICE	18	RHODES	ROBERT	56,319
POLICE	309	RICHARDSON	DEBORAH	98
FIRE	611	RICHARDSON	MARK	31,558
FIRE	108	RICHTER	BRIAN	32,207
ENGINEERING	73	RING	DENNIS	34,269
FIRE	94	ROBINSON	CARL	42,822
FIRE		ROBINSON	CYNTHIA	
POLICE	38	ROBINSON	GEORGE	57,942
FIRE		ROBINSON	KEITH	
FIRE	92	ROBINSON	PETER	34,755
FIRE	280	ROBINSON	RICKY	35,425
HIGHWAY	139	ROBINSON	RUSSELL	33,049
POLICE	23	ROGERS	THOMAS	69,340
LIBRARY, W.A.	179	ROOT	MARJORIE	1,209
NURSING		ROSS	FLORENCE	
LIBRARY, M		RYAN	DIANE	
FIRE	89	SABOURIN	ROBERT	32,930
NURSING	686	SAIA	LUCILLE	38,714
NURSING		SAWYER	PAM	
FINANCE	68	SHEPHERD	ALICE	24,057
MANAGER		SIMEONE	ANN	
FIRE	112	SIMEONE	PAUL	38,872
BUILDING	311	SIPPRELLE	VALERIE	21,057
LIBRARY, M	189	SMITH	JANE	15,131
COLLECTOR	604	SMITH	PHYLLIS	22,331
PLANNING		SMITH	TIMOTHY	

TOWN OF ACTON
W-2 WAGES FOR MUNICIPAL PERSONEL
CALENDER YEAR

DEPARTMENT	EMP. NO.	LNAME	FNAME	1992
FIRE	274	SOAR	DAVID	38,119
ASSESSOR		SORENSEN	LELA	36,876
LIBRARY, M	190	SOULE	JANE	781
NURSING		STEVENS	JULIA	
FIRE	275	STONE	BRUCE	43,451
FIRE	345	SULLIVAN	RICHARD	19,655
SELECTMEN	447	TAVERNIER	NANCY E.	717
POLICE	656	TAYLOR	ALLURA	25,598
CONSERVATION	539	TIDMAN	THOMAS	33,434
ASSESSOR		TIDMAN	VICTORIA	
LIBRARY, W.A.	298	TISCHLER	REGINA	245
HIGHWAY		TOWNE, JR	FRANK	30,261
FIRE	109	VANDERHOOF	ROBERT	37,403
LIBRARY, M	254	VANUGA	SANDRA	1,966
FIRE	90	VINAL	BRUCE	37,802
HIGHWAY	127	WAITE, JR.	RICHARD	32,031
FIRE		WALL	GINGER	
FIRE	505	WALLERSTEIN	THOMAS	31,140
MUNC.PROP	566	WALSH	DAVID	28,410
SELECTMEN		WEEKS	WILLIAN	
LIBRARY, M	204	WELLES	DEVEREUX	19,200
HIGHWAY	652	WENTZELL	CHARLES	25,417
NURSING	273	WERNER	JUNE	11,230
PLANNING		WERT	MARK	
FIRE	101	WETHERBEE	ROBERT	33,769
FINANCE	2	WETHERBY	ROY	61,542
FIRE	5	WHEELER	BRENT	42,318
FIRE	283	WHITE	JOHN	32,310
POLICE	10	WIDMAYER	FRANCIS	47,281
HIGHWAY	134	WILLETT, JR.	CHARLES	33,405
FIRE	102	WILLIAMS	GEORGE	55,742
NURSING	122	WILLSON	BARBARA	414
LIBRARY, M	362	WILSON	MARY	1,234
COA	306	WINDERS	BARBARA	9,933
NURSING	424	WORFOLK	JEAN	356
FIRE	88	YOUNG	JAMES	42,549

41 Nashoba Road
Acton, MA 01720
(508) 263-5052
(508) 263-2725



Acton Citizen Coalition
on Reducing Debt

May 19, 1993

EXTRA INFO. 5/25
FYI

MAY 24 1993

Mr. Don Johnson, Town Manager
Town of Acton
Town Hall
Acton, MA 01720

Dear Don:

We would appreciate being furnished with a list of all Town of Acton employees in the following format:

Department Title Base Salary Cost to Town for Benefits

Personnel names are not required. A simple "Employee #1, Employee #2, etc." is sufficient. Additionally, if an employee serves more than one function in the town, we would like those categories broken out by title, pay, etc. under that same employee. If the list could be organized by department, that would be helpful.

As a follow up, once we have received this listing we will be coming back to you for job descriptions of specific titles.

Thank you in advance for your assistance in this matter.

Sincerely,

ACCORD



Jan Edry

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION ROAD

DAVID -
I HAVE REVIEWED YOUR
COMMENTS. WE SHOULD DEFINITE
DEFEND OUR INTERESTS IN THE
ROAD. PLEASE
CONTACT TOWN COUNSEL AND
FILE THE APPROPRIATE
DATE: 6/3/93 OBJECTION(S).

TO: Don P. Johnson, Town Manager
FROM: David F. Abbt, Engineering Administrator
SUBJECT: Land Court Case No. 16078-S1993-03=A
Marshall Land, Carlisle Road

D. Abbt
DM
CC: BOS - FYI

The notification from the Land Court you recently sent me concerns the re-survey of registered land to correct differences between old record (plan) information and new field information. The new field information is shown on a plan prepared by Acton Survey and Engineering dated November 3, 1992 and filed in the Acton Engineering Department plan file as plan number 3334. This notification has been sent to the Town because Carlisle Road is a public way operated and maintained by the Town of Acton.

The plan purports to show the sidelines of Carlisle Road in more detail than on the original 1936 decree plan. A portion of Carlisle Road was laid out by the county engineers in 1948 and this section is shown correctly on the new plan. The remainder of Carlisle Road is an ancient colonial road and is not, in my opinion, shown correctly on the new plan for the following reasons:

1. Most all colonial roads were intended to be 2 rods (33 feet) wide. The ancient sections of Carlisle Road that are bounded by original stonewalls are approximately 33 feet wide as indicated on the new plan. However, the section not currently bounded by original stone walls (the section in front of lot 4 on Land Court Plan 16078B) is shown less than 33 feet wide.
2. The new plan, in the general area described above, does not clearly show or define the limits of public occupancy.
3. The sidelines of the ancient portion of Carlisle Road not bounded by old, original stone walls are arbitrary and do not accurately reflect the actual area of public occupancy or the traditional "two rod" width as indicated by those sections of the ancient way still bounded by old, original stonewalls.

If you agree with these findings, this memo and appropriate instructions would need to be forwarded to Palmer and Dodge as soon as possible so that a proper petition in legal format can be filed with the Court on or before June 28, 1993, the deadline for filing objections to the new plan.

The filing of this petition will at least show a commitment on the part of the Town to defend its interest to the full, legal width of Carlisle Road for public use, including the existing travelled way and road shoulders and the future possibility of constructing a sidewalk within the ancient right-of-way.

Finally, I should note that the new plan does not show the existing floodplain zone on Nashoba Brook (Robbins Mill Pond). This oversight may be of little or no interest to the Court, but would be of considerable concern to a future owner of lot 7.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: May 19, 1993

TO: David Abbt
FROM: Don P. Johnson, Town Manager
SUBJECT: Marshall Land

RECEIVED
MAY 21 1993
ACTON ENGINEERING DEPT.

The Town Clerk's office received the attached documents via Certified Mail this afternoon. I have given them a quick look and they do not appear to require any action on our part ... save possibly having you look at the amended plans to see if we might object.

Please look this material over and let me know if you concur with my assessment. Forward it to Palmer & Dodge if you determine that it does require action. Also, check out the revisions as you deem appropriate.

Please advise me of your findings.

By copy of this information to the Assessing Department I am asking Brian to evaluate whether this is material to any of the assessments.



cc: Board of Selectmen
Assessing Department
Town Clerk

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

CASE NO. 16078-S1993-03-A
(SEAL)

TO: Gladys D. Pannell, Trustee of the Gladys D. Pannell Realty Trust, John H. Valentine, Jr., Elizabeth H. Valentine, Town of Carlisle, all of Carlisle, in the County of Middlesex (North); Trustees of the Acton Boy Scout Trust, c/o Michael LaFoley, Town of Acton, both of Acton, in the County of Middlesex, (South); USTrust Company, 40 Court Street, Boston, in the County of Suffolk, Nashua Valley Council Boy Scouts of America, Lancaster, in the County of Worcester, all of the Commonwealth of Massachusetts; Charlotte L. Dexter, Trustee of the Drake Trust, of Meredith, New Hampshire.

You are hereby notified that a complaint has been filed in this Court by Andrew C. Bailey and Fiduciary Trust Company, Trustees of MSM Trust under Declaration of Trust, dated February 23, 1989 registered as Document No. 794041, representing that:

1. Certificate of Title No. 18489 issued by the North Registry District of Middlesex County stands in the names of Mary S. Marshall, of Carlisle in the County of Middlesex and Commonwealth of Massachusetts and Andrew C. Bailey, of Dedham in the County of Norfolk and said Commonwealth, Trustees of MSM Trust under a Declaration of Trust, dated February 23, 1989 and registered February 24, 1989, being Document No. 794041.

2. Petitioners have caused to be filed in the Engineering Department of the Land Court in Boston Plan No. 16078-E.

3. Said Plan No. 16078-E delineates:

The subdivision of part of land shown on prior Land Court Plan No. 16078-A into one lot to be shown as Lot 7 on Plan No. 16078-E.

4. Said Plan discloses differences between old record information and new field information which cannot be adequately reconciled without slight adjustments to record information.

Petitioner prays that Plan No. 16078-E be approved.

It is, ORDERED: that a copy hereof be mailed by certified mail to the following: Charlotte L. Dexter, Trustee of the Drake Trust, P.O. Box 978, Meredith, New Hampshire 02353; Gladys D.

Pannell, Trustee of the Gladys D. Pannell Realty Trust, 570 West Street, Carlisle, MA 01741; Trustees of the Acton Boy Scout Trust, c/o Michael LaFoley, 140 Nagog Hill Road, Acton, MA 01720; Nashua Valley Council Boy Scouts of America, c/o David Skorupski, Scout Executive, 1980 Lunenburg Road, Lancaster, MA 01523; John H. Valentine, Jr., Elizabeth H. Valentine, 566 Acton Street, Carlisle, MA 01741; USTrust Company, 40 Court Street, Boston, MA 02108; Town of Acton, 472 Main Street, Acton, Ma 02108; Town of Carlisle, 22 Bedford Road, Carlisle, MA 01741.

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 28th day of JUNE, 1993.

By the Court.

Attest:

Charles W. Trombly, Jr.
Recorder

Dated: May 18, 1993

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

Recorder

Attorney for Petitioner:

Walter G. Van Dorn
Powers & Hall, P.C.
100 Franklin Street
Boston, MA 02110-1586

MDC/ml

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

CASE NO. 16078-S1993-03-B
(SEAL)

TO: Gladys D. Pannell, Trustee of the Gladys D. Pannell Realty Trust, John H. Valentine, Jr., Elizabeth H. Valentine, Town of Carlisle, all of Carlisle, in the County of Middlesex (North); Trustees of the Acton Boy Scout Trust, c/o Michael LaFoley, Town of Acton, both of Acton, in the County of Middlesex, (South); USTrust Company, 40 Court Street, Boston, in the County of Suffolk, Nashua Valley Council Boy Scouts of America, Lancaster, in the County of Worcester, all of the Commonwealth of Massachusetts; Charlotte L. Dexter, Trustee of the Drake Trust, of Meredith, New Hampshire.

You are hereby notified that a complaint has been filed in this Court by W. Laurence Marshall, et al, representing that:

1. Certificate of Title No. 6008 issued by the North Registry District of Middlesex County stands in the names of W. Lawrence Marshall Jr. and Mary S. Marshall, of Acton, in the County of Middlesex, and Commonwealth of Massachusetts.

2. Petitioners have caused to be filed in the Engineering Department of the Land Court in Boston Plan No. 16078-D.

3. Said Plan No. 16078-D delineates:

The subdivision of part of land shown on prior Land Court Plan No. 16078-A into one lot to be shown as Lot 6 on Plan No. 16078-D.

4. Said Plan discloses differences between old record information and new field information which cannot be adequately reconciled without slight adjustments to record information.

Petitioner prays that Plan No. 16078-D be approved.

It is, ORDERED: that a copy hereof be mailed by certified mail to the following: Charlotte L. Dexter, Trustee of the Drake Trust, P.O. Box 978, Meredith, New Hampshire 02353; Gladys D. Pannell, Trustee of the Gladys D. Pannell Realty Trust, 570 West Street, Carlisle, MA 01741; Trustees of the Acton Boy Scout Trust, c/o Michael LaFoley, 140 Nagog Hill Road, Acton, MA 01720; Nashua Valley Council Boy Scouts of America, c/o David Skorupski, Scout Executive, 1980 Lunenburg Road, Lancaster, MA 01523; John H.

Valentine, Jr., Elizabeth H. Valentine, 566 Acton Street, Carlisle, MA 01741; UTrust Company, 40 Court Street, Boston, MA 02108; Town of Acton, 472 Main Street, Acton, Ma 02108; Town of Carlisle, 22 Bedford Road, Carlisle, MA 01741.

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 28th day of JUNE, 1993.

By the Court.

Attest:

Charles W. Trombly, Jr.
Recorder

Dated: May 18, 1993

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

Recorder

Attorney for Petitioner:

Walter G. Van Dorn
Powers & Hall, P.C.
110 Franklin Street
Boston, MA 02110-1586

MDC/ml



Selectman
RECEIVED & FILED

DATE June 1, 1993

Catherine Perkins
TOWN CLERK, ACTON

MASSACHUSETTS

BOARD OF APPEALS

DECISION ON THE PETITION OF ROBERT MAGLIOZZI

Decision #93-4

A public hearing of the Board of Appeals was held in Town Hall, Room 126, Acton, MA on Monday May 3, 1993 at 7:30 p.m. on the petition of Robert Magliozzi, 92 Loring Ave, Winchester, MA, for a FLOOD PLAIN SPECIAL PERMIT, in accordance with the Zoning Bylaw, Section IV.1.8, to allow the installation of a residential driveway and utilities through the flood plain located at 31 Conant Street.

Board members present were Matt Mleziva, Chairman; Malcolm Burdine, Clerk; Beatrice Perkins; Alternate Member; and Valerie Sipprelle, Board of Appeals Secretary. Also present were Robert Magliozzi, Petitioner; Jack Dunphy, Acton Survey & Engineering; Rosalie C. and Robert B. Sargent; Nancy and O.T. Kallio; Pierrid Bimbo; Elliot Clark; Dexter L. Loring; Jonathan Bosworth; and Robert Jenkins.

Mr. Mleziva explained the hearing procedures, read the petition, and noted the file contents.

Board of Appeals, after considering the materials submitted with the petition, together with the information developed at the hearing, finds that:

- 1) At least 98% of the natural flood storage volume of the flood plain on the site is preserved without the use of compensatory storage techniques.
- 2) Disturbance of the natural characteristics of the flood plain on the site is being kept to a minimum with the installation of a drainage pipe under the proposed driveway.
- 3) The elevation of the lowest floor level of the proposed residential structure at 210.0 feet is above the level of the base flood at the locus (at 198.5 feet).
- 4) The elevation of the lowest point of the proposed vehicular access from the street to the residence at 198.57 feet is above the level of the base flood at the locus (at 198.5 feet).
- 5) The proposed construction in the flood plain is constructed with flood resistant materials and methods.
- 6) The proposed use does not significantly conflict with the purposes of this section.
- 7) A permit has been issued for construction of a septic system on the site.

Based upon the above findings, the Board of Appeals concludes that:

- 1) The requirements of Section 4.1.8.1 and 4.1.9 of the Zoning ByLaw have been satisfied.



2) The request is consistent with the Master Plan.

3) The requested Special Permit is in harmony with the intent and purpose of this Bylaw, will not be detrimental or injurious to the neighborhood, is appropriate for the site, and complies with all applicable requirements of this Bylaw.

Based upon the above findings and conclusions, the Board of Appeals voted unanimously to GRANT the requested Special Permit subject to the following conditions:

1) This decision does not relieve petitioner from complying with the requirements of other Boards and Committees, specifically including the Conservation Committee.

2) The petitioner must redesign the outlet under the driveway to the satisfaction of the Engineering Department (Petitioner's representative indicated they were already working to accomplish this condition).

3) Petitioner must deliver to the Building Commissioner an "as-built" plan as described in Section 4.1.9.1 of the ByLaw.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days after this decision is filed with the Acton Town Clerk.

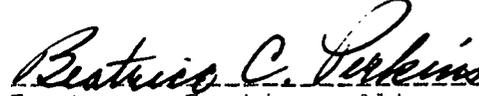
Town of Acton Board of Appeals



Matt Mieziva, Chairman

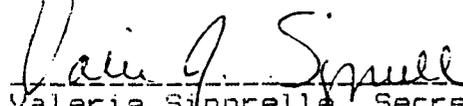


Malcolm Burdine, Clerk



Beatrice Perkins, Alternate Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on June 1, 1993.



Valerie Sipprelle, Secretary
Board of Appeals

Selectman

RECEIVED & FILED
DATE June 1, 1993
Catherine Bellis
TOWN CLERK, ACTON

Decision on the Petition of Charles G. Kadison, Jr. for John Breslouf
Decision #93-3

A public hearing of the Board of Appeals was held in the Town Hall on Monday, March 29, 1993 at 7:30 pm., Room 126, Acton, Massachusetts on the petition of Charles G. Kadison, Jr., 179 Great Road, Acton, Massachusetts, Attorney for John Breslouf, Petitioner, P.O. Box 572, Acton, Massachusetts, for a PETITION FOR VARIANCE from §4.3.5.2 of the Zoning Bylaw to allow the construction and use of a loading dock at 17 Craig Road closer to the groundwater table than permitted by §4.3.5.2.

Board members present were Malcolm Burdine, Acting Chairman; Janet Clark, Alternate Member; Stephen Crockett, Alternate Member; and Valerie Sippelle, Board of Appeals Secretary. Also present were Garry Rhodes, Building Commissioner; Charles G. Kadison, Jr., Attorney for Petitioner; John Breslouf, Petitioner; Chris White; and Robert Rowe.

Mr. Burdine opened the hearing and read the petition, noted the file contents and read Interdepartmental Communications from Roland Bartl, Town Planner and David F. Abbt, Engineering Administrator.

The Board of Appeals, after considering the materials submitted with the petition together with the information developed at the public hearing, finds that:

- (1) The requested lowering of the existing surface from approximate elevation 142 feet to 139 feet with an assumed groundwater elevation of 135 feet represents a forty (40) percent reduction in ground cover. §4.3.5.2 allows a maximum reduction of ten (10) percent.
- (2) There is concern that petroleum products discharged from trucks and automobiles will leach into the groundwater. However, the existing ground surface is pavement, i.e., impervious, and therefore, §4.3.6.2 (watershed recharge) does not apply. As presently constructed, the nearly flat pavement will collect discharged petroleum which will wash off during periods of precipitation. The construction of the sloped loading dock will not increase the amount of petroleum that has the potential for entering the groundwater.
- (3) Certain mechanical precautions can be taken to mitigate any increased potential for petroleum concentrations directed into the groundwater.

As a result of the above findings, the Board of Appeals concludes that:

- (1) Owing to circumstances relating to the shape of lot, or topography of the land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located, literal enforcement of the Bylaw to require a maximum reduction in ground cover of ten (10) percent represents a substantial financial hardship for the new business venture.
- (2) Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

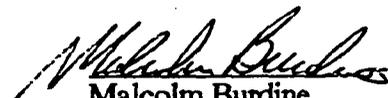
(3) After review of the Master Plan and in a communication with the Town's Planning Department, the Board concludes that the proposed use is consistent with the Master Plan.

Based upon the findings and conclusions, the Board voted unanimously to GRANT the PETITION FOR VARIANCE with the following conditions:

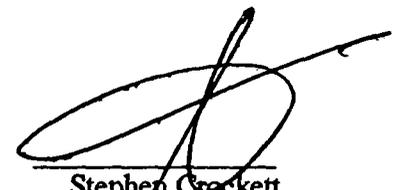
- (1) The Petitioner shall determine the actual stabilized high groundwater elevation at the proposed loading dock and limit the reduction in ground cover presently existing to forty (40) percent.
- (2) A certified "as-built" of the loading dock, pumping chamber, gas and oil separator basin, distribution box, infiltration trench, vent, existing and proposed grading, retaining walls, trench drain and other ancillary constructions shall be filed with the Building Commissioner and the Engineering Department.
- (3) The pumping chamber, gas and oil separator basin, distribution box, infiltration trench and trench drain be constructed water-tight.
- (4) Once per year, the Owner shall have the pumping chamber, gas and oil separator basin, distribution box, infiltration trench and trench drain cleaned and inspected for structural integrity and water-tightness. A copy of the inspection reports shall be filed with the Building Commissioner and the Engineering Department.
- (5) A floating gas and oil absorption pillow be placed in the gas and oil separator basin and be replaced once per year or as required or recommended by the pillow manufacturer, whichever is more frequent. When replaced, a report shall be filed with the Building Commissioner and the Engineering Department.
- (6) A baffle shall be installed in the gas and oil separator to keep fine soils and sediments away from the outlet pipe.
- (7) The top of the gas and oil separator shall be vented by replacing one of the manhole covers with a catchbasin grate.
- (8) The sliding gate requirement in §4.3.6.4 shall be satisfied by a manual pump shutoff switch located inside the building that shall be used in the event of a spill.

Any person aggrieved by this decision may appeal pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 17, within twenty (20) days after this decision is filed with the Acton Town Clerk.

TOWN OF ACTON
BOARD OF APPEALS


Malcolm Burdine
Acting Chairman


Janet Clark
Alternate Member


Stephen Crockett
Alternate Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on June 1, 1993.


Valerie Sippelle
Secretary - Board of Appeals

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

John Murray
Assistant Town Manager

June 4, 1993

Mr. James Steggall
Controller
Massachusetts Refusetech
Old Clark & Holt Roads
North Andover, MA 01845

Dear Mr. Steggall,

I am in receipt of your letter of May 21, 1993 regarding the 1992 Arbitration Award Adjustment Invoice. I am concerned with two points regarding your letter. As I am sure that REFUSETECH does not pay invoices without proper documentation, the Town of Acton will require a full reconciliation between the estimate and the actual amounts prior to processing the invoice for payment, and we would appreciate that reconciliation as soon as possible.

The second concern is due to a statutory requirement of municipal finance. Acton paid for the Arbitration decision with fiscal year 1992 monies. Due to the fact that you are now adjusting a FY92 invoice, the adjustment now becomes an unpaid bill for FY92. Unpaid bills require Annual Town Meeting approval prior to processing for payment. I will keep you informed concerning this statutory requirement.

Very Truly Yours,



John Murray
Assistant Town Manager

cc: BOS

Massachusetts REFUSETECH Inc.

Old Clark & Holt Roads
North Andover, MA 01845
(508) 688-9011

May 21, 1993

Mr. Richard Howe
Town Engineer
Director of Public Works
Public Works Building
Forrest St.
Acton, MA 01720

Subject: 1992 ARBITRATION AWARD ADJUSTMENT INVOICE

Dear Mr. Howe:

Attached please find an invoice for an adjustment to the 1992 arbitration award. Your community's portion of the total arbitration award allocated for 1992 was originally determined using estimates for energy production, energy price, tons delivered and the change in the Consumer Price Index. Since the arbitration, these figures have been finalized resulting in a slightly different allocation of the award by community.

Based on the finalized figures, some communities will receive a check and some will owe more money. If your community owes money, please remit the payment directly to MRI at the attached address.

If you have any questions concerning this billing, please give me or Bob Moroney a call.

Very truly yours,



James H. Steggall
Controller

cc: C. Gulliford
J. McIver
R. Moroney
File

NESWC519931

MASSACHUSETTS REFUSETECH INC.
NORTH ANDOVER RESCO
Old Clark & Holt Roads
North Andover, MA 01845

Invoice No.:
AA-1

Mr. Richard Howe
Town Engineer/Dir. of Public Works
Public Works Building
Forrest St.
Acton, MA 01720

Date:
May 20, 1993

Please make checks payable to: Massachusetts REFUSETECH Inc. at the above Address

Code	Description	Tonnage	Rate	Amount
	1992 Arbitration Award Adjustment			\$13,548.70

TERMS:
Net 20 days

June 4, 1993

TO: Board of Selectmen, Town Manager
FROM: Nancy Tavernier
SUBJECT: Office of Campaign and Political Finance Advisory Bulletin

Attached is an Interpretative Bulletin from the Mass. Office of Campaign and Political Finance, sent to me recently in answer to my questions about the use of public resources in support of or in opposition to a ballot question. I have highlighted the sections that have been of the most concern. I think the conclusions are quite clear. 1. Public buildings and property may be used by advocacy groups **as long as both sides have equal access**. 2. Material generated by advocacy groups **even if it is "informational"** may not be disseminated with the use of government resources and that clearly includes sending material home from school buildings or handing it out in town buildings. A group such as the League of Women Voters, if they had no position on the ballot questions, *could possibly* be allowed to distribute informational material in public buildings.

This material appears to be the clearest interpretation to date on what is still a vague statute. Someone may want to file for an advisory opinion from the Court someday to clarify the "informational" aspect of material.

cc Town Clerk
School Committee
Bill Ryan
Carol Place



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 411
BOSTON, MASSACHUSETTS 02108
(617) 727-8352
(800) 462-OCPP

MARY F. McTIGUE
DIRECTOR

OCPP-IB-91-01
ISSUE DATE: October 31, 1991

INTERPRETATIVE BULLETIN

The Application of the Campaign Finance Laws
to the Use of Public Resources
in Support of or Opposition to
a Ballot Question

This interpretative bulletin sets forth in a comprehensive manner the Office of Campaign and Political Finance's (hereinafter "OCPP") opinions and advice regarding the use of public resources in support of or in opposition to a ballot question submitted to the voters at the municipal, county or state level (hereinafter "ballot question").¹ It also addresses the related topic of the conduct of public employees and officials wishing to participate in campaign activities.

I. Prohibition Against The Use Of Public Resources

(A) Statutory Framework - The campaign finance laws, M.G.L. c.55, govern the raising and spending of money or anything of value for all candidates, political committees, political parties and ballot questions at the state, county and municipal levels in the Commonwealth. This includes the raising and spending of money or anything of value by any governmental unit at any level of government in the Commonwealth to promote or oppose a ballot question.

1. While this interpretative bulletin concerns the use of public resources to promote or oppose a ballot question, the conclusions are generally applicable to the use of public resources to promote or oppose a candidate as well.

Section 1 of M.G.L. c.55 defines "contribution" and "expenditure", in relevant part, as:

a contribution or expenditure of money or anything of value . . . for the purpose of influencing the nomination or election of [an] individual or candidate, or for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters. .

Contributions and expenditures by any person, combination of persons or entity (which includes public employees and officials as well as governmental agencies at all levels of government) are strictly regulated. Furthermore, the disbursement, expenditure or other use of public resources to influence a ballot question or the election of a candidate are prohibited by statute, case law and OCPF's opinions. Specifically, section 7 of M.G.L. c.55 provides, in pertinent part:

No person or combination of persons . . . shall in connection with any nomination or election receive money or its equivalent, expend or disburse or promise to expend or disburse the same, except as authorized by this chapter. . .

Furthermore, section 22A of M.G.L. c.55 requires the treasurer of any city, town or "other government unit" to file a report of any expenditure or contribution with the director of OCPF (with respect to a state ballot question) or with the city or town clerk (with respect to a local ballot question).

(B) The "Anderson" Decision - In Anderson v. City of Boston, 376 Mass. 178, 380 N.E.2d 628 (1978), appeal dismissed, 439 U.S. 1069 (1979)² the Supreme Judicial Court analyzed the provisions of M.G.L. c.55 in considering whether a municipality had authority to appropriate and expend funds to influence a ballot question. In view of the comprehensive legislation (M.G.L. c.55) regulating campaign finance activities, the Court concluded that "[a] municipality has no authority to appropriate funds for the purpose of taking action to influence the result of a [ballot question] proposed to be submitted to the people at a State election." Anderson, at 183.

Recognizing the Commonwealth's deep and abiding interest in "fair and free elections," the Court clearly enunciated the governmental purpose which served as the foundation for the Court's opinion noting that:

2. The plaintiff after whom this case was named was a Boston resident and taxpayer, Richard L. Anderson. He was joined by ten other plaintiffs who together commenced a civil action in the Supreme Judicial Court on June 23, 1978.

[T]he Legislature may decide, as it has, that fairness in the election process is best achieved by a direction that political subdivisions of the State maintain a "hands off" policy. It may further decide that the State government and its various subdivisions should not use public funds to instruct the people, the ultimate authority, how they should vote. That determination avoids the possibility of a babel of municipal huckstering and reserves the financing of public debate for nongovernmental agencies and individuals.

Anderson, at 194-195.

The implications of the Court's conclusions were recognized by the Court when granting relief to the plaintiffs against the City of Boston. "Of course," the Court noted, "the city has no authority to use any . . . appropriated funds, including the services of any employees paid from funds appropriated for other purposes, for the purpose of influencing [a ballot question]." Anderson, at 198. And, even though its earlier order had not referenced the use of city facilities, equipment and supplies, the Court stated:

From what we have said, it is apparent that the city's use of telephones and printed materials provided by public funds, and its use of facilities paid for by public funds, would be improper, at least unless each side were given equal representation and access.

Anderson, at 200.

In conclusion, the language of M.G.L. c.55 standing alone and as interpreted by the Supreme Judicial Court clearly prohibits any use of public resources to influence a ballot question.

(C) OCPF Advice and Decisions - Since the Anderson decision, OCPF has issued various interpretative bulletins, advisory opinions and other advice regarding the use of public resources in light of the restrictions of the campaign finance laws. OCPF has addressed five aspects of the use of public resources within the context of campaign finance. This next section of this interpretative bulletin seeks to synthesize OCPF's advice.

(1) Governmental Resources - OCPF defines "governmental resources" very broadly to include personnel, paper, stationery and other supplies; offices, meeting rooms and other facilities; copiers, computers, telephones, fax machines; automobiles and other equipment purchased or maintained by the government. In short, no governmental resource may be utilized by any person (including a public employee, whether during work hours or otherwise) in order to promote or oppose a ballot question.

For example, a city manager may not authorize the use of municipal funds to prepare, print and distribute materials to voters or a class of voters designed to promote or oppose a state or local ballot question. Similarly, state employees may not promote a ballot question during working hours although such employees are free to speak and write about the ballot question during non-work hours provided they do not utilize governmental resources. See AO-82-22 (prohibiting funding of an advocacy position in a special election), AO-82-25 (prohibiting the use of city telephones or facilities), AO-90-01 (prohibiting the gathering of signatures in town offices by collector of taxes).

(2) Equal Access - As noted above, the Anderson Court reasoned that if equal representation and access were given to each side on a ballot question, the use of some government resources could be permitted. Consistent with the Court's reasoning, OCPF has advised that areas within public buildings which are accessible to the public may be used by the opponents and the proponents of an initiative petition provided each side is given equal representation and access to such areas. Similarly, OCPF has advised that proponents and opponents may be offered the use of certain public services if each side is provided the same opportunity. See AO-88-27 (city may offer mailing labels to candidates if all candidates are given same opportunity and purchase price reflected city's cost), AO-89-28 (candidates may use city council chamber to announce campaign if all candidates are given same opportunity and reimburse city for out-of-pocket costs), AO-90-02 (public, but not private, areas within public buildings may be used by opponents and proponents of initiative petition provided equal access and opportunity is given).

(3) Dissemination of Information - The provisions of the campaign finance law preclude the use of governmental resources to oppose or promote a ballot question since "[t]he people have expressed a strong interest that the Legislature have the authority to determine what, if any, material will be disseminated on a referendum proposal." Anderson, at 195.

The statute and the Court's prohibition includes the dissemination of "advocacy" material which expressly urges a particular vote on a ballot question to voters or any class of voters. In OCPF's opinion, it also includes the distribution of so-called "informational" material to such voters when prepared by only one side.

3. Public officials are not prevented from preparing factual analyses and other information which deals with the subject matter of a ballot question that is within their jurisdiction or from distributing such information to staff and other relevant public officials provided the purpose of preparing or distributing such material is to carry out official duties and not to evade the requirements of the campaign finance law. To the extent that such material is a public record, it must be

★
On occasion, OCPF has been asked to review ballot question material prepared for such distribution by a governmental agency or key policy maker such as a town manager, board of selectmen or school superintendent. In most cases, when the material is prepared by one side (even when, in good faith, that side seeks to be objective), the material tends to reflect the biases of those persons preparing the material in its presentation, order, content or tone. Again, in OCPF's experience, the fact that the material lacks language expressly urging voters to vote for or against a ballot question or contains a preamble advising voters that the author is not taking a position but only providing factual, objective information seldom overcomes the author's underlying bias. Inevitably, such material tends to promote or oppose the particular ballot question it concerns.⁴

★ ★
In conclusion, whether material is truly objective voter information or one-sided propaganda advocating a position on a ballot question, it may not be prepared and distributed using governmental resources without violating either the campaign finance laws or other state election laws unless such distribution is authorized by statute.

(4) Timing, Style and Tenor of Public Expenditures - Determining whether a particular governmental expenditure relating to a ballot question is subject to the campaign finance laws "requires a careful consideration and analysis of such factors as the style, tenor and timing of the expenditures in question, and must be made on a case by case basis." In each case, however, "the central issue is whether the purpose of the expenditure being made is to influence the vote on a ballot question." See AO-86-20. Although this determination is easily made in some situations, it may be quite difficult in other cases.

In applying this general rule to statewide ballot questions, the Office has advised that "any expenditures or

→ ★
3. (cont'd) provided to members of the public upon request. This information can in turn be distributed to voters by any person or group at that person's or group's expense without violating the campaign finance law provided the persons or group complies with the law's reporting and disclosure requirements.

4. Assuming truly objective, informational material for voters could be prepared by one side or that each side is given some opportunity to participate in its preparation, the distribution of such material is nonetheless prohibited by other election laws unless expressly authorized by statute. See Election Divisions Memorandum, July 26, 1991, and the analysis and material cited therein. To date, only two municipalities have been authorized by the Legislature to distribute informational material to voters. See 1989 Mass. Acts ch. 630 (Cambridge); 1987 Mass. Acts ch. 274 (Newton).

contributions made to originate an initiative petition, referendum petition or a public policy petition shall be considered to have been made in order to influence or affect a question submitted to the voters." See OCPF-IB-90-02 (formerly OCPF-IB-108). For example, in the case of a statewide -initiative petition, OCPF considered the first step to be the drawing up and signing by ten qualified voters of an original petition. As a result, any expenditures (or contributions) made by a governmental unit after this point (referred to by OCPF as the "act of origination") to move the initiative petition forward would be a misuse of public funds or resources in violation of the campaign finance laws. See OCPF-IB-90-02. On the other hand, expenditures made prior to the "act of origination" have generally been considered to be too remote to be deemed as moving the initiative petition forward. Hence, OCPF concluded in AO-91-04 that the costs of a public opinion poll taken before the act of origination were not subject to c.55.

When ballot questions can be placed on the ballot quickly (such as a town Proposition 2 1/2 ballot question) the "act of origination" occurs at a different point in time. To provide a generally useful reference point for municipal officials, OCPF has advised that the provisions of the campaign finance laws are triggered (the "act of origination") once a question is "on the ballot." Hence, once a determination is made by the appropriate municipal authority to place a question on the ballot, any contributions or expenditures made thereafter for the purpose of opposing or promoting the question will be subject to the provisions of M.G.L. c.55. For example, a public expenditure to pay for a town warrant book which contains a recommendation by the town's finance committee for a "yes" vote on the ballot would be an expenditure for the purpose of influencing or affecting the vote in violation of chapter 55. Compare this example with AO-89-32. In that case, OCPF concluded that certain materials disseminated by a town committee in anticipation of a town meeting to debate a warrant to place an override on the ballot did not violate c.55. No decision had been made to place the question on the ballot and the primary purpose of the town meeting was not to influence the voters on a ballot question but to influence the debate at the town meeting regarding whether to present such a choice to the voters. See also AO-90-08 (actions petitioning a town's board of selectmen to place a question on the ballot were found not subject to c.55).

Although the question of whether a local Proposition 2 1/2 question is "on the ballot" is a helpful reference point, it is not necessarily determinative. The fundamental purpose of each public expenditure must be considered carefully. For example, in AO-91-17, OCPF noted that if a school superintendent were to mail a one-page flyer to the parents of the students in the public school system urging them to (1) attend a town meeting, (2) vote for an article putting an override question on the ballot, and (3) vote "yes" at the anticipated special election, M.G.L. c.55 would be violated even though the mailing

occurred before the question was officially "on the ballot." The style, tenor and timing of such a flyer would clearly demonstrate a purpose to influence the vote on a ballot question.

II. Conduct of Public Employees

Sections 13 and 15 of M.G.L. c.55 contain certain prohibitions against public employees participating in campaign finance activities. Sections 16 and 17 provide certain protections for public employees in their employment.

Specifically, section 13 prohibits any person "employed for compensation" (hereinafter "public employee") other than an elected official who is not otherwise a public employee from soliciting or receiving, directly or indirectly, any contribution for any political purpose.⁵ Thus, a municipal employee such as a teacher, police officer or firefighter, or a state employee, such as an agency receptionist or licenser, would be prohibited from soliciting or receiving anything of value in order to promote or oppose any ballot question. Additionally, such an employee is prohibited from "indirect" solicitation as noted below. However, a compensated employee is permitted to make a contribution to promote or oppose a ballot question as well as work in any capacity (on his or her own time) other than a fundraising capacity, e.g., voter registration or issues research.

In order to comply with the prohibition against indirect solicitation, OCPF has concluded that public employees may not serve as the treasurer of a political committee nor permit their names to be listed on political committee stationery as an officer or member if such stationery is to be used to solicit funds for the political committee (see AO-84-02). While the campaign finance laws do not prohibit a public employee from serving as chairperson or other officer of a committee other than treasurer, no such officer or committee member who is a public employee may sign a fund-raising letter or participate in fund-raising meetings or strategy planning (see AO-89-11). In addition, OCPF believes it is extremely difficult for a public employee to be the chairperson of a political committee and to carry out his or her responsibilities as chairperson and also be in compliance with M.G.L. c.55. A public employee is also prohibited from hosting a fund-raising party at his/her home (see AO-84-06) and,

5. The definition of a person "employed for compensation" includes both full-time and part-time employees who receive any amount of compensation. However, persons serving on boards or commissions who are reimbursed only for actual expenses incurred such as expenses for parking, transportation and the like are not considered to be "employed for compensation." In addition, persons who are reimbursed for expenses on a "per diem" basis are considered to be "employed for compensation" unless the per diem rate reasonably reflects actual expenses and can be substantiated.

further, a public employee may not be the featured speaker at a fund-raising event (see AO-90-04). Public employees may perform clerical tasks such as data entry, preparation of materials for mailing and the like related to a fund-raising effort although they would not be permitted to add new information to the material being prepared for mailing (see AO-88-25).

Persons who serve on state, county or local boards and commissions without compensation (hereinafter also referred to as "uncompensated public employees") are not prohibited by M.G.L. c.55, s.13 from soliciting funds for political purposes and, therefore, may participate in all the activities noted above. Uncompensated public employees are, however, subject to other restrictions. Specifically, M.G.L. c.55, s.15 which applies to all public employees provides, in pertinent part:

No officer, clerk or other person in the service of the commonwealth or of any county, city or town shall, directly or indirectly, give or deliver to an officer, clerk or person in said service, or to any councillor, member of the general court, alderman, councilman or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever.

This section prohibits all public employees from giving to another such public employee or elected official. Any funds solicited by such a public employee must be given only to the political committee organized on behalf of that candidate (see AO-82-26). Of course, all public employees, whether compensated or uncompensated, may not solicit political contributions from persons who have a particular matter pending before that public employee or which falls within his or her official responsibility. See M.G.L. c.55, s.13 and c.268A, s.23A.

Section 16 protects persons in the public service from any obligation to contribute to any political fund or to render any political service. Likewise, section 17 protects any public employee or official from discharge, promotion or degradation in his/her job for refusing to make a political contribution.

Finally, as a general matter, note that section 14 of M.G.L. c.55 prohibits any person (not just public employees) from soliciting or receiving any contribution for any political purpose in a public building. Also, section 16A of M.G.L. c.55 protects persons doing business with the commonwealth against coercion to contribute to political funds or to render political services.

III. Privately-funded political committees and other permissible activities

Government officials, public employees or anyone else who wish to oppose or promote a ballot question may undertake such activity using privately-donated funds.

A separate political committee should be established with the clerk of the municipality or OCPF. This committee may then be used to raise and expend monies to promote or oppose the ballot question. Public employees should not solicit or receive any contribution on behalf of the committee, although they may make personal contributions. In addition, groups such as parent-teacher organizations and local teachers' unions may make contributions to such a political committee. See OCPF-IB-88-01, "The Applicability of the Campaign Finance Law to Organizations Other Than Political Committees" (formerly OCPF-IB-105) or call OCPF for more information.

Any group which solicits contributions to support or oppose a ballot question and which has not organized as a political committee will become a political committee by soliciting. Likewise, a group of interested persons may not "pool" their money to support or oppose a question, e.g., to pay for printing and distributing a pamphlet, until the group registers as a political committee. Such groups will be subject to all the reporting and disclosure provisions of M.G.L. c.55. It is, therefore, important that city and town committees such as school committees, finance committees and the like not raise monies to support or oppose a question since such committees would then become political committees. However, individual members of such committees may form a separate political committee as described in the previous paragraph. Of course, members employed for compensation by the municipality must avoid fundraising activities.

Any materials prepared by a municipal committee, such as a finance committee, may be obtained, duplicated and distributed at private expense by a political committee duly formed by proponents or opponents of a ballot question in order to advocate that political committee's views.

In short, while public employees may work on their own time on ballot question issues provided such work is not in a fund-raising capacity, such employees should take great care to insure that governmental resources are not used during the workday or after hours to underwrite their political activity.

IV. Expenditures of Governmental Resources - Remedies

Section 22A of M.G.L. c.55 provides that the treasurer of any city, town or other governmental unit which has expended or contributed any money or anything of value must file a report with the Office's director (if the expenditure regards a state ballot question) or with the local clerk or election commission (if the expenditure regards a local ballot question). The report must detail all expenditures or contributions. The director (or the clerk) must determine if monies have been spent contrary to law and has authority to order restitution of those monies. The person or persons responsible for the improper expenditure of public resources would be responsible for making the ordered restitution. While a political committee could be set up to raise such funds, a public

employee who is responsible for such an improper expenditure could not solicit funds to help pay for any ordered restitution since such solicitation would constitute a violation of M.G.L. c.55, s.13.

In addition, the contribution and/or expenditure of public funds contrary to M.G.L. c.55 subjects violators to criminal penalties. Section 7 of M.G.L. c.55, which prohibits any expenditures or disbursements of funds except as authorized by c.55, provides for criminal penalties of imprisonment up to six months and fines up to \$500. Also, section 22A of M.G.L. c.55 discussed above provides for criminal penalties of imprisonment up to one year and fines up to \$10,000. In brief, the expenditure of public funds is a serious matter that may also be referred by the Office's director or the city or town clerk or election commissioner to the Attorney General or the District Attorney.

Finally, private individuals may also seek redress if it is believed that public funds may have been spent in violation of M.G.L. c.55. At the local level, a ten (10) taxpayer suit can be initiated against a city or town to restrain illegal expenditures of governmental resources. See M.G.L. c.40, s.53. Indeed, as noted above, it was a ten taxpayer suit that led to the Anderson decision. At the state level, a similar suit may be initiated by twenty-four (24) taxpayers. See M.G.L. c.29, s.63.

V. Summary

The prohibitions on campaign finance activity by public employees and the use of governmental resources to promote or oppose ballot question issues contained in M.G.L. c.55 serve a dual purpose. First, protections are afforded public employees from coercion to perform political duties as a requirement of their employment. Second, governmental activities are separated from political activities, assuring that the full force of government is not supporting one political position at the expense of another. As the Anderson Court noted, "[the restrictions imposed by M.G.L. c.55] demonstrate a general legislative intent to keep political fund raising and disbursing out of the hands of nonelective public employees and out of city and town halls . . . Fairness and the appearance of fairness are assured by a prohibition against using public tax revenues to advocate a position which certain taxpayers oppose." Anderson, at 186-187, 195.

Opposition to or promotion of any ballot question should be supported by private rather than public monies. OCPF encourages interested parties to contact the Office at 617/727-8352 or 800/462-OCPF with any questions.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 4, 1993

TO: Cable Advisory Committee
FROM: Don P. Johnson, Town Manager
SUBJECT: Cable TV Rate Regulation

the attached information from the Massachusetts Cable Television Commission is being forwarded to you as I send it to the Board of Selectmen. Given the content and the apparent urgency, I am quite confident that the Board will seek your advice on this matter.

Please return your recommendations and/or comments as soon as possible. The earliest meeting at which the Selectmen could consider action on this matter would be June 22. If you determine that action is necessary at that time, please provide your recommendation by Thursday, June 17, in order that we might include it on the agenda and in the Selectmen's weekend packet.



cc: Board of Selectmen

ACTON HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720

cc: BOS

NOTICE OF WAIVER OF PUBLIC HEARING

APPLICATION # 9304

Date of mailing: June 3, 1993

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

Applicant and address of proposed work

Proposed alteration

Pat and Rene Beaudoin
525 Massachusetts Avenue

Fence along Mass. Ave.

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

Name

Address


Historic District Commission

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Library
Junior High School

June 3, 1993
7:30 P.M.

AGENDA

00:805

- 7:30 I. CALL TO ORDER
- 7:31 II. ELECTION OF OFFICERS
CHAIRPERSON
SECRETARY
SECRETARY PRO TEMPORE
- 7:40 III. APPROVAL OF MINUTES OF MAY 6 AND STATEMENT OF WARRANT
- 7:45 IV. PUBLIC PARTICIPATION
- 8:00 V. EDUCATION REPORT - Report on Community Service Learning Project - Kay Steeves
- 8:20 VI. SUPERINTENDENT'S REPORT FOR THE MONTH OF JUNE - 1993 - William Ryan
- RECOMMENDATIONS
1. Recommend Appointment of Extra-Curricular Personnel
 2. Recommendation for FY '93 Revised ABRSD Budget and Assessments
 3. Recommend Appointment of Summer School Director
 4. Recommend Approval of R &D's
 5. Recommend Approval of Bid for Rubbish Removal
 6. Recommendation for School Choice Participation for FY'94
- 8:35 VII. FOR YOUR INFORMATION
1. Shenandoah Apple Blossom Festival - Band Awards
 2. Results of Band Member Interviews
 3. ABRHS Monday Memos
 4. Foreign Language Program
 5. Article from *New York Times* re: Physical Education Curriculum
 6. Proposed Selectmen Policy - Selecting Legal Counsel
 7. H.S. Science Team Results
 8. Professional Advancement of Computers in Education
 9. Jr. High News
 10. French Exchange Program Report
 11. Professional Assignment Report - Nancy Cohen
 12. Professional Assignment Report - Susan Bohmiller
 13. Evening Discussion Focusing on Adolescents
 14. Newly Acquired Used DEC Computer Terminals
- 8:40 VIII. WARRANT DISCUSSION
- 8:45 IX. CONCERNS OF THE BOARD
- 9:00 X. NEXT MEETING - Date to be determined
- 9:05 XI. EXECUTIVE SESSION
- 10:00 XII. ADJOURNMENT



State of Rhode Island and Providence Plantations

DEPARTMENT OF THE ATTORNEY GENERAL

72 Pine Street, Providence, R.I. 02903

(401) 274-4400

Jeffrey B. Pine, Attorney General

CC: ✓ Town Manager
Deputy Chief
Captain Copeland
Station 1
Station 2
Station 3

June 1, 1993

Chief Craig
ACTON FIRE DEPARTMENT
256 Central Street
Acton, MA 01720

Dear Chief Craig:

This Sunday past, I was traveling north on I-495 when I began to develop vehicle trouble, eventually becoming stranded close to one of your fire stations. Officer Goodman of the Acton Police, after arranging for our vehicle to be towed, was kind enough to inquire as to the possibility of us staying at the fire station until our replacement vehicle arrived. We were met with an extremely friendly and hospitable night shift, who allowed us to stay at the station until we could resume our trip. In fact, Captain Copeland was even gracious enough to loan me some of his personal tools in order to adapt our trailer to the replacement vehicle.

Having been involved in the public safety sector for over twenty-five years, some of that time as the chief of a college-town fire department, I am very aware that far too often the only times that the public makes comments is when it is in the form of a complaint. To that end I commend your very fine and professional department, and again extend a special thanks to Captain Copeland for all of his help.

Sincerely yours,

W. KEITH BURLINGAME
Special Assistant Attorney General
Deputy Director, Medicaid Fraud Control Unit

WKB/b

CC: BOS - FYI
PERS. FILE (COPELAND)

Nice Effort Captain
Copeland & crew.
D. Craig



Acton
Boxborough
Carlisle
Concord
Hudson

Littleton
Methuen
Maynard
Stow
Sudbury

CC: BOS

Minuteman Advisory Group on Interlocal Coordination

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

**MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION**

A Subregion of Metropolitan Area Planning Council

MEETING NOTICE

June 10, 1993

Note location change:

**Stow Town Building
Great Rd. (Rt. 117)
Stow**

7:00 p.m. DRI Committee

Review of Westford Retail Development
The following communities should attend this committee meeting: Acton, Carlisle, Concord, Littleton.

7:30 p.m. Full MAGIC Meeting

Report of the DRI Committee

7:45 p.m. Updates and Briefings

Local Contributions to MAGIC -- Please check on your community's plans.

Municipal Incentive Grants (MIGs)
Ft. Devens
Acton lawsuit
Other

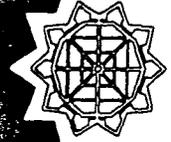
8:00 p.m. MAGIC Work Program: 1993-94

In addition to MAGIC's annual work program planning, MAPC is increasing its subregional commitment for the upcoming year and urges subregions to submit proposals on a competitive basis to utilize MAPC resources for much-needed planning and/or joint service projects. Staffing and technical assistance for MAGIC's new Regional Housing Task Force is one obvious idea. Please come prepared to suggest others.

9:00 p.m. MAPC's "Year of the Subregions"

Over the course of the next year, MAPC, in cooperation with its subregions, will undertake a comprehensive evaluation of the subregions and make recommendations for the future. The first step phase will be to develop an evaluation form, a draft of which will be available for review.

MMA Action



Oppose Education "Reform" Bill

Vote Scheduled for June 2nd

After over two years of halting deliberations, the House and Senate are finally on the verge of passing an education bill. Unfortunately, the conference committee charged with hammering out the final bill has developed a version that still contains many serious flaws that would cause fiscal troubles for many cities and towns. The education reform bill will be up for final passage on Wednesday, June 2nd. **Please call your state representative and senator immediately, and ask them to reject the education conference committee report.**

There are some good ideas in the bill, including removing principals from teachers' unions, early retirement, changes in the tenure law, and giving municipal CEO's a role in bargaining school contracts. In addition, the MMA was successful in modifying some of the most onerous earmarking mandates over previous versions of the bill, softening the full impact of the original proposals. And the school choice provisions have been dramatically scaled back. But overall, the legislation would enact unprecedented earmarking of local revenues, deepen budget problems and force reductions in general government services in many communities, and second-guess local officials and voters as they balance local priorities. **When you call your legislators, highlight these points:**

- As drafted, the bill would require nearly every community to spend increasing amounts of local property taxes and local revenues on schools each year, regardless of the impact on other key local services such as public safety and public works;
- The bill is exempted from Proposition 2 1/2's ban on unfunded mandates, allowing the state to impose additional costs on local government (this includes mandating that some communities devote a larger share of property taxes to school budgets, regardless of whether the town or city can do this without hurting other programs);
- Cities and towns that are determined to be making a "below standard" effort on funding schools, and are too poor to raise more funds will receive "overburden aid" -- but the catch is that those communities will lose 75% of any future increases in local aid and lottery aid, removing a funding base for other local services;
- Almost every community that is spending above recommended "foundation" levels on schools will still be *required* to increase their own local spending each year;
- The state has absolutely no idea how to fund its \$1.3 billion "commitment" in new education aid. In fact, the governor and the legislature are still searching for next year's \$175 million, just three months before schools reopen. It is irresponsible for the state to impose massive mandates on communities when the state has no ability or will to fund its share. And tell your legislator that **under no circumstances** can the state fund its "new" aid by reducing lottery or other local aid accounts; and
- As an alternative: 1) pass a bill with the reforms, but **not** with the finance sections, and 2) distribute the \$175 million in a simple and fair way to all communities *now* so that the education aid can be appropriated in time for school openings.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: May 28, 1993

TO: Roy Wetherby
Collector's Staff
Finance Department

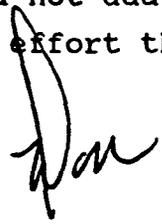
FROM: Don P. Johnson, Town Manager

SUBJECT: Thank You!

The Board of Selectmen has been debating items to be added back to our budget if the B+ Override is successful. One of the very important issues they are considering is the computerization program that we have been considering for months. This program is intended to provide full computerization for all phases of Town Government, with a principal focus on relieving the pressure under which the financial staff operates.

During a recent meeting, the Board asked that I express their deep appreciation for the extraordinary energy that you folks have contributed to maintaining the Town's financial strengths and collection efforts over the past 2 years. Your work has been a major factor in our strong financial position over this period. The Selectmen are aware of the load each of you has been shouldering and hopes to be able to relieve that burden, through the computerization program, in the not too distant future.

This letter is specifically to express the Selectmen's appreciation but I would be remiss if I did not add my personal thanks. Few people know the true level of effort that has been put forth. I believe I do. Thank you!!



cc: Board of Selectmen ✓

MARTIN T. MEEHAN
5TH DISTRICT, MASSACHUSETTS

1216 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-3411

COMMITTEES:
ARMED SERVICES
SUBCOMMITTEE ON MILITARY FORCES AND PERSONNEL
SUBCOMMITTEE ON RESEARCH AND TECHNOLOGY
SUBCOMMITTEE ON READINESS
SMALL BUSINESS
SUBCOMMITTEE ON SBA LEGISLATION
AND THE GENERAL ECONOMY
SUBCOMMITTEE ON REGULATION, BUSINESS OPPORTUNITIES
AND TECHNOLOGY

Congress of the United States
House of Representatives
Washington, DC 20515-2105

DISTRICT OFFICES:
11 KEARNEY SQ.
LOWELL, MA 01852
(508) 459-0101

BAY STATE BUILDING
11 LAWRENCE ST.
SUITE 808
LAWRENCE, MA 01840
(508) 681-6200

WALKER BUILDING
256 MAIN ST.
ROOM 102
MARLBOROUGH, MA 01752
(508) 460-9292

CC: BOS -
IDENTICAL LTR. ADDRESSED
TO EA. SELECTMAN.

May 12, 1993

Mr. Don Johnson
Town Hall 472 Main St.
Acton, MA 01720

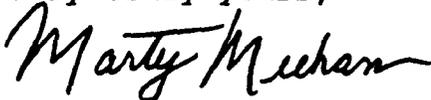
Dear Mr. Johnson:

Although the election of one hundred ten new members caused a delay in printing and distribution, enclosed is a 1993 calendar from the United States Capital Historical Society.

The calendar highlights events in 1793. I hope that you will enjoy it for the remainder of the year.

Meanwhile, please let me know if I can assist you in any way.

Very truly yours,



Marty Meehan
Member of Congress

Board of Selectmen
Town Hall
Acton, Mass. 01720

May 30, 1993

Select_People:

As my last term on the Board of Appeals draws to a close, there are a couple of thoughts I'd like to pass along. First, thank you for the opportunity to serve. This Town is blessed with individuals who care about their community and are willing to give of their time and effort. It is a pleasure to work with them and see the many positive results that volunteers can bring to a local government.

Second, the Board will need a replacement appointed. My time on the Board has convinced me that the Board functions best when two factors are present in the membership. One of these is that each of the members themselves have a variety of prior Town Government experience in their background, not just service in one area. Secondly, the Board itself needs diversity in its membership - diversity of all kinds. It needs to have a membership that reflects the community, not just one portion of the community. The economic environment of the past couple of years has kept the Board -kload to a minimum, but that will change. Creative decisions are required to attain the Town's interest without unnecessary and costly litigation. That comes from a diversity of views and skills as decisions are developed.

Malcolm Burdine has been elected the new Chairperson, and Duncan Wood the new Clerk. Together they bring an extensive background in legal, zoning and environmental work. The Board has three associate members, each of whom has sat on Board hearings and written decisions. You have a good team, but you need to think about the future leadership as you select new additions to the Board.

Again, thanks for letting me contribute. That's all part of what makes Acton such a desirable place to live.


Matt Meziva
6 Coolidge Dr.

Matt Warren
56B Great Rd.
Acton, Ma.,
01720

Dear Mrs. Taverneir,

I have talked about the issues with my parents about the override. I think you shouldn't pressure the town about voting yes or rubbing how it would be without the taxes in. Your doing fine right now, but don't make them think the world would end if it doesn't pass. I think if it passes it would be better, but not everyone would be able to pay it. Just do the override if it passes fine, if it doesn't fine.

sincerely,
Matt Warren

BOS -

I have been teaching a Boy Scout merit badge course on Citizenship and thought you'd be interested in seeing how this 12 year old feels about the override.

Nancy

JUNE 4, 1993

File

TO: Board of Selectmen
FROM: DORE' F. HUNTER, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

8:00 P.M. (NOTE MEETING BEGINS AT 8:00 DUE TO ELECTION)

JUNE 8, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

- 1. 8:00 ARBORETUM PRESENTATION - The Friends of the Arboretum will be in to make a public announcement of the \$5,000 grant they are receiving from the William P. Wharton Trust. The grant is given to assist in the creation of a New England Wildflower Collection at the Arboretum. No Board action is required at this time. The Friends will return at a later time to offer the gift to the Board.
- 2. 8:15 RECYCLING TASK FORCE - The Task Force will discuss the final report and Recycling Master Plan.
- 3. 8:45 COMMITTEE INTERVIEW- ROYCE CHRISTENSEN - Enclosed please find Mr. Christensen's Citizen Resource Sheet and VCC recommendation for appointment as an Associate Member of the Conservation Commission, for Board action.

III. SELECTMEN'S BUSINESS

IV. CONSENT AGENDA

- 4 . SURPLUS PROPERTY - Enclosed please find a request from the Highway Supt. to declare as Surplus Property a 1955 Power Wagon and 1970 trailer so that they may be disposed of through sale or trade.

- 5 . SITE PLAN SPECIAL PERMIT #4/6/93-339 - Medical Investors, Suburban Manor - Enclosed please find the Decision for Board action.

V. TOWN MANAGER'S REPORT

- 6 . RACCOON POLICY - Enclosed please find the Town Manager's recommendations regarding the proposed "Raccoon Policy".
7. YEAR END FUNDS - The Town Manager's report and recommendation is attached for the Board's consideration.

VI. EXECUTIVE SESSION

8. An Executive Session will be required for discussion of contract negotiations.

MEETINGS

Marty Meehan's Health Conference - June 7 7:00 to 10:00

ADDITIONAL INFORMATION

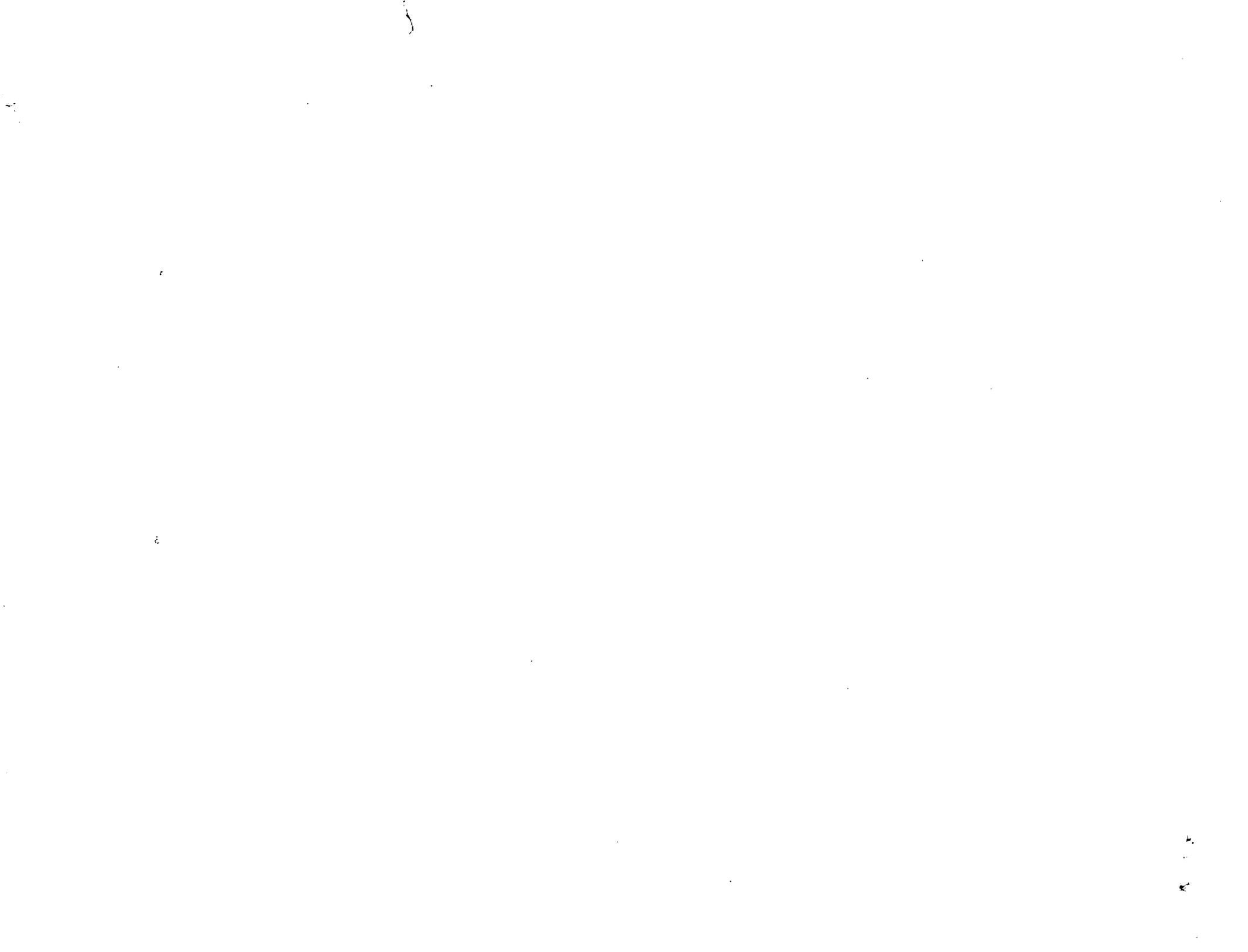
Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

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

JUNE 22 - Mobil Oil Continuation
NET&T Petitions
Interview for Alternate Historic District Comm.
Transfer Station Fee Discussion

AUGUST 10- Ft. Devens - Tentative-
SEPT. 7



6/8/93-①

CHOATE, HALL & STEWART

MAY 17 1993

EXCHANGE PLACE

53 STATE STREET

BOSTON, MASSACHUSETTS 02109-2891

TELEPHONE (617) 227-5020

FACSIMILE (617) 227-7566

TELEX 49615860

CHRIS - 5/20/93
PLS. PLACE THIS IN
NUMBERED MAIL FOR JUNE 8
WHEN HARRY MAKES THE
PUBLIC ANNOUNCEMENT AT
BOS MTG.
[Signature]

May 13, 1993

Harold B. Donahue, Jr., President
Friends of the Acton Aboretum, Inc.
P. O. Box 2607
Acton, MA 01720

Dear Mr. Donahue:

We are pleased to inform you that Friends of the Acton Aboretum, Inc. has been chosen as a recipient of a charitable donation under the provisions of the Trust under Article 2(d) of the Will of William P. Wharton. Accordingly, we are enclosing with this letter a check of the Trust payable to Friends of the Acton Aboretum, Inc. in the amount of \$5,000. These funds are earmarked for use by the Friends of the Acton Aboretum toward the creation of a New England Wildflower Collection visible from a handicap accessible slope as outlined in your grant application.

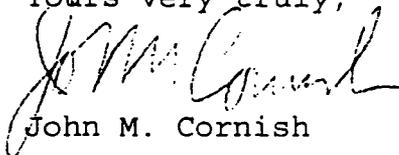
The Tax Reform Act of 1969 imposes a series of restrictions upon the activities and grants of private foundations, of which the Trust under Article 2(d) of the Will of William P. Wharton is one. These restrictions are enforced by stringent penalties. Because of this legislation, whenever we make a grant such as this one we require:

1. Documentary evidence that your organization is exempt under Section 501(c)(3) of the Internal Revenue Code.
2. Documentary evidence that your organization is not a private foundation under the Internal Revenue Code.

Accordingly, this grant is made only on the condition that you will send us a ruling by the Internal Revenue Service stating that your organization is exempt under Section 501(c)(3) of the Internal Revenue Code and specifying that you are not a private foundation. The Trustees should also appreciate receiving a report concerning the use to which the funds have been put.

Your acceptance of these conditions should be indicated below by the signature of the officer or officers who are authorized to execute contracts on your organization's behalf. Please return the executed original of this letter to us. A copy of the letter is enclosed for your files.

Yours very truly,



John M. Cornish

Trustee under the Will
of William P. Wharton

JMC: MVJ
DS1/31435

Enclosure

Accepted on behalf of _____

this _____ day of _____, 19__.

By _____

Title _____

DS1/31435/1-2/31503

CHOATE, HALL & STEWART

EXCHANGE PLACE
53 STATE STREET
BOSTON, MASSACHUSETTS 02109-2891

TRUST DEPARTMENT

WILLIAM P. WHARTON TRUST
UNDER ARTICLE 2(D)
DATED FEBRUARY 2, 1972
8096711

340439

DISTRIBUTION TO
FRIENDS OF ACTON ARBORETUM INC

CHECK DATE
05/12/93

AMOUNT
5,000.00

DETACH AND RETAIN

CHOATE, HALL & STEWART

EXCHANGE PLACE
53 STATE STREET
STON, MASSACHUSETTS 02109-2891

TRUST DEPARTMENT

WILLIAM P. WHARTON TRUST
8096711

340439

5-13/110

Fleet Bank of Massachusetts, N.A.

VOID AFTER SIX MONTHS

Five Thousand DOLLARS AND NO CENTS

CHECK DATE
05/12/93

PAY THIS AMOUNT
5,000.00

PAY
TO THE
ORDER OF

FRIENDS OF ACTON ARBORETUM INC

John Cornish
AUTHORIZED SIGNATURE

⑈ 340439 ⑈ ⑆ 011000138 ⑆ 0542 ⑈ 3660 ⑈

6/8/93 (2)

TOWN OF ACTON
RECYCLING MASTER PLAN
JUNE 1993

FINAL REPORT

INTRODUCTION

The Recycling Task Force, established in August 1991 as an advisory committee to the Board of Selectmen, is pleased to present a final report on our activities and a Recycling Master Plan for your consideration and implementation.

COMMITTEE ORGANIZATION

The Recycling Task Force commenced in September 1991 with 9 full members. The original members were: Nancy Tavernier (Chairman), Maya Spies (Vice Chair/Clerk), John Murray, Dick Howe, Joe Peters, Peggy Mikkola, E.V. Tear, Rosemary Lundberg, and Kent Werst. In November, three members became ex-officio (John Murray, Dick Howe, and Joe Peters) when a one year contract was signed with a vendor who took over the operation of the Recycling Center. This refocused the work of the Task Force to public education and long-range planning. Resignations of Kent Werst, due to relocation, and E.V. Tear, for personal reasons, trimmed the Task Force to a core of four members who have each contributed a great deal of time and energy to completing the charge given to them by the Selectmen. The fourth member, Maya Spies, moved out of Acton in January. Maya was a major contributor to the work of the Task Force.

COMMITTEE ACTIVITIES

The Recycling Task Force met monthly dealing with the following major topics of interest: 1) The NESWC contract and guaranteed annual tonnage issues as they relate to recycling, 2) The budget and local funding of solid waste disposal, 3)

Review and evaluation of the recycling program in Acton, 4) Suggestions for expansion of program, 5) Creating a public education program, 6) State regulations relating to recycling and solid waste disposal. 7) Survey of programs in nearby towns, 8) Publication of a brochure mailed to every household, 9) Solicitation of private funds for brochure costs, 10) Writing of a monthly newspaper column, 11) Writing of a grant to State DEP for recycling equipment (successful), 12) Development of Master Plan.

DESCRIPTION OF CURRENT RECYCLING PROGRAM

The Town of Acton has signed a long term contract with BFI who will provide containers for recyclables and transport them to a Materials Recovery Facility (MRF) in Hookset, NH owned by BFI. BFI provides two separate containers for co-mingled materials at the Recycling Center and each has compactor equipment inside to reduce the volume of material, allowing for savings in transportation costs. The service is provided on a barter arrangement, with BFI permitted to dispose of solid waste trash at the transfer station in an amount equivalent to the value of the recycling service. BFI picks up the containers once a week and is required to replace them the same day.

WHAT IS RECYCLED

The following items are recycled at the Acton Transfer Station:

1. Newspapers and magazines.
2. Corrugated cardboard.
3. Plastics #1 and #2.
4. Steel, tin, and aluminum cans.
5. All colors glass containers.
6. Scrap metal and white goods.
7. Auto batteries.

8. Seasonal yard waste.
9. Ashes.
10. Waste oil.

STATE REGULATIONS FOR RECYCLABLES

On July 1, 1990, Solid Waste Management Facility Regulations went into effect, banning specific recyclable items from landfills and incinerators in Massachusetts. Banned items and deadlines are:

- 1990 Automotive batteries
- 1991 Yard waste, white goods
- 1993 Metal cans and all glass containers
- 1994 Single polymer plastics
- 1994 Recyclable paper

The Town of Acton is currently meeting all of these regulations. The Department of Environmental Protection has recently approved Acton's recycling program which means that, during 1993, incinerator operators are not required to inspect our refuse for glass and metal containers. The refuse delivered from Acton may still be subject to random inspections for the presence of yard waste, automotive batteries, and white goods.

To meet the criteria established by the DEP for an approved recycling program, the Town had to demonstrate: 1) that its residents had access to recycling facilities which accepted lead batteries, yard waste, glass, and metal containers, 2) that there was an every-household mailing to educate the residents about recycling, and 3) that public education was, at a minimum, conducted through the newspaper on a quarterly basis. The Recycling Task Force was instrumental in insuring the town could meet these criteria for approval.

RECYCLING MASTER PLAN

GOALS

The Town of Acton should commit to the maximum achievable rate of recycling in accord with local funding limitations, the NESWC guaranteed annual tonnage requirements, and current state regulations regarding recycling materials.

The Town of Acton should recycle and compost all appropriate components of the waste stream and provide a facility or collection site which is designed to accept recyclables from residents, for consolidation and transportation to processors.

The Town of Acton should encourage the development and reinforcement of recycling habits in the community through education.

The Town of Acton should recognize the following benefits of recycling to society:

- Conservation of raw materials
- Extending the useful life of disposal facilities
- Economic and environmental benefits related to lower energy consumption required to manufacture recycled products
- Mitigation of health and environmental disadvantages related to solid waste disposal facilities

For these and other benefits to be realized, the economics of recycling municipal solid waste indicates that state support of increased municipal costs is desirable until recycling becomes self-sustaining from a budgetary point of view.

IMPLEMENTATION OF GOALS

PROPOSED PROGRAM: The proposed recycling program for the Town of Acton should include, at a minimum, the recyclable materials collected as of 6/30/93, as listed above. Future expansion of the program should be controlled by state regulations, available funds, market development, vendor cooperation, and the limitations of the NESWC contract.

ACTION TIMELINE: The action timeline for this plan has been established through the current operation of the program now in place. The Town should continue to commit to a long term contract with a recycling vendor, if the evaluation of the service demonstrates good quality and value.

FINANCIAL PLAN: The recycling program should be a high priority service provided by the town. The program should be financed through local taxation, user fees, state funding, bartering or any combination of these methods. Financial analysis of recycling should include cost effectiveness of the delivery of service, state mandates, NESWC contract restrictions, and local funding constraints.

PUBLIC EDUCATION: The public education program should conform to state requirements and local volunteer efforts. The short term requirements have been met by the Task Force. The goal for long term public education requirements should be at a minimum: quarterly public information in local media; and annual notification to residents through legal notices, Town reports, or other appropriate means. The Board of Selectmen should designate an individual, or a group of individuals, to meet the recycling education goals listed above.

Respectfully submitted,

Acton Recycling Task Force

Nancy E. Tavernier, Chairman
Rosemary Lundberg
Peg Mikkola
John Murray, ex-officio
Dick Howe, ex-officio
Joe Peters, ex-officio

6/8/93

TOWN OF ACTON
BOARD OF SELECTMEN
RECYCLING TASK FORCE

COMPOSITION: Appointed by Board of Selectmen

Nine Members:

Member of Board of Selectmen

Member of Finance Committee

Town Manager or his designee

Highway Superintendent

Up to 5 Members at large, including 1 member of

Acton Conservation Trust

MEETS: At least monthly, or as required to deal with issues as they arise.

DURATION: Task Force to be sunsetted on June 30, 1993 or at completion of duties, whichever is shorter.

PURPOSE AND DUTIES: The Purpose of this Task Force is to provide input and perspective to the Board of Selectmen to enable them to make policy decisions on what will be required to create a cost-effective recycling program for the Town of Acton.

The Recycling Task Force shall function as an advisory committee to the Board of Selectmen and may:

1. Evaluate the current Recycling Program to identify immediate problems that can be addressed on the short term to make it more effective, explore the immediate potential for increasing program scope and participation, and coordinate appropriate action.
2. Become informed about local, state, and federal and any other regulations which will impact recycling policy decisions.
3. Assess current expenditure and revenue levels for Town solid waste disposal, including recycling.

4. Use informational materials from local, state, federal and other sources as needed, to keep informed of existing knowledge base regarding recycling.
5. Identify realistic broad goals for recycling in Acton, including but not limited to:
 - type of recycling programs
 - number of items to be recycled
 - scope of program participation
 - space, personnel and equipment needs
 - public education requirements
 - financial resources
 - binding contracts
6. Develop a viable Recycling Master Plan for the Town of Acton, including but not limited to, a detailed description of the proposed program, an action timeline, a financial plan, and a description of public education requirements. Present to the Board of Selectmen upon completion for their deliberation and implementation.
7. Advertise, prepare, print, and distribute flyers, books, maps, charts, plans and pamphlets necessary for its work, with the advice and consent of the Board of Selectmen and Town Manager. Associated costs for production and distribution may be required from non-municipal sources.

The Recycling Task Force shall keep records of its meetings and actions and file an annual report to the Board of Selectmen which shall be printed in the Annual Town Report. The Task Force shall also keep and produce minutes of all meetings and shall submit copies of its official minutes to the Board of Selectmen and the Town Clerk.

The Recycling Advisory Committee may receive gifts of property, both real and personal, in the name of the Town, subject to the approval of the Board of Selectmen.

Adopted by Acton Board of Selectmen 8/27/91

What to Recycle

Yes

Newspapers & Magazines

Newspapers, inserts, and glossy magazines, tied or loose. Magazines **MUST BE TIED**.

PETE & HDPE Plastics (No. 1 & 2)

Plastics with code number 1 or 2 only; look at bottom of plastic items for these numbers. Rinse clean, crush. Labels OK.

Food Cans

Steel, tin and aluminum cans and metal lids. Must be washed clean. Labels OK.

Glass Bottles & Jars

Glass bottles and jars of all colors. Wash clean. Labels OK. Canning jars OK.

Scrap Metal & White Goods

Large and small metal appliances, such as stoves, washers, dryers, water heaters, furnaces, metal sinks, metal bathtubs, air conditioners, lawn mowers. Other metal items.

Auto Batteries

Used automotive batteries. Place upright on pallet.

Seasonal Yard Waste

Outdoor organic material. Grass clippings in spring & summer. Leaves and grass in fall. Christmas trees and wreaths in winter.

Ashes

Fireplace, stove and barbecue ashes.

Waste Oil

Used motor oil. Pour into special bin. Toss emptied oil jugs into Transfer Station.

Wood Chips

Tree limbs processed through a chipper. Deliver or take away.

No

No paper bags, cardboard or books. No catalogs, phone books or junk mail. No office paper or computer paper.

No lids or rings. No uncoded or coded plastics other than 1 or 2. No automotive product containers. No styrofoam, No plastic bags.

No foil. No pie tins. No cans other than clean food containers.

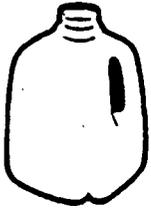
No lids or rings. No light bulbs. No window glass. No mirrors, ceramics or stoneware. Remove lead collars from wine bottles.

No nonmetal items. No building debris. No cement blocks. No tires, TVs or wood furniture. No mattresses, box springs or toilets.

No plastic bags. No wire. No tinsel.

No bags containing ashes—empty them.

No antifreeze or nonautomotive oil products.



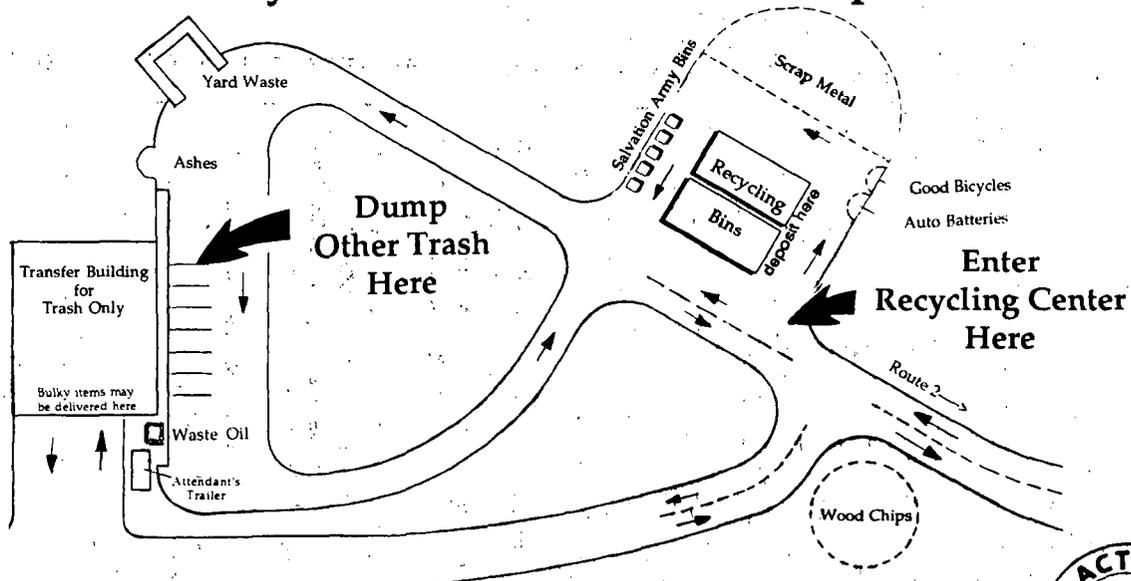
Questions?

General Info
264-9627

Trash & Recycling
264-9624

Hazardous Waste
264-9634

Where to Recycle—Transfer Station Drop-off Points



Town of Acton Transfer Station and Recycling Center

Located on Route 2, east of Acton. Open Tuesday through Saturday.



Recycling Begins at Home

Common household items you use each day should be recycled at Acton's Transfer Station. Here are 3 easy steps to recycling success.

1 Set up a simple storage system in or near your kitchen—brown paper bags will do.

2 Stack Newspapers & Magazines.

and, when emptied, wash & store the following items:

Plastics—When you shop, choose plastic containers with a code number 1 or 2 imprinted on the bottom. When they're emptied, rinse clean and crush. Store these coded 1 and 2 plastics (no lids) in storage container.

Cans—When you empty food cans, wash them thoroughly (be careful, edges can be sharp). Labels may be left on. Metal lids (clean) are recyclable too! Place clean cans and metal lids in storage container.

Glass Bottles & Jars—When you empty glass food containers, wash them thoroughly. Remove rings. Labels are OK. Put clean bottles (no lids) in storage container.

3 Whenever you take your trash to the dump, take your recyclables, too. On the other side of this brochure is a list of items to recycle. Post the list for future reference, and begin recycling today!



TOWN OF ACTON TRASH AND RECYCLING



Acton's Transfer Station is the place to save money while you're disposing of your trash and recyclables. Weekly home pickup service is three to four times more expensive.

And the Town needs your trash!

Acton needs lots of trash in order to fulfill a contract obligation for solid waste delivery to MRI's incinerator in North Andover. Do your part to keep the Town from having to pay penalties for insufficient tonnage. The NESWC contract runs through the year 2006. Now is the time to begin using your tax-supported Transfer Station.

In addition, the state has banned specific recyclable items from incineration. These bans were established to decrease the trash that goes into landfills and incinerators, reducing the need to pay for more statewide trash facilities. In the years to come, statewide incinerators and landfills may refuse to accept these banned items. What affect does this have on you? Your town will not be able to deliver glass, cans, newspapers, certain plastics, auto batteries, or yard wastes to the NESWC incinerator, and loads containing these items can be turned away, at great cost to the Town.

So, to meet Acton's waste tonnage obligations and to comply with statewide trash bans, do your part. Deliver your trash to Acton's Transfer Station and separate-out all your recyclables.

LAW LEAGUE OF WOMEN VOTERS
of ACTON-STOW

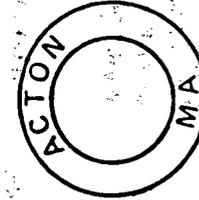
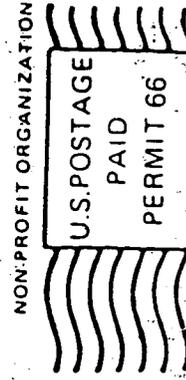
P.O. Box 817
Acton, Massachusetts 01720

Don't Trash Recyclables!

On July 1, 1990, Solid Waste Management Facility Regulations (310 CMR 19.00) went into effect, banning specific recyclable items from landfills and incinerators in Massachusetts. Banned items and deadlines are:

1990	Lead Batteries (automotive)
1991	Leaves, Grass Clippings, Other Yard Waste
1991	White Goods (refrigerators, stoves, etc.)
1993	Aluminum and Metal Cans
1993	Glass Containers
1994	Single Polymer Plastics
1994	Recyclable Paper

The Town depends on you to separate these items from your regular trash and take them to Acton's Recycling Center at the Transfer Station.



HOW TO USE ACTON'S TRANSFER STATION

6/8/2

Confused about Recycling?
Enclosed is all the information you need.

TOWN OF ACTON

4/8/ (3)

INTER-DEPARTMENTAL COMMUNICATION

DATE : 23 March 1993
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
SUBJECT : Recommendation Appointment

At its meeting of 22 March the Volunteer Coordinating Committee voted to recommend CHRISTENSEN, Royce A. to be an Associate Member of the Acton Conservation Committee for a one-year term expiring 30 June 1994. His analytical ability should make a contribution to the Committee.

picked up 11-23
Schedule for 12-14 8:00

TOWN OF ACTON VOLUNTEER APPLICATION
TOWN OF ACTON

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

NOV 19 AM 4:15

(Please print or type)

Date: Nov. 19, 1992

Mr / Mrs
Ms / Dr CHRISTENSEN ROYCE A.
Last Name First Name Middle Initial
8 Long Ridge Rd. 263-2017
Street Address Home Phone Business Phone

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

- 1) CONSERVATION COMMISSION
- 2) CABLE ADVISORY COMMITTEE
- 3) FORT DEVANS REUSE TASK FORCE

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

No

Do you have any time restrictions? No
How long have you lived in Acton? 16 yrs in Massachusetts? 16 yrs
Are you a US citizen? YES
Present occupation and employer (optional - attach resume)
RETIRED FROM DISTAL
Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? No
Education or special training B.S. IN ELECTRICAL ENGR. 35
years of EXPERIENCE IN Sales, Marketing, Purchasing
AND MANAGEMENT 10 yrs.



APPOINTMENTS MADE BY THE BOARD OF SELECTMEN

DATE 23 March 1993

NAME	COMMITTEE	APPOINTED		REG.	ASSOC.	ALTN.	EXPIRES	HOLD	COMMENTS
		YES	NO						
Christensen, Royce	ACC				X		6/30/94		

6/8/93 (4)

MAY 24 1993

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: MAY 21, 1993

TO: DON P. JOHNSON, TOWN MANAGER *RD*

FROM: RICHARD HOWE, HIGHWAY SUPERINTENDENT

SUBJECT: SURPLUS PROPERTY/1-1955 POWER WAGON & 1-1970 TRAILER

The Highway Department/Civil Defense has one 1955 power wagon (old brush truck) and one trailer, that are obsolete and no longer used by the Departments. I would like to sell these or trade them in. Their value is approximately \$800.00.

Thank you.

RH:el
384

BOS CONSENT 6/8/93

6/8/93 (5)

Site Plan Special Permit #4/6/93-339
Suburban Manor
1 Great Road
Plan File #3352 (Tavernier)

#####

Decision of the Board of Selectmen (hereinafter the Board) on the petition of Acton Medical Investor (hereinafter the Petitioner) for the property located at 1 Great Road, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map G5 Parcels 68, 71, 72-1 and 85.

This Decision is in response to an application submitted to the Board on April 6, 1993 by the Petitioner for a Site Plan Special Permit under Section 10.4 and a Special Use Permit under Section 10.3 of the Acton Zoning Bylaw (hereinafter the Bylaw) in effect on April 20, 1992 to construct a 41 bed addition, dining/administration addition and a sewage treatment plant at the current Suburban Manor.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on May 11, 1993 at 8:15 P.M. in the Selectmen's Hearing Room at the Acton Town Hall. Board members F. Dore Hunter, Anne B. Fanton, Norman D. Lake and Nancy E. Tavernier were present throughout the proceedings.

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

F. Dore Hunter disclosed that he has professional contact through his place of business with Charles G. Kadison, Jr. who represents Acton Medical Investors. There were no objections to his continuing to hear and vote on this application.

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

Exhibit I

A properly executed application for Site Plan approval received April 6, 1993; a properly executed application for a Special Use permit received April 8, 1993; Notice of Hearing; certified abutters list from the Town of Concord dated April 6, 1993 and one from the Town of Acton dated April 6, 1993; letter to the Assabet Valley Beacon dated April 7, 1993; Interdepartmental Communication from the Board requesting comments; letter to the Acton Medical Investors dated April 7, 1993 regarding notices to the abutters.

Exhibit II

Addendum to the Application for Site Plan Special Permit containing: Notice of Determination of Need partial approval dated January 16, 1990; Notice of Public Health Council Acton dated July 13, 1992; Acton - DWPC - trans. #1926 MA 0-571 dated April 3, 1992; Board of Appeals decision #92-5; Groundwater Protection District Special Permit #93-3. The following set of plans: (1) Plan of Land in Acton, MA dated April 1952 - 708 of 1952; (2) Plan of Commerford Road Extension, 2 sheets; (3) 2 sheets entitled "AZALEA PARK" dated Sept. 15, 1965; (4) Plan of Land dated March 23, 1966; (5) Application for a Special

Site Plan Special Permit #4/6/93-339

Suburban Manor

1 Great Road

Plan File #3352 (Tavernier)

Page 2 of 7

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Permit from the Planning Board dated December 4, 1992; (6) Copy of the deed from Polo to Acton Medical Investors; (7) Roof runoff renovation dated April 12, 1993; (8) ITE Trip End Data; (9) Water Balance Calculations dated February 25, 1993; (10) Drainage report dated November 6, 1992 modified February 25, 1993 and April 5, 1993.

Exhibit III

Interdepartmental Communication (IDC) from the Building Commissioner to the Board dated May 5, 1993; IDC from the Town Planner to the Town Manager dated April 22, 1993; IDC from the Fire Chief to the Town Manager dated April 30, 1993; IDC from the Engineering Administrator to the Town Manager dated April 23, 1993; letter from the Town of Concord Planner dated April 29, 1993 to the Building Commissioner; meeting notes from Minuteman Advisory Group on Interlocal Coordination dated March 11, 1993; memo from the Metropolitan Area Planning Council dated March 11, 1993 to MAGIC DRI Subcommittee.

Exhibit IV

A set of plans drawn by Acton Survey & Engineering sheet 1 of 11 entitled "Index Plan of Land" revised April 15, 1993; sheet 2 of 11 entitled "Existing Conditions Plan" modified February 25, 1993; sheet 3 of 11 entitled "Existing Conditions Plan" modified February 25, 1993; sheet 4 of 11 entitled "Existing Conditions Plan" modified February 25, 1993; sheet 5 of 11 entitled "Existing Conditions Plan" modified February 25, 1993; sheet 6 of 11 entitled "Site Plan of Land" modified April 5, 1993; sheet 7 of 11 entitled "Site Plan of Land" modified April 5, 1993; sheet 8 of 11 entitled "Site Plan of Land" modified February 25, 1993; sheet 9 of 11 "Site Plan of Land" modified February 25, 1993; sheet 10 of 11 entitled "Post Development Plan" modified April 5, 1993; sheet 11 of 11 entitled "Construction Detail Sheet" modified April 5, 1993. A "Preliminary Landscape Plan" drawn by Capizzi & Co. Inc. revised April 5, 1993. The following set of plans drawn by Don R. Kirkman; sheet A0.01 "Site Plan" revised February 24, 1993; sheet A0.02 "Suburban Manor Preliminary" revised February 24, 1993; sheet A0.03 "Basement Plan" dated February 1, 1993; sheet A1.01 "Suburban Manor Preliminary Plan" dated February 1, 1993; sheet A1.01 "Plan/Elevation" dated February 1, 1993; sheet A1.02 "Suburban Manor Preliminary Plan" dated February 1, 1993; sheet A2.01 "Elevations" dated February 1, 1993; Post Development Plan drawn by Acton Survey & Engineering modified April 12, 1993.

Exhibits I, II and IV are referred to hereinafter as the Plan.

1.0 Findings and Conclusions

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

- 1.1 The site is located in the East Acton Village District, Residence 8 District and Residence A Zoning District and is permitted by a Special Use Permit from the Board.

Site Plan Special Permit #4/6/93-339

Suburban Manor

1 Great Road

Plan File #3352 (Tavernier)

Page 3 of 7

#####

- 1.2 The site is located within both Zone 3 and Zone 4 of the Groundwater Protection District. The Petitioner has obtained a Special Permit from the Planning Board for the treatment plant located within Zone 3.
- 1.3 The Bylaw section 4.3.6.3 controls Treatment and Renovation of Runoff. The plan shows all paving runoff being funneled into gastrap catch basins. The bylaw requires these gastrap catch basins as a minimum. The Board, after hearing arguments, has concluded that the roof runoff need not be directed into retention basins but directly into the proposed leaching basins. It is the Board's finding that the intent of the Bylaw section 4.3.6.3 has been met. The Board also finds that the relocated trees, placed where the proposed retention basins were to be located, shall be preserved.
- 1.4 The Bylaw section 5.3.8 provides that the minimum pavement setback from lot lines is 60 feet and the minimum building setback is also 60 feet. The Board of Appeals, in decision 92-5, granted a Variance for pavement setback and a Special Permit for nonconforming building setback.
- 1.5 With the close proximity of both parking and building to side lot lines, it is necessary to alleviate the adverse impacts with additional landscaping.
- 1.6 Both staff and abutters expressed interest in extending the sidewalk along Great Road. The Petitioner agreed to install a sidewalk from their access drive to the driveway of 9 Great Road subject to obtaining the necessary permits.
- 1.7 This addition will add approximately 41 new residents. The only access is a single access from Great Road. In order to improve emergency access to the site, it is necessary to upgrade the emergency access from Bayberry Road.
- 1.8 The only water supply on the site is from Acton Water District supply line which is on a dead end. Concord Water District has a water line located in Great Road. To ensure that the residents have maximum fire protection and drinking water, it would be preferable to have an additional supply line run from the Concord Water District if possible.
- 1.9 The Town of Concord is concerned about possible odors from the treatment plant. The Petitioner has assured the Board that the treatment process is both noiseless and odorless outside the treatment building. If any odors are detected it would be possible to add filters to the exhaust fan.
- 1.10 The Petitioner assured the Board that the treatment process does not involve the use or production of hazardous materials. If hazardous materials are needed it will be necessary to obtain a Hazardous Materials Permit from the Board of Health.

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- 1.11 The Petitioner assured the Board that a treatment plant is advanced treatment with denitrogen function treatment.
- 1.12 ITE estimates the traffic generation does not require a traffic study as per the site plan rules and regulations.
- 1.13 An abutter is concerned about the loss of trees brought about by the construction of the eight car parking lot located to the north/northeast of the proposed Dining/Administrative addition. This location was approved by the Board of Appeals conditional upon the preservation of as much existing landscaping as possible. The Board finds that by relocating the lot slightly northward and placing one or more small car spaces to the east, three large trees can be preserved.
- 1.14 The plan as herein modified will:
 1. Protect the neighborhood and the Town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
 2. Provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site.
 3. Provides an adequate arrangement of parking and loading spaces in relation to the proposed USES of the premises.
 4. Provides adequate methods of disposal of refuse or other wastes resulting from the USES permitted on the site.
 5. Is consistent with the Master Plan.
 6. Is in harmony with the purpose and intent of this Bylaw.
 7. Will not be detrimental or injurious to the neighborhood in which it is to take place.
 8. Is appropriate for the site and complies with all applicable requirements of this Bylaw.

Therefore, the Board voted to GRANT the requested Site Plan Special Permit and Special Use Permit subject to and with the benefit of the following Plan modifications, conditions and limitations.

2.0 Plan Modifications

Prior to the issuance of a Building Permit or the start of any

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construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected or modified information. The Building Commissioner shall not issue any Building Permit nor shall he permit any construction activity to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any Building Permit or permit any construction on the site. The Petitioner shall submit five copies of the final plans as approved for construction by the Building Commissioner to the Building Commissioner prior to the issuance of a Building Permit.

- 2.1 Add 15 foot wide "grass paver" emergency access between Bayberry Road and the site located so as not to remove existing trees if possible. Any alternate surface must be approved by the fire department. A single bar gate with an approved lock box shall also be installed.
- 2.2 5 foot sidewalk constructed to subdivision standards between the access drive and 9 Great Road driveway.
- 2.3 The landscape plan shall be prepared after construction of the driveways or parking lots and buildings but before installation of any landscaping. The plan shall ensure maximum protection of adjoining properties from light spillage and visual impact. The plan is subject to the approval of the Municipal Properties Director.
- 2.4 Show a "NO PARKING" sign adjacent to the large vehicle turnaround.
- 2.5 The parking lot to the north/northeast of the proposed Dining/Administrative addition shall be relocated to the west so as to preserve two large trees. A third large oak shall also be preserved by placing a small car space on the east side of this lot with proper small car signage.

3.0 Conditions

- 3.1 A properly prepared application and plan for the proposed sidewalk shall be provided to the Town's Engineering Department prior to issuance of a Building Permit. Subject to obtaining State approval, the sidewalk shall be constructed within the then current construction season or one year if it is found by the Town that construction cannot reasonably be completed within the construction season.
- 3.2 With the exception of the exhaust system located in the treatment

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building, no mechanical or other equipment shall be located on the roof of new additions.

- 3.3 Approved gas trap catch basins are to be located before all leaching areas.
- 3.4 If hazardous materials (as outlined within Board of Health regulations) are utilized on site, a Hazardous Materials Storage Permit shall be obtained from the Board of Health.
- 3.5 If odors are detected from the treatment plant and the treatment plant has been determined to be running properly, the Petitioner shall exercise all efforts to install filters on the exhaust system to control such odors.
- 3.6 Prior to installation of any landscaping, the landscaping plan shall be revised subject to the approval of the Municipal Properties Director, so as to protect the neighbors as much as possible from visual and light impact.
- 3.7 Prior to occupancy or use of the addition and/or new building, an as-built plan supplied by the engineer of record certifying that the project was built according to the approved documents. The as-built plan shall show all pavement, building and drainage structure locations above and below grade in their true relationship to lot lines, and include appropriate grades and elevations. In addition to the engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor.

4.0 Limitations

The Authority granted to the Petitioner by this permit is limited as follows:

- 4.1 This permit applies only to the site which is the subject of this petition. All construction shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 4.2 There shall be no further development of this site without written consent of the Board of Selectmen as outlined within the Acton Zoning Bylaw.
- 4.3 This Decision applies only to the requested Special Permit. Other permits or approvals required by the Acton Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.

Site Plan Special Permit #4/6/93-339
Suburban Manor
1 Great Road
Plan File #3352 (Tavernier)

Page 7 of 7

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- 4.5 The hauling of earth to and from the site shall be restricted to the hours between 9:00 AM and 4:00 PM on weekdays.
- 4.6 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the Acton Zoning Bylaw.
- 4.7 This Site Plan Special Permit shall lapse on June 8, 1995.

5.0 Appeals

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

Witness our hand this day of .

F. Dore Hunter, Chairman

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

Christine Joyce, Recording Secretary

Date filed with Town Clerk

Catherine Belbin, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Decision of Suburban Manor Nursing Home has passed and there have been no appeals made to this office.

Date

Catherine Belbin, Town Clerk

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

6/8/93 (6)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 4, 1993

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Raccoon Policy

You have asked for my comments and recommendations regarding the Board of Health's "Policy for Handling of Suspicious Raccoons".

The policy that the Board of Health sent you (copy attached) is essentially the way we have been handling this situation ... without a written policy. In fact, this is essentially the way suspicious raccoons have been handled for years. The difference this year is in the number of incidents.

I have little issue with the handling process per se. It is in the peripheral areas that I have some problems. For instance, the policy should not be so specific as to define the Acton Animal Hospital as the only location for decapitation (paragraph IV). From a policy stand point we should specify that decapitation shall be under the control of the Health Department and shall be conducted in accordance State (or other accepted) standards. If the Health Department chooses Acton Animal Hospital that is well and good but I would not want to see us "violate" our policy simply because we had not foreseen an instance when it was more desirable to call on someone else (maybe Tuft's Veterinary School). A similar comment would apply

to paragraph V, "Transportation of Suspicious Raccoons to the State Lab". In this case, I am not sure why we need to specify a courier service when all we need to do is designate the Health Department as responsible for delivery in whatever safe and acceptable manner they may deem appropriate.

My biggest concern is with the "Pre-exposure Vaccination" paragraph (#VII). This paragraph describes as many as 40 people who might be vaccinated under this policy. I agree with the value of vaccinating anyone who is frequently involved in these incidents; however, the vaccination costs exceed \$100 per person (and I'm not sure of the frequency of follow-up vaccinations). With the cost in mind, I believe we should revisit the policy and consider having the phone calls go to the Police department but have the Animal Inspector as the first responder rather than the Police. The Animal Inspector would then be charged, with counsel from the Health Department, with killing the animal if necessary. The Police would only respond in the absence of the Animal Inspector. The effect of this suggestion would be to significantly reduce the number of people being exposed. This should allow us to limit vaccinations to the Animal Inspector and possibly Health Department Personnel. I would not recommend vaccinating Police personnel since their exposure would be minimal. Further, I would not recommend vaccinating Acton Animal Hospital personnel under any circumstance ... their exposure is part of their job and they should be responsible for any vaccination.



cc:Board of Health

6/8/93
⑥

Acton
Board of Health May 5 1993

Memorandum

May 4, 1993

To: Acton Board of Selectmen

From: Bill McInnis, Chairman, Board of Health

Subject: Suspicious Raccoon Policy

At the May 3, 1993 meeting of the Board of Health, the Board unanimously voted to approve the attached Town of Acton Policy for Handling Suspicious Raccoons. The Board felt this policy was necessary to define the Town's responsibilities in response to the current raccoon rabies epizootic, and to provide consistent, managed response by the Town to reports of suspicious raccoons. The Board feels this policy will protect the public health and safety, protect the Town workers who must be exposed to this fatal disease, provide a coordinated response among Town Departments, and protect wildlife which is not a threat to humans. This policy is already being followed informally by several Town Departments, and is completely consistent with the recommendations of the State's Department of Public Health.

The Board of Health is concerned however that our charter to enact Town policy is not clear. This policy assumes responsibility by the Town, and directs action by several Town Departments not usually associated with the Board of Health. Therefore we ask the Board of Selectmen to confirm our approval of this policy at your earliest convenience.

As a side note, this policy was sent to the Town Manager for comments in early February, and I reminded the Assistant Town Manager of our need for comments in early March. While the Town Manager is aware of the issues regarding raccoon rabies, and has managed cases on a day to day basis, a written policy is needed to provide consistent, safe and effective handling of future incidents. Comments on this written policy have not been received from the Town Manager's office. If the Selectmen or Town Manager have comments, we would be pleased to incorporate them in future revisions of this policy.

Thank you for your attention to this matter, I would be pleased to discuss any issues involved at your convenience. I can be reached during the day at (508) 440-2275, or evenings at 635-9802.

Sincerely,

Bill McInnis

478 Main Street, Acton MA 01720

TOWN OF ACTON
POLICY FOR HANDLING OF
SUSPICIOUS RACCOONS

January 27, 1993

Purpose of policy: The raccoon rabies epizootic reached Massachusetts in September 1992 and is spreading quickly. Because of the unpredictable movement of the epizootic, Acton must assume it has raccoon rabies, regardless of whether or not there have been confirmed cases in town. This policy is set forth to address that concern by outlining a consistent town wide response plan for the identification, capturing, euthanizing, decapitation, transportation to the state lab and disposal of the carcass of suspicious raccoons.

I. Identification of suspicious raccoons

All calls from residents regarding suspicious raccoons shall be referred to the police department for initial investigation. The police department shall dispatch an officer to the location and contact the health department. The officer at the location, with advice from the health department, whenever possible, shall determine if the raccoon is acting suspiciously. If raccoon is acting in a normal behavior no other action should be taken.

II. Capture of suspicious raccoons

In the event that the raccoon is in an area where killing it is impossible, without risking people, pets or property, or at a time of day when people, pets or property are at risk, the Animal Inspector shall be contacted. The Animal Inspector shall use his discretion in determining the best manner in capturing the raccoon.

III. Killing suspicious raccoons

Under most circumstances the raccoon shall be killed by the police officer with a gunshot to the body of the raccoon. Head wounds should be avoided but the safety and concern of the police officer should be paramount over the need to retain an undamaged head. In cases where the Animal Inspector is delegated this responsibility he shall use his discretion in determining the best manner in killing the raccoon. Under no other circumstances shall any other people be delegated the responsibility to kill a raccoon without written approval from the Board of Health.

IV. Decapitation of suspicious raccoons

Prior to the town verifying two cases of rabies in raccoons, all bodies shall be taken to the Acton Animal Hospital at 363 Main Street for decapitation. After verification of two

cases only suspicious raccoons that have been in known physical contact with humans and pets shall be decapitated. The Health Department shall be responsible for transportation of the raccoon to the Acton Animal Hospital.

V. Transportation of suspicious raccoons to the State Lab

All decapitated heads shall be transported to the State Lab in Jamaica Plain within twenty four hours after decapitation. Whenever possible a courier service shall be utilized but the Health Department shall be responsible when that is not possible. Raccoons killed after 4:00 p.m. on Friday must be kept in cold storage until Monday morning by the Health Department or Animal Inspector.

VI. Disposal of carcasses.

The bodies of all raccoons that are decapitated shall be disposed by the Acton Animal Hospital in a manner consistent with State and Town policy. Raccoons that are not decapitated shall be disposed of at the D.P.W., in the animal disposal chamber, located behind the salt shed. The Health Department shall assume this responsibility.

VII. Pre-exposure Vaccination

Pre-exposure prophylaxis shall be offered to all risk related personnel of this policy. This should include police officers, Animal Inspector, Health Department employees and Acton Animal Hospital employees.

6/8/93
7

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: May 25, 1993

CONFIDENTIAL, DUE TO SENIOR CENTER NEGOTIATIONS

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Available FY93 Year End Funds

The attached report indicates the FY93 year to date expenditures through May 24. We have reviewed the remaining programs and anticipated needs of all departments at this time and have determined that we should approximate a net balance of \$0 at the end of the year ... with the exception of two (2) categories. Those categories are "Labor Costs With Benefits" and "Reserve Fund".

I have previously explained that I expected to have year end monies available in "Labor Cost With Benefits" because we made a conscious decision to leave several positions vacant this year as a hedge against some large liabilities that were identified early in the year (NESWC is a notable example). The departments containing those positions were willing to bear the burden in order to protect the Town against a serious deficit ... but with the hope that, if the problems could be solved in other ways, they could at least receive some of the funds at the end of the year to improve their efficiencies. The attached report indicates that we expect to have a balance of \$169,445 in this category. The derivation of these monies is as follows:

<u>Department</u>	<u>Positions</u>	<u>Approx. Salary Plus Benefits</u>
1. Fire Department:	1.0	\$ 48,000
2. Planning Department:	1.5	40,000
3. Building Department:	.5	17,000
4. Manager's Department:	.6	13,000
5. Finance Department:	1.0	25,000
	.5	18,000
	.375	8,000
	-----	-----
	4.475	\$169,000

In addition to the "Labor" monies, we expect to have a balance of approximately \$17,000 in the "Reserve Fund". This is the net of the \$35,000 appropriation for this account, less approximately \$18,000 for the cost of the Annual Town Meeting and the Special Election. The Reserve Fund is not available for purposes of this report so I shall concentrate on the \$169,445 "Labor Cost With Benefits" number as the available resource.

My recommendations for the effective use of these monies are as follows:

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>COST</u>
- Mun. Prop.	Exterior Completion of Sr. Ctr.	\$ 15,000

compliment on each piece of response apparatus. My recommendation is that we provide for part of the Chief's request and do the balance in a subsequent year. This would provide a reasonable level of safety and still leave funding for important programs in other areas)

- Fire Refurbish Ladder Truck 15,000
(Replacement of the Ladder truck is an issue we will need to face in the near future. A refurbishment program at this time will help to delay this replacement 3-5 years)

- Fire E-911 Secondary Answering Point 5,000
(The Primary Answering Point for our E-911 service will be the Police Department. \$50,000 worth of equipment for that location will be provided free of charge by the telephone company. In order to allow the Fire Department to talk to an E-911 caller we will need to make this purchase from Town funds)

- Fire Computer Modifications 10,000
(The Fire Department has been operating off of the Police computer utilizing modems. This has severely overloaded the Police system and has caused problems for the Fire Dept. when the telephone service failed. With a relatively inexpensive reconfiguration of the Town Hall

system we can provide a CPU plus additional workstations and printers for the Fire Department. This will provide a much higher reliability for the Fire Dept. computer system and increase the efficiencies at the Police Station and the two outlying Fire Stations)

- Planning	Town-wide Grant Writer (Department heads have identified several programs under which the Town might be eligible for funding. These include S. Acton Sewers, planning grants and others. Roland Bartl has also suggested that we obtain help in preparing the Community Action Statement that is now required by EOCD before we may be considered for any of these grants)	15,000
<hr/>		
	TOTAL RECOMMENDED	\$168,400

If the Board wishes to consider items other than those list above I would next recommend the following:

- Mun. Prop.	Fire Alarm Upgrade (This upgrade of the fire alarm in Town buildings was cut as part of the B-Budget and is not part of the B+ proposal)	15,000
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buy books this year and receive credit for them next year. In fact, under the rules that have been established, if we expend more funds this year to provide a better service to our residents ... and meet the implied intent of the Massachusetts Library Board of Trustees ... we would actually create an even greater problem next year because of the Trustees' "maintenance of effort" requirements.

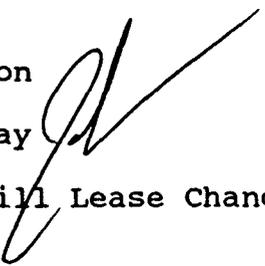
Table 3A
Municipal Object Budget
A Budget

	Appropriated 1993	Expend. Y.T.D. 5/24/93	Projected FY93 Expend	Projected FY93 Balance	% Of Budget
Labor Cost With Benefits	\$7,796,757	\$6,585,033	\$7,627,312	\$169,445	2.17%
Utilities	254,034	217,393	254,572	(538)	-0.21%
Equipment Repair/Replace	394,712	163,092	395,984	(1,272)	-0.32%
Insurance Non-Employee	239,012	207,093	238,802	210	0.09%
Legal Services	227,000	185,350	220,350	6,650	2.93%
Snow Removal	284,614	273,663	284,614	0	0.00%
Infrastructure Repair/Replace	261,991	92,744	260,744	1,247	0.48%
Supplies, General	107,243	87,451	104,941	2,302	2.15%
Gas and Diesel Fuel	92,655	76,053	91,264	1,391	1.50%
Expenses, Other	75,073	61,367	78,206	(3,133)	-4.17%
Building & Grounds Maintenance	63,535	57,754	69,305	(5,770)	-9.08%
Library Books	60,983	56,022	60,926	57	0.09%
Printing & Distribution	61,010	38,814	60,577	433	0.71%
Social Services	2,225	1,452	1,742	483	21.69%
M.I.S./Repairs Contracts	95,737	45,755	95,737	(0)	-0.00%
External Expert Advice	28,955	33,399	40,079	(11,124)	-38.42%
Audit	25,750	20,000	24,000	1,750	6.80%
Advertising	7,650	8,261	9,913	(2,263)	-29.58%
Travel, Local	3,063	1,331	2,597	466	15.21%
Public Relations	1,550	654	785	765	49.37%
Travel, Out of State	2,000	283	1,840	160	8.02%
Debt Registration	2,000	1,118	1,342	658	32.92%
Veteran's Benefits	18,720	508	10,610	8,110	43.32%
Reserve Fund	<u>35,000</u>	<u>0</u>	<u>18,000</u>	<u>17,000</u>	48.57%
Total	<u>\$10,141,269</u>	<u>\$8,214,590</u>	<u>\$9,954,241</u>	<u>\$187,028</u>	1.84%

6/3/93
8

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 6/3/93

TO: Don Johnson
FROM: John Murray 
SUBJECT: Audubon Hill Lease Changes

1. Attached is Roy Smith's proposal for changes to the Senior Center Lease.
2. The "Original Lease" is also attached and was included as an exhibit to the Comprehensive Development Agreement that was recorded with the Registry of Deeds.
3. All the items presented by Mr. Smith, seem to be self-explanatory in nature, with the exception of snow and ice removal.
4. Snow and Ice removal - If one reviews Article VII on pages 6 & 7 of the original lease, he would find that the duty of each party as it relates to responsibility for repairs to the structure and lot are clearly defined. Further, if one were to review the 1st paragraph on page 7 of the lease, he would find that it is the landlord's responsibility to maintain the parking facilities and the landscaping.
5. Mr. Smith has stated that it is the Town's, not the "Landlord's", responsibility to maintain liability insurance coverage on the leased premises. Therefore, he has implied that a reasonable person would not expect the "Landlord" to be responsible for the removal of snow and ice. Mr. Smith has correctly stated the requirement that the Town is to maintain insurance coverage on the leased

premises. If one were to examine Article IX of the lease (pgs. 8 & 9), he would note that it is a requirement that all insurance policies name the "Landlord" as an additional insured party.



• TEL. (508) 263-0011

292 GREAT ROAD • ACTON, MA. 01720

March 30, 1993

Don Johnson
Town of Acton
Town Hall
Acton, MA 01720

Re: Our Senior Center Meeting of 18 March 1993

Dear Don,

The center will now be ready for initial occupancy on 15 April. As we discussed last Thursday, two items remain open. One item is the additions or clarifications to the lease which I believe have been discussed and resolved; and the second and more important item is payment of costs exceeding the \$300,000 limit agreed to between the Town and Boston Federal Bank.

The lease additions are attached (Exhibit "B" to the lease). I have discussed the Board of Health items with Doug Halle and the revisions reflect the current Town of Acton Rules and Regulations. I am currently discussing with Jack Dunphy regarding the revised septic plan for the Elderly Center increased septic flow. The plan will reflect the requirements outlined by a Town of Acton inter-departmental communication dated May 14, 1992. It is my understanding that Doug will review these requirements with Jack Dunphy and upon receipt of the revision from Jack will review and approve the revision. That revision will become Exhibit "C" to the lease and will be installed by the Town prior to 1 July 1993. Please have Exhibit "B" reviewed and approved by the Selectmen.

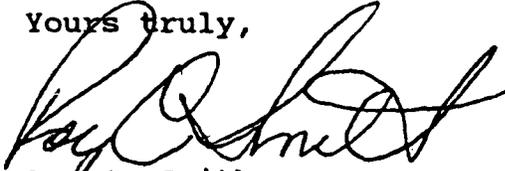
The decision of what to do in regard to costs in excess of \$300,000 is not as simple. The Bank, based on its discussions with the Town, released earlier funds to the Town with the clear understanding that \$300,000 was the limit and will not release further funds past the \$300,000. As discussed, the building will be complete, but the following items, which will not restrict occupancy, only exterior appearance, will remain incomplete.

Finish paving (bid) - finish coat, berm, sidewalk	\$15,195
Landscaping (bid)	4,700
Loaming - screened loam on site	<u>1,800</u>
	\$21,695

The items that were provided above and beyond the original estimate include the expanded kitchen and the roof from the unloading area to the main entrance. These items, along with the nationwide uncontrollable increase in building materials, caused the shortfall.

Please discuss these items with the Selectmen at your next meeting. If you need our presence, please call.

Yours truly,

A handwritten signature in black ink, appearing to read "Roy C. Smith". The signature is fluid and cursive, with a large initial "R" and "S".

Roy C. Smith
President

RCS/jws

Attachments

WILLIAM
CHIPMAN

LOT R
PROPOSED
RECREATION
CENTER

LOT E
PROPOSED
ELDERLY
CENTER

LOT S

LOT S

PARKING
LOT

BUILDING

PARKING
LOT

30 AUDUBON DRIVE

AUDUBON DRIVE

DRIVE

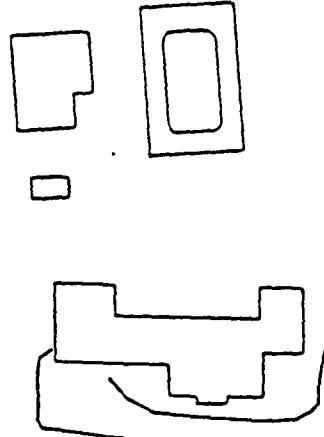


EXHIBIT "B"

Clarifications to Lease

Basic Data:

Date: 1 March 1993

Landlord: Audubon Hill South Condominium, P. O. Box 951,
Acton, MA 01720 and Roy C. Smith, President of
R. Smith Associates, Inc. or their assignees,
292 Great Road, Acton, MA 01720

Leased Premises:

- . The "lot" defined as Lot E and numbered 50 Audubon Drive with drive and parking area as shown on Exhibit A to the lease.
- . The "building" as constructed is shown as Exhibit A to the lease.
- . Further describe the building as the "Smith Cloonan Center" for Town of Acton seniors.

Para. 7.1 Exterior doors and closers are defined as mechanical equipment.

In addition, the removal of snow and ice on the "Lot" is the responsibility of the tenant. The landscaping can be added to by the tenant for their benefit with the approval of the architectural committee of the Homeowners' Association

Para. 8.4 Sewer

The tenant will have the 1000 gallon kitchen grease trap both located outside the building under the parking lot, cleaned every six months as a minimum. The 1500 gallon septic tank located in the same general area will be cleaned once a year as a minimum. The landlord will be notified when such cleaning is scheduled. If during cleaning it is apparent that the duration between cleanings is too long, they will be cleaned more frequently. The tenant will be allowed to increase the seating capacity of the Senior Center to _____ seats upon installation by the tenant of an additional trench to the existing North Phase Septic Bed. The installation will be in accordance with Exhibit "C" to the lease (not attached) and will be completed prior to 1 July 1993.

EXHIBIT H

LEASE

This instrument is an Indenture of Lease between ROY C. SMITH, as Trustee of the HIGH STREET PCRC TRUST u/d/t/ dated March 5, 1985, recorded with the Middlesex South Registry of Deeds at Book 18611, Page 409 and with the Middlesex South Registry District of the Land Court as Document No. 758061 (the "Landlord"), and the TOWN OF ACTON, MASSACHUSETTS, a Massachusetts municipal corporation acting by and through its Board of Selectmen (the "Tenant").

The parties to this instrument hereby agree with each other as follows:

ARTICLE I

SUMMARY OF BASIC LEASE PROVISIONS

1.1 BASIC DATA

Date:	June __, 1989
Landlord:	Roy C. Smith, as Trustee of the High Street PCRC Trust
Present Mailing Address of Landlord:	292 Great Road Acton, Massachusetts 01720
Tenant:	Town of Acton
Present Mailing Address of Tenant:	Acton Town Hall Acton, Massachusetts 01720 Attn: Town Manager
Leased Premises:	The Landlord's building to be constructed in accordance with the Plan referenced as Exhibit 1 to a Special Permit granted by the Town of Action Planning Board to the Landlord on March 4, 1989 (the "Building"), the approximately 1.66 acres of land (the "Lot") on which the Building is located, commonly known as the Town of Acton Senior Center, a common area located in the Audubon Hill South Condominium, Acton, Massachusetts 01720, together with all appurtenances thereto

and fixtures thereon, including the Parking Lot. The Building, Lot, appurtenances and fixtures are collectively referred to herein as the "Leased Premises".

Initial Lease Term: Ninety nine (99) calendar years (plus the partial calendar month, if any, following the Commencement Date).

Option to Extend: Tenant has the option to extend the term of this Lease for an additional ninety nine (99) years on the terms set forth in Section 3.4.

Annual Rent: One Dollar (\$1.00) per year.

Commencement Date: As determined pursuant to Section 3.1.

Permitted Use: The Building may be used as a center for the use of all Senior Citizens who reside in the Town of Acton and uses incidental thereto, and such other uses which conform, as of right or otherwise, with the zoning laws of the Town of Acton, Massachusetts from time to time applicable thereto.

1.2 ENUMERATION OF EXHIBITS

Exhibit A: Plan showing the planned configuration and location of the Building and the Lot.

ARTICLE II

2.1 DEMISE AND LOCATION OF PREMISES

The Landlord hereby leases to the Tenant, and the Tenant hereby accepts from the Landlord, the premises (the "Premises") described in Section 1.1 as the Leased Premises. Attached hereto as Exhibit A is a plan showing the planned location of the Building and the Lot.

ARTICLE III

TERM OF LEASE

3.1 COMMENCEMENT DATE

The original term (the "Term" or "Lease Term") of this Lease shall be for the period specified in Section 1.1 as the Lease Term. If Section 1.1 provides for a fixed Commencement Date, then the Commencement Date of the term hereof shall be such date. Otherwise, the term of this Lease shall commence on, and the Commencement Date shall be, the first to occur of:

(a) the date on which the Premises shall be deemed ready for occupancy, as defined in Section 3.2 below; or

(b) the date upon which Tenant commences beneficial use of the Premises.

Tenant shall, in all events, be treated as having commenced beneficial use of the Premises when it begins to move into the Premises furniture and equipment for its regular business operations.

As soon as may be convenient after the Commencement Date has been determined, Landlord and Tenant agree to join with each other in the execution, in recordable form, of a written Declaration in which the Commencement Date and specified term of this Lease shall be stated.

3.2 PREPARATION OF PREMISES FOR OCCUPANCY

The Premises shall be deemed ready for occupancy on the date on which (i) the Premises, together with sufficient facilities for reasonable access and service thereto, have been completed, except for items of work and mechanical adjustment of equipment and fixtures which because of season or weather or nature of the item cannot practicably be done at the time or are not necessary to make the Premises reasonably tenantable for its Permitted Use; and (ii) there has been delivered to Tenant both a registered architect's or engineer's certificate of such completion, and a certificate of occupancy covering the Premises (temporary or permanent) issued by the governmental authority having jurisdiction thereof.

Landlord shall complete as soon as conditions practicably permit all items of work excepted under the above paragraph and Tenant shall not use the Premises in such manner as to increase the cost of such completion.

3.3 TENANT'S CANCELLATION OPTION

The parties agree that Tenant shall have the exclusive option to terminate this Lease upon not less than one year's prior written notice to Landlord, such termination to be effective and such option to be exercised as hereinafter provided. To exercise such option, Tenant shall give written notice to Landlord of the election of such option to terminate, which notice shall specify the effective date of such termination; such termination date shall be no sooner than one year after the date of such notice. If Tenant gives such notice, the rights and obligations of the parties shall cease as of the termination date specified in such notice and rent shall be adjusted as of such termination date.

3.4 EXTENSION OPTION

If the Tenant is not in default hereunder, the Tenant shall have the right to extend the Term of this Lease for one ninety-nine (99) year extension to the Term, provided that on or before the date nine (9) months prior to the expiration of the original Lease Term, the Tenant gives written notice of its election to extend this Lease upon the same terms, covenants and conditions contained in this Lease.

ARTICLE IV

RENT AND OTHER CHARGES

4.1 RENT

Tenant shall pay to Landlord Annual Rent, in arrears, on the second day of each calendar year during the Lease Term. Payments of Annual Rent shall be made to Landlord, at Landlord's mailing address or at such other place as Landlord shall from time to time designate by written notice to Tenant.

Landlord and Tenant acknowledge that it is the intention that use of the Building and lot be a gift from Jean and Roy Smith in memory of their parents Arthur and Anna Cloonan, and John and Karin Smith, all of Holden, Massachusetts. Tenant agrees that Landlord may erect or cause to be erected a plaque located on the Leased Premises substantially to such effect.

4.2 TENANT TO PAY REAL ESTATE TAXES

Tenant shall be responsible for the payment before the same become delinquent, of all real estate taxes and taxes in the nature of real estate taxes (the "Taxes") upon the Building and the Lot, even if the Landlord shall construct an addition to the Building or construct an additional structure or structures on the Lot; provided, however, that the Town

may seek the full or partial abatement of Taxes on the Leased Premises, for so long as the Tenant occupies any part of the Premises. However, if authorities having jurisdiction assess real estate taxes, which Tenant deems excessive, Tenant may defer compliance therewith to the same extent permitted by the laws of the jurisdiction in which the same are located, so long as the validity or amount thereof is contested by Tenant in good faith, and so long as Tenant's occupancy of the Premises is not disturbed.

ARTICLE V

USE OF THE PREMISES

5.1 PERMITTED USES

The Tenant shall use the Premises only for the Permitted Use specified in Section 1.1. The Landlord warrants that as of the Commencement Date the use of the Premises as a senior citizens' center is permitted as of right by all applicable laws and regulations, including the applicable building and zoning codes and that there exist no deed restrictions or other restrictions as to the use of the Premises for the above-mentioned purposes. The Landlord warrants that it has full right and lawful authority to enter into this Lease, that this Lease has been duly authorized pursuant to the applicable trust documents and that it has good and marketable record title to the Premises. If any law, ordinance or regulation, or deed restriction or other restriction at any time prohibits the Permitted Use referred to in Section 1.1, then the Tenant may, at its option, terminate this Lease upon notice to the Landlord without prejudice to any other rights the Tenant may have at law or in equity.

The Tenant shall not commit, or suffer to be committed any waste upon the Premises or any public or private nuisance.

5.2 ALTERATIONS

The Tenant may, at its own expense, place office and trade fixtures, office equipment and the like in the Premises and make alterations, improvements, or additions to the Premises provided such work shall be performed in a good and workmanlike manner employing materials of good quality and in compliance with laws, rules, orders and regulations of governmental authorities having jurisdiction thereof. Furthermore, should the Tenant require sewage discharge capability in excess of that contemplated in the Plan for the Senior Center, the Tenant shall, at its own expense, obtain all necessary permits for and perform or cause to be performed the connection of the Building to the applicable public sewage system. All alterations, additions and improvements made by the Tenant to the Premises shall remain

therein and, at termination of the Lease, shall be surrendered as a part thereof, except for fixtures and equipment installed at the Tenant's cost, which fixtures and equipment may be removed by the Tenant. The Tenant shall, at Tenant's own expense, promptly repair all damage to the Premises or the Building resulting from any such removal. The Tenant shall not be required to redecorate the Premises at the termination of this Lease.

ARTICLE VI

ASSIGNMENT AND SUBLETTING

6.1 PERMITTED ASSIGNMENT AND SUBLETTING

The Tenant may not assign or otherwise transfer this Lease or any interest herein, or sublet, without the prior written consent of the Landlord, except the Tenant may assign this Lease to another municipal or quasi-municipal agency or organization without the Landlord's consent.

In the event of an assignment of this Lease by the Tenant, the Landlord shall execute an agreement with the assignee whereby the assignee agrees directly with the Landlord to be bound by all Tenant obligations hereunder and by the execution of such agreement, the Tenant shall be released of all liability for Tenant obligations under this Lease.

ARTICLE VII

RESPONSIBILITY FOR REPAIRS

7.1 REPAIRS

Except as otherwise provided in this Article VII, from and after the Commencement Date, and until the end of the Lease Term, the Tenant shall keep the interior of the Premises (including ceilings, interior walls, windows and window glass, and floors of the Premises and all sanitary and toilet facilities in the Premises) in good order, condition and repair, reasonable wear and tear and damage by fire or casualty and repairs made necessary as a result of a taking by condemnation or right of eminent domain and matters for which Landlord is responsible hereunder only excepted; and shall keep in good order, condition and repair the plumbing, electrical, lighting, heating, ventilating equipment, air-conditioning and other mechanical equipment of the Building and all utility lines, wires, pipes, ducts and conduits serving the Building; and the Tenant shall surrender the Premises at the end of the Lease Term in such condition.

The Landlord shall keep in good order, condition and repair the roof and exterior of the Building, the foundation of the Building, the structural elements of the Building and of the Premises, and the parking facilities on the Lot, and shall be responsible for all other repairs except those required to be made by the Tenant. Furthermore, the Landlord shall maintain and landscape the grounds in a manner consistent with the balance of the Audubon Hill project and a certain Conservation Restriction executed by the Landlord placed on property which includes the Lot.

ARTICLE VIII

UTILITIES

8.1 LANDLORD'S COVENANT

Landlord covenants that at the commencement of the Lease Term the plumbing, electrical, lighting, ventilating and heating equipment will all be in good mechanical and operating condition, and that the heating equipment will be of sufficient capacity to heat the Leased Premises at 70 degrees Fahrenheit when the outside temperature is 0 degrees Fahrenheit or above.

8.2 HEAT, VENTILATION AND AIR CONDITIONING

The Tenant shall be responsible for paying all costs of electricity and other utilities used by the systems providing heating and ventilation to the Building.

8.3 WATER, ELECTRICITY, OTHER UTILITIES

The water, septic sewer, electricity and other utilities furnished to the Premises, including electricity used in heating and ventilating the Premises, and other utilities shall be separately metered. The Tenant shall pay directly to the supplier of such utility services the cost of such utilities consumed in the Premises.

8.4 SEWER

In the event that the Tenant elects to connect the Building with the appropriate public sewage system as provided in Section 5.2 hereof, the Tenant agrees to pay directly to the supplier of such utility service the cost of such utilities consumed in the Premises.

ARTICLE IX

INSURANCE AND INDEMNITY

9.1 TENANT'S LIABILITY INSURANCE

The Tenant agrees to maintain in full force from the date upon which the Tenant first enters the Premises for any reason, throughout the Lease Term, and thereafter so long as the Tenant is in occupancy of any part of the Premises, a policy of comprehensive general liability insurance, written on an occurrence basis and including broad form contractual liability coverage insuring against all claims for injury to or death of persons or damage to property on or about the Premises or arising out of the use of the Premises, and under which the Landlord is named as an additional insured.

The minimum combined single limit of liability of such insurance shall be one million dollars (\$1,000,000) per occurrence.

Such insurance coverage shall be effected upon terms reasonably available with insurers authorized to do business in Massachusetts and under valid and enforceable policies which shall be non-amendable and non-cancellable without ten days' prior notice to the respective insureds. Upon the request of the Landlord, a duplicate original policy or certificate of such policy shall be delivered to the Landlord.

9.2 CASUALTY INSURANCE

The Tenant shall procure, keep in force, and pay for, at its sole expense, an All Risk (Open Perils) policy of insurance upon the Building and its fixtures and other equipment, including fire and extended coverage, and in any event in an amount at least equal to the full replacement cost of the Building, subject to appropriate co-insurance requirements, as well as insurance against breakdown of boilers and other machinery as customarily insured against, under which the Landlord is named as an additional insured and to supply to the Landlord from time to time certificates of all such insurance issued by or on behalf of the insurers named therein by a duly authorized agent.

9.3 NON-SUBROGATION

Insofar as, and to the extent that, the following provision may be effective without invalidating or making it impossible to secure insurance coverage obtainable from responsible insurance companies (even though extra premium may result therefrom), the Landlord and the Tenant mutually agree that, with respect to any hazard which is covered by insurance required to be carried by them hereunder, respectively, the one carrying such insurance and suffering

such loss releases the other of and from any and all claims with respect to such loss; and they further mutually agree that their respective insurance companies shall have no right of subrogation against the other on account thereof. In the event that extra premium is payable by either party as a result of this provision, the other party shall reimburse the party paying such extra premium. If, at the request of one party, this release and non-subrogation provision is waived then the obligation of reimbursement shall cease for such period of time as such waiver shall be effective. If the release of either party provided above shall contravene any law with respect to exculpatory agreements, the liability of the party for whose benefit such release was intended shall remain but shall be secondary to that of the other party's insurer.

9.4 TENANT'S INDEMNITY

Except to the extent caused by any act, fault, omission, misconduct or negligence of Landlord or Landlord's agents or employees, Tenant agrees to indemnify and save harmless the Landlord from and against all claims, expenses, or liability of whatever nature (a) arising from any act, omission, or negligence of Tenant, Tenant's contractors, licensees, agents, servants, employees, or customers or (b) arising directly or indirectly from any occurrence, accident, injury, or damage, however caused, to any person or property on or about the Premises.

The foregoing indemnity and hold harmless agreement shall include indemnity against all costs, expenses, and liabilities incurred in connection with any such claim or proceeding brought thereon, and the defense thereof with counsel acceptable to Landlord or counsel selected by an insurance company that has accepted liability for any such claim.

9.5 LANDLORD'S INDEMNITY

The Landlord shall indemnify and save harmless the Tenant and its Board of Selectmen, officers, agents and employees from and against all claims, expenses (including, without limitation, attorney's fees) or liability of whatever nature arising: (a) from any act, fault, omission, misconduct or negligence of the Landlord, or the Landlord's contractors, licensees, agents, servants or employees; or (b) directly or indirectly out of default by the Landlord under any of the terms or covenants of this Lease; provided, however, that in no event shall the Landlord be obligated under this Section 9.5 to indemnify the Tenant, its Selectmen, officers, agents and employees, where such claim, expense or liability arose from any act, omission, fault, negligence or other misconduct of the Tenant or such persons on or about the Premises or the Building.

This indemnity and hold harmless agreement shall include indemnity against all expenses and liabilities incurred in or in connection with any such claim or proceeding brought thereon, and the defense thereof (with counsel reasonably acceptable to the Landlord).

ARTICLE X

LANDLORD'S ACCESS TO PREMISES

10.1 LANDLORD'S RIGHT OF ACCESS

The Landlord shall have the right to enter the Premises during normal business hours upon reasonable prior notice to the Tenant, and in the event of an emergency at any hour without notice, for the purpose of making repairs to the same, and the Landlord shall also have the right to make access available during normal business hours upon reasonable prior notice to the Tenant to prospective or existing mortgagees or purchasers of the Premises. The Rent and all other charges payable hereunder shall abate for any period and to the extent that any portion of the Premises is made untenable by such activity.

ARTICLE XI

CASUALTY

11.1 DEFINITION OF "SUBSTANTIAL DAMAGE" AND "PARTIAL DAMAGE."

The term "substantial damage" as used herein, shall refer to damage which is of such a character that the same cannot, in the Tenant's reasonable opinion, be reasonably expected to be repaired within forty-five (45) days from the time that such work would commence. Any damage which is not "substantial damage" is "partial damage."

11.2 PARTIAL DAMAGE TO THE BUILDING

If during the Lease Term there shall be partial damage to the Building by fire or other casualty, the Landlord shall promptly proceed to restore the Building to substantially the condition in which it was immediately prior to the occurrence of such damage and shall diligently pursue such restoration, to the extent insurance proceeds are available therefor.

11.3 SUBSTANTIAL DAMAGE TO THE BUILDING

If during the Lease Term there shall be substantial damage to the Building by fire or other casualty and if such damage shall unreasonably interfere with the Tenant's use of

the Premises as contemplated by this Lease, the Landlord shall promptly and diligently proceed to restore, or cause to be restored, the Building to substantially the same condition in which it was immediately prior to the occurrence of such damage, to the extent insurance proceeds are available therefor, unless Tenant, within thirty (30) days after the occurrence of such damage, shall give notice to the Landlord of its election to terminate this Lease. If Tenant shall give such notice, then this Lease shall terminate as of the date of such notice with the same force and effect as if such date were the date originally established as the expiration date hereof.

11.4 ABATEMENT OF RENT

If during the Lease Term the Building or the Premises shall be damaged by fire or other casualty and if such damage shall interfere with the Tenant's use of the Premises as contemplated by this Lease, the Rent and all other charges payable hereunder, or a fair and just proportion thereof, according to the nature and extent of such loss of use, shall be suspended or abated until the Building or the Premises, as the case may be, are restored as provided in this Article XI.

ARTICLE XII

EMINENT DOMAIN

12.1 RIGHTS OF TERMINATION FOR TAKING

If the Building, the Lot or a portion thereof shall be taken by condemnation or right of eminent domain (including a temporary taking) and if such taking shall be such as in the ordinary course would interfere with the Tenant's use of the Premises for the purposes leased hereunder (including, without limitation, interference with the use of Tenant's Parking Spaces), the Tenant shall have the right to terminate this Lease by notice to the Landlord of its desire to do so, provided that such notice is given not later than thirty (30) days after the effective date of such taking.

Should any part of the Building, the Lot or any portion thereof be so taken and should this Lease be not terminated in accordance with the foregoing provisions, the Landlord shall with all reasonable diligence, restore the Building to an architectural unit that is reasonably suitable to the uses of the Tenant and to the extent applicable, provide replacement parking facilities substantially equal in size and, to the extent possible, accessibility, to those parking facilities taken, to the extent of proceeds available therefor. If the Landlord shall not have completed such restoration work to the extent necessary to enable the Tenant to use the Premises for the purposes and in the manner contemplated by

this Lease by the expiration of ninety (90) days after the effective date of such taking, then the Tenant may terminate this Lease by notice to the Landlord with the same force and effect as if such date were the date originally established as the expiration date hereof.

12.2 ABATEMENT OF RENT

In the event of a taking described in Section 12.1, the Rent and all other charges payable hereunder, or a fair and just proportion thereof according to the nature and extent of the Tenant's loss of use shall be suspended or abated until the Premises are restored as provided in this Article XII.

12.3 AWARD

The Landlord and Tenant shall have the right to recover for damages to the Building and the Land and the leasehold interest hereby created, and to compensation accrued or hereafter to accrue by reason of such taking, as their respective interests may appear. Nothing contained herein, however, shall be construed to prevent the Tenant from prosecuting in any condemnation proceeding a claim for the value of the Tenant's trade fixtures and for relocation expenses.

ARTICLE XIII

DEFAULT

13.1 TENANT'S DEFAULT

If:

(a) the Tenant shall fail to pay the Rent or other charges on or before the date on which the same becomes due and payable and the same continues for thirty (30) days after notice from the Landlord thereof, or

(b) the Tenant shall fail to perform or observe any other term or condition contained in this Lease and the Tenant shall not cure such failure within sixty (60) days after notice from the Landlord thereof and promptly and diligently complete the curing of the same (or unless such failure is of such a nature that it cannot be cured within sixty days, in which case no default shall occur so long as Tenant shall commence the curing of the failure within such sixty-day period and shall thereafter promptly and diligently complete the curing of the same), then, and in any of such cases, the Landlord may, immediately or at any time thereafter while such failure continues, terminate this Lease by giving notice of termination to the Tenant. The Tenant covenants and agrees, notwithstanding such termination

of this Lease, to pay and be liable for, on the days originally fixed herein and for the payment thereof, amounts equal to the several installments of rent and other charges reserved as they would, under the terms of this Lease, become due if this Lease had not been terminated, but in the event the Premises or any part thereof shall be relet by the Landlord, the Tenant shall be entitled to a credit equal to the net amount of rent received by the Landlord in reletting, determined as follows:

Amounts received by the Landlord from reletting and for the remainder of what would have been the Lease Term had the Tenant fully complied with the terms of this Lease (and no other special event allowing termination had occurred) shall be credited against the Tenant's obligations as of each day when a payment would fall due under this Lease, and only the net amount thereof, if any, shall be payable by the Tenant. In the event of such termination, the Landlord agrees to use reasonable efforts to relet the Premises promptly and upon such terms as to minimize the Tenant's damages hereunder.

ARTICLE XIV

MISCELLANEOUS PROVISIONS

14.1 WAIVER

Failure on the part of the Landlord or the Tenant to complain of any action or non-action on the part of the other, no matter how long the same may continue, shall never be a waiver by the Tenant or the Landlord, respectively, of any of the other's rights hereunder. Further, no waiver at any time of any of the provisions hereof by the Landlord or the Tenant shall be construed as a waiver of any of the other provisions hereof, and a waiver at any time of any of the provisions hereof shall not be construed as a waiver at any subsequent time of the same provisions. The consent or approval of the Landlord or the Tenant to or of any action by the other requiring such consent or approval shall not be construed to waive or render unnecessary the Landlord's or the Tenant's consent or approval to or of any subsequent similar act by the other.

14.2 COVENANT OF QUIET ENJOYMENT

Subject to the terms and provisions of this Lease and on payment of the Rent and compliance with all of the terms and provisions of this Lease, the Tenant shall lawfully, peaceably and quietly have, hold, occupy and enjoy the Premises

during the term hereof, the foregoing covenant of quiet enjoyment is in addition to and not in lieu of the Tenant's rights of quiet enjoyment under common law.

14.3 INVALIDITY OF PARTICULAR PROVISIONS

If any term or provision of this Lease, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Lease, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and be enforced to the fullest extent permitted by law.

14.4 PROVISIONS BINDING, ETC.

Except as herein otherwise expressly provided, the terms hereof shall be binding upon and shall inure to the benefit of the successors and assigns, respectively, of the Landlord and the Tenant. Each term and each provision of this Lease to be performed by the Tenant and the Landlord shall be construed to be both a covenant and a condition.

14.5 RECORDING

The Landlord and the Tenant agree to record this Lease, or to execute, acknowledge and deliver a notice of lease referencing, without limitation, Tenant's option to extend the term of this Lease in form reasonably acceptable to Tenant. Any such document shall expressly state that it is executed pursuant to the provisions contained in this Lease, and is not intended to vary the terms and conditions of this Lease.

14.6 NOTICES

Whenever, by the terms of this Lease, a notice shall or may be given either to the Landlord or to the Tenant, such notice shall be in writing and shall be sent by hand delivery or by registered or certified mail, return receipt requested, postage prepaid as follows:

If intended for the Landlord, addressed to the Landlord at the address set forth on the first page of this Lease with a copy to Landlord's attorneys: Richard M. Cotter, Esq., Wilson, Orcutt, Cotter & Greenberg, P.C., 201 Great Road, Acton, Massachusetts 01720 and, if intended for the Tenant, addressed to the Tenant at the address set forth on the first page of this Lease with a copy to Tenant's attorney: Norman P. Cohen, Esq., Palmer & Dodge, One Beacon Street, Boston, Massachusetts 02108 or to such other address or addresses as may from time to time hereafter be designated by either party by like notice.

All such notices shall be effective upon receipt or upon refusal to receive.

14.7 PARAGRAPH HEADINGS

The paragraph headings throughout this instrument are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Lease.

14.8 NO BROKERAGE

Each party warrants and represents to the other that each has dealt with no broker in connection with the consummation of this Lease, and, in the event of any brokerage claims against one party predicated upon prior dealings with the other party, the other party agrees to defend the same and indemnify the one party against any such claim.

14.9 WHEN LEASE BECOMES BINDING

This document shall become effective and binding only upon the execution and delivery hereof by both the Landlord and the Tenant. All negotiations, consideration, representations and understandings between the Landlord and the Tenant are incorporated herein and may be modified or altered only by written agreement between the Landlord and the Tenant, and no act or omission of any employee or agent of the Landlord shall alter, change or modify any of the provisions hereof.

14.10 STATUS REPORT; MODIFICATION

Recognizing that both parties may find it necessary to establish to third parties, such as accountants, mortgagees or the like, the then current status of performance hereunder, either party, on the request of the other made from time to time, will promptly furnish a statement of the status of any matter pertaining to this Lease. Where either party's consent or approval is required hereunder, it shall not be unreasonably withheld or delayed.

14.11 SELF-HELP

Tenant shall have the right, but shall not be required, to pay such sums or do any act which requires the expenditure of moneys which may be necessary or appropriate by reason of the failure or neglect of the Landlord to perform any of the provisions of this Lease, and in the event of the exercise of such right, the Landlord agrees to pay all such sums forthwith upon demand.

14.12 HOLDING OVER

Any holding over by the Tenant after the expiration of the Lease Term shall be treated as a tenancy from month to month terminable upon sixty (60) days' notice by either Landlord or Tenant to the other and otherwise on the terms and conditions set forth in this Lease, so far as applicable.

14.13 NON-INTERFERENCE

Any action taken by the Landlord under this Lease shall be taken in a manner so as not to interfere unreasonably with the Tenant's use and occupation of the Premises.

14.14 CONSENT

Where either party's consent or approval is required hereunder, it shall not be unreasonably withheld, delayed or qualified.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed, under seal, as of the date first written above.

LANDLORD: ROY C. SMITH, AS ~~TRUSTEE OF~~ ^{President}
HIGH STREET, ~~PORC TRUST~~ ^{of}
R. Smith Associates

By _____
Roy C. Smith, not individually
but as Trustee *President*

TENANT: TOWN OF ACTON, MASSACHUSETTS

By _____
not individually but as a
member of the Town of Acton
Board of Selectmen

By _____
not individually but as a
member of the Town of Acton
Board of Selectmen

By _____
not individually but as a
member of the Town of Acton
Board of Selectmen

6/8/93
8

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 4, 1993

CONFIDENTIAL

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Labor Relations Commission, I.B.P.O. Complaint

I will be reporting on the attached in Executive Session on June 8. I had previously held these materials because of their bulk but now, having received the affidavits of the I.B.P.O Bargaining Team members, I believe you should see the record.

Recent events with respect to this bargaining unit lead me to believe that things are going to get ugly ... and expensive ... so I would like you to be as informed as reasonably possible.



PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

Henry G. Stewart
(617) 573-0316

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

June 3, 1993

BY HAND

Mary Jeann Tufano, Esquire
Hearing Officer
Commonwealth of Massachusetts
Labor Relations Commission
100 Cambridge Street
Room 1604
Boston, Massachusetts 02202

Re: Town of Acton, MUP 9-331

Dear Ms. Tufano:

I have received the three affidavits forwarded to you in the above matter by Mr. Collins. I would again reiterate as strongly as I can that the Commission should not consider these self-serving statements submitted over a week after the scheduled investigation. After reviewing the affidavits, they add nothing to the absolute lack of any evidence that the Town made a "secret" deal to pay step increases retroactively to September, 1991. None of the affidavits state the time and date of the meeting at which the alleged "secret" agreement was made, who was in attendance, or refer to bargaining notes that even mention the issue of retroactive step increases.

Even if the Commission does consider these self-serving affidavits, they are entitled to no evidentiary weight whatsoever because they are contradicted by facts not in dispute. All of the affidavits contend that a "secret" agreement was reached during negotiation meetings in October, 1991, to pay step increases retroactively on July 1, 1992. (Crowley, paras. 12-15; Harrison, paras. 12-15; Parisi, paras. 12-15) In fact, Officer Harrison resigned from the bargaining team on or around December 6, 1991, after the Crowley memorandum ("G"), thereby establishing that the date of the "secret" deal was reached before December. If a "secret agreement" was reached in October, 1991, as contended by the affidavits, the following would not have occurred:

Mary Jeann Tufano, Esquire
June 3, 1993
Page 2

1. Sergeant Nadeau would not have filed a grievance on November 12, 1991, had he received assurances that an agreement had been reached in October that his step would be paid retroactively the following July.

2. Officer Crowley would not have written the memorandum ("G") that makes it abundantly clear that, as of the date of the memorandum, December 6, 1991, there was no agreement with the Town to pay step increases during the 1991-1992 year. Crowley's memorandum correctly states that the Town did not intend to pay steps and that a ratification vote would negatively affect Nadeau's grievance.

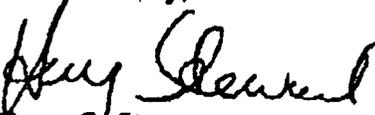
3. Finally, there would have been no need to have had a meeting on December 17, 1991 ("H") which resolved the ongoing dispute with Nadeau and Palmer and led to the Union's second and final ratification of the Agreement.

The most absurd and incredible suggestion in the affidavits is that the Town would have made a "secret" agreement with one of its unions to pay step increases to two members when it had taken a contrary position with all other unions and non-union employees. The idea that such an agreement, if made, could remain confidential is absolutely ludicrous. In fact, the IBPO, as a matter of union solidarity, would be obligated to inform the other unions what had occurred. The Town's written notes of meetings and uncontradicted independent facts contradict and undermine the "self-serving" allegations of the affidavits. They are not to be believed.

The charge should be dismissed based on the total lack of credible evidence submitted by the Union to support its allegations.

If you have any further questions, please do not hesitate to call.

Yours sincerely,


Henry G. Stewart

HGS:mss

cc: Robert V. Collins, Jr., Esquire
Mr. Don P. Johnson

COMMONWEALTH OF MASSACHUSETTS
LABOR RELATIONS COMMISSION

TOWN OF ACTON
MUP-9331

AFFIDAVIT OF ALBERT J. CROWLEY JR.

I, ALBERT J. CROWLEY JR: Do make and depose the following;

1. I am making this affidavit of my own personal knowledge in support of the Union's position in the above-captioned matter.
2. I am an employee of the Town of Acton's Police Department and have been for approximately eighteen years.
3. My current rank is patrolman assigned to the uniformed division.
4. I am a member of IBPO Local 334 and have been since it began representing Acton Police Officers.
5. I have served as Local President, Steward and bargaining committee member.
6. I was a member of the bargaining committee during negotiations for

the 1991-1992 Memorandum of Agreement modifying and extending the 1988-1991 Collective Bargaining Agreement.

7. I was aware that in November of 1991, Sergeant Bruce Nadeau had filed a grievance contending that the Town had violated the contract by refusing to grant his step increase on his anniversary in September 1991.

8. I was aware that Sergeant Nadeau's grievance would also impact Patrolman Donald Palma, who was also due a step increase on his anniversary in September 1991.

9. The Union was concerned with Sergeant Nadeau's grievance and sought to resolve it prior to step 3 of the grievance process through use of the negotiation process.

10. The bargaining committee expressed this concern to the Town during our initial negotiation sessions.

11. During October 1991, the Union met several times.

12. During a meeting in October 1991, Assistant Town Manager John Murray indicated that he did not know the exact amount of a retroactive step increase because he did not have his calculator with him. He indicated that it was not a large amount and that the money could be found.

13. The Assistant Town Manager stated that this issue could not be addressed in the first year of the contract (1991) and would have to be placed in the second year (1992).

14. During the negotiation session, a request was made by the Bargaining Committee members, including myself, that this be put in writing.

15. The Town's representatives would not do this, expressing concern

that other bargaining units within the Town may find out and seek a similar deal. This issue was finally settled with a "gentlemans agreement" and a hand shake.

16. The agreement between the Town and the Union provided that:

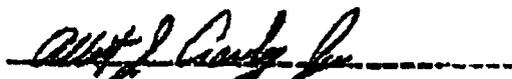
a) The two officers would get their step increases activated in July 1992 rather than September 1992 and

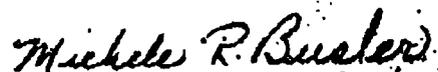
b) the two officers would receive retroactive money to their September 1991 anniversary dates.

17. The issue over the step raises and the grievance filed by Sergeant Nadeau had been one of the more controversial issues in the negotiations. Once an agreement was reached, the negotiations were concluded and a Memorandum of Agreement signed.

18. I was President of Local 334 at the time in question. I personally spoke with both Sergeant Nadeau and Ptl. Palma and informed them of the proposal. It was on this agreement alone that Sergeant Nadeau withdrew his grievance and did not proceed. He took my word, as I had taken that of the representatives of the Town of Acton, that the step raises would be granted in July of 1992 and that there would be retroactive pay for the difference in time dating to September 1991.

Signed under the pains of perjury this 31st day of May, 1993.


Albert J. Crowley Jr.
Patrolman, Acton Police Department


Michele R. Bealer
Notary Public

COMMONWEALTH OF MASSACHUSETTS
LABOR RELATIONS COMMISSION

TOWN OF ACTON
MUP - 9331

AFFIDAVIT OF BERNARD W. HARRISON

I, Bernard W. Harrison do make and depose the following:

1. I am making this affidavit of my own personal knowledge in support of the Union's position in the above-captioned matter.
2. I am an employee of the Town of Acton's Police Department and have been for approximately 29 years.
3. My current rank is Inspector and I am the Town's prosecutor and have been for 10 years.
4. I am a member of I.B.P.O. Local 334 and have been since it began representing Acton Police Officers.
5. I have served as president of I.B.P.O. Local 334 as well as the prior bargaining unit, the Acton Police Association, Inc.
6. I have served on various bargaining committees of I.B.P.O. Local 334 and was its Chairperson during negotiations for the 1991-1992 Memorandum of Agreement that modified and extended a prior contract.
7. I was aware that in November of 1991 Sergeant Bruce Nadeau had filed a grievance contending that the Town had violated our contract by refusing to grant him a step increase on his anniversary date in September of 1991.
8. I was aware that Sergeant Nadeau's grievance would also impact Officer Donald Palma who was also due a step increase on his anniversary in September of 1991.

9. The Union and its bargaining committee were concerned with Sergeant Nadeau's grievance and sought to resolve it through the negotiation process.
10. The bargaining committee expressed this concern to the Town during our initial negotiation sessions.
11. Our meetings with the Town were by mutual agreement, involved no outside parties and tended to be informal in nature.
12. I inquired if there was sufficient money in the budget to fund the salary adjustments for these two officers. This was during the first two or three meetings with the Town.
13. The bargaining committee was told by assistant Town Manager John Murray that after computing the costs of giving the two individuals the increase the Town could do so but the Town did not want to put this in writing.
14. We were told by either the Town Manager or Assistant Town Manager that this was a sensitive matter due to the fact that if two members of our bargaining unit were to receive their step raises retroactive to their appropriate anniversary date then there would be problems with some of the Town's other bargaining units.
15. The Town's bargaining team said that we would have to wait until the second year of the contract for the monies to be paid.
16. I left the bargaining committee prior to the signing of the Memorandum of Agreement.
17. Prior to my resigning from the committee I was confident that this matter was no longer at issue and that all money owed would be paid within the time frame proposed by the Town.
18. I bargained in good faith and took the Town's representa-

tives at their word.

Signed under the pains and penalties of perjury this first day of June, 1993.

Bernard W. Harrison
Bernard W. Harrison

Julio Bernard
Notary Public
Commission Expires
11-2-95

COMMONWEALTH OF MASSACHUSETTS
LABOR RELATIONS COMMISSION

TOWN OF ACTON
MUP - 9331

AFFIDAVIT OF ROBERT L. PARISI

I, ROBERT L. PARISI: do make and depose the following;

1. I am making this affidavit of my own personal knowledge in support of the Union's position in the above-captioned matter.
2. I am an employee of the Town of Acton's Police Department and have been for approximately 22 years.
3. My current rank is Detective Sergeant and I am head of the Department's Detective Division.
4. I am a member of ISPO Local 334 and have been since it began representing Acton Police Officers.
5. I have served as Local President, Vice-president, Steward and bargaining committee member.
6. I have participated, on behalf of the members of the local, as bargaining committee member since the late 1970's, and was a member of the bargaining committee during negotiations for the 1991-1992 Memorandum of Agreement modifying and extending the 1988-1991 Collective Bargaining Agreement.
7. I was aware that in November of 1991, Sergeant Bruce Nadeau had filed a grievance contending that the Town had violated the contract by refusing to grant his step increase on his anniversary in September 1991.
8. I was aware that Sergeant Nadeau's grievance would also impact Patrol Officer Donald Palma who was also due a step increase on his anniversary in September 1991.
9. The Union was concerned with Sergeant Nadeau's grievance and sought to resolve it prior to step III of the grievance process through use of the negotiation process.
10. The bargaining committee expressed this concern to the Town during our initial negotiation sessions.

11. During October 1991, the Union met several times.
12. During a meeting in October 1991, Assistant Town Manager John Murray indicated that either there was sufficient money in the budget to fund the retroactive step increases or that it could be found.
13. The assistant Town Manager stated that this issue could not be addressed in the first year of the contract (1991) and would have to be placed in the second year (1992).
14. During the negotiation session either the Town Manager or Assistant Town Manager stated, in front of the other Union negotiators and myself, that they could not put this provision in writing.
15. The Town's representatives expressed concern that the other bargaining units within the Town would hear and seek similar retroactive pay increases.
16. Sergeant Nadeau and Officer Palma were initially due step increases in September 1991 but, because of the Town's "freeze" on salary increases they were not due to receive them until September of 1992.
17. The agreement between the Town and Union provided that:
 - a) the two officers would get their step increases activated on July 1992 rather than September 1992 and
 - b) the two officers would receive retroactive money to their September 1991 anniversary dates at a later time when the Town was able to come up with the money to do so.
18. The issue over step increases due Sergeant Nadeau and Officer Palma had been a sticking point in negotiations and once an agreement had been reached the negotiations ultimately were concluded and a Memorandum of Agreement reached.
19. In my opinion the biggest concern expressed by the Town through the Town Manager and the Assistant Town Manager was that the matter be kept confidential so that other town employees' bargaining units would not find out.

Signed under the pains and penalties of perjury this 28th day of May, 1993.



Robert L. Parisi, Det. Sergeant
Acton Police Department

COMMONWEALTH OF MASSACHUSETTS

LABOR RELATIONS COMMISSION

TOWN OF ACTON

MUP-9331

AFFIDAVIT OF DON P. JOHNSON

I, DON P. JOHNSON, being duly sworn do hereby depose and say:

1. I am the Town Manager of the Town of Acton. I assumed this position on October 6, 1986. I am making this affidavit of my own personal knowledge in support of the position of the Town in the above captioned matter.
2. Part of my responsibility as the Town Manager consists of negotiating and executing collective bargaining agreements with the police, fire, and highway bargaining units. I also recommend raises for non-union employees under the Town's pay plan.
3. All three union contracts expired by their terms on June 30, 1991. Due to the poor financial condition in the Town, all non-union employees were informed that salaries, including step increases, would be "frozen" for the 1991-1992 fiscal year. I entered into negotiations with the three units of unionized employees and eventually negotiated contracts with all three unions that contained a "freeze" on salary increases and step increases for the 1991-1992 fiscal year. As a result, no employee of the Town, union or non-union, received a raise in salary or a step increase for the 1991-1992 fiscal year.
4. In negotiating a successor agreement with the IBPO, I met several times with the union's bargaining team. The Town's position in all negotiation meetings with the IBPO was that there would be no salary or step increase for the 1991-1992 fiscal year. Copies of

my notes for the meetings held on July 31, 1991, October 2, 1991, and October 24, 1991, are attached as "A", "B", and "C."

5. Under the expired agreement, Sergeant Nadeau would have been eligible for a step increase as of September 3, 1991, his anniversary date, and Officer Palma would have been eligible for a step increase on September 9, 1991. As of the payroll period immediately following those dates, both police officers were aware that their step increase had been "frozen." My decision to "freeze" steps during bargaining was based upon advice of counsel and in accord with established Massachusetts law. City of Springfield School Committee, 5 MLC 1050 (1978).

6. By memorandum dated October 29, 1991, I sent the IBPO what amounted to a "final" informal bargaining proposal. That proposal stated "salaries and steps frozen" for the 1991-1992 fiscal year. A copy of that memorandum is attached as "D."

7. On November 12, 1991, Sergeant Nadeau filed a grievance contending that the Town had violated the collective bargaining agreement by refusing to grant him a step increase in September 1991. His grievance and the step 2 answer by the Chief of Police are attached as "E" and "F." No appeal was ever taken to step 3 of the grievance procedure.

8. I was informed that the IBPO voted in early December, 1991 to ratify an agreement based upon the offer outlined in my memorandum dated October 29, 1992. It is my understanding that the IBPO reversed its position after Officer Crowley posted the notice attached as "G". I subsequently met with the union's negotiating team on December 17, 1991, and agreed to accelerate the step increases for both Officers Nadeau and Palma and make them effective July 1, 1992. I did not at any time agree to make those step raises

retroactive to any time in 1991. A copy of my handwritten notes of the meeting on December 17, 1991 is attached as "H."

9. The parties then executed the memorandum of agreement which is attached as "I." A summary of the agreement in the form attached as "J" was sent to all members of the IBPO bargaining unit via mail message on January 16, 1992.

10. The memorandum of agreement executed in December, 1991, provided for a salary reopener for the 1992-1993 fiscal year. At our initial meeting with the IBPO on February 24, 1992, the IBPO bargaining team questioned whether the Town had agreed to pay the step increase for Officers Nadeau and Palma retroactively. I responded in the negative and informed the bargaining team that we agreed only to move them on steps effective July 1, 1992, instead of on their later anniversary dates. I did say that I would confirm my understanding after reviewing my notes and other documents. A copy of the notes taken at the February 24, 1992, meeting is attached as "K."

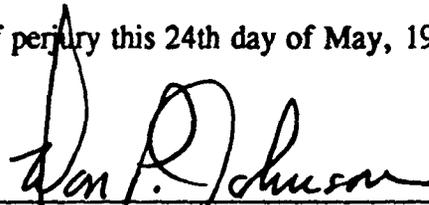
11. At a negotiating meeting on July 30, 1992, the union's bargaining team again asked about payment of the 1991-1992 step increases for Officers Nadeau and Palma. I then provided the negotiating team with a copy of the December 17, 1991 note to file, and the negotiating team did not question my response that there never was an agreement to pay step raises retroactively. A copy of our notes taken at the meeting are attached as "L".

12. On September 18, 1992, Sergeant Nadeau reactivated his earlier grievance alleging that the Town's failure to award him a step increase in September 1991, violated the collective bargaining agreement. The grievance is attached as "M." The Town's third step response is attached as "N." The Assistant Town Manager subsequently wrote to the

President of the local union informing him that Sergeant Nadeau's grievance was not arbitrable because it was filed almost one year after Nadeau and the union had knowledge of the Town's position not to pay step increases for the 1991-1992 fiscal year. That letter is attached as "O."

13. I never agreed that the raises for Sergeant Nadeau and Patrolman Palma would be retroactive to the 1991-1992 fiscal year. Such an agreement to grant step raises during the 1991-1992 year would have violated the Town's consistent position against granting either salary or step increases taken in negotiations with the other two bargaining units and with all other Town employees. The Town has honored the memorandum of agreement the IBPO executed on December 17, 1991, and has bargained in good faith on the salary reopener for the 1992-1993 fiscal year.

Signed under the pains of penalties of perjury this 24th day of May, 1993.



Don P. Johnson

TOWN PROPOSAL

[A]

7/31/91

NO SAL OR STEP INCREASES - ALL FROZEN @ FY91 RATE.

3. DETAIL RATE @ \$26⁰⁰ FLAT FOR ALL
4. STRIKE DETAILS @ \$26⁰⁰ FLAT FOR ALL WITH MIN. OF 2 OFFICERS.
10. 72 HR. W/O OT. EXCEPT CALLBACK ONLY FOR EMERGENCY & HOLIDAY - EMERG. DETERMINED BY CHIEF.

RECUPERATIVE ISSUE

IBPO - COUNTERS W/DROP OTHER - TAKE 48 VS 72.
UNDER CONSIDERATION. I WILL RESPOND 7/5 OR 7/8

LEAVING AL CROWLEY SUGGESTS ^(HAF IN JEST) NO WORDING, 3 YRS (0,0 & 6%)
WALLEY CHANGES TO (0,0,7) WHEN INTEREST SHOWN.
WE OFFERED TO THINK ABOUT IT.

AFTER THEY LEFT I CALLED WALLEY AND OFFERED TO
ACCEPT (0,0,6). HE WILL GET BACK TO ME.

10/2/91

IBPO

WITHDRAW FLAT RATE

WOULD LIKE TO MAINT. 2 MIN. OFFICERS
Now
~~STRIKE~~ LOOKING FOR ~~48~~²⁴ VS. 72.

IBPO - 3 YR STRAIGHT CONTRACT

- YR. 1) CHANGE WORDING - STRIKE DETAIL @ 2 MIN.
- YR. 2) 3% JULY JAN. 4%
VAC. 5 WKS @ 15 YRS.
- YR. 3) 3% JULY JAN. 4%
VAC. STIPEND - INCR. VAC. TO 6 WKS @ 20 YRS.

TOWN
1 YR. - 0 INCR.
2 MIN. STRIKE DETAIL

IBPO REJECTS SAYS WE ARE @ IMPASS
SUGGESTS WE CONTINUE W/O CONTRACT
& PICK UP IN FY 93 NEGO.
WE SUGGESTED THEY RECONSIDER, TALK
W/ THEIR COUNSEL TO SEE WHETHER THEY
REALLY WANT TO USE TERM "IMPASS" AND
BREAK-OFF NEGO.

W. HARRISON

10/24/91 [C]

P-DAYS

YR. 1 - 0

2 ON STRIKE DETAIL

4 DAYS @ 24 → 72

YR. 2 - SOME MIN. SAL. OPENER

IBPO THINKS TRAFFIC UNIT WANT TO GET PRO PAY??
"THEIR UNDERSTANDING"

5/18/93

HENRY-

THIS IS THE REFERENCE I MADE ON THE PHONE 5/18/93
RE THEM COMING BACK IN SUBSEQUENT YEAR ASKING ABOUT
SOMETHING THAT HAD NOT BEEN AGREED TO IN PRIOR NEGO.

WON

D

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: October 29, 1991

TO: Bernard Harrison
FROM: Don P. Johnson, Town Manager
SUBJECT: Informal Bargaining Proposal

In accordance with our informal discussion of Thursday, October 24, this will confirm that I made the proposal noted below in a last effort to find common ground and reach an agreement before we give up on our informal negotiations and move to a formal setting. Our original agreement provided that we would attempt to reach an agreement through informal, "off the record" negotiations but if either party felt those attempts were not fruitful we would "go formal". In order to encourage candor and creativity, we further agreed that all proposals, responses and agreements made in the informal setting would be off the table and we would effectively begin from scratch if we went formal. It is in this continued spirit of trust and confidence that I commit this proposal to writing.

My proposal, based on our conversation and the elements that I perceived to be important to your members, is as follows:

1. Agreement to have a 2 year duration (7/1/91 - 6/30/93).

2. Elements of Year 1:

- Salaries and steps frozen. No increases over those that were appropriately earned prior to 7/1/91.

- Change contract wording to provide a minimum of two (2) officers on a strike detail.

- Reduce the current "72 hour" limitation on overtime shifts. On an individual basis, the 72 hour limitation shall be reduced to 24 hours for the first 4 sick days used in each fiscal year. After the 4th sick day, the individual moves back to the 72 hour limitation.

- No other changes from the current agreement in Year 1.

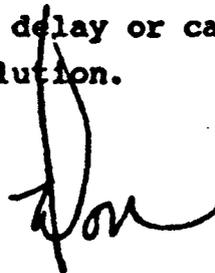
3. Elements of Year 2:

- Reopen negotiations for Salaries only. The Town would guarantee a minimum salary increase of 2%.

- No other changes from the current agreement in Year 2.

I trust you will find this proposal in keeping with our discussion and I hope you and the membership of Local 334 will find the terms acceptable. As previously stated, this proposal is withdrawn in its entirety if we proceed to the formal negotiations currently scheduled to begin Thursday, October 31. Hopefully, that meeting will not be necessary if your unit finds this proposal acceptable.

Please contact me with your response by 10:00AM Thursday morning so that we can cancel the scheduled session, if appropriate. If you need more time to evaluate and consider this proposal please let me know. We can delay or cancel the formal session if there is any hope of resolution.

A handwritten signature in black ink, appearing to be "Don", is written over the end of the final paragraph.

E

IBPO GRIEVANCE COMPLAINT FORM

NOTE: PLEASE USE A TYPEWRITER OR A PEN IN FILLING OUT THIS SHEET

NAME Bruce A. Nadeau ADDRESS 11 Old Pickard Lane
Littleton, Ma. 01460
CITY STATE

TELEPHONE NO. (508) 486-8307 OFFICE NO. (508) 264-9638

NAME AND ADDRESS OF POLICE DEPARTMENT WHERE EMPLOYED Acton Police Dept.

RANK Sergeant / Patrol Division SHIFT OF RELIEF 23:00 - 07:00 Hrs.

NATURE OF COMPLAINT: The Town of Acton has violated its Contract with
I.B.P.O. Local 334 based on Article 5.6 regarding the refusal to
pay for step increases due me in Sept. 1991. According to Contract
wording, the only way this step increase can be withheld is for lack
of performance which has not been demonstrated or even implied to
date.

REQUESTED REMEDY It is requested that the Town reverse its decision to
withold funding for this step increase retroactively to theMonth of
Sept. 1991. In a recent Decision by the Mass. State Labor Relations Board,
cited in the case Weymouth vs Davey, the arbitrator ruled that budget
constraints were not a reason not to fund vacation time. This ruling
parallels this grievance issue as the Town of Acton is citing its
refusal to pay the step increase only because of financial issues.
Past practice in paying step increases as well Contract language
clearly demonstrates the Towns legal and moral obligation to honor
its Agreement with all its Police Department Members in IBPO Local 334

Bruce A. Nadeau, Sgt.

SIGNATURE

DATE 11-12-91

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

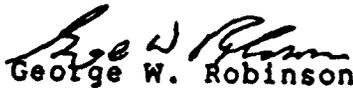
F

TO: Sergeant Bruce Nadeau DATE: November 20, 1991
FROM: Chief Robinson TIME: 9:22 AM
SUBJ: Grievance Reply

I met with you and Al Crowley on November 19, 1991 regarding your grievance concerning a step raise that was not given on your anniversary date of September 3, 1991.

I have been informed that it is Town Counsel's opinion that there is no legal requirement to award step raises when ongoing contract negotiations include freezing step increases. The most recent contract expired on June 30, 1991 and I understand that the issue of step increases remains as one of the unresolved items.

Although there is no question that you have been doing the job I must deny the grievance in accordance with the foregoing.


George W. Robinson
Chief of Police

From: ACTPD:AJC

6-DEC-1991 22:35:06.14

To: RSR, RLP, TJR, JVN, BAN, WNH, BWH, BRG, REJ, PJC, RLC, AJC, RLL, RPG, JCD, JRG, JAC, CGB, PH, TDF, CNP, FWB, JPC, SRF, DLP

CC:

Subj: CONTRACT VOTE

MEMBERS, A SHORT TIME AGO YOU WERE ASKED TO VOTE ON ACCEPTING THE CONTRACT OFFER FROM THE TOWN. AT THAT TIME I REMINDED YOU THAT A PHRASE IN THE TOWNS OFFER REGARDING THE FREEZING OF ALL SALARIES AND STEPS WAS UNACCEPTABLE BECAUSE IT INCLUDED THE WORD " STEPS ". THIS IMPORTANT WORD COULD DIRECTLY AFFECT A CURRENT GRIEVANCE PROCEDURE NOW IN PROGRESS. WHAT IT SAYS IS THAT THE TOWN CAN USE LACK OF MONEY AS A REASON FOR NOT MEETING CONTRACTUAL ITEMS. SGT. NADEAU AND PTL. PALMA ARE DUE STEP RAISES ACCORDING TO THE CONTRACT AS IT NOW STANDS. LET US NOT SHORTCHANGE THEM AND OURSELVES BY FALLING FOR THIS CUTE ADDITION IN THE TOWNS OFFER. I WOULD STRONGLY RECOMMEND THAT THE MEMBERSHIP VOTE AGAINST THE OFFER AS IT NOW STANDS. IT APPEARS THAT THIS ADDITION WAS ADDED AFTER SGT. NADEAUS GRIEVANCE WAS FILED. LAWYERS FOR THE UNION HAVE INFORMED US THAT ACCEPTING THIS OFFER WOULD MAKE FIGHTING THE ISSUE OF THE STEP RAISE VERY DIFFICULT. AS IT NOW STANDS, THE VOTE IS 15 TO 10 IN FAVOR OF ACCEPTING. THERE IS A BARGAINING MEETING ON WEDNESDAY OF NEXT WEEK. I HAVE POSTED A LIST ON THE BOARD IN THE SQUAD ROOM. PLEASE VOTE ON SAME BY TUESDAY SO THAT WE MAY KNOW HOW TO PROCEED. IF YOU HAVE ANY QUESTIONS, PLEASE SEE ME OR CALL ME AT HOME.

AL CROWLEY

B. NADEAU } PERS. FILES
D. PALMA }

H

NOTE TO FILE -

12/17/91

BY HANDSHAKE AGREEMENT W/ NEGOTIATING TEAM, WE AGREED TO ACCELERATE STEP INCREASES FOR BOTH OFFICERS TO MAKE THEM EFFECTIVE 7/1/92. (B-C STEP IN BOTH CASES.)

THIS MOVES THEM FORWARD (EARLIER) OF THE NORMAL ANNIVERSARY DATES. IT DOES NOT INCREASE THE NUMBER OF STEPS NOR DOES IT IMPLY THAT FURTHER STEPS WILL ^{OR WILL NOT} OCCUR @ ANNIV. DATE.

John P. Johnson

12/16/91

I

MEMORANDUM OF AGREEMENT

This Agreement made and entered into effective July 1, 1991, by and between the Town of Acton, Massachusetts, hereinafter referred to as the "Town", and the International Brotherhood of Police Officers, Local 334, AFL-CIO, hereinafter referred to as the "Union."

WITNESSETH

WHEREAS, the parties have entered into a collective bargaining agreement effective July 1, 1988, which Agreement was to continue in full force and effect until June 30, 1991, and

WHEREAS the parties have been engaged in collective bargaining negotiations concerning an extension of said Agreement and have arrived at agreement and wish to extend said Agreement on the terms set forth below.

NOW, THEREFORE, the parties, each in consideration that the other joins herein, agree that said Agreement is amended as follows:

1. Present Article 5.1 is deleted, and replaced by the following:

The salary schedule effective July 1, 1990 set forth in Schedule C, shall remain unchanged for the fiscal year beginning July 1, 1991, and all salaries and step increases shall be frozen. Salaries and step increases shall be negotiated for the fiscal year beginning July 1, 1992, it being understood and agreed that the negotiated salary and step increase shall not be less than two percent (2%).

2. Add following as Section 4 of Article 11, and renumber present Section 4 as

Section 5:

"A minimum of two (2) officers shall be assigned to a strike detail."

3. Amend Article 14.2, Subsection 10 as follows:

"10. Sick time - Can't work an overtime shift for 24 hours but can be ordered in for same; provided that a 72 hour restriction on voluntary overtime shall be applied to any officer who has used four sick days during that fiscal year."

4. Amend first sentence of Article 20.1 as follows:

"This Agreement shall become effective as of July 1, 1991, and shall continue in effect through June 30, 1993; provided that the Union shall have the right to reopen Schedule C of Article 5 for the year beginning July 1, 1992, by written notice prior to March 1, 1992."

5. Except as amended hereby, said Agreement shall remain in full force and effect, subject to all terms and conditions set forth therein.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals this 17th day of December, 1991.

TOWN OF ACTON
BY ITS TOWN MANAGER:



Don P. Johnson

INTERNATIONAL BROTHERHOOD OF
POLICE OFFICERS, LOCAL 334

 #33:

FROM: ACTPD:CHIEF
TO: @DEPARTMENT
CC: CHIEF
Subj: CONTRACT AGREEMENT



I HAVE JUST RECEIVED THE NEW CONTRACT AGREEMENT THAT AMENDS, INCORPORATES AND TENDS THE ORIGINAL CONTRACT TO JUNE 30, 1993 AND PROVIDES THAT THE UNION MAY PEN ARTICLE 5 SCHEDULE C FOR THE YEAR BEGINNING JULY 1, 1992 BY WRITTEN TICE TO THE TOWN BY MARCH 1, 1992. ALL SALARIES AND STEP INCREASES ARE FROZEN DURING THE PRESENT FISCAL YEAR. SALARY AND STEP INCREASES SHALL BE NEGOTIATED FOR THE FISCAL YEAR BEGINNING JULY 1, 1992 AND SHALL START AT 2%. (ARTICLE 20.1 AND ARTICLE 5.1)

A MINIMUM OF 2 OFFICERS SHALL BE ASSIGNED TO STRIKE DETAILS. THE SCHEDULING OFFICER IS DIRECTED TO SO INFORM THOSE COMPANIES REQUESTING SUCH DETAILS OF THIS PROVISION. (ARTICLE 11, SECTION 4)

ARTICLE 14.2 SUBSECTION 10 WAS AMENDED TO READ SICK TIME - CAN'T WORK AN OVERTIME SHIFT FOR 24 HOURS BUT CAN BE ORDERED IN FOR SAME; PROVIDED THAT A 72 HOUR RESTRICTION ON VOLUNTARY OVERTIME SHALL BE APPLIED TO ANY OFFICER WHO HAS USED 4 SICK DAYS DURING THAT FISCAL YEAR. SICK TIME WILL BE COUNTED STARTING AT THE BEGINNING OF THE FISCAL YEAR.

EACH OFFICER SHALL BE NOTIFIED BY EMS BY THIS OFFICE WHEN THE 4 DAY CAP HAS BEEN REACHED FOR VOLUNTARY OVERTIME. OFFICERS AFTER BEING NOTIFIED ARE INSTRUCTED NOT TO SIGN UP FOR OVERTIME THAT WILL COMMENCE PRIOR TO THE EXPIRATION OF 72 HOURS FROM THE END OF THE SICK SHIFT. BELOW IS A LIST OF OFFICERS THAT HAVE REACHED THE CAP AT THIS TIME:

COWAN, CROWLEY, DUDLEY, GOODEMOTE, GOODMAN, HAYES, HERNANDEZ, JOHNSON, LAROCHE, NADEAU, ROGERS.

A COPY OF THE NEW AMENDMENTS HAS BEEN PLACED IN EACH UNION MEMBER'S MAILBOX.

EF

IBPO

K

2/24/92

1) IBPO THINKS WE AGREED TO MAKE-UP A FOR RUBE & DOWNIE
@ 7/1 - WE REMEMBER JUST MOVING STEP TO JULY 1
WILL CHECK NOTES.

2) IBPO LOOKING FOR 6% DUE TO ACCREDITATION

ASSESSORS CITED US AS CREAM OF CROP.

HOLDS US TO HIGHER STANDARD THAN OTHER DEPTS. IN AREA

THEIR UNIT HAS COOPERATED W/TOWN OVER RECENT YEARS.

FIRE SETTLED FOR 5 AFTER DRAGGING US THRU COURT.

INDIVIDUAL EMPLOYEE HELD TO HIGHER STD.

TEACHERS GOT 5 1/2 = 6 W/ 85-15 INS.

OR 4 & 3

OR 5 + ACCREDITATION STIPEND

Police Negotiations

EXCERPT FROM
J. MURRAY'S NOTES
ON 2ND YR. SAL. NEGOT.

11/30/92

AK Crowley

Don Johnson

Bob Parisi

John Murray

AK - Merit Proposal - rejected by a membership vote

AK - asked about Nadene /Palmer step
Don provided a copy 12/17/91 note to file
Parisi question re: pay - (seemed to be answered)

Bob - merit is dead - more problems than its worth

AK - states accreditation requires a higher standard
therefore should be compensated, longevity plan?

Bob - accreditation worth 1-2%

Don - states TM only funded raises @ 5%
without merit - at 5%

... tied to on-going merit

town proposal { an accreditation stipend
a base increase
an individual merit system

AK
~~AK~~

Panel Review

Don - Recommendation role in merit panel

From: ACTPD::CHIEF
To: BAN
CC: CHIEF
Subj: GRIEVANCE

21-SEP-1992 10:19:29.94

[M]
SEP 24 1992

BRUCE

N REGARDS TO YOUR GRIEVANCE ORIGINALLY FILED 11-12-91 CONCERNING
STEP RAISES AND AS YOU HAVE INDICATED IN YOUR MOST RECENT MESSAGE TO ME AN
UNDERSTANDING OF MY POSITION AND YOUR WILLINGNESS TO RECEIVE THAT
ANSWER WHICH WAS ORIGINALLY FILED ON 11-2-91 SAME IS ATTACHED AND MAY BE DEEMED
A DENIAL.

CHIEF

IBPO GRIEVANCE COMPLAINT FORM

SEP 24 1992

NOTE: PLEASE USE A TYPEWRITER OR A PEN IN FILLING OUT THIS SHEET

NAME Bruce A. Nadeau ADDRESS 11 Old Pickard Lane Littleton, Ma. 01460
CITY STATE

TELEPHONE NO. (508) 486-8307 OFFICE NO. (508) 264-9638

NAME AND ADDRESS OF POLICE DEPARTMENT WHERE EMPLOYED Acton Police Dept. 365 Main St. P.O. Box 221 Acton, Ma. 01720

RANK Sergeant Patrol Division SHIFT OF RELIEF 23:00hrs - 07:00 Hr

NATURE OF COMPLAINT: The Town of Acton violated its contractual agreement with IBPO Local 334 when it refused to pay step increases to Sgt. Nadeau and Ptl. Palma when they were due in Sept. 91 citing fiscal constraints.

That during contract negotiations between the Town and Union Representatives Al Crowley and Robert Parisi, a verbal agreement was reached between the parties that the incentives due Sgt. Nadeau and Ptl. Palma would be paid retroactively to Sept. 91 once the contract being negotiated was finally signed by all parties concerned. Sgt. Nadeau was informed that the Town no longer intends to honor its word in this agreement and has bargained in bad faith.

REQUESTED REMEDY That the Town of Acton and its Representatives honor the Contract and pay the incentive pay due Sgt. Nadeau and Ptl. Palma. See original Grievance copy attached.

cc. Chief Robinson
Frederick Rentschler, Steward/Pres. Local 334
Sgt. Parisi
Ptl. Crowley,
Ptl. Palma

Respectfully submitted,

SIGNATURE

DATE Sept. 18, 1992

IBPO GRIEVANCE COMPLAINT FORM

COPY
SEP 24 1992

NOTE: PLEASE USE A TYPEWRITER OR A PEN IN FILLING OUT THIS SHEET

NAME Bruce A. Nadeau ADDRESS 11 Old Pickard Lane
Littleton, Ma. 01460
CITY STATE

TELEPHONE NO. (508) 486-8307 OFFICE NO. (508) 264-9638

NAME AND ADDRESS OF POLICE DEPARTMENT WHERE EMPLOYED Acton Police Dept.

RANK Sergeant / Patrol Division SHIFT OF RELIEF 23:00 - 07:00 Hrs.

NATURE OF COMPLAINT: The Town of Acton has violated its Contract with
I.B.P.O. Local 334 based on Article 5.6 regarding the refusal to
pay for step increases due me in Sept. 1991. According to Contract
wording, the only way this step increase can be withheld is for lack
of performance which has not been demonstrated or even implied to
date.

REQUESTED REMEDY It is requested that the Town reverse its decision to
withhold funding for this step increase retroactively to the Month of
Sept. 1991. In a recent ^{Decision} by the Mass. State Labor Relations Board,
cited in the case Weymouth vs Davey, the arbitrator ruled that budget
constraints were not a reason not to fund vacation time. This ruling
parallels this grievance issue as the Town of Acton is citing its
refusal to pay the step increase only because of financial issues.
Past practice in paying step increases as well Contract language
clearly demonstrates the Towns legal and moral obligation to honor
its Agreement with all its Police Department Members in IBPO Local 334

Bruce A. Nadeau, Sgt.
SIGNATURE

DATE 11-12-91

From: ACTPD::BAN 19-SEP-1992 03:17:47.83
To: CHIEF, BAN
CC:
Subj: GRIEVANCE-INCENTIVE PAY

SEP 24 1992

CHIEF,

PLEASE FIND ENCLOSED A COPY OF THE OLD GRIEVANCE AND AN UPDATED ONE CONCERNING THE PAY INCENTIVE PROBLEM AND THE TOWN'S REFUSAL TO PAY IT RETROACTIVELY TO SEPT. 91. SINCE WE BOTH KNOW EACH OTHERS POSITION IN THIS MATTER, IF YOU WANT TO JUST SUBMIT YOUR PREVIOUS ANSWER THAT IS FINE WITH ME. I WOULD ASK THAT WE STICK TO THE TIME REQUIREMENTS SO AS NOT TO DRAG THIS ISSUE ON AND AS SOON AS YOU ANSWER THIS GRIEVANCE, I CAN SEND IT ON TO THE TOWN HALL. THANKYOU OR YOUR ATTENTION TO THIS MATTER.

RESPECTFULLY SUBMITTED,

BRUCE A. NADEAU, SGT.
SHIFT SUPERVISOR

N

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

John Murray
Assistant Town Manager

November 12, 1992

The Grievance Committee
International Brotherhood of Police Officers
Local 334

Subject: Nadeau and Palma 3rd Step Grievance
Dated September 24, 1992

Gentlemen,

A hearing was held in the subject regard on November 10, 1992. Patrolman James Goodemote represented Local 334's Grievance Committee, Sergeant Bruce Nadeau represented himself as plaintiff, and Chief George Robinson represented his second step denial. By prior agreement between Sergeant Nadeau and myself, the third step grievance hearing was deemed to be held in a timely manner.

TESTIMONY DURING THE HEARING

Sergeant Nadeau outlined the Union's position. In essence, his points were:

1. The Town violated its contractual agreement with Local 334, when it refused to pay step increases to Sergeant Nadeau and Patrolman Palma.

2. The reason that the Town did not pay step increases due in September of 1991 was financial constraints.

3. That the Union required that the issue of not paying steps in 1991 was to be withdrawn from the bargaining table.

4. That the members of Local 334 were working under the terms and conditions of the collective bargaining agreement that terminated June 30, 1991. Sergeant Nadeau further noted that Educational Incentive, Firearm Stipend and other similar contractual items were still being awarded and expressed his feeling that the Town should not "pick-and-choose" among the elements of the contract to be rolled forward.

5. That the Town had bargained in bad faith.

6. That Sergeant Nadeau had qualified for a step increase under the terms and conditions of the contract which expired June 30, 1991.

7. That then Union President, Albert Crowley, had no authority to enter into an agreement with the Town for fiscal year beginning July 1, 1991 in behalf of the Union.

8. That the Union membership were aware of the existence of the contract amendment, until the date of this hearing.

Chief Robinson outlined his reasons for denial in the second step of the grievance procedure as follows:

1. That Town Counsel had advised him that there is no legal obligation to award step increases following termination of a collective bargaining

agreement, when the issue is being bargained at the negotiation table.

2. That Section 1 of the Memorandum of Agreement between the Town and Local 334 dated December 17, 1991. " The salary schedule effective July 1, 1990 set forth in Schedule C, shall remain unchanged for the fiscal year beginning July 1, 1991, and all salaries and step increases shall be frozen. (Please see attachment #1)

3. That he had sent a mail message to all union members on January 16, 1992 (Please see attachment #2). He quoted it as follows: "I have just received the new contract agreement that amends, incorporates and (word unintelligible) the original to June 30, 1993 and provides that the Union may reopen Article 5 Schedule C for the Year beginning July 1, 1992 by written notice to the Town by March 1, 1992. All salaries and step increases are frozen during the present fiscal year." He also noted that the message referred to the fact that a copy of the new amendment had been placed in each union member's mailbox.

Officer Goodemote agreed with the Chief and stated that he had received a copy of the Chief's mail message (as noted in item number 3 of Chief Robinson's testimony), but denied receiving a copy of the Memorandum of Agreement.

FINDINGS OF THE HEARING OFFICER

Based upon the testimony submitted, I find:

1. That the Union membership received notification of the new contractual agreement on or before January 16, 1992.
2. That no written information was submitted by the Union which substantiates Sergeant Nadeau's claim that then Union President and Bargaining Committee Member Albert Crowley lacked the authority to enter into a bargaining agreement with the Town for the fiscal year beginning July 1, 1991.
3. That the Town does not have the legal obligation to award a contractual item that is under discussion and in dispute in collective bargaining negotiations concerning an extension of said agreement.
4. That the Union membership knew of the amendment on or before January 16, 1992.

DECISION

The above noted grievance was not submitted in a timely manner as described by Section 13.1 of the bargaining agreement. Section 13.1 requires that "all grievances must be presented within seven (7) calendar days after the occurrence which gave rise to the grievance or the time when the employee or the Union actually had or reasonably had knowledge of such occurrence." Given the most liberal reading possible of the above mentioned section the Union Membership knew upon receipt of Chief Robinson's mail message of January 16, 1992 that a new amendment had been signed by the Town and the Union, and that amendment froze all employees at their current rate of pay. The receipt of the mail message was confirmed by Patrolman Goodemote. Said grievance was filed on September 18, 1992, which represents an elapsed time of 244 days.

Notwithstanding the previous paragraph, I find that the Town did not have a legal obligation to award step increases

following the termination of a collective bargaining agreement, when step increases are one of the items in dispute at collective bargaining negotiations. Further, I find that the amendment finally agreed to by both parties on December 17, 1991 froze the pay of the union members at the level it was prior to the expiration of the preceding collective bargaining agreement.

Notwithstanding the two previous paragraphs, the Town entered into collective bargaining negotiations in good faith with persons who represented themselves as the bargaining team for Local 334. Further, the Town reached agreement with that team who represented that they took the tentative agreement to the membership and obtained an affirmative vote on the terms and conditions of the tentative agreement. The Town then obtained the signature of the Union President who represented that he had the authority to sign the amendment on behalf of the membership as their sole bargaining agent. In lieu of any information to the contrary and due to the fact that this unit had followed this procedure in the past, the Town believed and still believes that the Union President and the remaining members of the bargaining team acted in good faith. If Sergeant Nadeau's allegations about the authority of then President and Bargaining Member Crowley were later proved to be true, then his claim of bargaining in bad faith would apply to the member's of the Union's Bargaining Team not the Town.

John Murray

cc: Chief Robinson
Sergant Nadeau
Patrolman Palmer
Patrolman Rentschler, Union President

MEMORANDUM OF AGREEMENT

This Agreement made and entered into effective July 1, 1991, by and between the Town of Acton, Massachusetts, hereinafter referred to as the "Town", and the International Brotherhood of Police Officers, Local 334, AFL-CIO, hereinafter referred to as the "Union."

W I T N E S S E T H

WHEREAS, the parties have entered into a collective bargaining agreement effective July 1, 1988, which Agreement was to continue in full force and effect until June 30, 1991, and

WHEREAS the parties have been engaged in collective bargaining negotiations concerning an extension of said Agreement and have arrived at agreement and wish to extend said Agreement on the terms set forth below.

NOW, THEREFORE, the parties, each in consideration that the other joins herein, agree that said Agreement is amended as follows:

1. Present Article 5.1 is deleted, and replaced by the following:

The salary schedule effective July 1, 1990 set forth in Schedule C, shall remain unchanged for the fiscal year beginning July 1, 1991, and all salaries and step increases shall be frozen. Salaries and step increases shall be negotiated for the fiscal year beginning July 1, 1992, it being understood and agreed that the negotiated salary and step increase shall not be less than two percent (2%).

2. Add following as Section 4 of Article 11, and renumber present Section 4 as Section 5:

"A minimum of two (2) officers shall be assigned to a strike detail."

3. Amend Article 14.2, Subsection 10 as follows:

"10. Sick time - Can't work an overtime shift for 24 hours but can be ordered in for same; provided that a 72 hour restriction on voluntary overtime shall be applied to any officer who has used four sick days during that fiscal year."

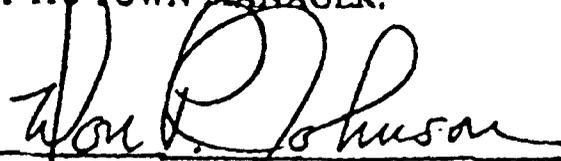
4. Amend first sentence of Article 20.1 as follows:

"This Agreement shall become effective as of July 1, 1991, and shall continue in effect through June 30, 1993; provided that the Union shall have the right to reopen Schedule C of Article 5 for the year beginning July 1, 1992, by written notice prior to March 1, 1992.

5. Except as amended hereby, said Agreement shall remain in full force and effect, subject to all terms and conditions set forth therein.

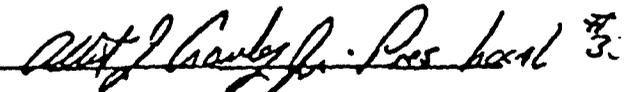
IN WITNESS WHEREOF, the parties hereunto set their hands and seals this 17th day of December, 1991.

TOWN OF ACTON
BY ITS TOWN MANAGER:



Don P. Johnson

INTERNATIONAL BROTHERHOOD OF
POLICE OFFICERS, LOCAL 334



FROM: ACTPD::CHIEF
TO: @DEPARTMENT
CC: CHIEF
Subj: CONTRACT AGREEMENT

16-JAN-1992 10:12:24.90

I HAVE JUST RECEIVED THE NEW CONTRACT AGREEMENT THAT AMENDS, INCORPORATES AND
ENDS THE ORIGINAL CONTRACT TO JUNE 30, 1993 AND PROVIDES THAT THE UNION MAY
REOPEN ARTICLE 5 SCHEDULE C FOR THE YEAR BEGINNING JULY 1, 1992 BY WRITTEN
NOTICE TO THE TOWN BY MARCH 1, 1992. ALL SALARIES AND STEP INCREASES ARE FROZEN
DURING THE PRESENT FISCAL YEAR. SALARY AND STEP INCREASES SHALL BE NEGOTIATED
FOR THE FISCAL YEAR BEGINNING JULY 1, 1992 AND SHALL START AT 2%. (ARTICLE 20.1
AND ARTICLE 5.1)

A MINIMUM OF 2 OFFICERS SHALL BE ASSIGNED TO STRIKE DETAILS. THE SCHEDULING
OFFICER IS DIRECTED TO SO INFORM THOSE COMPANIES REQUESTING SUCH DETAILS OF
THIS PROVISION. (ARTICLE 11, SECTION 4)

ARTICLE 14.2 SUBSECTION 10 WAS AMENDED TO READ SICK TIME - CAN'T WORK AN
OVERTIME SHIFT FOR 24 HOURS BUT CAN BE ORDERED IN FOR SAME; PROVIDED THAT A 72
HOUR RESTRICTION ON VOLUNTARY OVERTIME SHALL BE APPLIED TO ANY OFFICER WHO HAS
USED 4 SICK DAYS DURING THAT FISCAL YEAR. SICK TIME WILL BE COUNTED STARTING AT
THE BEGINNING OF THE FISCAL YEAR.

EACH OFFICER SHALL BE NOTIFIED BY EMS BY THIS OFFICE WHEN THE 4 DAY CAP HAS
BEEN REACHED FOR VOLUNTARY OVERTIME. OFFICERS AFTER BEING NOTIFIED ARE
INSTRUCTED NOT TO SIGN UP FOR OVERTIME THAT WILL COMMENCE PRIOR TO THE
EXPIRATION OF 72 HOURS FROM THE END OF THE SICK SHIFT. BELOW IS A LIST OF
OFFICERS THAT HAVE REACHED THE CAP AT THIS TIME:

COWAN, CROWLEY, DUDLEY, GOODEMOTE, GOODMAN, HAYES, HERNANDEZ, JOHNSON, LAROCHE,
NADEAU, ROGERS.

A COPY OF THE NEW AMENDMENTS HAS BEEN PLACED IN EACH UNION MEMBER'S MAILBOX.

CHIEF

JUNE 18, 1993

TO: Board of Selectmen
FROM: F. DORE' HUNTER, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

7:30 P.M.

JUNE 22, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 NEW ENGLAND TELEPHONE CO - COMMUNITY CABINET INSTALLATION - Enclosed please find a request and staff comment on the request to locate a community cabinet on town property in the Stow Street area for board action.
2. 7:32 NEW ENGLAND TELEPHONE CO - Lilac Court - Enclosed please find a request for Conduit location on Lilac Court for Board action.
3. 7:33 NEW ENGLAND TELEPHONE CO. - Patriot's at Newtown Road - Enclosed please find a request for conduit location at Patriot's Road for Board action.
4. 7:45 MOBIL OIL - Site Plan #3/16/93-338 continuation from May 11, 1993.
5. 8:15 MICHAEL LYNCH COMMITTEE INTERVIEW - Enclosed please find Mr. Lynch's Citizen Resource Sheet and recommendation from VCC to appoint him as an alternate member of Historic District Commission.
6. 8:30 TRANSFER STATION FEES - Discussion regarding the rates for FY94.
7. 8:45 LIMITED S. ACTON SEWER DISTRICT, FEASIBILITY REPORT - Enclosed please find the consultants report and staff comments for action by the Board.

III. SELECTMEN'S BUSINESS

8. DISCUSSION OF TOWN-SCHOOL COMPARATIVE WAGE STATISTICS - Chairman Hunter wishes to discuss this subject.
9. DISCUSSION OF PROPOSED SELECTMEN POLICIES - Enclosed please find a memo from Chairman Hunter, along with pertinent backup material for Board discussion/action.
10. ROUTE 2 CAC - Selectman Fanton will update the Board on this subject.
11. CELLULAR ONE SITE PLAN SPECIAL PERMIT #12/15/89-319 - Enclosed is the draft decision for the subject Site Plan.

IV. CONSENT AGENDA

12. SUNOCO, KELLEY'S CORNER - Enclosed please find traffic letter of agreement as required by Site Plan and petitioner's request for an amendment, along with staff comments and recommendations, for Board action.
13. UPPER BLACKSTONE FEES - Enclosed please find proposed revisions to Upper Blackstone Fee Schedule, along with staff comments.
14. ACTON HOUSING AUTHORITY - Enclosed please find an extension of the Acton Housing Authority's Annual Contributions Contract from HUD for Board action.

V. TOWN MANAGER'S REPORT

15. SUPERIOR CLASS II LICENSE - Enclosed find staff comment and recommendation regarding the subject Class II License.

VI. EXECUTIVE SESSION

16. An Executive Session will be required for discussion of contract negotiations.

MEETINGS

ADDITIONAL INFORMATION

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

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 13 - Nursing Service Study Update
AUGUST 10- Ft. Devens - Tentative-
SEPT. 7

6/22/93 ①

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 6/3/93

TO: Board of Selectmen
FROM: Dennis P. Ring, Engineering Assistant *D.P.R.*
SUBJECT: New England Telephone Co. Request
Stow Street/Liberty Street

This request by New England Telephone is for the installation of a community service panel on a parcel of town owned land at the intersection of Stow Street and Liberty Street. To our knowledge, the Conservation Commission and Municipal Properties Departments have worked out suitable arrangements for the location of the cabinets with respect to preserving wetlands, and for maintaining adequate sight distance at the intersection.

The Engineering Department will require a standard Permit to Construct within a Public Way to cover the work of crossing Liberty Street with a conduit.

[.93*229]



New England Telephone

Engineering Department
15 Chestnut Street, 4th Floor
Worcester, Massachusetts 01609

May 26, 1993

Acton Board of Selectmen
Attn: Norman Lake, Chairman
472 Main Street
Acton, MA. 01720

Dear Selectmen,

I am writing to request your approval for New England Telephone's use of municipal property at Liberty Street and Stow Street in Acton. We have met with Dean Charter, Director of Municipal Properties and the Acton Conservation Commission, and have received their approval.

As the attached plan shows, we would place two (2) community service cabinets and approximately 100' of underground conduit. The equipment will enable us to serve residents of this area using fiber-optic technology. We would landscape the work area to meet the specifications of the Municipal Properties Department.

We intend to make a \$2,500 cash gift to the Town of Acton for "Conservation and Recreation Purposes" in appreciation of your assistance.

I would be happy to meet with you and provide more information. Please call me at (508) 795-3155 with any questions you have.

Very truly yours,

Matthew S. Hurley
Manager, Right-of-Way

MSH/gw

Attachments

3114L

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

June 11, 1993

TO: Town Manager's Office
FROM: Dean A. Charter, Municipal Properties Director *(DAC)*
SUBJECT: New England Telephone cabinet location request

I am in receipt of your memo regarding the above noted request, and have reviewed the accompanying plans. I have been dealing with Mr. Hurley on this issue since the Fall of 1992, and I thought we had worked out an understanding that would be suitable to both NET and the Town.

I reviewed the original location request in the late Fall with David Abbt, and we felt that the best location, from a traffic safety point of view, would be to put the cabinets opposite pole 30/2, rather than opposite pole 30/1, as originally requested. Mr. Hurley agreed to this change in February (see attached), and the plans were approved by Conservation with that understanding. My feeling is that the wrong plans were sent with the recent application, but that the Selectmen should approve this request, contingent upon the location being opposite pole 30/2.

The cash gift for "Conservation and Recreation Purposes" was based on the sort of cash settlement NET would give to a private landowner for a similar installation. I expect the funds would be used for parking and access improvements on our public lands.

Attach

cc.: Engineering Dept.
NET

DAC/270



New England Telephone

Engineering Department
15 Chestnut Street, 4th Floor
Worcester, Massachusetts 01609
February 8, 1993

Dean A. Charter
Director - Municipal Properties Dept.
Town of Acton
472 Main Street
Acton, MA 01720

Dear Mr. Charter,

Thank you for reviewing our request for an equipment location at Liberty Street and Stow Street in Acton. Your recommendation of a new site location is acceptable to our engineering department. I have enclosed new plans depicting the new equipment configuration.

I am willing to discuss the possibility of compensation to the Town, but am unable to offer any "telephone credit" due to Department of Public Utility regulations. Please let me know if you or some other Town official should be contacted, and what amount and form of compensation would be acceptable.

If we can reach agreement on these issues, we will then apply to the Conservation Commission for approval and to the Highway Department for a street opening permit.

Please call me at (508) 795-3155 with any questions or comments you may have.

Very truly yours,

Matthew S. Hurley
Manager, Right-of-Way

Enclosure

MSH/bs

3056L

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: 6/2/93

TO: Dean Charter, Tom Tidman, Dennis Ring
FROM: Christine Joyce, Town Manager's Office
SUBJECT: New England Telephone Co. Request

Attached please find a request from NET&T to place two community cabinets at the corner of Liberty and Stow Streets. Please review and send your comments before June 18 so that they may be included in the Selectmen's Packet for the June 22 meeting for board review and action.

Note: Dennis, as follow up, did I already forward NET&T requests for Newtown/Patriots and Lilac Ct? They are also scheduled for 6/22/93 action, please advise.



New England Telephone

Engineering Department
15 Chestnut Street, 4th Floor
Worcester, Massachusetts 01609

May 26, 1993

Acton Board of Selectmen
Attn: Norman Lake, Chairman
472 Main Street
Acton, MA. 01720

Dear Selectmen,

I am writing to request your approval for New England Telephone's use of municipal property at Liberty Street and Stow Street in Acton. We have met with Dean Charter, Director of Municipal Properties and the Acton Conservation Commission, and have received their approval.

As the attached plan shows, we would place two (2) community service cabinets and approximately 100' of underground conduit. The equipment will enable us to serve residents of this area using fiber-optic technology. We would landscape the work area to meet the specifications of the Municipal Properties Department.

We intend to make a \$2,500 cash gift to the Town of Acton for "Conservation and Recreation Purposes" in appreciation of your assistance.

I would be happy to meet with you and provide more information. Please call me at (508) 795-3155 with any questions you have.

Very truly yours,

Matthew S. Hurley
Manager, Right-of-Way

MSH/gw

Attachments

3114L

STOW STREET

P.52/14

40' - 4" PVC CONDUIT (U.G.)

PROPOSED CABINETS

12' - 4" PVC

50' - 4" PVC

P.30/1

LIBERTY STREET

TOWN OF ACTON
MUNICIPAL PROPERTY
ASS. MAP H-2
PARCEL 60

ACTON, MASS.
NEW ENGLAND TELE
PROJECT #151418



New England Telephone

Engineering Department
15 Chestnut Street, 4th Floor
Worcester, Massachusetts 01609

June 17, 1993

Acton Board of Selectmen
Attn: Norman Lake, Chairman
472 Main Street
Acton, MA 01720

Dear Selectmen,

I apologize for sending you the wrong plans for Liberty Street. I have enclosed the new plans for your review.

Please call me at (508) 795-3155 if I can be of further assistance.

Respectfully yours,

Matthew S. Hurley
Matthew S. Hurley
Manager, Right-of-Way

MSH/gw

Enclosure

STOW STREET

TOWN OF ACTON
MUNICIPAL PROPERTY
ASS. MAP H-2
PARCEL 60

ACTON, MASS.
JEW. ENGLAND TELEPHONE
PROJECT #151418
APPROX. SCALE: 1" = 20'

P.52
14

P.30
1

P.30
2

LIBERTY STREET



ACTON, MASS. PROJ. 151418

NEW ENGLAND TEL ONE

APPROX. SCALE 1" = 100'

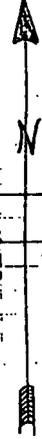
STOW STREET

PROPOSED CABINETS

LIBERTY STREET

MARTIN STREET

STREET



491

6/22/93
②

**NEW ENGLAND TELEPHONE COMPANY
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 22nd day of JUNE, 1993, at 7:32 o'clock P.M., upon the petition of New England Telephone Company for permission to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways:

Lilac Ct. -

Beginning at Pole #87/1, located on the southerly side of Lilac Court at a point approximately 120 feet east of the centerline of Piper Road, place approximately 158 feet of conduit easterly to Pole #87/2. Total trench : - 158 feet of conduit.

BOARD OF SELECTMEN

BY 

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 6/2/93

TO: Board of Selectmen

FROM: Engineering Department

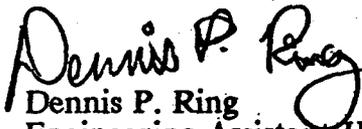
SUBJECT: New England Telephone Petition - Lilac Court

We have reviewed the petition for the location referenced above and we have the following comments:

This petition is for the installation of 158 feet of conduit in the shoulder of Lilac Court to upgrade existing overhead phone lines to underground lines.

Also, a service panel will be installed within an easement on private property and connected to the proposed conduit. The cross connection was previously approved by the Board of Selectmen on 2/27/90, but never installed.

We don't foresee any problems with the proposed work, and are prepared to issue Permits to Construct Within a Public Way pending approval of this petition.


Dennis P. Ring
Engineering Assistant II

[.93*225]

June 11, 1993

Board of Selectmen
Town of Acton
Town Hall
472 Main Street
Acton, Ma. 01720

Dear Members Of The Board Of Selectmen:

Thank you for the New England Telephone Company notice to abutters which was received on 10 June 1993. I have expressed my thoughts to the New England Telephone Company. These thoughts are briefly as follows.

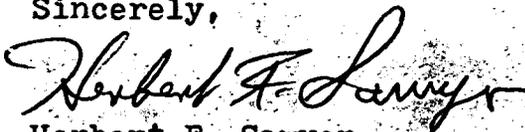
If wires were strung overhead across the court then our newly paved street would not have to be trenched. A pole could be erected on the land leased by New England Telephone for their structures.

No overhead wires would be required to be installed eastward from pole #1 to pole #2 and then trenched westward back to pole #1, and then under the court from the south to the north side.

If the telephone company insists, for reasons I am not aware of, that trenching is a must then why not trench from Piper Road to pole #1 and then cross the court. Why trench further into the court beyond the structure location.

Thank you for your consideration.

Sincerely,



Herbert F. Sawyer
1 Lilac Court
Acton, Ma. 01720

6/18

D. ABBT -

Pls. SEND COMMENT FOR
BOS CONSIDERATION 6/22.

CC: BOS



Mass. Form 551
11-1-45

PETITION FOR CONDUIT LOCATIONS--CITIES AND TOWNS

To the Board of Selectmen
of Acton, Massachusetts.

NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY requests permission to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways:-

Lilac Court:-

Beginning at Pole #87/1, located on the southerly side of Lilac Court at a point approximately 120 feet east of the centerline of Piper Road, place approximately 158 feet of conduit easterly to Pole #87/2. Total Trench: - 158 feet of conduit.

Also for permission to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

Plans marked-N. E. T. & T. CO., No. 221508 Dated May 19, 1993.
showing location of conduit is filed herewith.

NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY

By Matthew S. Hurley
Manager, Right-of-Way

Dated this 19th day of May 1993.

6/22/93

3

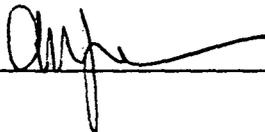
**NEW ENGLAND TELEPHONE COMPANY
NOTICE TO ABUTTERS**

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 22nd day of JUNE, 1993, at 7:33 o'clock P.M., upon the petition of New England Telephone Company for permission to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways:

Newtown and Patriots Road: -

Beginning at Pole #14, located on the northerly side of Newtown Road, place conduit easterly crossing Patriots Road to Point "A". Place approximately 71 feet of conduit westerly from Pole #13, also located on the northerly side of Newtown Road, to Point "A" on Patriots Road. Place approx. 50 feet of conduit northerly from Point "A" to Pole #12 located on the easterly side of Patriots Road. Total Trench: 226

BOARD OF SELECTMEN

BY  _____

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

TO: Board of Selectmen
FROM: Dennis P. Ring, Engineering Assistant 
SUBJECT: New England Telephone Petition
Newtown Road/Patriots Road

DATE: 6/3/93

We have reviewed the petition for the location referenced above and we have the following comments:

This petition is for the installation of approximately 226 feet of conduit on Newtown Road and Patriots Road to service a proposed telephone cabinet on private property.

Due to the crossing of Patriots Road and the extensive digging in the road shoulder, the Engineering Department will require a standard Permit to Construct within a Public Way. Otherwise, we do not foresee any problems with the proposed work.

[.93*230]

PETITION FOR CONDUIT LOCATIONS--CITIES AND TOWNS

To the Board of Selectmen
of Acton, Massachusetts.

NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY requests permission to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways:-

Newtown and Patriots Road:-

Beginning at Pole #14, located on the northerly side of Newtown Road, place approximately 105 feet of conduit easterly crossing Patriots Road to Point "A". Place approximately 71 feet of conduit westerly from Pole #13, also located on the northerly side of Newtown Road, to Point "A" on Patriots Road. Place approximately 50 feet of conduit northerly from Point "A" to Pole #12 located on the easterly side of Patriots Road. Total Trench: 226 feet.

Also for permission to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

Plans marked-N. E. T. & T. CO., No. 221198 Dated May 26, 1993. showing location of conduit is filed herewith.

NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY

By Matthew S. Hurley
Manager, Right-of-Way

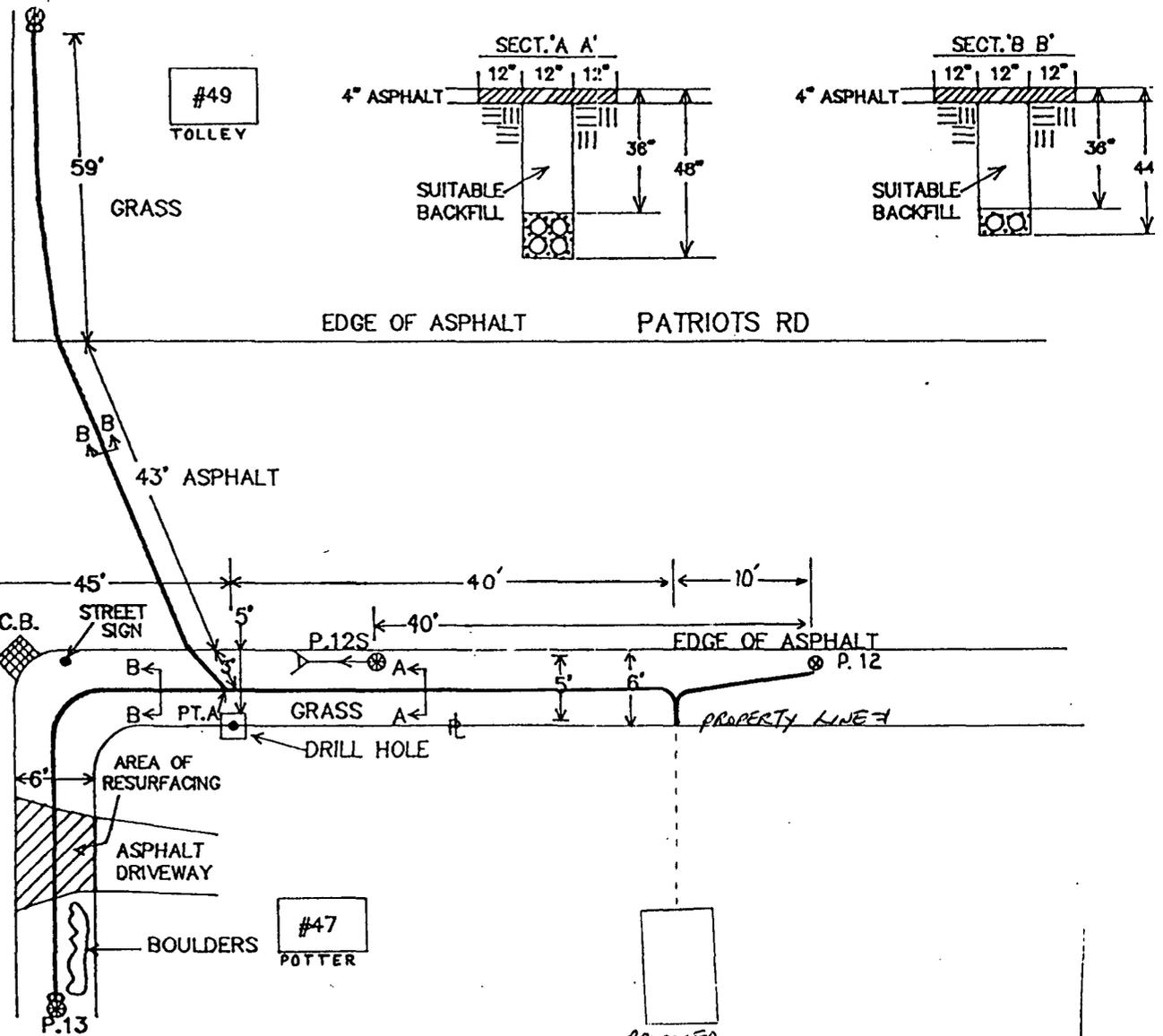
Dated this 26th day of May 1993.



NO USEFUL
10 X PLAN

NEWTOWN RD

CO



#49
TOLLEY

EDGE OF ASPHALT PATRIOTS RD

43° ASPHALT

45°

40'

10'

C.B.

STREET SIGN

P.12S

EDGE OF ASPHALT

P.12

GRASS

PROPERTY LINE

DRILL HOLE

AREA OF RESURFACING

ASPHALT DRIVEWAY

BOULDERS

#47
POTTER

PROPOSED
TELEPHONE
CABINET

P.13

ACTON
221198

6/22/93-(4)

TOWN OF ACTON
NOTICE OF HEARING

The Board of Selectmen of Acton will hold a public hearing on Tuesday, May 11, 1993 at 7:45 P.M. in the Selectmen's Hearing Room, Town Hall on the application of Mobil Oil Corp., under Section 10.4 of the Zoning Bylaw for approval of a Site Plan Special Permit for the addition of a canopy and reconstruction of the present Mobil service station located at 204 Main Street, Acton.

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

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

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

Nancy E. Tavernier
Chairman

March 18, 1993

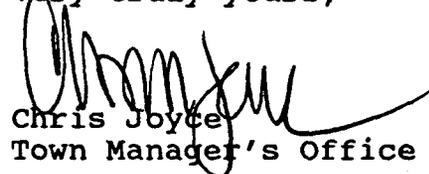
Assabet Valley Beacon
P. O. Box #217
Acton, MA 01720

ATTENTION: Legals

Enclosed please find copy of advertisement to appear in
your newspaper on Thursday, April 22 and 29, 1993.

Please send bill and two (2) tear sheets to Town
Manager's Office, 472 Main Street, Acton, MA 01720.

Very truly yours,


Chris Joyce
Town Manager's Office

encs. 1
694

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

Nancy E. Tavernier
Chairman

March 18, 1993

Mobil Oil Corp.
1 Technology Park Drive
Westford, MA 01886

Dear Mr. Higgins:

RE: SITE PLAN #3/16/93-338 - Mobil Oil - 204 Main Street

Enclosed please find advertisement to appear in the Assabet Valley Beacon on Thursday, April 22 and 29th. Under the Rules and Regulations Governing Site Plan, adopted by the Board of Selectmen on February 27, 1990, the petitioner is responsible for mailing of all notices of hearing to the abutters. This must be done by Certified Mail at least seven (7) days before the hearing and a copy of the green return receipt cards must be brought to the hearing as proof of notification.

If you have any questions, please feel free to call this office.

Very truly yours,

Christine Joyce
Town Manager's Office

Enc.

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

Nancy E. Tavernier
Chairman

March 18, 1993

Assabet Valley Beacon
P. O. Box #217
Acton, MA 01720

ATTENTION: Legals

Enclosed please find copy of advertisement to appear in your newspaper on Thursday, April 22 and 29, 1993.

Please send bill and two (2) tear sheets to Town Manager's Office, 472 Main Street, Acton, MA 01720.

Very truly yours,

Chris Joyce
Town Manager's Office

encs. 1
694

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: June 17, 1993

TO: Board of Selectmen
FROM: Garry A. Rhodes, Building Commissioner. *AR*
SUBJECT: Additional Comments, Site Plan Special Permit #3/16/93-338
Mobil Oil, 204 Main Street

Mobil Oil and I have been working to resolve the issue of their southerly Main Street entrance location on their property. After much discussion we have not, as yet, been able to come to a mutual agreement. The question is whether or not the southerly entrance should be moved so as to be outside the radius of the intersection of Main & Prospect Streets. This decision will have to be the Board's. The following will briefly outline positions of all parties.

Staff, following VHB's recommendation, feels that this driveway should be relocated so as not to enter into the radius of the intersection of Main and Prospect Streets. The importance of this relates back to a previous public hearing where VHB presented the Town with several alternate plans for improving the road geometry at the intersection of Prospect and Main Streets. One of the plans showed Prospect Street being relocated in such a way that the proposed southerly entrance would end up in the intersection. Staff, considering long-range plans, would like to see this advocated.

Mobil Oil, who funded these studies, and who has planned to greatly contribute to the new intersection's construction, had shown their entrance outside the radius and VHB has used that basis to develop their plans. Mobil Oil at that time had planned to demolish the entire site and start fresh. They no longer propose to demolish this site, but instead propose to partially relocate the pump islands and construct a canopy over them. It is their contention that the present location of the driveway needs to remain as is as they are unable to raze the existing building and totally relocate the pumps.

VHB indicates in their review that, "the proposed site modifications will be positive with respect to improving access control through the elimination of the apex opening and driveway width reductions as well as the installation of additional curbing inside the site".

There does not appear to be any immediate source of funding for the scope of traffic improvements previously proposed. Mobil Oil still wants to contribute to funding some improvements off site but not to the level previously proposed. They will discuss this with the Board at the hearing.

A secondary problem has now developed regarding the payment of our outside consultant. Mobil Oil contends that they have paid the Town \$750.00 to cover these costs. My records indicate that this payment was never made. The Board may wish to bring this issue up for discussion.

(749)



**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION**

DATE: May 6, 1993

TO: Board of Selectmen
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Site Plan Special Permit #3/16/93-338 - Mobil Oil/204 Main St.

Mobil Oil is proposing to realign the pump islands and construct a canopy over the pumps. They are also proposing to reconfigure the existing space within the existing building, thereby increasing the retail area by 108 square feet.

The site is located within the General Business Zone and Zone 4 of the Groundwater Protection District.

In the opinion of Staff, the proposed lighting may be excessive and should be reconsidered. The two 14' high pole lights do not comply with Acton Zoning Bylaw, Section 10.4.3.2 They should be either low-level lights or removed. The existing spotlight, located along the north lot line, should be removed unless it is not controlled by Mobil Oil. The canopy lighting appears also to be excessive. Some of the lights should be eliminated and the intensity of the remaining lights should be less than 250 watts per light. This concern is driven by the proximity of residential properties.

It is also our recommendation that the sidewalk should be extended around the radius of the intersection of Main Street and Prospect Street adjacent to the lot line radius within the street layout. This sidewalk is in addition to the proposed sidewalks and would tie into the sidewalk on Prospect Street.

The plan does not show a manual or automatic alarm connected by a master box to the fire department along with a lock box. It is the opinion of the Fire Chief that these are needed for public safety.

The applicant supplied the Town with funds for review of the curb cuts and possible future changes in roadway geometry. I have attached a copy of VHB's report for your review. Generally speaking, the proposed changes in the curb cuts will be an improvement. However, the location of the southerly entrance will substantially limit any future changes in the road geometry for the Prospect and Main intersection. It is Staff's recommendation that Mobil Oil relocate that entrance so as not to limit future options for road improvements.

In recent history Mobil Oil has been installing satellite "Dunkin' Donuts" in their sales areas. With this concern in mind, I requested that VHB also review the site for this possibility. They expressed concern that the lack of parking and the alignment of the pumps was not conducive to this possibility. It is my recommendation that if Mobil Oil is considering placing a "Dunkin' Donuts" at this location in the future, they should further review the layout of this site or the Board should condition their permit not to allow this use unless approved first by the Board of Selectmen.

page 2

The location of the canopy and storage/trash enclosure will require a Board of Appeals Variance. Any action of the Board of Selectmen should be conditioned on their approval.

The Town Engineering Administrator has noted technical deficiencies that the applicant should address. They can be referred to in his memo.

The landscaping plan should be revised to show an additional tree on the northeast corner and two on the south corner. These trees should meet the requirements of the Municipal Property Director.

I am enclosing Staff comments for your review.

COPY

TOWN OF ACTON
BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts 01720

(508)264-9632

June 14, 1993

Philip C. Lombardo, Jr.
Hutchins, Wheeler & Dittmar
101 Federal Street
Boston, MA 02110

Re: 204 Main Street, Mobil Oil
3/16/93-338

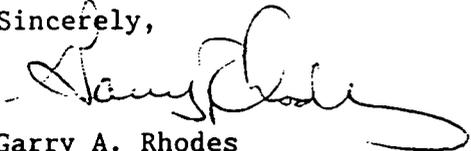
Dear Phil:

I am writing as a follow-up to our recent telephone conversation regarding outside professional review of your application. As you are aware, the Town found it necessary to hire Vanasse Hangen Brustlin to review the traffic implications of your site design. I notified you by letter on March 19, 1993 that the fee for these reviews was set at \$750.00. Based on your approval, I proceeded with the review of the plans prior to receiving monies for this review.

My records indicate that I have not received the money as of this date. You have assured me that the money was forwarded to the Town and deposited. In an attempt to resolve this issue, I have asked for a copy of the canceled check. I have yet to receive this confirmation.

I find it necessary to ask again for this confirmation in the form of a copy of the canceled check or please forward the Town (to my attention) a check in the amount of \$750.00. I would appreciate resolving this issue before the hearing on June 22 so as not to complicate the hearing.

Sincerely,



Garry A. Rhodes
Building Commissioner

GAR/vjs

cc: Town Manager



101 Walnut Street
P.O. Box 9151
Watertown, MA 02272
617 924 1770
FAX 617 924 2286

Memorandum Transmittal Meeting Notes Phone Notes

To: Mr. David Abbt
Engineering Administrator
Mr. Garry Roads
Building Inspector
Town of Acton
Town Hall
472 Main Street
Acton, MA 01720

Date: April 28, 1998

Project No.: 2956.21

From: John J. Kennedy, PE 

Re: Site Plan Review, Mobil Oil
Corporation Site
Improvements - Route 27 at
Prospect Street

Vanasse Hangen Brustlin, Inc., has completed a review of proposed site modifications at the subject location with respect to implications associated with traffic circulation and access. The review has been completed with longer term intersection improvements being considered within the Main Street, Prospect Street intersection area taken into account.

The site, located in the northerly portion of the northern Main Street, Prospect Street intersection is currently served by four driveways. One large opening (65 feet at the property line) is provided on Prospect Street, centered approximately 140 feet from Main Street. Two driveways are provided along the Main Street frontage (35 feet and 65 feet respectively south and north). The fourth driveway is an apex opening, approximately 35 feet in width, directly into the Main Street, Prospect Street intersection. Pump islands are parallel to Route Main Street. Storage tank fillers are located in the northeast corner of the triangular shaped site and are readily accessible from the northerly Main Street driveway. Driveways along Main Street are bounded by granite curb at the travelway and concrete curb along the site side.

Proposed site modifications retain the storage tanks/filler locations as well as the general pump island layout parallel to the Main Street corridor. The north/south limits of the pump area has been retained but the spacing between islands has been increased with the easterly limit shifted eight (8') feet closer to the Main Street corridor. Driveways have been modified. The apex opening directly into the Main Street, Prospect Street intersection has been eliminated. The Prospect Street driveway opening width has been reduced to 50 feet (the northerly limit of this driveway has been retained with the southerly limit shifted away from the Main Street corridor). On Main Street, two driveways have been retained. The southerly drive is in it's current location with the existing opening width retained. The northerly drive width has been reduced by approximately 20 feet to 35 feet with the reduction occurring from both the northerly and southerly ends of the existing driveway. Tanker truck access has been identified as Main Street northbound to the northern drive to

Date: April 28, 1993
Ref: 2956.21

Prospect Street southbound to Main Street. An alternate route through which the tank fillers are also accessible is from Main Street southbound.

The proposed site modifications will be positive with respect to improved access control through the elimination of the apex opening and driveway width reductions as well as the installation of additional curbing inside the site.

With respect to longer range intersection improvement potential, past work completed by VHB, described in a Memo dated October 21, 1991, reviewed four potential intersection improvement program alternatives. The recommended plan, as well as others developed, included a realignment of the Prospect Street approach adjacent to the site to intersect Main Street at more of a right angle. The realignment would make use of existing town right-of-way within Main Street, Prospect Street intersection adjacent to the site. That area would allow up to a forty foot shift in the northerly curb line. The area is shown as green space on the site plan, generally consisting of loam and sod.

Should the longer range plan be implemented, the southerly driveway the Main Street would be within the intersection. The proposed curb line for the new intersection would follow the existing right-of-way line through the radius. The proposed driveway would fall within the radius area.

Given this future condition, one of two alternatives should be considered for modifying the station layout. Alternate 1 provides for pump alignment as it exists today and under the proposed site plan, while Alternate 2 would turn the pump island perpendicular to Main Street. In Alternate 1, the easterly pump area would be shifted to the north. The canopy which is now perpendicular to Main Street would be skewed with the easterly and westerly side parallel to Main Street and the northerly and southerly sides parallel to the building. This shift in the easterly pump island would allow the southerly driveway on Main Street to be shifted to the north by 25 to 30 feet. The proposed driveway width could be maintained and be accessible to and from the easterly pump island. This realignment would not affect tanker truck access.

Alternate 2 would result in a full realignment of both pump islands to service vehicles perpendicular to Main Street. Prospect Street access/egress would be retained as currently proposed. Main Street access to the pumps could be via a single driveway from Main Street. A second drive may still be necessary however to provide tanker access to the filler caps.

INTERDEPARTMENTAL COMMUNICATION

TO: Garry Rhodes, Bldg. Commissioner DATE: March 23, 1993
FROM: Roland Bartl, Town Planner *R.B.*
SUBJECT: Site Plan Application #3/16/93-338, Mobil, 204 Main Street

*BOS
SITE PLAN
FILE*

- The driveway curb cuts have been reduced from the preliminary plan. Although still wider and more numerous than Bylaw standards, the proposed arrangement is an improvement over existing conditions and seems justified given existing constraints.
- The plan proposes to replace the existing outdoor lighting fixtures with low level ("3.5' high) area lights, and with two 14' high area lights. The high area lights are likely to generate glare and illuminate the site more than necessary. They may be obnoxious to residential abutters. They should be replaced with low level area light. There will be enough additional lighting on site from the sales room area and the canopy and pump islands. For night security after closing standard non-glaring security lights can be installed on the building. Also, the spot light behind the building should removed unless a need for its existence can be demonstrated.
- I note that the signage plan shows proposed signage greatly in excess of what is allowed in Acton. I understand that, as usual, a site plan approval does not indicate approval of or consent to any proposed signage.
- The proposed canopy is the standard flat roof type. The Selectmen, depending on their preference, may want to require the gable roof as installed in West Acton.
- Even without consideration of the contemplated signage, the plan can only be approved with variances to allow multiple set back violations.
- There has been indication, that the applicant would be willing to contribute significantly towards improving the Main and Prospect Streets intersection. This should be pursued. The curb rounding between Main and Prospect Streets may need adjustment to accommodate any realignment.
- I recommend that the landscape plan be amended to show a few more medium and/or tall trees, such as in the northeast corner of the site. Also, if possible, one or two more trees should be added in the south corner - actually within the street layout.

xc: Don P. Johnson, Town Manager

[RHB.IDC.93*10]

INTERDEPARTMENTAL COMMUNICATION

MAY -3 1993

TO: Garry Rhodes, Bldg. Commissioner DATE: April 30, 1993

FROM: Roland Bartl, Town Planner *R.B.*SUBJECT: Site Plan Application #3/16/93-338, Mobil, 204 Main Street
VHB ReviewBOS SITE
PLAN FILE

After review of John Kennedy's (VHB) 4/28/93 memorandum I conclude that the problem identified by him should be corrected. The need to fit private site development into long term public improvement plans is probably one of the soundest justifications for site review powers under zoning. The problem identified by VHB is the fact that the southerly Main Street driveway as currently proposed lies in the rounding of the public right of way, and that future improvements of the Prospect Street intersection with Main Street require that the street would essentially follow that rounding. Consequently, the southerly site drive cannot remain where it is proposed. Now is the time to make the site fit with future improvements in the surrounding streets, it will be extremely difficult or impossible to do so later. The intersection is in need of safety controls now, and as regional and local growth continues such improvements will become unavoidable.

I sketched VHB's Alternate I and II plan modifications onto plan sheets 3 and 4. I have also sketched a 3rd variation, Alternate III, onto plan sheet 5.

Alternate I (sheet 3) shifts the easterly pump assembly to the north by 25 feet (30 feet might also work). This allows us to relocate the southerly driveway a corresponding distance to the north. The arrangement would work but the driveway is still rather close to the Prospect Street intersection given that Main Street is a heavily travelled arterial. With this arrangement the canopy would probably look a bit awkward. The special hexagon design might be rather expensive and may look strange. A larger rectangle would increase the canopy's bulk. Two small, rectangular canopies, each with pitched roof, offset with the island assemblies might be acceptable. All shapes are indicated on the sketch.

Alternate II (sheet 4) shows the pump assemblies and canopy rotated by 90 degrees so as to be perpendicular to Main Street. This would bring the southerly driveway a bit further to the north than Alternate I, but it would have to be substantially wider. In addition, the northerly driveway would have to remain for truck access. Also, the double driveway arrangement on Main Street that would be required here is somewhat confusing, especially for drivers approaching on Main Street southbound. The standard canopy shape would remain unchanged. Set back violations associated with the canopy would be reduced although not eliminated.

Alternate III (sheet 5) shows the pump assemblies rotated so as to be parallel to the service building. The center of the entire pump assemblies is also shifted to the northwest by 8 or so feet. This arrangement will make the southerly Main Street driveway entirely superfluous - it can be closed. This eliminates all potential conflicts

with future intersection improvements. The northerly driveway can remain where shown and adequately serve both the customers as well as the fuel delivery trucks. The canopy can retain its standard shape. Set back violations associated with the canopy would be reduced although not eliminated.

In conclusion, Alternate III emerges as the most desirable site arrangement. Alternate II should be discarded. Alternate I might be acceptable but the proximity of the southerly driveway to the Prospect Street intersection and the canopy design remain as serious concerns.

xc: Don P. Johnson, Town Manager ✓

[RHB.IDC.93*10]

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

May 7, 1993

TO: Garry Rhodes, Building Commissioner
FROM: Dean A. Charter, Municipal Properties Director 
SUBJECT: Site Plan #3/16/93-338, Mobil Oil Corp.

This is to confirm the discussion we had yesterday regarding landscaping at the above mentioned site.

The area under development is extremely restricted, and there are limited locations where plantings can be added that will not interfere with either signage, snow removal, or sight visibility. Within these constraints, however, I feel that several additional trees can be added to the plan, specifically in the planting areas at the northeast and south corner of the site. These trees should be large growing shade trees, properly upbranched. Exact locations should be determined in the field by the Tree Warden. It should be acknowledged that the trees in the south island might have to be relocated if the intersection is rebuilt at a later date.

Please accept my apologies for being so late with my review.

cc.: Town Manager

DAC/303

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 3/25/93

TO: Don P. Johnson, Town Manager
FROM: David F. Abbt, Engineering Administrator
SUBJECT: REVIEW OF SITE PLAN #3/16/93-338
MOBIL OIL CORP., 204 MAIN STREET

J. Abbt

*BOS
SITE PLAN FILE*

We have the following comments concerning this plan.

1. The site is in a Zone 4 Groundwater Protection District.
2. The plan should show at least one additional temporary benchmark on site (3.9.4).
3. Parking stalls need only to be 9.0x18.5 feet rather than 9.5x20.0 feet.
4. A typical handicap ramp construction detail should be added to plan sheet 8 of 10.
5. In my opinion, a sidewalk should be extended along the site's frontage on Prospect St.
6. It would not be necessary to add a gas/oil hood to the existing basin on Prospect St. The new basin will have a hood which will be sufficient. The old basin is probably not water-tight in any case.
7. The patch over the new pipe will have to be to Town specifications. A copy of these specifications is available from this department. This pipe and catchbasin will also require a "Street Cut" permit (Permit to Construct Within a Public Way).
8. The plan (sheet 8 of 10) should show VA3 curb (MHD spec.). This is 6" wide, 19-21" deep. The construction detail should be revised to comply with MHD construction specification 106.3.0.
9. Any existing granite curb removed from Main St. or Prospect St. should be delivered by Mobil's contractor to the Acton Highway Department, 14 Forest Rd., Acton, MA.
10. The "Typ. Precast Concrete Catch Basin Detail" on sheet 8 of 10 will need an additional note to clearly indicate that the LeBaron gas/oil hood (L-219) must be installed through the wall of the basin and the pipe connection made on the outside. The hood must not be shoved into the pipe after the pipe is installed into the basin incorrectly. The drawing should also be modified to show the correct construction sequence. All joints to be sealed with a 1" butyl-rubber gas-tight sealant or equivalent caulking material (3.9.9).
11. The 25' radius at Main St./Prospect St. intersection is too restrictive for school buses and fire trucks (B-40 and SU-30 templates). A 30' radius works better.

12. I understand that VHB will review the site drives and the Prospect St./Main St. intersection for traffic engineering issues.
13. The existing stone bound (S.B. w/D.H. Fnd.) located approximately 10' south of the proposed Prospect St. driveway will need to be protected from disturbance during construction. If by chance this bound is disturbed, it will have to be reset to finish grade by a Registered Land Surveyor and certified in writing.
14. All the construction notes required by Section 3.9.13 of the Site Plan Rules and Regulations should be added to the plan.
15. Suitable erosion control notes (3.9.5) should be added to the plan.

C.C. G. R. / B.C.

TOWN OF ACTON

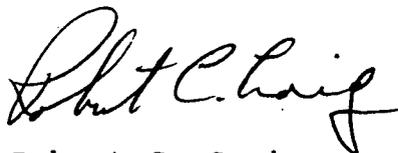
Inter-Departmental Communication

DATE: April 27, 1993

TO: Don P. Johnson, Town Manager
FROM: Fire Chief
SUBJECT: SITE PLAN #3/16/93-338 Mobil Oil, 204 Main Street

Don:

Please be advised that after review of the above named site plan, I have the following comments. As part of the upgrade on this site, a manual and an automatic fire alarm system direct connected to the Fire Department by a master fire alarm box will be required. Plans for this system must be approved by this department. In addition, a lock box would also be required.



Robert C. Craig
Fire Chief

cc: Garry Rhodes,
Building Commissioner

To: Garry Rhodes

March 30, 1993

Fr: Rose Erdozaincy *RE*

Re: Site Plan #3/16/93-338 Mobile Oil @ 204 Main St.

There are no known concerns with regards to the State Sanitary Code, Article X, which are germane to this particular phase of the Site Plan Review.

The applicant will, however, be required to submit a set of accurate, detailed plans (including equipment specifications, finished schedule, ect...) to the Health Department prior to the commencement of any work. This will enable us to determine whether any modifications are needed to comply with the requirements of the State Sanitary Code regulations. This department reserves the right to impose additional requirements as more information is obtained, and the project develops.

SITE IMPROVEMENT PLANS

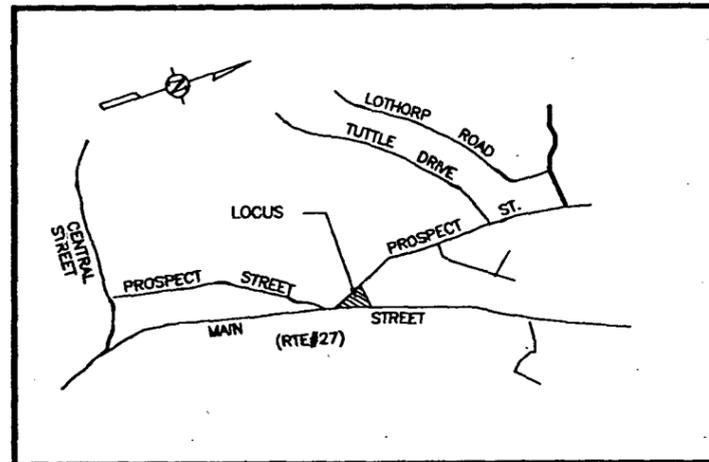
S/S #01-232

**204 MAIN STREET AT PROSPECT STREET
ACTON, MASSACHUSETTS**

Prepared for:

Mobil Oil Corporation

U.S. Marketing & Refining Division



LOCUS MAP (NOT TO SCALE)

TITLE	DRAWING INDEX DESCRIPTION	DATE	DRAWING No.	SHEET No.	DATE	REVISION DATE	BY	CHKD	APP'D	REV.	ELECTRICAL
SITE ENGINEERING PLANS W/ SUPPLEMENTAL SHEETS	TITLE SHEET	X	232-COV	1 OF 10	8/22/92	2/15/93					
	EXISTING CONDITIONS	X	232-CC	2 OF 10	8/22/92	2/15/93					
	LAYOUT PLAN	X	232-LD	3 OF 10	8/24/92	2/2/93					
	GRADING AND UTILITY PLAN	X	232-GU	4 OF 10	3/2/93						
	LANDSCAPING PLAN	X	232-LSC	5 OF 10	8/22/92	2/15/93					
	SIGNAGE PLAN	X	232-SG	6 OF 10	8/22/92	2/15/93					
	TRAFFIC PLAN	X	232-TR	7 OF 10	8/22/92	2/15/93					
	DETAILS	X	232-DT1	8 OF 10	3/2/93						
	SMACK SHOP LAYOUT PLAN	X	232-SBK	9 OF 10	11/23/92	2/15/93					
	CANOPY ELEVATIONS	X	232-CHE1	10 OF 10	2/15/93						

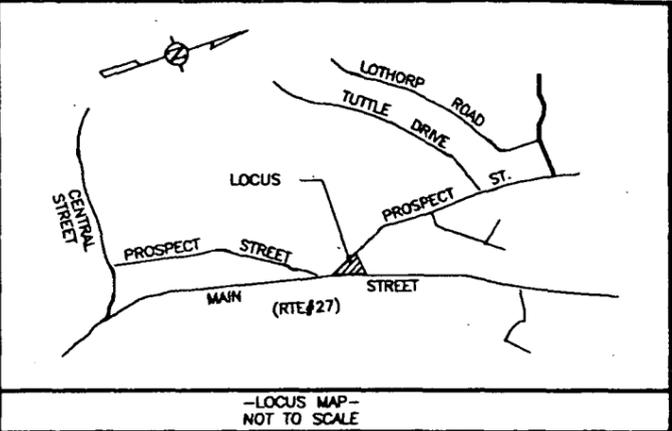
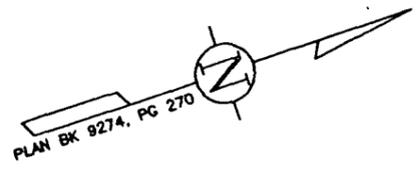
TITLE SHEET FOR S/S #01-232
204 MAIN ST. AT PROSPECT ST.
ACTON, MA

MOBIL OIL CORPORATION
U.S. Marketing & Refining Division
One Technology Park Drive
Westford, Massachusetts 01886

Gale Associates, Inc. Boston • Baltimore

Eight School Street • P.O. Box 21 • Weymouth MA 02186-0900 (617) 337-4253

Scale:	Date:	Drawn:	Reviewed:	Job No.
NO SCALE	9/22/92	JR	JDO	703510
Drawing No.:			Sheet No.	
232-COV.DWG			1 of 10	



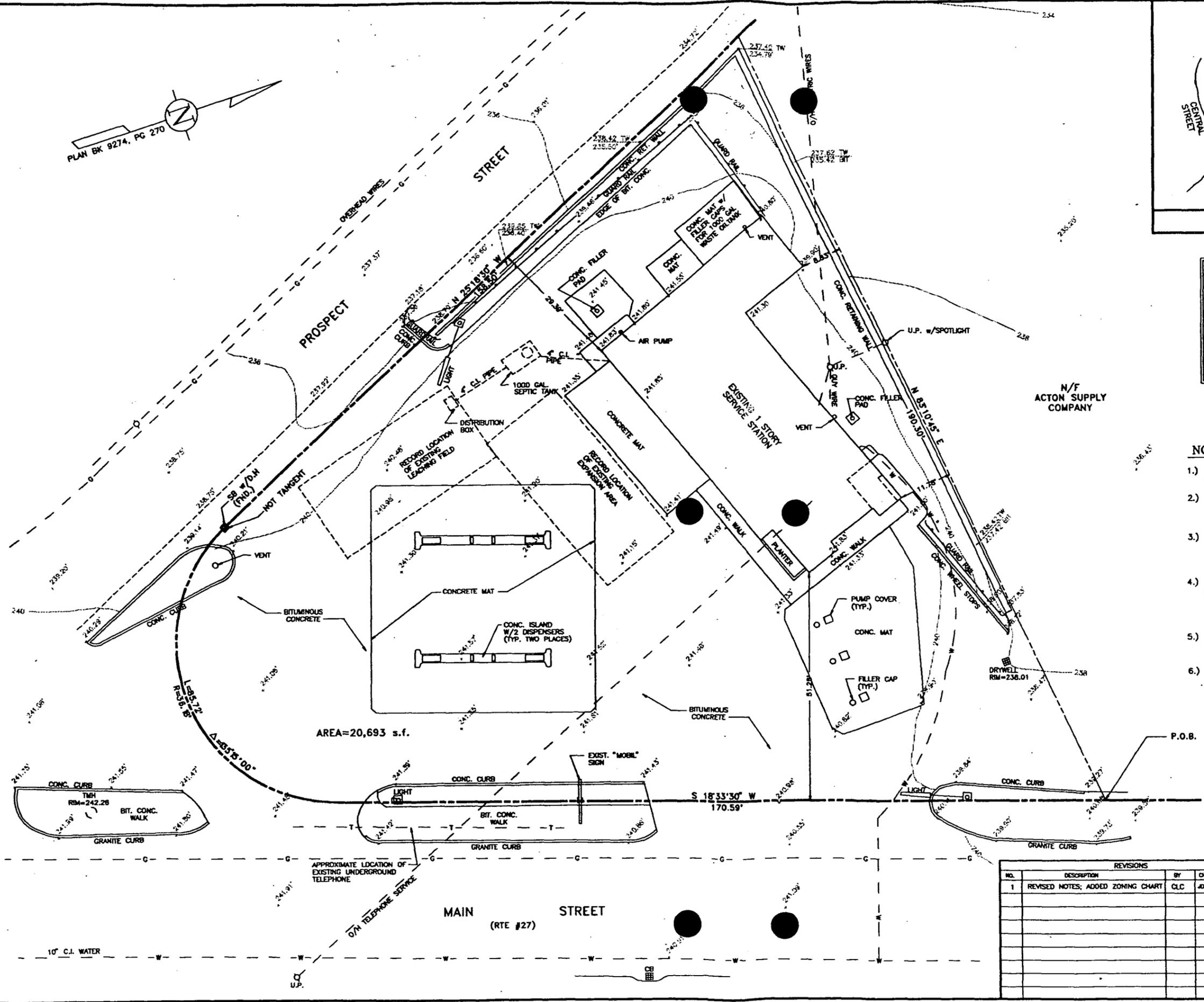
ZONING CHART		
ZONING DISTRICT: GENERAL BUSINESS		
DESCRIPTION	REQUIRED	EXISTING
MIN. LOT AREA:	10,000 s.f.	20,893 s.f.
MIN. LOT FRONTAGE:	100'	<213.5'
MIN. FRONT YARD:	30'	51.28' (BUILDING)
MIN. SIDE/REAR:	30'	8.83' (BUILDING)
MAX. BUILDING HEIGHT:	36'	22 1/2' (BUILDING)
MIN. OPEN SPACE:	35%	12.3%

*FRONTAGE ALONG MAIN STREET TO MID POINT OF CURVE.

NOTES

- 1.) DEED REFERENCE: MIDDLESEX COUNTY REGISTRY OF DEEDS BK. 11478, PG. 128.
- 2.) BENCHMARK: T.B.M. #8 (NEAR HSE #123 PROSPECT STREET) TOP OF HYDRANT SPINDLE. ELEV=218.42 (U.S.G.S)
- 3.) SEE PLAN RECORDED AT THE MIDDLESEX COUNTY REGISTRY OF DEEDS ENTITLED "LAND IN ACTON OWNED BY RICHARD F. DEANE" BY HARLAN E. TUTTLE, DATED OCTOBER 17, 1958. RECORDED IN PLAN BOOK 9274, PAGE 270.
- 4.) UNDERGROUND UTILITIES WERE COMPILED FROM AVAILABLE RECORD PLANS AND PAROLE EVIDENCE SUPPLIED BY UTILITY COMPANIES AND PUBLIC AGENCIES AND THEIR LOCATIONS ARE APPROXIMATE ONLY. BEFORE DESIGN AND CONSTRUCTION CALL "DIG SAFE" (1-800-322-4844)
- 5.) LOCATIONS OF PUMP ISLANDS AND PUMP ISLAND CONCRETE MAT FROM PROPOSED PLAN AND NOT FROM AN ON-GROUND SURVEY.
- 6.) A GAS LINE HAS BEEN INSTALLED FROM THE MAIN IN PROSPECT STREET TO THE SERVICE STATION BUILDING.

N/F
ACTON SUPPLY COMPANY



AREA=20,693 s.f.

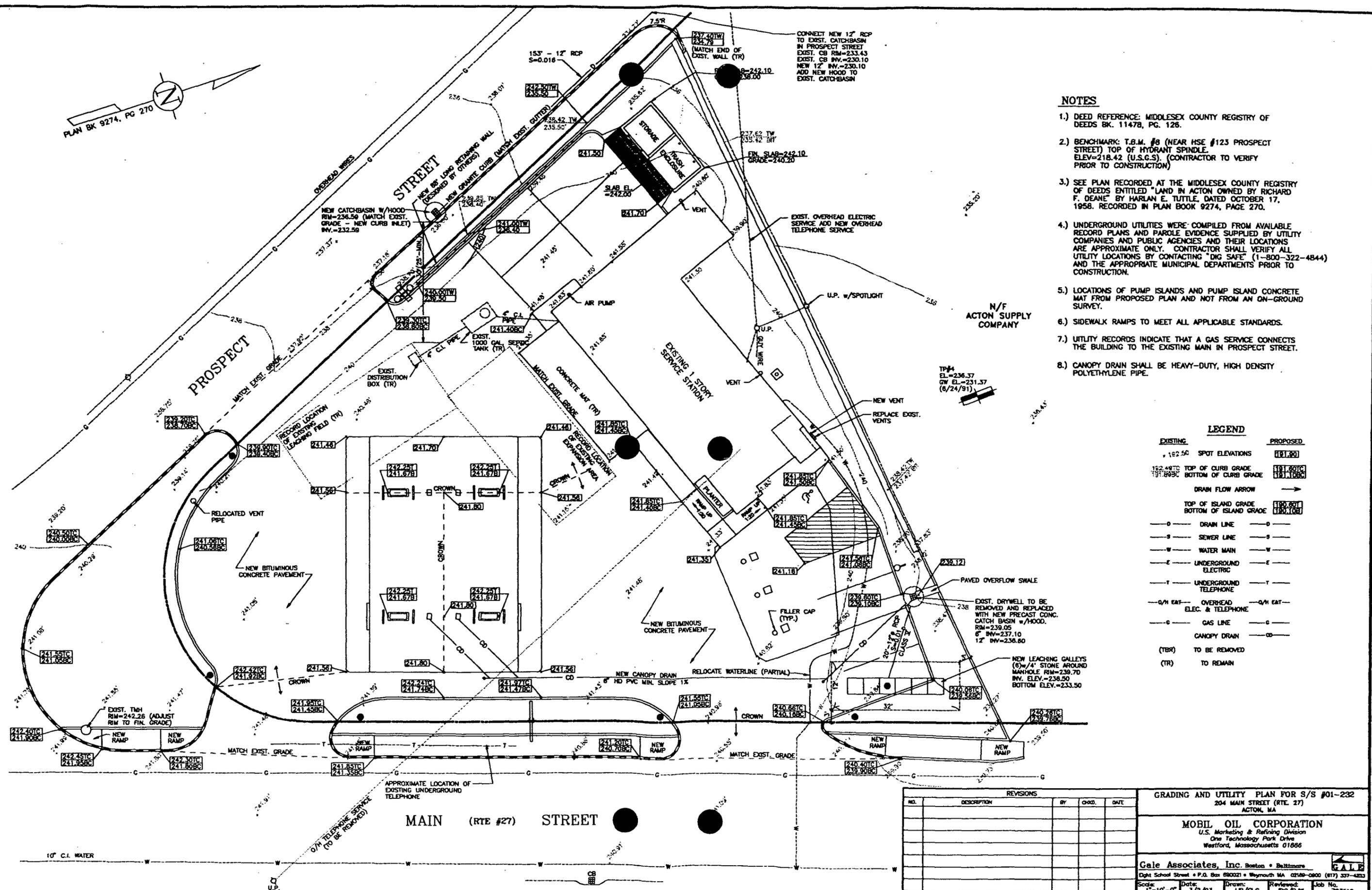
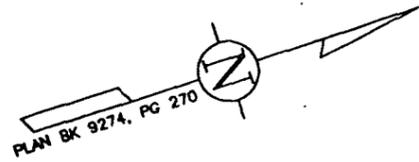
REVISIONS				
NO.	DESCRIPTION	BY	CHKD.	DATE
1	REVISED NOTES; ADDED ZONING CHART	CLC	JDO/PJM	2/15/93

EXISTING CONDITIONS PLAN FOR S/S #01-232
204 MAIN STREET (RTE. 27)
ACTON, MA

MOBIL OIL CORPORATION
U.S. Marketing & Refining Division
One Technology Park Drive
Westford, Massachusetts 01886

Gale Associates, Inc. Boston • Baltimore
Eight School Street • P.O. Box 880021 • Weymouth MA 02188-0900 (617) 337-4253

Scale: 1"=10'-0" Date: 6/22/90 Drawn: RRD Reviewed: JDO Job No. 703510
REV: 4/29/91: NEW PUMP ISLANDS & LEACHING Drawing No.: 232-EC.DWG Sheet No. 2 of 10



LEGEND

EXISTING	PROPOSED
162.50	161.50
162.48TC	161.60TC
161.895C	161.105C
DRAIN FLOW ARROW →	
TOP OF ISLAND GRADE	160.50T
BOTTOM OF ISLAND GRADE	160.10B
—D—	DRAIN LINE
—S—	SEWER LINE
—W—	WATER MAIN
—E—	UNDERGROUND ELECTRIC
—T—	UNDERGROUND TELEPHONE
—O/H ELEC. & TELEPHONE	O/H ELEC. & TELEPHONE
—G—	GAS LINE
—CD—	CANOPY DRAIN
(TBR)	TO BE REMOVED
(TR)	TO REMAIN

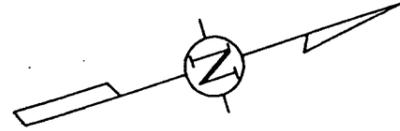
REVISIONS				GRADING AND UTILITY PLAN FOR S/S #01-232 204 MAIN STREET (RTE. 27) ACTON, MA	
NO.	DESCRIPTION	BY	CHKD.	DATE	

MOBIL OIL CORPORATION
U.S. Marketing & Refining Division
One Technology Park Drive
Westford, Massachusetts 01886

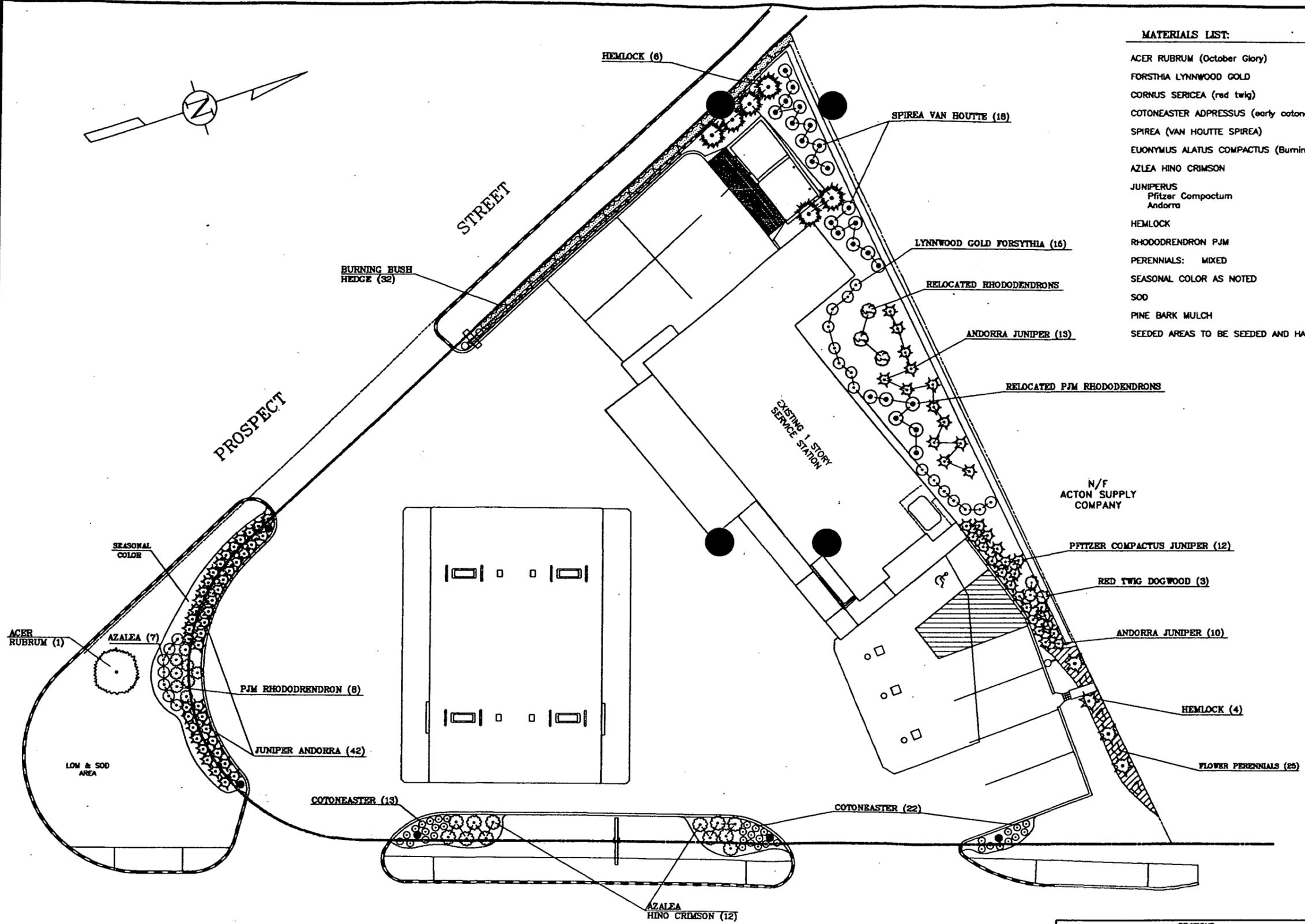
Gale Associates, Inc. Boston • Baltimore

Eight School Street • P.O. Box 890021 • Weymouth MA 02189-0900 (617) 337-4223

Scale: 1"=10'-0" Date: 3/2/93 Drawn: JLR/CLC Reviewed: JDO/PJW Job No. 703510
Drawing No.: 232-GR.DWG Sheet No. 4 of 10



MATERIALS LIST:	QUANTITY	SIZE
ACER RUBRUM (October Glory)	1	2' cal
FORSTHIA LYNNWOOD GOLD	15	2-3ft.
CORNUS SERICEA (red twig)	3	2-3ft.
COTONEASTER ADPRESSUS (early cotoneaster)	35	15-18"
SPIREA (VAN HOUTTE SPIREA)	16	18-24"
EUONYMUS ALATUS COMPACTUS (Burning bush)	32	24-30"
AZLEA HINO CRIMSON	19	18-24"
JUNIPERUS Pfitzer Compactum Andorra	12 65	2 gal 2' gal
HEMLOCK	5	6'-7'
RHODODENDRON PJM	8 NEW	24-30"
PERENNIALS: MIXED	25	#1
SEASONAL COLOR AS NOTED		
SOD		
PINE BARK MULCH		
SEEDED AREAS TO BE SEEDED AND HAYED		



MAIN (RTE #27) STREET

REVISIONS			
NO.	DESCRIPTION	BY	CHKD. DATE
1	MODIFIED DRIVEWAYS ALONG MAIN STREET	CLC	JDO/PJM 2/15/93

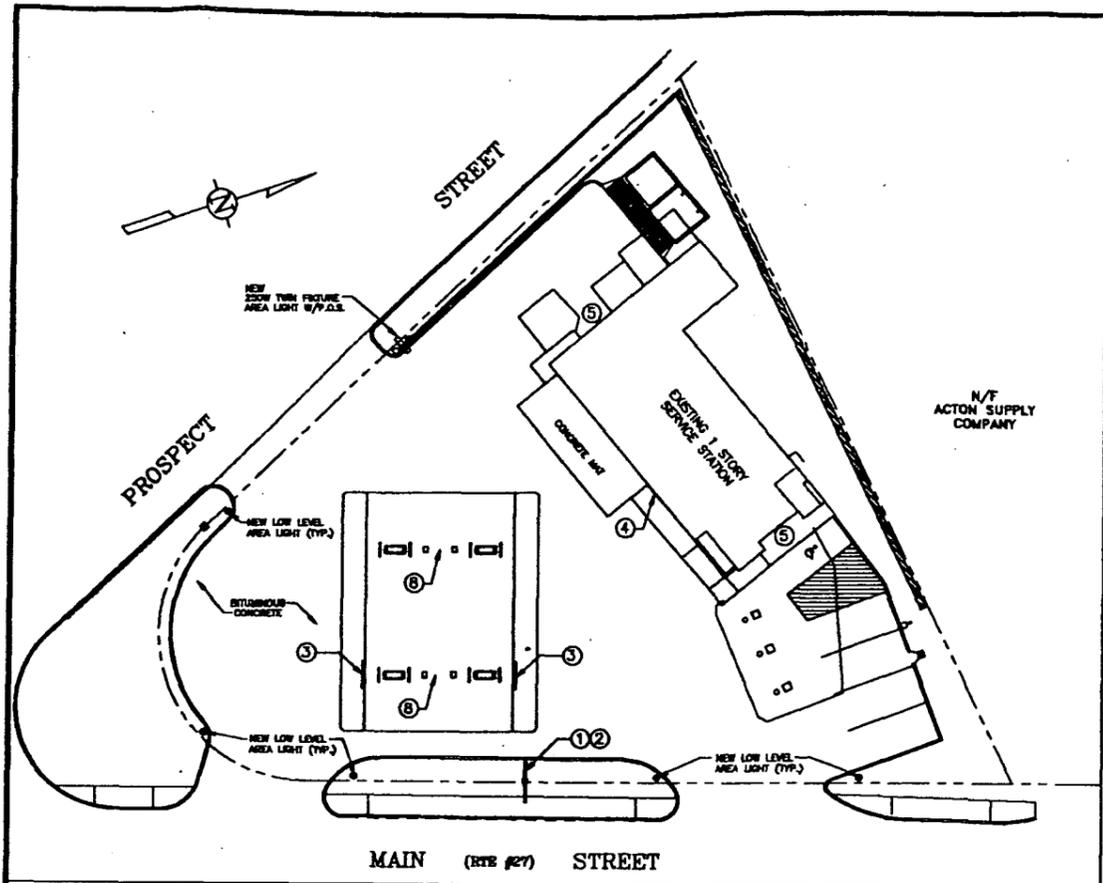
LANDSCAPING PLAN FOR S/S #01-232
204 MAIN STREET (RTE. 27)
ACTON, MA

MOBIL OIL CORPORATION
U.S. Marketing & Refining Division
One Technology Park Drive
Westford, Massachusetts 01886

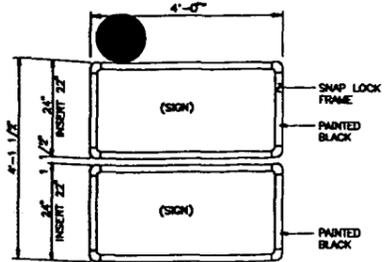
Gale Associates, Inc. Boston • Baltimore
Eight School Street • P.O. Box 890021 • Weymouth MA 02188-0800 (617) 237-4233

Scale: 1"=10'-0" Date: 10/8/92 Drawn: CLC Reviewed: JDO Job No. 703510
Drawing No.: 232-LSC.DWG Sheet No. 5 of 10

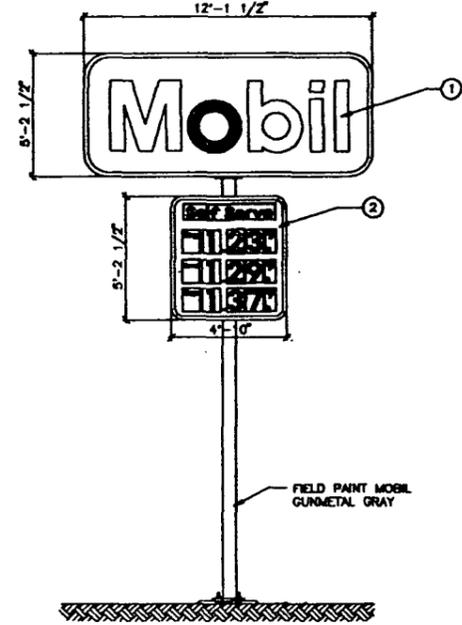
MOBIL OIL CORPORATION STANDARD SIGNAGE									
REF. NO.	REFERENCE	LOCATION	DIMENSIONS	AREA PER. FACE/(sq. ft.)	QTY.	TOTAL AREA (sq. ft.)	E/N	E/N	E/N
①	"MOBIL" I.D.	STREET INTERSECTION	12'-1 1/2" x 5'-2 1/2"	63.2	1	63.2	I	E	E
②	PRICE SIGN	STREET INTERSECTION	5'-2 1/2" x 4'-10"	25.2	1	25.2	I	E	E
③	"MOBIL" CANOPY LEGEND	CANOPY FASCIA	8'-1 5/8" x 3 3/4"	18.8	2	37.6	I	N	N
④	SNAP LOCK SIGN (BUILDING MOUNTED)	FRONT OF BUILDING	4'-0" x 4'-0"	16.0	1	16.0	N	E	E
⑤	PEGASUS EMBLEM	SIDE OF BUILDING	5' DIA.	19.6	2	39.2	I	N	N
						TOTAL AREA = 181.2 sq. ft.			



MAIN (RTE #27) STREET
SIGNAGE SITE PLAN
SCALE: 1"=20'-0"

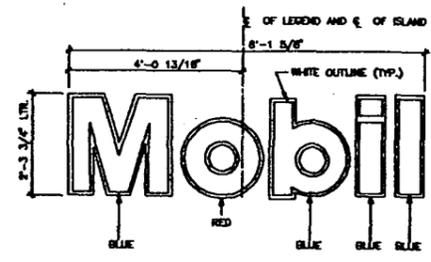


SNAP LOCK SIGN (BUILDING MOUNTED) ④
NOT TO SCALE 16.0 sq. ft.

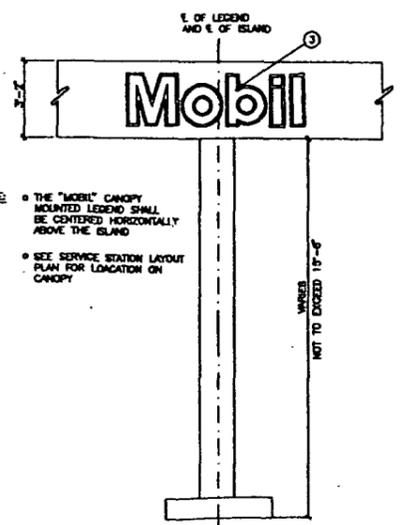


TWIN POLE 12' IDENTIFICATION SIGN ①
NOT TO SCALE 63.2 sq. ft.

PRICE I.D. SIGN ②
NOT TO SCALE 25.2 sq. ft.

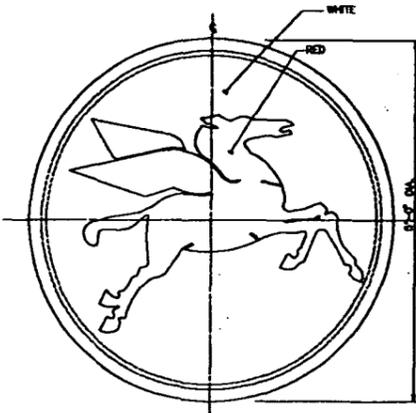


CANOPY LEGEND ③
NOT TO SCALE 18.8 sq. ft.



CANOPY ELEVATION

NOTE: • THE "MOBIL" CANOPY MOUNTED LEGEND SHALL BE CENTERED HORIZONTALLY ABOVE THE ISLAND
• SEE SERVICE STATION LAYOUT PLAN FOR LOCATION ON CANOPY



5' PEGASUS DISC ⑤
NOT TO SCALE 19.6 sq. ft.

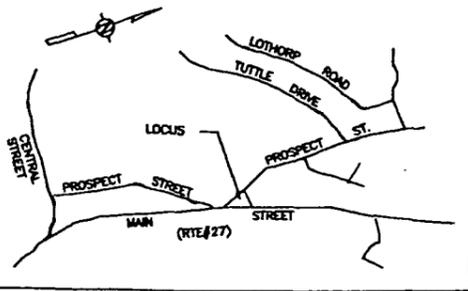
REVISIONS			
NO.	DESCRIPTION	BY	CHKD. DATE
1	MODIFIED DRIVEWAYS ALONG MAIN STREET; REMOVED NEW 10' ISLAND PRICE SIGN	CLC	JDD/PJW 2/15/93

SIGNAGE PLAN FOR S/S #01-232
204 MAIN STREET (RTE. 27)
ACTON, MA

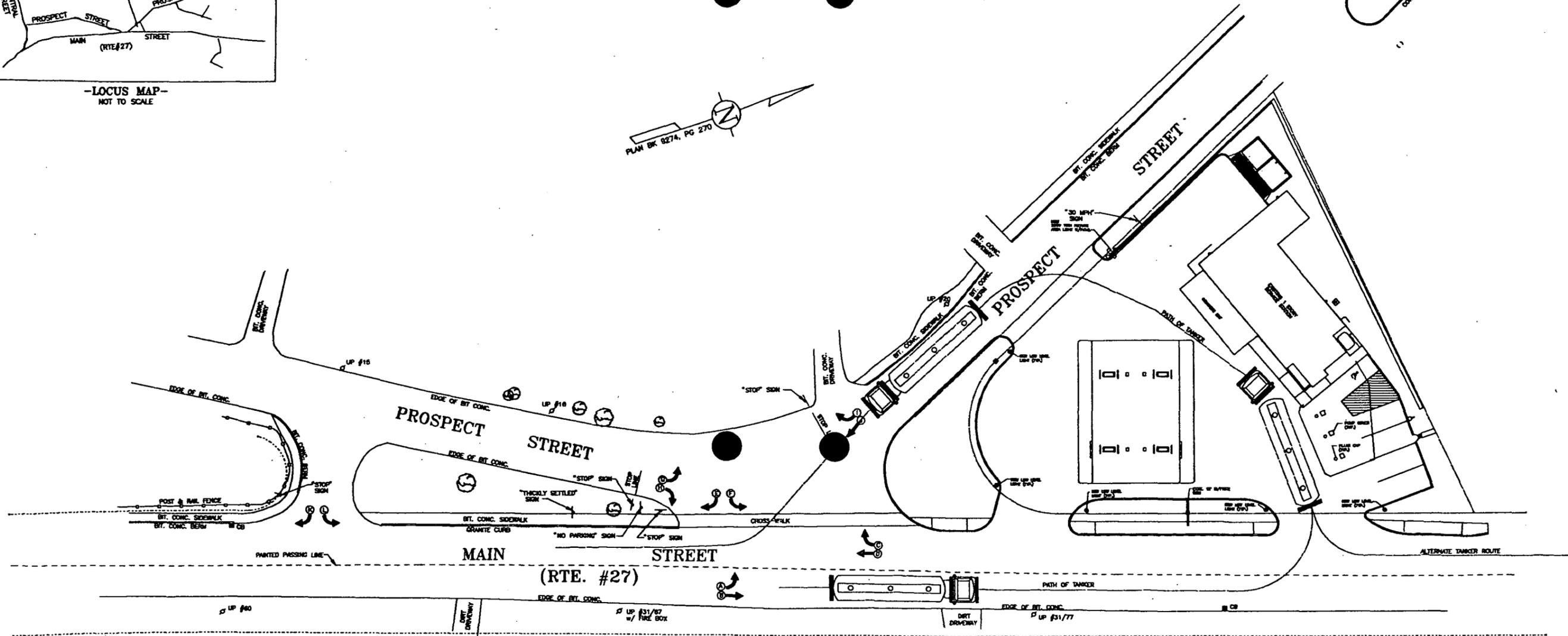
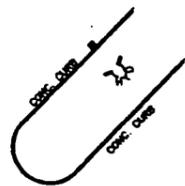
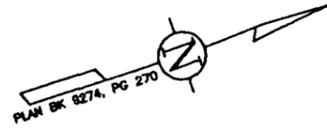
MOBIL OIL CORPORATION
U.S. Marketing & Refining Division
One Technology Park Drive
Westford, Massachusetts 01886

Gale Associates, Inc. Boston • Baltimore
Eight School Street • P.O. Box 21 • Weymouth MA 02189-0900 (617) 337-4253

Scale: AS SHOWN Date: 9/22/92 Drawn: JJR Reviewed: JDO Job No. 703510
Drawing No.: 232-SG.DWG Sheet No. 6 of 10



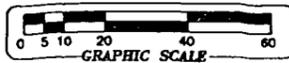
-LOCUS MAP-
NOT TO SCALE



	PEAK FLOW	
	AM	PM
A	48	110
B	636	728
C	52	97
D	868	610
E	104	44
F	68	54
G	30	63
H	68	51
I	48	66
J	104	47
K	10	7
L	63	18

NOTE:
TRAFFIC COUNTS TAKEN FROM A REPORT
PREPARED BY BRUCE CAMPBELL & ASSOCIATES,
DATED SEPTEMBER 8, 1988, FOR THE NEW
MAIN POST OFFICE. COUNTS ARE THE EXISTING
PEAK FLOWS FROM THIS STUDY.

LEGEND	
—	EXIST EDGE OF BIT. CONC.
⊙	EXIST. UTILITY POLE
—	EXIST. GRANITE CURB
↔	TRAFFIC COUNT ARROW
■	EXIST. CATCH BASIN
⊙	EXIST. TREE
—	EXIST. DRIVEWAY



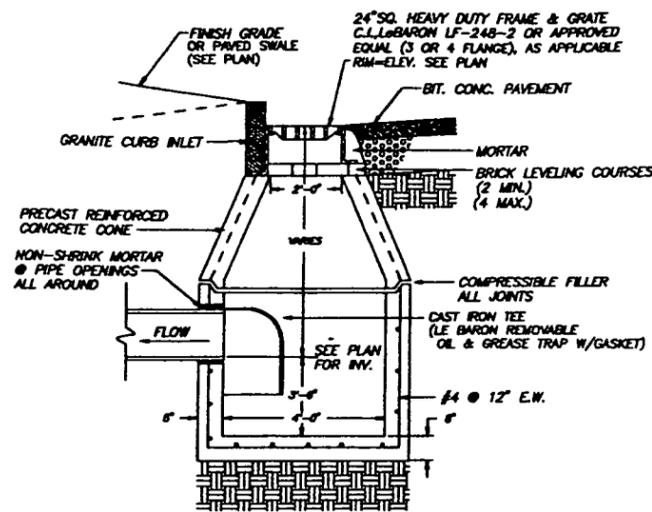
REVISIONS				
NO.	DESCRIPTION	BY	CHKD.	DATE
1	REVISED DRIVEWAYS ALONG MAIN STREET, AND ISLANDS.	CLC	JDD/PJW	2/15/93

TRAFFIC PLAN FOR S/S #01-232
204 MAIN STREET (RTE. 27)
ACTON, MA

MOBIL OIL CORPORATION
U.S. Marketing & Refining Division
One Technology Park Drive
Westford, Massachusetts 01886

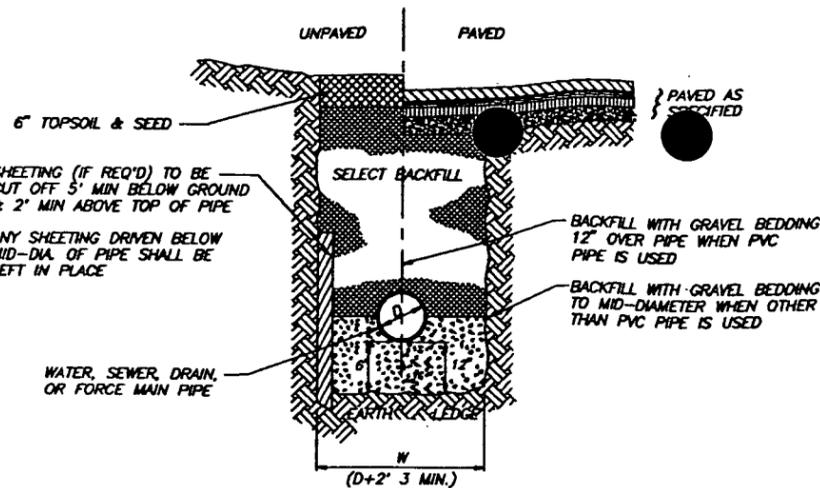
Gale Associates, Inc. Boston • Baltimore
Eight School Street • P.O. Box 890021 • Weymouth MA 02188-0900 (617) 337-4233

Scale: 1" = 20'-0" Date: 9/22/92 Drawn: CLC/JJR Reviewed: ABT Job No. 703510
Drawing No. 232-TR.DWG Sheet No. 7 of 10



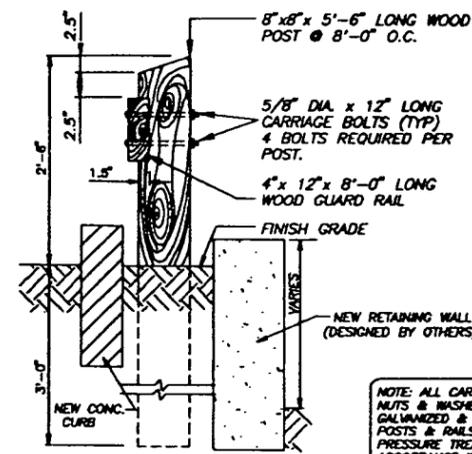
TYP. PRECAST CONCRETE CATCH BASIN DETAIL

N.T.S.



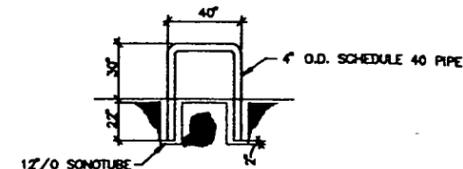
TYP. UTILITY TRENCH DETAIL

N.T.S.



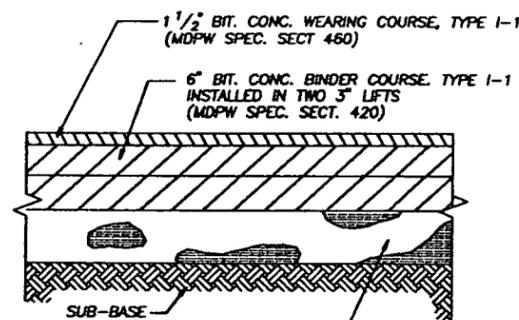
WOOD GUARD RAIL DETAIL

N.T.S.



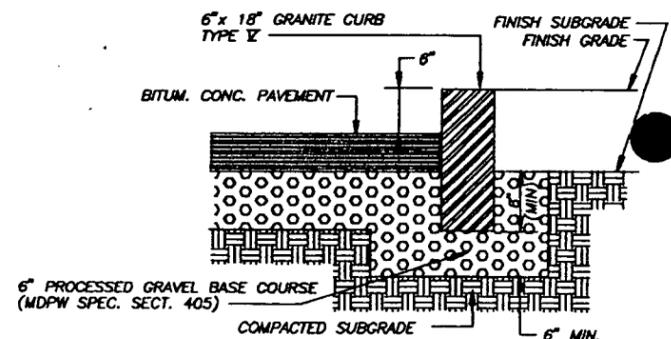
BOLLARD INSTALLATION DETAIL

NOT TO SCALE



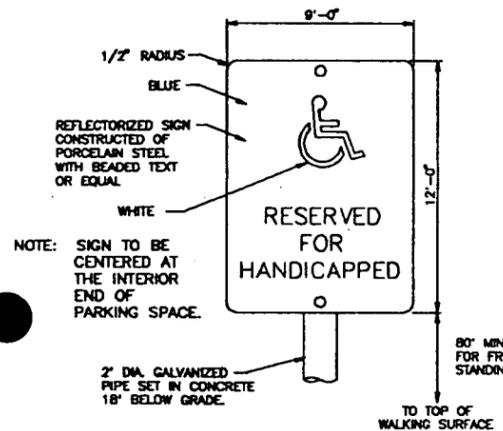
TYP. BITUMINOUS CONCRETE PAVEMENT DETAIL

N.T.S.



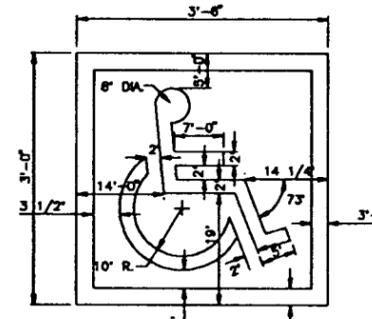
TYP. VERTICAL GRANITE CURB DETAIL

N.T.S.



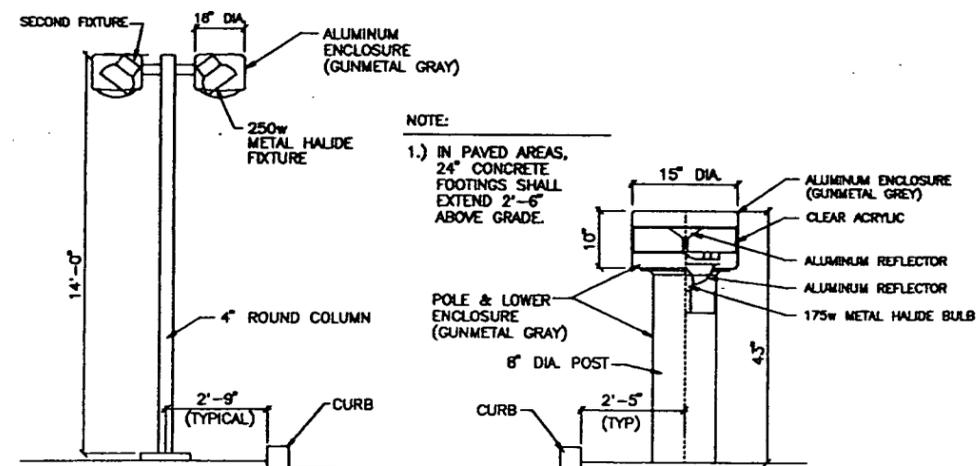
PARKING SPACE SIGNAGE

N.T.S.



PARKING SPACE STRIPING

N.T.S.

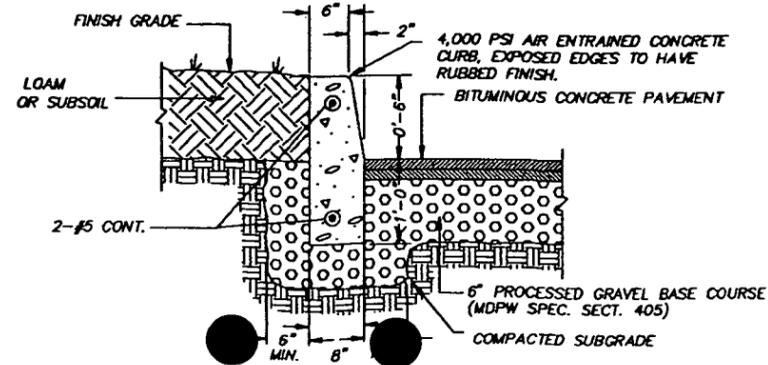


AREA LIGHT

N.T.S.

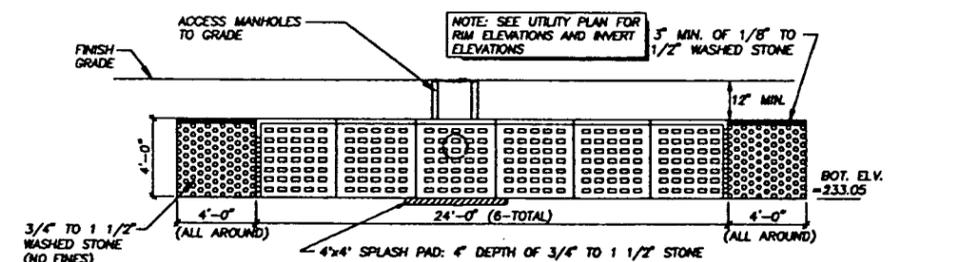
LOW LEVEL AREA LIGHT

N.T.S.



TYPICAL POURED IN PLACE CONCRETE CURB DETAIL

N.T.S.



LEACHING GALLEYS

N.T.S.

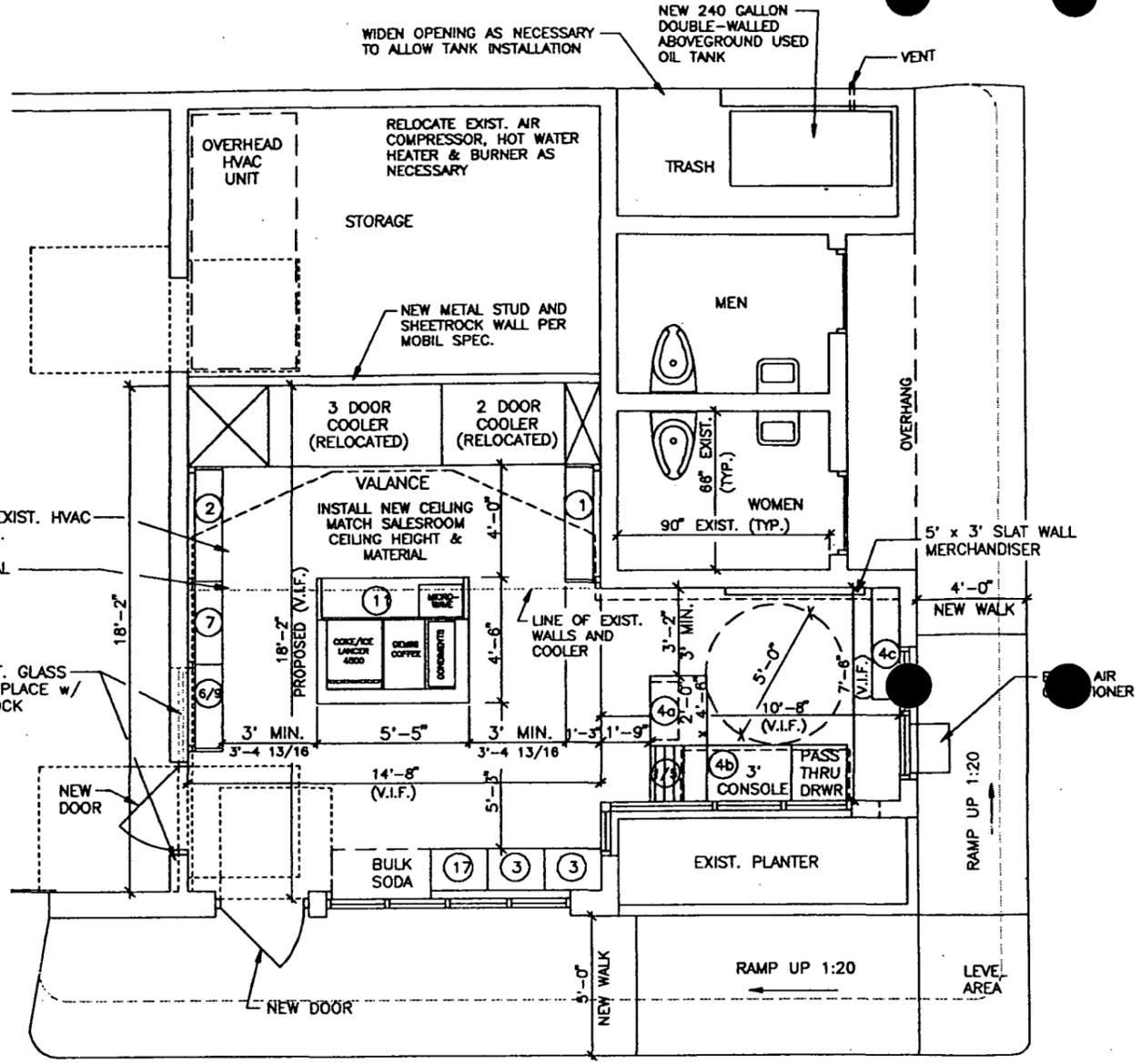
ROTORADO PRECAST GALLEYS

G-444 - 4x4' GALLEY

HEAVY DUTY (2 END SECTIONS AND 4 CENTER SECTIONS)

WATER TABLE @ ELEV. 231.37 (6/24/91)

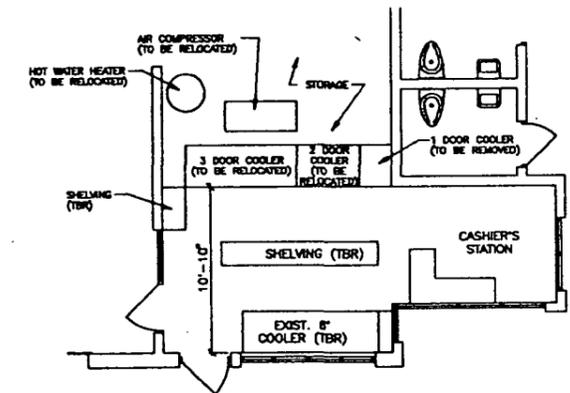
REVISIONS				DETAILS FOR S/S #01-232	
NO.	DESCRIPTION	BY	CHKD.	DATE	204 MAIN STREET (RTE. 27)
					ACTON, MA.
MOBIL OIL CORPORATION					U.S. Marketing & Refining Division One Technology Park Drive Westford, Massachusetts 01886
Eight School Street • P.O. Box 21 • Weymouth MA 02189-0800 (617) 337-4253					G.A.I.E.
Scale:	DATE:	DRAWN:	REVIEWED:	JOB NO.:	
NONE	3/2/93	CLC	JDO/PJW	703510	
DRAWING NO.:					SHEET NO.:
232-DTI.DWG					8 of 10



**PROPOSED FLOOR PLAN
I.M.C. (COLONIAL)**
EXPANDED SNACK SHOP
SCALE: 3/8" = 1'-0"

- SNACK SHOP LEGEND**
- ① CANDY
 - ② PEGABLE BAG CANDY
 - ③ FRITOS
 - ④ OIL TO GO
 - ⑤ CIGARETTES
 - ⑥ GUM
 - ⑦ NON-FOOD/HBC
 - ⑧ CAKES/COOKIES
 - ⑨ BULK SODA
 - ⑩ AUTO ACCESSORIES
 - ⑪ NUTS/MEAT (SALTED)
 - ⑫ GENERAL MERCH.
 - ⑬ SEASONAL
 - ⑭ TRADING CARDS/NOVELTY CANDY
 - ⑮ FILM/BATTERIES
 - ⑯ TRAVEL GUIDES/MAPS
 - ⑰ TOBACCO PRODUCTS
 - ⑱ NEWSPAPERS

- DEALER EQUIPMENT REQUIREMENTS**
- 1 - ICE MAKER (IF REQUIRED)
 - 1 - 5'-5" SNACK CENTER
 - 1 - 2 DOOR COOLER
 - 1 - 3 DOOR COOLER
 - 1 - 4'-6" TRANSACTION COUNTER
 - 1 - 3' CONSOLE CABINET
 - 1 - PASS-THRU DRAWER (OPTIONAL)
 - 1 - 6' OVERHEAD CIGARETTE RACK
 - 1 - 4' CIGARETTE CARTON RACK
 - 1 - 4' x 12" CANDY SHELVING
 - 1 - 4' x 12" FRITOS SHELVING
 - 1 - 3' x 12" CAKES/COOKIES SHELVING
 - 1 - 3' x 12" NON-FOOD AUTO ACCESSORIES SHELVING
 - 2 - 24" x 18" OIL-TO-GO MERCHANDISER
 - 1 - 24" x 18" NEWSPAPERS
 - 1 - 26" x 16" CANDY/GUM MERCHANDISER
 - 1 - VALANCE SECTION
 - 1 - MICROWAVE W/STAND
 - 1 - COFFEE BREWER



**EXISTING FLOOR PLAN
I.M.C. (COLONIAL)**
NOT TO SCALE

NOTE:

1. DRAWING BASED ON I.M.C. COLONIAL ACTUAL DIMENSIONS SHOULD BE FIELD VERIFIED AGAINST MINIMUM REQUIRED DIMENSIONS.
2. EXISTING SALES AREA = 238 S.F.±
PROPOSED SALES AREA = 346 S.F.±

REVISIONS					PROPOSED SNACK SHOP LAYOUT PLAN FOR S/S #01-232 204 MAIN STREET (RTE. 27) ACTON, MA	
NO.	DESCRIPTION	BY	CHKD.	DATE		
1	GENERAL	CLC	JDO	2/15/93		
					MOBIL OIL CORPORATION U.S. Marketing & Refining Division One Technology Park Drive Westford, Massachusetts 01886	
					Gale Associates, Inc. Boston • Baltimore Eight School Street • P.O. Box 21 • Weymouth MA 02186-0900 (617) 337-4253	
Scale: AS SHOWN		Date: 11/23/92	Drawn: CLC	Reviewed: JDO	Job No. 703510	
		Drawing No. 232-SNK.DWG			Sheet No. 9 of 10	

6/22/93 (9)

MEMORANDUM

15 June 1993

From: Chairman
To: Board Members
Subject: Agenda Dates for Various Proposed Selectmen Policies Discussion

1. As you will recall I have written seven memorandums proposing adoption of various Selectmen policies and circulated them to the Board members and others for comment. Some comments have indeed been received and circulated to the Board. It now seems appropriate to set forth a schedule for Board of Selectmen discussion of certain of the proposals.

2. I therefore propose to bring up the below listed memorandums as an Agenda discussion and/or action item on the dates listed below. Please advise me if you would prefer different dates.

Proposal No. 1 - Town Meeting Budget Format
Town Manager's Comments - July 13, Board Discussion - August 10, and possible action - September 7, 1993

Proposal No. 2 - Selectmen Comment on School Issues
Scheduling to pend analysis of so-called School Reform legislation impact

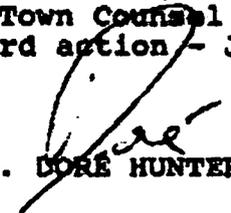
Proposal No. 3 - Revision of Coordinating Process
Discussion - June 22, 1993, any action to pend next Coordinating Committee meeting

Proposal No. 4 - Additional Warrant Article re School Budget
Discussion - June 22, 1993, any action to pend next Coordinating Committee meeting

Proposal No. 5 - Delete "How Great We Are" Presentations
Discussion - June 22, 1993, any action to pend next Coordinating Committee meeting

Proposal No. 6 - Year End Turn Back Credit
Discussion and possible Board action - June 22, 1993

Proposal No. 7 - Guidelines for Town Council
Discussion and possible Board action - June 22, 1993


F. DORE HUNTER

PROPOSED SELECTMEN POLICY MEMORANDUM NO. 3

4 May 1993

From: Chairman
To: Board Members
Subject: Revision of Coordinating Committee Process

1. The Coordinating Committee process was originally proposed by the recent School Superintendent, Dr. Kessler as the Ad Hoc Coordinating Committee. Dr. Kessler's proposal included the idea that the committee would be co-chaired by paid staff members (Superintendent and Town Manager) and in addition to those individuals would included two designated representatives from the School Committees, Selectmen and Finance Committee. Given Dr. Kessler's penchant for early morning meetings, Mondays at 7:15 AM in Dr. Kessler's area was chosen as the meeting time, although this tends to exclude the attendance of reporters or citizens. No minutes of this Committee have ever been kept, to my knowledge.

2. In the years that the Coordinating Committee has served the Town, and I believe until very recently it has served it well, a number of changes have occurred. Dr. Kessler has departed. Functionally the Acting School Superintendent has come to be both the presiding official and one of the principal protagonists, what began as a consensus process has changed to a Committee voting process. The respective roles of elected policy makers and paid staff have blurred. Membership has become fluid, elected and appointed officials other than designated members come as participants, and others have also seated themselves at the table and contributed. The press of jobs have driven personnel away from meetings before their conclusion, or the meeting has been cut short due to the advancing morning hour on a number of occasions.

3. More important than any internal changes, however, is the fact that the times are changing and the relatively closed process of the Coordinating Committee as we have known it must change or become irrelevant. The voters obviously want to become more involved in budgetary policy decisions and will no longer delegate to the Coordinating Committee the construction of budget "packages" to be voted with little or no debate. Even before the recent Town Meeting, I was approached by a number of citizens that indicated a desire to observe/interact with the Coordinating Committee in the same manner as is possible with the traditional Town committees. Nevertheless some sort of a coordinating process is very worthwhile, I believe it advances Town government to have representatives of the major boards regularly discussing financial matters.

4. Accordingly I propose that the Board of Selectmen enter into discussions with the School Committees and the Finance Committee with a view to substantially revising the Coordinating Committee process.

5. The first step in proposing some revision would be to determine what the Board of Selectmen's position is as to any new proposed format. I suggest that we discuss this in some depth. For starters I would propose:

a) Coordinating Committee meet at 7:30 PM when citizens (and members) can freely attend.

b) Coordinating Committee meetings be put on some predictable basis so that citizens and the media will realize when they will occur.

c) An effort be made to have the Coordinating Committee meeting televised.

d) Paid staff members not be designated members of the Committee. School/Municipal staff members can be requested to attend to provide staff support as may be desired by their respective Committee members.

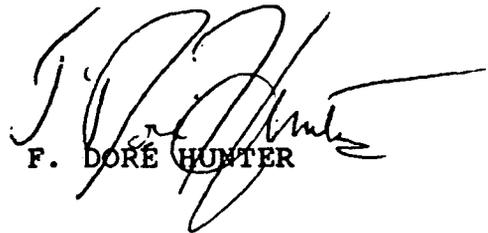
e) Minutes be kept of the meetings.

f) A member of the Finance Committee preside at the meetings.

g) Some limited amount of public participation be allowed by citizens or members of Boards/Committees who are not Coordinating Committee members.

h) That the Coordinating Committee specifically address whether it will adopt any recommendations, which it might chose to make to the School Committees, Board of Selectmen and Finance Committee, by unanimity, consensus (how defined) or a majority vote.

6. I have asked the Town Manager to distribute copies of this memorandum as indicated below. All recipients, and indeed all citizens, are invited to comment to the Board of Selectmen.


F. DORE HUNTER

Copies to:

Moderator

School Committees

All Town Boards and Committees

Town Manager

Superintendent

PROPOSED SELECTMEN POLICY MEMORANDUM NO. 4

4 May 1993

From: Chairman
To: Board Members
Subject: Addition Standard Warrant Articles Re Schools Budget Allocations

1. There was substantial citizen interest expressed at our recently concluded Town Meeting in returning to the voters more control concerning Town and Schools fiscal policies. In those discussions it was once again acknowledged that the Schools have a bottom line budget by matter of law. That fact, coupled with the complexity of the School Budget, has seemed to blunt any healthy sort of examination that the Town budget regularly receives from the Finance Committee and interested individual citizens. I have proposed that the Board of Selectmen open up the municipal budget process to further citizen interaction in another memorandum. I propose herein that this Board provide a Town Meeting vehicle for potential citizen recommendations in regard to how the School Committees allocate their funding.

2. The statute involved is MGL c. 71 § 34, which provides:

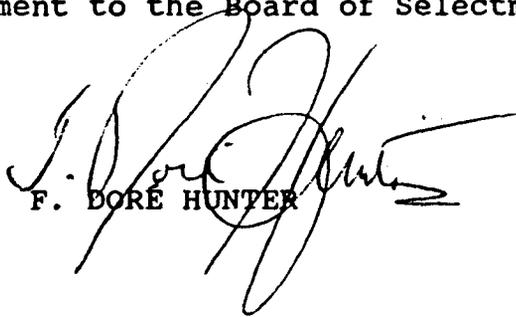
Every city and town shall annually provide an amount of money sufficient for the support of the public schools as required by this chapter, provided however, that no city or town shall be required to provide more money for the support of the public schools than is appropriated by vote of the legislative body of the city or town. In acting on appropriations for educational costs, the city or town appropriating body shall vote on the total amount of the appropriations requested and shall not allocate appropriations among accounts or place any restriction on such appropriations. The superintendent of schools in any city or town may address the local appropriating authority prior to any action on the school budget as recommended by the school committee notwithstanding his or her place of residence. The city or town appropriating body may make nonbinding monetary recommendations to increase or decrease certain items allocating such appropriations.

The vote of the legislative body or a city or town shall establish the total appropriation for the support of the public schools, but may not limit the authority of the school committee to determine expenditures within the

total appropriation.

3. It therefore seems apparent that, although the Schools do have bottom line authority and may allocate funds within their total as only they see fit, the Town Meeting is specifically authorized to make its own non-binding school budget allocation recommendations. Accordingly I propose that we draft a standard warrant article, to be inserted in the Town Meeting Warrant just after each of the three School budget articles, which would provide a vehicle for any interested citizen to offer a motion for a non-binding vote on any particular school budget allocation they might wish to urge upon the School Committees.

4. I have asked the Town Manager to distribute copies of this memorandum as indicated below. All recipients, and indeed all citizens, are invited to comment to the Board of Selectmen.


F. DORE HUNTER

Copies to: Moderator
School Committees
All Town Boards and Committees
Town Manager
Superintendent
Minuteman Regional School District Representative
Minuteman Regional School District Superintendent

PROPOSED SELECTMEN POLICY MEMORANDUM NO. 5

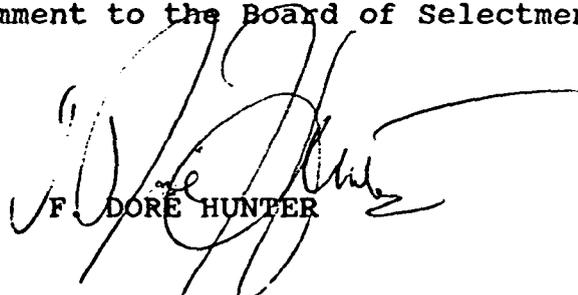
4 May 1993

From: Chairman
To: Board Members
Subject: Remove "How Great We Are" from Oral Town Meeting Presentations

1. The Schools, while I was a School Committeeman, initiated the "How Great We Are" prelude to the oral Town Meeting budget presentations. It seemed like a good idea to me at the time to try and instill good feelings in the Town Meeting members so that they would be more inclined to look favorably on the proposed budgets. Town Meetings were then so long that one scarcely noticed the time that was consumed in the process. But many of the same people attend each year and the subject presentations do not greatly differ from year to year. On the Town side we have followed along and have many times given a somewhat shorter "How Great We Are" before getting down to the numbers. As I sat at the recently concluded Town Meeting and watched the very large audience wait until that part of the budget prelude was done, I wondered if it is continuing to serve any useful purpose. The Board Chairperson omitted most of the Town hype this year, and the School Committee's "What a Great Year" overhead show was very rushed, yet it did not seem to make any difference.

2. I propose that we consider whether the "How Great We Are" stuff should not be put into a handout, or in the Town report, and the "air time" at Town Meeting reserved for actual Town Meeting business.

3. I have asked the Town Manager to distribute copies of this memorandum as indicated below. All recipients, and indeed all citizens, are invited to comment to the Board of Selectmen.


F. DORE HUNTER

Copies to: Moderator
School Committees
All Town Boards and Committees
Town Manager
Superintendent

PROPOSED SELECTMEN POLICY MEMORANDUM NO. 6

11 May 1993

From: Chairman

To: Board Members

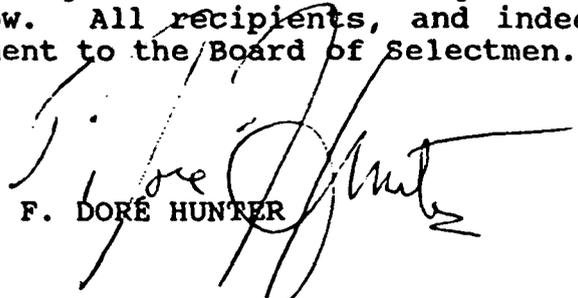
Subject: Year End Fund Turn Back Credit

1. Some time ago the Board representatives, School Committee representatives and the School Committee spokesman had a discussion at a Coordinating Committee meeting about year end fund turn backs. It was acknowledged, I believe, that the Schools operate on a philosophy such that they will spend all their funds each year, aiming for a zero turn back. The Town, on the other hand, regularly turns back significant monies. Until very recently, of course, the Town practice was not entirely discretionary, the old multi-line budget format denied management flexibility. However, even after the Town went to a bottom line format, the Selectmen have intended to return to free cash such year end "surpluses" as are not urgently needed in another account. This is merely a difference in operating philosophy, I don't think one view is inherently better than the other, but I would like to continue the Board's present policy.

2. However, since we do have differing views it also does not seem fair, in my view at least, for the Town "turn backs" to disappear back into free cash as pooled revenue, a portion of which will then effectively go to the Schools in the subsequent fiscal year. Continuation of that practice removes any incentive for the Town to turn back the funds which we think should be carried over to a following year and mitigates against our policy view.

3. I therefor propose that the Town and Local Schools each be given "credit" for those amounts of year end turn backs each contributes to free cash, such amounts not to be subject to any "split" formula but to accrue to the entity that contributed that amount to free cash in the following year. The Regional Schools E & D account is, of course separate. In this manner both major entities can pursue their differing year end spending policies without effecting the other's policies.

3. I have asked the Town Manager to distribute copies of this memorandum as indicated below. All recipients, and indeed all citizens, are invited to comment to the Board of Selectmen.


F. DORÉ HUNTER

PROPOSED SELECTMEN POLICY MEMORANDUM NO. 7

18 May 1993

From: Chairman

To: Board Members

Subject: Guidelines for Town Counsel or Special Counsel

1. It seems appropriate for the Town to publish guidelines for the legal counsel it employs, since we expend considerable sums for representation and expect quality results. Some time ago I indicated that I would prepare draft guidelines and this has finally come to the top of my deferred work list.
2. Enclosed for your comments are the suggested draft guidelines. I have drawn fairly heavily on guidelines which have been promulgated to my firm by some of our corporate clients in preparing this draft.
3. I have asked the Town Manager to distribute copies of this memorandum as indicated below. All recipients and indeed all citizens, are invited to comment to the Board of Selectmen.


F. DORE HUNTER

Enclosure

Copies/w encl to:

- Moderator
- School Committees
- All Town Boards and Committees
- Town Manager
- Superintendent
- Town Counsel
- Special Town Counsel

ACTON'S GUIDELINES FOR TOWN COUNSEL OR SPECIAL COUNSEL

The Board of Selectmen of the Town of Acton has prepared these guidelines for your benefit as the attorney engaged to represent the Town of Acton. The guidelines cover two primary topics: (1) the Town's philosophy regarding the retention and use of Counsel; and (2) certain requirements regarding fees, billing, disbursements, and other important administrative matters.

The guidelines provide a general framework for your work on our behalf. While they represent the Acton's general policies, there is obviously some degree of flexibility in their application to specific situations. Nevertheless, we ask that you discuss with us any questions concerning your retention before proceeding on a course of action which is not clearly contemplated by the sections which follow.

THE TOWN MANGER'S RESPONSIBILITIES

It is the responsibility of the Town Manager to make clear the objectives that the Town is seeking to defend or attain, monitor progress of the matter, keep you informed of important developments of which you might be unaware, and act as the liaison between you and Town personnel.

To the maximum extent possible it is the Town's intention to have the Town Manager's office serve as the single point of contact between Counsel and the various components of the Town's government organization. To that end it is anticipated that the Town Manager will screen requests for advice and/or action by Counsel initiated by members of the Town staff or appointed Board/Committee members. It is also anticipated that the Town Manager or his delegate will be responsible for passing Counsel's reports and/or advice back to the appropriate Town parties.

We encourage Counsel to ask for any additional information about Town personnel, Board or Committee responsibilities, activities or organization which you would find helpful.

YOUR RESPONSIBILITIES

Acton has high expectations of its Town Counsel or any Special Counsel employed. The following describes those expectations.

Conflicts of Interest. Counsel must have the highest ethical standards and must be free of any conflicts of interest. The Town expects Counsel to have undivided loyalty to Acton, its Boards, Committees, staff, elected and appointed officials and not seek to obtain cases against its or their official interests. Counsel must

check, prior to undertaking to represent the Town in any particular matter, for any actual or potential conflicts of interests which might arise from the contemplated representation of Acton. In particular, we ask newly assigned attorneys to confirm the absence of any conflicts in a letter providing acknowledgement of an assignment. Counsel must also notify the Town Manager of any conflict that may develop during the handling of a matter. You should understand that a conflict will exist if there is a conflict between the work of your firm and any of the affiliated enterprises of the Town of Acton. Those affiliated enterprises are the Acton-Boxborough Regional School District, the Acton Public Schools, the Acton Water District, and the Minuteman Regional Vocational Technical High School District. Potential conflicts might also arise out of counsel's representation of [full legal name of NESWC], any of the NESWC members, or an abutting municipality to Acton.

Staffing of Matters. After you have been asked to handle a particular matter, you and the Town Manager or his specific delegate should agree on which attorney with your firm will have primary responsibility for the matter. You should agree on the partners, associates, and legal assistants who will be assigned to the matter. We expect you to utilize, if possible, attorneys who have developed a knowledge of the Town of Acton's activities, organization and functions.

You should consult with the Town Manager attorney before you make any staffing changes. Acton will normally pay only for services performed by attorneys and legal assistants on whom we have agreed and for whom you have submitted a fee schedule. Acton will not pay for work performed by Summer Associates and/or Law Clerks, unless specifically justified and approved in advance.

Usually, it will be most efficient for a single attorney or group of attorneys in your firm to handle the matter from beginning to end. Doing so will avoid a "learning curve" for additional staff. We recognize that staffing changes will be necessary from time to time, but we encourage Counsel to seek continuity in staffing. In any event, Acton will not pay for time spent by newly assigned attorneys or legal assistants to familiarize themselves with the file.

Counsel must avoid duplication of effort in handling matters on Acton's behalf. Your law firm should continue to limit the number of attorneys attending routine meetings, depositions, or court proceedings to only those essential to the performance of the task. In most instances, only one attorney needs to be present.

Litigation Support. Counsel must consult with the Town Manager before incurring any significant expense for large document productions, creation of computerized data bases, or other litigation - support activities. The Town Manager must approve in

advance the retention of any outside expert or consultant.

Legal Research. We assume familiarity with the basic municipal law. If significant research appears to be required for any particular matter at issue, we expect the requirement and the anticipated expense in regard to such will be discussed in advance with the Town Manager.

In conducting legal research for Acton, the law firm is expected to utilize all appropriate sources reasonably available including previously prepared briefs and memoranda. While value-added premiums will not be paid, Acton will pay for actual time spent in updating and tailoring such previously prepared briefs and memoranda to address the Acton matter.

We encourage you to discuss the results of your research or other analysis with the Town Manager or his delegate before committing your opinions to writing whenever it may be appropriate. Doing so will often avoid the creation of lengthy memorandum or letters which may prove to be of less utility.

If legal research applies to matters which your firm is handling for other clients, you should bill only the appropriate proportionate share of the time and expense to Acton. Further, you should bill only the actual costs incurred for computerized legal research or other research services as billed by the date-base company.

Communications. One of the most important expectations we have is that you communicate with the Town Manager and his delegates. You should work with him/her to ensure responsiveness to the Town's requests. If a request for legal services, which will be chargeable to the Town of Acton, comes to you from other than the Town Manager, the Manager's specific delegate, or the Chairperson of the Board of Selectmen, you shall bring that request to the attention of the Town Manager and/or Board of Selectmen Chairperson and take no further action on the matter unless authorized to do so by one of those individuals.

You should keep the Town posted on developments, and you should ask the Manager to clarify any confusing requests. In turn, the Town Manager will strive to give you realistic assessments of a particular matter's importance. Doing so should help you set priorities. Further, we will try not to hold assignments until the last minute and then insist that you work on a rush basis.

INITIAL EVALUATION & REPORT IN ON-GOING MATTERS

As promptly as practicable (generally, no later than ninety (90) days from commencement of a litigation matter or thirty (30) days in a non-litigation matter), you should review any assigned

task which will be on-going and provide the Town Manager with an initial evaluation. The evaluation, when appropriate, should include proposed strategy, preliminary views on exposure or success, an outline of the scope of the work anticipated and planned staffing, major action steps, and a preliminary cost estimate when a matter in litigation appears to be one which will generate legal fees and expenses totalling in excess of \$10,000 or for a non-litigation matter, fees and expenses in excess of \$3,000. This initial evaluation shall also include a discussion of the possibility of early settlement or alternative dispute resolution where appropriate.

Thereafter, you must use appropriate means to keep the Town Manager informed of developments in the matter to ensure the Town's active participation in its handling. Significant developments and any issues regarding the policies or decisions of Town Boards/Committees or the Town Manager, liability of the Town, or exposure to loss or liability must be promptly communicated to the Town Manager, and if appropriate in very important matters, directly to the Chairperson of the Board of Selectmen. Whereas we expect the routine communications will be between the lead attorney from your firm and the Town Manager, Counsel is selected by the Board of Selectmen and the Board is the senior policy making body of the Town. Accordingly Counsel is always privileged to communicate directly with the Board, through its Chairperson.

COUNTERCLAIMS, CROSS CLAIMS AND THIRD PARTY CLAIMS

You may not file any counterclaim, cross claim, or third party claim without prior Town approval obtained through the Town Manager. A request for authority to file such a claim must be presented in sufficient time to ensure an adequate opportunity for internal Town decision-making.

SETTLEMENT AUTHORITY

Counsel must obtain authority to settle any claim through the Town Manager. A request for settlement authority must be presented to the Town Manager in sufficient time to ensure an adequate opportunity for internal Town decision-making. This decision-making may require action at a meeting of the Board of Selectmen. The Board normally meets bi-weekly.

FEEES

We encourage the proposal of and consideration of alternative fee arrangements. Any such arrangements must, however, be documented in writing.

Unless the Town Manager and Counsel have agreed on an alternative basis for legal fees in writing, the Town pays for legal services on the basis of the standard hourly rate for individuals performing services, without premiums or bonuses based on results. The Town will not accept value-added or premium billing unless previously approved in writing by the Town Manager.

The Town Manager and Counsel must agree on hourly rates in December each year for the upcoming calendar year, such agreement will be documented in a fee letter. Acton will not pay any increased hourly rate unless the Town Manager and Counsel have agreed to it in advance and Counsel has furnished a revised fee letter.

Hourly rates should contain all overhead and internal charges associated with your practice, such as administration, routine secretarial work, word processing, computer, accounting, overtime building services, librarian time, and clerical time.

DISBURSEMENTS

Acton will reimburse the firm for reasonable out-of-pocket disbursements of expenses occurred on its behalf. (See also Travel Time and Expenses). The Town Manager must approve major disbursements (i.e. in excess of \$500.00) in advance.

Disbursements should not include charges for routine secretarial work, word processing, local telephone expenses, overtime building services, or office supplies. Computerized legal research should be billed at actual cost as charged by the data base company. The Town will reimburse the reasonable actual cost for necessary photocopying, telecopying or fax, long distance telephone calls, postage and courier services. A disbursement item for photocopying expenses must reflect either the per copy or the total number of copies made.

Acton will reimburse Counsel for secretarial or staff overtime only if overtime is essential to handling a particular matter for the Town and, when such expenditures are significant, we have approved them in advance. Acton expects Counsel to manage work to avoid overtime costs. Counsel should not charge Acton for overtime hours while handling other client's matters throughout the scheduled work day and billing them at the normal rate.

TRAVEL TIME AND EXPENSES

Only in an unusual case can travel by more than one attorney be justified. Counsel should incur expenses in a reasonable and prudent manner.

If travel time is devoted to working for one or more clients in addition to Acton, your statement should reflect only the portions of travel time attributable to Acton. You should divide actual travel expenses among the clients served during a single trip.

Unless agreed to in advance, Acton will not compensate Counsel for time away from home or the office not spent actually working on the Acton matter.

FORM, TIMING AND CONTENTS OF STATEMENTS

Counsel should submit statements monthly. The Town Manager should receive the statement within 30 days of the end of the billing period.

The Town tracks legal costs for each matter being handled by Counsel. Accordingly, statements must provide the following information for each matter your firm is handling:

- 1) The name of the Acton Board/Committee or unit involved in the matter;
- 2) The amount of fees, disbursements, and total charges
 - a) During the billing period; and
 - b) Cumulatively since the inception of the matter;
- 3) A description of each task performed during the billing period including the name of the attorney or legal assistant performing the task and the amount of time spent (in increments no greater than one-quarter hour) on such task by each attorney or legal assistant;
- 4) An itemization and brief description of disbursements and expenses incurred during the billing period, and the resulting total;
- 5) The Acton docket number, if one has been assigned to the matter; and
- 6) An employer identification number for the firm or social security number of the attorney performing the services.

Computer printouts are acceptable and may include additional typewritten information. In all cases, you should submit an original invoice, marked as such, together with one additional copy of the statement.

The Town expects that the firm's management or client partner

will review the billing statement and make reductions as appropriate before sending the statement to the Town.

Acton does not limit the number of hours that an attorney or legal assistant may bill in a single day. However, it has been seen that billable hours in excess of ten (10) hours in one day are often unproductive and should be avoided except during the trial of a particular matter or in extraordinary circumstances. Where practicable, work in excess of ten (10) hours a day should be discussed with the Town Manager.

Normal disbursements, such as filing fees, long distance telephone calls, travel costs, duplicating expenses, supplies, and other similar charges should be paid by the firm and itemized as a part of your periodic fee statements unless we agree to some other means of handling these particular items.

The Town Manager must approve any unusual or large expenditures costs (i.e., in excess of \$500.00) in advance. With the exception of travel costs, you should bill Acton for such expenditures on an invoice from your firm which is separate from your customary billing statement and supported with appropriate documentation.

Acton reserves the right to audit all billing statements and services performed by its Counsel. Counsel should retain supporting documentation in the event Acton requests it for audit purposes or otherwise.

EXPERT FEES

Counsel may not retain any expert or consultant without prior approval from the Town Manager.

In connection with your representation of Acton, you will likely incur obligations to third parties (i.e., fees of consultants or experts). Normally, invoices of this kind must identify Acton as the payor, be addressed to Acton, and paid by Acton. Situations will occur, however, when this procedure is not practical or desirable. If you and the Town Manager agree that you will pay such invoices, you should provide an invoice separate from your usual attorney's fee statement. The invoice should be supported with appropriate documentation.

MEDIA COVERAGE

Acton, through its elected officials and Town Manager will handle all contacts with the media. Counsel should avoid making statements to the media without securing advance approval from the Town Manager.

Counsel may disclose, without prior approval, his or her representation of Acton, and any basic facts which are contained in the public record. This exception also applies to administrative information routinely given as a courtesy to the press. Additionally, in rare instances, when an immediate response would prevent a distorted public perception, Counsel, without prior approval, may deny or refute statements made by other parties or their counsel to the news media, or respond to allegations by media representatives. In the latter case a full report shall be made to the Town Manager as soon thereafter as is practicable.



Abacus TECHNOLOGY CORPORATION



PHONE (817)275-5572 FAX (817)275-6578

DATE: 5/25/93

COVER + 4 PAGES

TO: Dore Hunter

TELEPHONE #: (508) 264-9612

via Don Johnson

FAX #: (508) 264-9630

SUBJECT: Comments to Selectmen (Dore Hunter
on proposed policies 1-5, dated
5/11/93

COMMENTS: (Don)

Attached are comments & suggestion
re: Selectmen's proposed policies 1-5.
Please pass copy to Dore &
Selectmen.

Thanks

FROM: Ant Harey Jr

ACTON FINCOM MEMO

To: Dore Hunter, Chairman, Board of Selectmen 93FIN047
From: Art Harrigan *Art Harrigan* Page 1 of 4
Date: May 25, 1993.
Subject: Comments on Selectmen's Proposed Policies 1 - 5, dated May 4, 1993.
Copies: Don Wheeler, Lees Stuntz, Jean Butler, Don Johnson, Bill Ryan.

At its regular meeting on May 24, 1993, the Finance Committee discussed the subject proposed policies. The following comments, suggestions, and inputs are provided, as requested. We expect the process of determining and implementing new policies on a town wide basis will take some time, and certainly this could be one purpose of holding a joint meeting. I will be glad to discuss these inputs with you if you will give me a call, or if you set up a meeting.

Reply to Proposed Policy #1 - Town Meeting Budget Format

1. Agree to scrap the "Omnibus Budget Article" format.
2. Prepare a Town line items budget with nine or ten lines, one per major department. Organize the budget by department line items in one direction, and by object category in the other direction. An example of this matrix budget is shown in Table 1. The purpose of the department line items is to show the costs and balance for the departments. The purpose of the object categories is to provide a means for consistency across the departments, as for example, the need for consistency of salary and benefit package increases. A "menu" budget approach should not be provided, since our responsibilities are to make recommendations for consideration by the Town Meeting.
3. Once the budget is approved by the Town Meeting, the administration of this Town Budget would be on a "bottom line" administration basis, as determined by the Town Manager, except as follows. Changes from one line item to another (over the fiscal year) of more than 5% of the department line item budget or \$1,000, whichever is larger, would require the Selectmen's prior approval. Question: Please describe the process we are now using of periodic review of actual expenditures versus budget or plan.
4. Additional exposure of the proposed budget or preliminary budget information will be made accessible to the town taxpayers by the Finance Committee holding at least two public budget hearings: one in October, November, or December; and one not less than two weeks prior to an override election or not less than two weeks prior to the Town Meeting if there is no override election. These public hearings should be televised.

93FIN047

5/25/90

Page 2 of 4

Comments on Selectmen's Proposed Policies 1 through 5, dated May 4, 1993.....**Reply to Proposed Policy # 1 (Continued)**

5. There shall be two levels of budgets for presentation, as a minimum, to the town taxpayers. The first level is a consolidated Town of Acton income and expense budget, combining all town entities budgets for the coming year, on a gross income and gross expenses basis. The second level is a more detailed income and expense budget for each entity in the town, namely the Schools and the Town Municipal Government. This second level budget should be organized by line items, according to the example matrix shown in Table 1. The first and second levels budgets must reconcile and tie together, for easy understanding and explanation at public meetings. The Finance Committee will be responsible for preparation, with staff assistance, and presentation of the consolidated budget. The School Committee and Selectmen will be responsible for preparation and presentation of the second level budgets.

Reply to Proposed Policy # 2 - Selectmen (or others) Comment on School Issues

1. Generally it seems like a good policy to not comment on one another entity's issues, unless there is a responsibility to do so.
2. Public comment by the Selectmen, or other groups, and the School Committee on each others issues may compound our current problems and be counterproductive to good working relationships.
3. A better approach might be to have a joint discussion and get a general understanding between the School Committee and Selectmen (or others) on the definition of when public comment might be acceptable and what courtesies to follow.

Reply to Proposed Policy #3 - Revision of Coordinating Committee Process

1. On a trial basis, go to an evening meeting for the Coordinating Committee. Consider the occasional Saturday morning meeting.
2. Schedule Coordinating Committee meetings and publish agenda in advance.
3. The Coordinating Committee is an ad-hoc committee with no authority or standing in the Town. Do not televise the meetings.
4. "Coordination" means to "coordinate", not to usurp responsibility and authority from other committees and individuals who might attend the Coordinating Committee. All people and groups should be invited to attend the Coordinating Committee meetings. If you want to have this committee make decisions and have formal responsibilities and authority, then it should be established as a standing town committee with a by law definition passed by the Town Meeting. As an informal group, the Coordinating Committee is like a "council" to provide a forum for discussing status, issues, and problems. Participating committees can have more input to make better decisions. Impasses and disagreements should be viewed as dialog to be considered by each of the participating committees, as communicated by their representatives. Paid staff should not be excluded.

Comments on Selectmen's Proposed Policies 1 through 5, dated May 4, 1993.....**Reply to Proposed Policy # 3 (Continued)**

5. Minutes of the meeting should be kept.
6. The School Committee, Selectmen, and Finance Committee, as major participants in the Coordinating Committee, should not be encumbered with the duties of Coordinating Committee Chairman for planning and presiding over the meetings, and for follow up. Therefore, it is suggested that the Town Moderator appoint a "Deputy" or "Assistant" to be the designated Chairman of the Coordinating Committee.
7. Limited public and non-major committees participation should be allowed and encouraged at the Coordinating Committee meetings.
8. Coordinating Committee representatives will take recommendations back to their respective committees where a position will be established by a majority vote. The Coordinating Committee position must be unanimous (one vote for the School Committee, one vote for the Selectmen, and one vote for the Finance Committee) to make the recommendation. A majority position by the Coordinating Committee will be carried back to the respective committees as an input, not as a recommendation. Consensus will not be used since the term is viewed to be ambiguous. A more detailed procedure will be developed to initiate and identify the steps to follow for conflict resolution.

Reply to Proposed Policy #4 - Article, School Budget Input by Town Meeting

1. Some action is needed in this area, but no other comment is offered at this time.

Reply to Proposed Policy #5 - "How Great We Are" Presentations

1. This is viewed as a political issue. Therefore, there is no recommendation.

Comments on Selectmen's Proposed Policies 1 through 5, dated May 4, 1993.....

Table 1. Example Town Budget Matrix

Line Item	Department	Department Total	Object Category				
			Salaries and Benefits	Contracted Services	Capital Equipment	Supplies and Materials	Debt and Service
1.	Administrative						
	Accounting						
	Assessors						
	Clerk						
	Finance						
2.	Ageing						
3.	Building Dept.						
	Engineering						
	Muni. Prop.						
	Planning						
4.	Cemetery Dept.						
5.	Conservation						
6.	Fire						
7.	Health Dept.						
	Health						
	Public Health						
8.	Highway Dept.						
9.	Police						
10.	Libraries Dept.						
	TOTAL						

FLANAGAN & HUNTER, P.C.
ATTORNEYS AT LAW
AND
PROCTORS IN ADMIRALTY
211 CONGRESS STREET
BOSTON, MASSACHUSETTS 02110-2434

TELEPHONE: (617) 482-3366

FAX: (617) 482-3467

FAX COVER SHEET

DELIVER TO:

Christine

AT:

Acton Town Hall

FAX NUMBER:

508-264-9630

FROM:

F. Dore' Hunter

Number of Pages, including this Cover Sheet: 4

COMMENTS:

For inclusion in BOS packet.

DATE: June 3, 1993

FILE NO. None

Attention - Important Notice: This FAX is intended only for the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient of this FAX please take note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us immediately by telephone and return the documents by mail.

Dear Doré,

I am responding to your Proposed Selectmen Policy Memoranda which was sent to me at the Conservation Commission as well as other town boards. I commend you for realizing the public discontent at Town Meeting and your desire to address the outstanding issues. I have personally been kicking around some ideas in my head for several months and now feel your request for comments provide the proper forum to express them.

In terms of the budget, I would support the proposal you have put forth. I think it would go far in giving the Town Meeting members a greater feeling of involvement and empowerment. Beyond that, my own recommendation would be for a line item budget to be presented to an elected Town Meeting, so that a more thorough presentation of the budget may be made in a more controlled and controllable debate. I realize it may not be possible to sell the open Town Meeting members on the idea of an elected Town Meeting, or perhaps even the Selectmen, but I hope the idea would be discussed by the Selectman.

I have no strong feeling on the issue of Selectmen's comments on school matters and vice versa, but I must plead for an end to the hostilities and for more cooperation. Presently there is a great deal of badmouthing going on which does neither side nor the public any good. From my vantage point I primarily see the Town cutting down the schools but am confident it works both ways. In such difficult times the last thing Acton needs is more animosity. Continued backstabbing only contributes to an "us versus them" conflict when we need to work together for a common purpose. I therefore ask that this issue be addressed by the Selectmen and that your board try to put an end to the bitterness and sophomoric posturing.

Your proposals 4,5 and 6 I heartily endorse. The Coordinating Committee certainly needs to be reworked in order to allay the public's fear that a shadow government is operating. Similarly, anything that can be done to expose the Schools to more democratic controls should be pursued, even if only in the form of nonbinding actions. And certainly I would agree that the "How great we are" presentations are a waste of time and oxygen.

I am glad you also have raised the issue of year end spending. It is an issue I and others have been bothered by for a long time. I guess it bothers me on an ethical level primarily, since it is simply needless waste. If there is anything that can be done to prod the Schools into ending this practice is unclear to me, but I hope you will pursue it. However, whether the schools change their practices is irrelevant; the Municipal side must do all it can to avoid useless and wasteful year end spending.

Again I thank you as a citizen, taxpayer and public servant for your willingness to tackle the pressing issues that face us in Acton and for welcoming public input. I trust you will consider my comments and inculcate any which the Selectmen feel will benefit the Town.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Sheehan", with a long horizontal flourish extending to the right.

Andy Sheehan
Conservation Commission

Dors:

22 May 93

In response to your Policy Memos, I offer the following comments:

1. I would ask the Finance Committee to present a combined (Town and School) proposed budget that meets the Prop 2 1/2 limits. Then anyone (e.g., the Selectmen) could offer alternatives that would replace some activity with another at an equivalent cost/budget amount. This would permit any citizen to offer an alternative use of the funding available. The Finance Committee as a "neutral" party would set the "baseline" for discussion and everyone would have the opportunity to recommend changes.
2. I would NOT offer comments on the School budget.
3. I suspect that the changes you have proposed would reduce the effectiveness of the Coordinating Committee to the point where it would become useless.
4. No Comment.
5. Agree

Matt Meziva



APPOINTMENTS MADE BY THE BOARD OF SELECTMEN

DATE 12 May 1993

NAME	COMMITTEE	APPOINTED		REG.	ASSOC.	ALTN.	EXPIRES	HOLD	COMMENTS
		YES	NO						
LYNCH, Michael G.	AHDC					X	6/30/96		

6/22/93 (5)

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE : 12 May 1993
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
SUBJECT : Recommendation for Appointment

At its meeting of 3 May 1993, the VCC voted to recommend Michael G. LYNCH to be an Alternate Member on the Acton Historical District Commission for a three-year term expiring 30 June 1996.

He is an attorney with interest in architecture. In his current practise, he has represented the Belmont Zoning Board in legal action and advice. We see no conflict of action in this role.

Picked up March 1993

TOWN OF ACTON VOLUNTEER APPLICATION

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

(Please print or type)

Date: 3/10/93

Mr / Mrs
Ms / Dr

LYNCH
Last Name

MICHAEL
First Name

G
Middle Initial

165 PARKER ST.
Street Address

897-7014
Home Phone

(617) 345-4500
Business Phone

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

- 1) HISTORICAL ^{District} COMMISSION
- 2) _____
- 3) _____

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

NO

Do you have any time restrictions? NO (OTHER THAN DAYTIME)

How long have you lived in Acton? 4+ yrs in Massachusetts? 8 yrs

Are you a US citizen? Yes

Present occupation and employer (optional - attach resume) Attorney - Morrissey & Hawkins, One International Pl., Boston, MA

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

Education or special training ZAN SCHOOL

Please list below any additional information or comments which may help in matching of your interests with the most appropriate Board/Committee, such as civic experience, special interests/hobbies, etc.:

INTERESTED IN ARCHITECTURE AS AN ADVISORY REPRESENTATIVE
ZONING BOARD AND OFTEN INVOLVED IN DISCUSSING
BOARD AND GIVING ADVICE.

TOWN OF ACTON VOLUNTEER BOARDS, COMMITTEES, AND COMMISSIONS

Acton-Boxborough Arts Council
 Aging, Council on
 Appeals, Board of
 Assessors, Board of
 Cable Advisory Committee
 Cemetery Commissioners
 Commission on Disability
 Conservation Commission
 Fair Housing Committee
 Finance Committee
 Fort Devens Reuse Task Force
 Hanscom Field Advisory Commission
 Health, Board of

Historical Commission
 Historic District Commission
 Metropolitan Advisory Planning Council
 Minuteman Home Care
 Minuteman Vocational School Representative
 Planning Board
 Prison Advisory Committee
 Public Ceremonies & Celebrations Committee
 Recreation Commission
 South Acton Revitalization Committee
 Town Report Committee
 Volunteer Coordinating Committee

Thank you. If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee (you can find out who the current members are by calling the Town Manager's office at Town Hall, 264-9612). The space below is for the use of the Volunteer Coordinating Committee and the appointing body to record the status of your application.

<p>VCC INTERVIEW</p> <p>Applicant called: date/by <u>4-26-93</u></p> <p>Scheduled date / time <u>5-3 8:00</u></p> <p>VCC RECOMMENDATION: Date <u>5/3/93</u></p>	<p>APPOINTING BODY : BOS / TMgr / TMod</p> <p>Interview date _____</p> <p>Appointed : Date _____</p> <p>To: Board _____</p> <p>Term _____</p>
<p>Board(s) <u>AHDC</u> Member / <u>Alt</u> / Assoc <u>3 yr term exp 6/30/96</u> _____ Member / Alt / Assoc</p> <p>_____ Member / Alt / Assoc</p> <p>Date VCC recommendation sent to</p> <p><u>BOS</u> / TMgr / TMod <u>5-12-93</u></p> <p><input type="checkbox"/> No openings at this time >>>-----> Date applicant notified _____</p>	<p>NOTIFICATION OF APPOINTMENT</p> <p>Date received by VCC _____</p> <p>Notification by the VCC : _____</p> <p>Date committee notified _____</p> <p>_____</p>

11
6/22/93

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 18, 1993

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Nynex Mobile Communications Site Plan
(Cellular One)

Attached is a draft decision prepared by staff for your consideration. We are near agreement with Cell I regarding the negotiations that Selectman Lake has pursued. I expect those to be completed by June 22 and plan to include an amended draft in your Extra Information packet Tuesday night.

The modifications you will receive Tuesday will deal with a gift that Cell I proposes to make to the Town. This gift will be in the form of allowing the Town to install communications equipment on the tower, use a portion of their building and power source for operating our equipment, donation of monies to be expended for Public Safety/Municipal communications equipment and donation of cellular telephone equipment for Municipal use.



cc: Garry Rhodes

6/22/93 - (11)

AMENDED DECISION

Site Plan Special Permit
Nynex Mobile Communications
#12/15/89-319

Page 1 of 2

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Amended decision of the Board of Selectmen on the petition of Cellular One for the property located at 211 Main Street, Acton, Massachusetts owned by Acton Water District.

This amended decision is in response to a request by Cellular One as outlined in a letter dated May 20, 1993 from Fredette Associates addressed to Mr. Hunter signed by George R. Fredette P.E.

The Board of Selectmen, after reviewing the request, finds that this amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw and with the terms of the original permit.

The Board of Selectmen restates that decision #12/15/89-319 remains in full force and effect with the benefits of the following conditions:

- 1. a site inspection be conducted after the site is completed to ensure that all disturbed slopes are stabilized. The Petitioner shall take all corrective action to ensure such;
- 2. the plan shall be amended to show a 2 foot wide stone trench around the building for roof runoff.

Witness our hand this 25 day of May, 1993 .

F. Dore Hunter, Chairman

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



Christine Joyce, Recording Secretary

Date filed with Town Clerk

Catherine Belbin, Town Clerk

AMENDED DECISION

Site Plan Special Permit
Nynex Mobile Communications
#12/15/89-319

Page 2 of 2

#####

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Amended Decision of Cellular One has passed and there have been no appeals made to this office.

Date

Catherine Belbin, Town Clerk

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

5/25/93
70

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: May 20, 1993

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *JAR*
SUBJECT: Amendment Site Plan Special Permit #12/15/89-319

Cellular One is requesting that the above referenced site plan be amended so as to increase the existing tower from 100 feet to 150 feet plus whip antennas. They are also intending to add a 30x22 unmanned equipment building.

The site plan decision provides for amendments. Condition 4.6 reads as follows:

AMENDMENT TO PERMIT. The Board hereby reserves its powers to modify or amend the terms and conditions of this Special Permit upon its own motion or on the application of the owner, lessee, or mortgagee of the premises. The Board further reserves its powers to amend this permit without a new public hearing provided the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw and with the terms of this permit.

I have reviewed this issue with staff and there appears to be two issues: (1) erosion, and (2) groundwater infiltration. It is our recommendation that if the Board approves this amendment, that a site inspection be conducted after completion to ensure all slopes have been stabilized. Second, that a stone trench be placed around the building so that roof runoff will be infiltrated into the ground.

If the Board of Selectmen grant this amendment, the rules provide for a \$250 fee. I have taken the liberty of drafting the proposed change.

(202)

approved
5/25



FREDETTE ASSOCIATES, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

389 Main Street • Salem, New Hampshire 03079 • (603) 893-7497 • FAX (603) 898-3991

May 20, 1993

Mr. F. Doré Hunter, Chairman
Board of Selectmen
Town Hall
Acton, Massachusetts 01720

RE: Cellular One
Great Hill, Acton, Massachusetts

Dear Mr. Hunter:

On behalf of Cellular One, I respectfully request that the Board of Selectmen amend a previously granted site plan special permit in accordance with Section 5.12 of the Town of Acton Rules and Regulations for Site Plan Special Permits.

On December 15, 1989, the Board of Selectmen granted a site plan special permit to NYNEX Mobile Communications for the construction of a mobile communication tower and to use such for a public utility. The permitted structures were built and the site is currently operational.

Cellular One proposes a joint use of the existing facility; an expansion of the tower increasing its height to approximately 150' (currently it is 100' high); and construction of an additional 21' x 30' precast concrete building.

The proposed facility will be unmanned and therefore will not require any water or sewer utilities. Personnel will be on site for routine maintenance about once or twice per month. An existing gravel drive will be used to access the site on top of Great Hill.

At their May 3, 1993 meeting, the Board of Appeals granted a variance to permit the Cellular One proposal.

We now request that the site plan special permit be amended. The amendment is not significant to public interest and it is consistent with the purpose and intent of the Acton Zoning By-law.

Mr. F. Dove Hunter, Chairman
May 20, 1993

Page 2

We trust that you will find our information complete and we appreciate your consideration of this permit request.

Sincerely,

FREDETTE ASSOCIATES, INC.



George R. Fredette, P.E.

GRF/jml

**cc: Acton Water District
Dave Burnett
Louis Levins
Brian Powers**

DECISION

Site Plan Special Permit
NYNEX Mobile Communications
Application # 12/15/89-31Q
Plan File # 3234

DECISION of the Board of Selectmen (hereinafter the Board) on the petition of NYNEX Mobile Communications (hereinafter the Petitioner), for the property located at 211 Main Street, Acton, Massachusetts owned by Acton Water District. Said property is shown on Acton Town Atlas Map G-2, parcel 139.

This decision is in response to an application submitted to the Board on 12/15/89 by the Petitioner for a Site Plan Special Permit under Section 10.4 of the Acton Zoning Bylaw (hereinafter the Bylaw) to construct a mobile communications tower and to use such for public utility under Section 3.4.5 of the Bylaw.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on January 23, 1990 at 8:00 PM in the Selectmen's Hearing Room at the Acton Town Hall and continued to February 20, 1990 at 8:00 PM. Board members Nancy Tavernier, Dore' Hunter, William Weeks, Norman Lake and Donald Gilberti were present throughout the proceedings. The record of the proceedings and submissions upon which this permit is based may be referred to in the office of the Town Clerk or the office of the Board.

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

Exhibit I

Properly executed Application for Site Plan Approval dated December 11, 1989, signed by John J. Lorden as attorney for NYNEX Mobile Communications; certified abutters list dated August 21, 1989 signed by Lela N. Sorenson, Assistant Assessor; Board of Appeals decision on the petition of NYNEX Mobile Communications Co. hearing 89-30; letter to Board dated December 12, 1989 from John MacLeod; letter to the Board dated December 12, 1989 from John J. Lorden, Attorney for NYNEX Mobile Communications Company.

Exhibit II

Location map and vicinity plan dated November 15, 1989; location and utility layout plan dated November 15, 1989; site layout plan and details dated November 15, 1989; plan of land dated January 22, 1990; all by William B. Merry and Associates Inc., Lakeside Office Park, Wakefield, Mass; key assembly for 100 feet of a 180 foot LST Type Tower (twenty-five pages) by Andrew Corporation, 2701 Mayhill Road, Denton, TX.

Exhibit III

Interdepartmental Communications (IDC) from Site Plan Coordinator to the Board dated 1/19/90 and 2/23/90; IDC from Engineering Department to the Town Manager dated 1/10/90; IDC from the Building Commissioner to the Town Manager dated 1/16/90; IDC from the District Manager of the Acton Water District to the Planning Board dated 2/5/90; IDC from the Municipal Properties Director to the Planning Department dated 1/18/90, revised 1/2/90.

Exhibits I and II are referred to hereinafter as the Plan.

1.0 FINDINGS and CONCLUSIONS

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

- 1.1 The site is located within the Agriculture/Recreation/Conservation (ARC) District and the proposed use was permitted by a variance from the Board of Appeals. The site is also located within Zone 4 of the Groundwater Protection District.
- 1.2 The structure will be a one hundred foot tower with a support facility. The Board of Appeals granted a height variance at hearing #89-30.
- 1.3 The proposed construction activity will not occur within a 100 foot buffer of a wetland.
- 1.4 The Plan does not show a sidewalk. Acton Zoning Bylaw Section 10.4.3.4 requires sidewalks if the Board so requires.
- 1.5 The plan indicated in exhibit II as plan of land dated January 22, 1990 was submitted to the Board at the hearing of February 20, 1990. The Engineering Department in their IDC of February 13, 1990 responded to this revised plan.
- 1.6 Sheet 2 of the plan is in conflict with Sheet 4 in regard to the location of the structures and should be corrected.
- 1.7 The drainage calculations are not sufficiently complete and precise to determine whether the plans comply with Acton Zoning Bylaw Section 10.4.3.1.
- 1.8 Acton Zoning Bylaw Section 4.3.6.2 requires that a hydrologic budget or water balance calculation be completed for all sites requiring a site plan special permit. A hydrologic budget or water balance calculation was not submitted for their special permit application.
- 1.9 It will be necessary to use fill material for the proposed construction. The plans do not indicate that Hazardous Material or waste will not be used for fill.

- 1.10 The proposed construction will disturb a Conservation Trail.
- 1.11 The plans fail to show how the road surface and shoulders and the area outside the chain link fence will be stabilized after the proposed widening.
- 1.12 The applicant requests a waiver of the requirements for building elevations, a traffic study, a full landscape plan, earth removal calculations, and floor plans as the information provided in these plans would be irrelevant to this project.
- 1.13 The Plan as modified herein and as provided for in the conditions protects the Town and the neighborhood against seriously detrimental or offensive uses on the site and against adverse effects on the natural environment and complies with all applicable requirements of the Bylaw.
- 1.14 The Plan as modified herein and as provided for in the conditions provides for convenient and safe vehicular and pedestrian movement to and from the site as well as within the site, adequate methods of waste disposal, and adequate parking and loading facilities.
- 1.15 The granting of a Site Plan Special Permit for the Plan as modified herein and as provided for in the conditions will not derogate from the intent of the Bylaw to limit the adverse effects of the use and development of land on the surface and groundwater resources of the Town of Acton.

THEREFORE, the Board voted to GRANT the requested Site Plan Special Permit subject to and with the benefit of the following Plan modifications, conditions and limitations.

2.0 PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected or modified information. The Building Commissioner shall not issue any building permit nor shall he permit any construction activity to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit any construction on the site. The petitioner shall submit 5 copies of the final plans as approved for construction by the Building Commissioner to the Building Commissioner prior to the issuance of a Building Permit.

- 2.1 The Plan shall be revised to include a sidewalk along the entire front of the property. The sidewalk shall be designed and constructed to the current specifications of the Subdivision Rules and Regulations of the Town of Acton. The sidewalk shall be

completed prior to use of the site for communications. In lieu of the sidewalk the applicant may provide a gift in the amount equal to \$30 per lineal foot of sidewalk (the approximate cost of a sidewalk built to Subdivision Rules and Regulations) based on the length of frontage to a fund set up to maintain Conservation Trails. If the applicant elects to contribute to the fund it shall be done prior to issuance of a Building Permit.

- 2.2 Sheet 2 of the plan shall be revised to reflect the corrected location of the structures.
- 2.3 The drainage calculation shall be completed so as to reflect compliance with Acton Zoning Bylaw Section 10.4.3.1. These calculations shall be submitted to the Engineering Department for their written approval.
- 2.4 The plan shall be modified to reflect a note indicating that "hazardous material or waste or solid waste shall not be used". This will show compliance with section 4.3.6.2 of Acton Zoning Bylaw.
- 2.5 A hydrologic budget or water balance calculation shall be completed so as to show compliance with section 4.3.6.2 of Acton Zoning Bylaw.
- 2.6 A Plan shall be prepared to show how the road surface and shoulders and the area outside the chain link fence will be stabilized after the proposed widening is completed. This plan shall meet the approval of the Municipal Properties Director.
- 2.7 The Board grants a waiver from requirements for building elevations, a traffic study, a full landscape plan, earth removal calculations and floor plans.

3.0 CONDITIONS

- 3.1 VIOLATION OF CONDITIONS. Violation of any of the conditions of this site plan decision shall be grounds for revocation of this Site Plan Special Permit, or of any building or occupancy permit granted hereunder. In case of any violation of the continuing obligations of this permit, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation and to enforce the conditions of this permit. The Town may enforce compliance with the conditions of this permit by action of injunctive relief before any court of competent jurisdiction. The owner agrees to pay the Town for the enforcement of the conditions of this permit.

4.0 LIMITATIONS

The authority granted to the Petitioner by this permit is limited as follows:

- 4.1 **APPLICABILITY OF PERMIT.** This permit applies only to the site which is the subject of this petition. All construction to be conducted on the site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 4.2 **LIMITATION OF FURTHER DEVELOPMENT AND USE.** There shall be no change of use, further development, or subdivision of the site without written consent of the Board.
- 4.3 **OTHER PERMITS OR APPROVALS.** The decision applies only to the requested Special Permit. Other permits or approvals required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 4.4 **SIGNS.** No approval of any indicated signs or advertising devices is implied by this decision.
- 4.5 **BYLAW COMPLIANCE.** The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the Bylaw.
- 4.6 **AMENDMENT OF PERMIT.** The Board hereby reserves its powers to modify or amend the terms and conditions of this Special Permit upon its own motion or on the application of the owner, lessee, or mortgagee of the premises. The Board further reserves its powers to amend this permit without a new public hearing provided the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw and with the terms of this permit.
- 4.7 **LAPSE OF PERMIT.** This Site Plan Special Permit shall expire on March 20, 1992 if a substantial use thereof has not commenced sooner except for good cause or if construction has not begun by said date except for good cause. Any request for an extension of the time limitation set forth herein must be made in writing to the Board at least thirty (30) days prior to said expiration date and the Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant any extension without a public hearing. The Board, however, shall not grant any extension as herein provided unless it finds that the use of the property in question or construction on the site has not begun except for good cause.
- 4.8 **APPEALS.** Any person aggrieved by this decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within twenty (20) days after the filing of this decision with the Acton Town Clerk.

Witness our hand this 20th day of March, 1990

Nancy E. Tavernier

Nancy E. Tavernier, Chairman

CONSENT 6/22
FOR BOS TO ACCEPT LTR OF AGREEMENT
AND AMEND. CONDITIONS PER GARRY'S RECOMMENDATION,

~~TOWN OF ACTON~~
INTERDEPARTMENTAL COMMUNICATION

DATE: May 28, 1993

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *JAR*
SUBJECT: Sun Refining & Marketing
421 Massachusetts Avenue
Site Plan Special Permit #2/7/90-324

6/22/93 (12)

I am in receipt of a letter of agreement for the above referenced site plan. Condition 3.6 requires the Petitioner to agree to a traffic study and possible remediation. I have reviewed their letter and find that it is in compliance with the Site Plan Special Permit. I do not have an objection if the Board of Selectmen accept the letter as written.

I am also in receipt of a request to modify the conditions 3.1 and 3.2 of Site Plan Special Permit #2/7/90-324. The Petitioner is requesting that the following is added to each condition; "unless waived or modified by the DEP". Both conditions reads as follows:

- 3.1 Prior to the issuance of a Building Permit, Phase I (Limited Site Investigation including Site Classification), Phase II (Comprehensive Site Assessment) and Phase III, (Development of Remedial Response Alternatives and Final Remedial Response Plan) shall be prepared and approved by DEP.
- 3.2 Phase IV, (Implementation of the Approved Remedial Response Alternatives) may occur after the Building Permit is issued but prior to occupancy if allowed by DEP.

I have reviewed this issue with the Health Director. He has informed me that this is a reasonable request as the site has been listed as a non-priority site instead of a priority site. The Health Director has requested, however, that the words "subject to Board of Health approval" also be added so that this Board remains within the loop.

It is therefore my recommendation that the conditions be written as follows:

- 3.1 Prior to the issuance of a Building Permit, Phase I (Limited Site Investigation including Site Classification), Phase II (Comprehensive Site Assessment) and Phase III, (Development of Remedial Response Alternatives and Final Remedial Response Plan) shall be prepared and approved by DEP unless waived or modified by the DEP, in either case approved by the Board of Health.
- 3.2 Phase IV, (Implementation of the Approved Remedial Response Alternatives) may occur after the Building Permit is issued but prior to occupancy if allowed by DEP unless waived or modified by the DEP, in either case approved by the Board of Health.

LAW OFFICES OF
CHARLES G. KADISON, JR.
179 Great Road
Acton, Massachusetts 01720

Charles G. Kadison, Jr.
Stephen L. Pearson

Acton - (508) 264-4886
Lexington - (617) 861-6662
Telecopier - (508) 264-0320

May 25, 1993

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

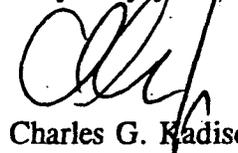
Re: Sun Refining & Marketing Co./Mass. Ave.
Site Plan Special Permit No. 2/7/90-324
Our File No. 1532-OOZ

Dear Board Members:

My client, Sun Refining & Marketing Co., has authorized me to agree to the following on its behalf.

Pursuant to Paragraph 3.6 of the above referenced Site Plan Special Permit, Sun Refining & Marketing Co. (the Petitioner) agrees that at such time as traffic conditions on Mass. Ave. and Main Street in the opinion of the Board of Selectmen, reach proportions that constitute a hazard to the citizens of the Town of Acton, the Petitioner will contribute (on a pro rata basis) a fair share toward a traffic study to be conducted at the direction of and to the satisfaction of the Board of Selectmen, focussed on alleviating the problem. The Petitioner's share is to be based on metering of traffic to and from the subject property. The Petitioner herein agrees to assume all costs necessary and associated with the metering of traffic associated with the subject property.

Very truly yours,



Charles G. Kadison, Jr.

CGK:clg
cc: Sun Refining & Marketing Co.

LAW OFFICES OF
CHARLES G. KADISON, JR.
179 Great Road
Acton, Massachusetts 01720

Charles G. Kadison, Jr.
Stephen L. Pearson

Acton - (508) 264-4886
Lexington - (617) 861-6662
Telecopier - (508) 264-0320

May 14, 1993

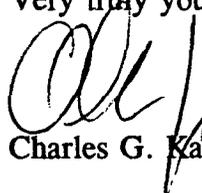
Board of Selectman
Town Hall
472 Main Street
Acton, MA 01720

Re: Sun Refining & Marketing Co,
Site Plan Special Permit #2/7/90-324
Our File No. 1532-OOZ

Dear Board Members:

Conditions No. 3.1 and 3.2 of the above referenced permit require remedial action for the removal of hazardous waste found on the site. By letter dated July 2, 1992, the Department of Environmental Protection approved a request for waiver and has reclassified the site as a non-priority site. On behalf of my client, Sun Refining & Marketing Co., I request that paragraphs 3.1 and 3.2 each be modified by adding the words, "unless waived or modified by the DEP."

Very truly yours,



Charles G. Kadison, Jr.

CGK:clg

enc.

cc: Sun Refining & Marketing Co.



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

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

URGENT LEGAL MATTER: PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

July 2, 1992

Sun Refining & Marketing Co.
35 Terminal Road
Providence, RI 02905

RE: CRWSC Site Number: 2-0745
Sunrise Sunoco
421 Massachusetts Avenue
Acton, MA 01720

WAIVER APPROVAL
pursuant to M.G.L.c.21E
and 310 CMR 40.000

Attention: Carl Borkland,
Regional Environmental Mgr.

Dear Mr. Borkland:

The Department of Environmental Protection, Bureau of Waste Site Cleanup, Central Region, Worcester, Massachusetts (the DEP), received a Waiver Application on August 27, 1991, for the property located at 421 Massachusetts Avenue, Acton, Massachusetts (the Site). After review of the waiver submittal, a First Notice of Deficiency requesting additional information was issued on January 30, 1992. Subsequently, the DEP received additional Phase 1 data on June 10, 1992.

Based upon a review of the available data, the DEP has determined that a release of oil/hazardous materials has occurred at the Massachusetts Avenue property since gasoline and fuel oil constituents have been detected in the soil and groundwater on-site. It is the DEP's position that the property is a disposal site and that further remedial action is necessary.

The Massachusetts Avenue property was confirmed as a disposal site on March 27, 1990, and Notices of Responsibility were issued to Sun Refining & Marketing Co. and Sunrise Sunoco on April 13, 1990. In the Notices of Responsibility, you were advised that the situation constitutes a release of oil/hazardous materials. The prevention and mitigation of such releases is governed by the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L.c.21E) and the Massachusetts Contingency Plan (310 CMR 40.000).

WAIVER APPROVAL

Page 2

Sunrise Sunoco, Site Number: 2-0746

July 2, 1992

Please be advised that current or past owners and/or operators of a site or any persons who in any way caused the release or threat of release of oil or hazardous materials are considered parties with liability under M.G.L.c.21E, Section 5. Such parties are considered liable to the Commonwealth for costs incurred at or relative to a site by the Commonwealth. The nature of this liability is joint and several without regard to fault.

The DEP has reviewed this Waiver Application, has determined that the Site is a non-priority disposal site, and approves this application with the following conditions:

1. Phase 2 work must include an assessment to determine if the oil/water separator and drywell connected to the former floor drains are sources of oil or hazardous materials released to the environment. If appropriate, an Interim Measure should be undertaken to eliminate the sources of oil and hazardous materials.
2. Due to the geological characteristics of the site, specifically shallow bedrock, the Phase 2 identification of the source and extent of contamination should include an assessment to evaluate whether or not the bedrock is a migration pathway for contaminants from the site.
3. The DEP must be notified immediately if any information becomes available which indicates the original classification of the Site as non-priority pursuant to 310 CMR 40.544 should be revised, or that an imminent hazard requiring a Short Term Measure pursuant to 310 CMR 40.542 exists.
4. In addition to the necessary submittals required in 310 CMR 40.535, a status update of Site activities must also be provided to the DEP on an annual basis, due January 1st of each year, until the signed Completion Statement has been submitted certifying that the remedial response actions have been completed.
5. Public involvement activities as defined in 310 CMR 40.200 must be completed.
6. The transportation and disposal of contaminated soils must be conducted in accordance with M.G.L.c.21E, 310 CMR 40.000, and 310 CMR 30.000.

WAIVER APPROVAL

Page 3

Sunrise Sunoco, Site Number: 2-0745

July 2, 1992

7. The DEP must be notified of changes in ownership and changes in persons supervising and performing remedial response actions. Remedial response actions must be supervised and performed by persons who are competent and expert in the field of oil and hazardous material remedial response actions.
8. The DEP will conduct detailed audits on selected waiver sites on a random basis, as a result of our initial review of the waiver application, and as reports or documents are (or are not) submitted pursuant to the conditions specified in Section IV of the Waiver.

Please note that all remedial response actions, including public involvement activities which are implemented at the Site must be completed in a manner consistent with this approval, the conditions of the Waiver Application, 310 CMR 40.000 and M.G.L.c.21E.

Please indicate your acceptance of the above waiver conditions by signing the Waiver Application Disposition Form and returning it to the DEP. The waiver approval does not go into effect until this form is received.

If you have any questions concerning this matter, please contact Mary Gardner of this office at (508) 792-7653.

Yours truly,



Edmond G. Benoit
Regional Engineer
Waste Site Cleanup

EGB/DJH/MG/RJC

2-0745.APP

enclosure

cc: Acton Board of Selectmen
Acton Board of Health
Elaine Jonnet, BWSC, Boston, DEP
JoAnne Kasper Dunne, CRO, DEP
Robert Mills, Handex of N.E., Inc., 398 Cedar Hill Street,
Marlboro, MA 01752
Database Entry

SECTION VIII

WAIVER APPLICATION DISPOSITION

(For DEQE Use Only)

1. Application Number: 91-2-0745-1 Date Application Received: 8/27/91

2. Applicant Name: Earl Borkland, Sun Refining & Marketing Company

Address: NE Terminal Road

Providence RI (STREET) 02905
(CITY/TOWN) (STATE) (ZIP CODE)

3. Site Name: Sunrise Sunoco

4. Site ID Number: 2-0745

5. Disposition

Waiver Application Determination. (Check one)

Approved.

Conditions of approval: See Waiver Approval letter

Denied

Basis for denial:

Application reviewed by: Mary K. Gardner

Signature: Mary K Gardner Date: 7/2/92

Acceptance of Waiver Application Disposition

I understand and agree to any and all additional conditions specified above for an approved application:

(Signature of Applicant)

(Date)

Be completed by applicant for approved waiver applications. Sign and return this page to the Department for all approved waiver applications, regardless of whether any additional conditions have been specified.

Site Plan Special Permit #2/7/90-324
Sun Refining & Marketing Co.
421 Mass. Ave.
Plan File #3245

FILE COPY

Page 1 of 9

Decision of the Board of Selectmen (hereinafter the Board) on the petition of Sun Refining & Marketing Co. (hereinafter the Petitioner), for the property located at 421 Mass. Ave., Acton, Massachusetts. Said property is shown on Acton Town Atlas Map F-3 Parcel 105.

This decision is in response to an application submitted to the Board on February 7, 1990 by the Petitioner for a Site Plan Special Permit under Section 10.4 of the Acton Zoning Bylaw (hereinafter the Bylaw) to remove the existing building and replace with a new building and new pump islands.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on March 20, 1990 at 8:45 P.M. in the Selectmen's Hearing Room at the Acton Town Hall. Board members Dore' Hunter, William Weeks, Donald Gilberti, Norman Lake and Nancy Tavernier were present throughout the proceedings. The hearing was continued until April 24, 1990 at 8:30 P.M. at which time Nancy Tavernier, William Weeks, Donald Gilberti and Norman Lake were present throughout those proceedings.

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

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

Exhibit I

A properly executed application for site Plan Approval received February 7, 1990 signed by Charles G. Kadison, Attorney for Sun Refining & Marketing Co.; a locus map with the property highlighted; a certified abutter's list signed by Assistant Assessor Lela M. Sorensen, dated February 2, 1990; a traffic study dated January 1990 prepared by Bruce Campbell and Associates and prepared for Sun Refining and Marketing Co.

Exhibit II

A set of plans with the following sheets. Sheet #1, Plot plan drawn by David E. George dated May 23, 1989, Drawing #5-2365. Sheet #2, is Miscellaneous Details & Elevations drawn March 9, 1987, Drawing #5-2365-M prepared by David E. George. Sheet #3, Grading Plan dated June 6, 1989, Drawing #5-2365-G. Sheet #4, Landscaping Plan, Drawing #5-2365-L. Sheet #5, Pemall Watchman Pre-Engineered Fire Suppression System Model PGS-70, Drawn June 6, 1989, Drawing #5-2365-P. A set of reduced drawings of the same set of plans as outlined above.

Exhibit III

A booklet entitled "Tank Replacement Assessment" Prepared by Hander, Dated July 21, 1989. A letter from the Commonwealth of Massachusetts Executive Office of Environmental Affairs, Department of Environmental Protection, Dated April 13, 1990, addressed to Mr. Quirk regarding its Notice of Responsibility, Disposal Site as Required under M.G.L. Chapter 21E and 310 CMR 40.000.

Exhibit IV

A booklet entitled "Water Balance Calculations" Prepared by Acton Survey and Engineering for Sun Refining and Marketing Co., 421 Massachusetts Avenue, Acton, MA.

Exhibit V

Interdepartmental Communication (IDC) from Building Commissioner dated 3/12/90 to the Board of Selectmen. IDC dated 3/02/90 from the Engineering Department to the Town Manager; IDC from the Health Director to the Building Commissioner dated 3/06/90; IDC to the Planning Board/Board of Selectmen from the Transportation Advisory Committee dated 3/09/90; IDC to Mark Vert, Site Plan Coordinator, from Municipal Properties Director dated 2/08/90; IDC from the Town Planner to the Town Manager dated 3/08/90; IDC from the Fire Department to the Town Manager dated 3/09/90; Application for a license for underground storage.

Exhibits I, II, III and IV are referred to hereinafter as the Plan.

1.0 Findings and Conclusions

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

- 1.1 The site is located within the General Business Zoning District and the use is allowed by the Bylaw.
- 1.2 The site is located within Zone 4 of the Groundwater Protection District.
- 1.3 A Hazardous Materials Storage Permit will be necessary for this site from the Board of Health.
- 1.4 The "Tank Replacement Assessment Report" Prepared by Handex, reports the soils on site are contaminated by volatile hydrocarbons. It will be necessary to remove or treat all contaminated soils during construction.
- 1.5 The Department of Environmental Protection has determined that the property at 521 Mass. Ave., Acton, MA is a disposal site as defined in Massachusetts Oil and Hazardous Materials Release Prevention and Response Act (M.G.L. Ch. 21E).
- 1.6 It is necessary for the site to have a new septic system. The Acton Board of Health has granted a variance for the site to construct the septic system based on the percolation rate. It will also be necessary for the Petitioner to obtain approval from the Department of Environmental Protection prior to construction of the septic system.
- 1.7 Future traffic improvements planned for this intersection may require an easement from Sun Oil along its Route 27 property line. The Petitioner has expressed an interest in supplying this easement in a cooperative venture with the Town.

- #####
- 1.8 The intersection of Main Street and Massachusetts Avenue is currently over its design capacity during the P.M. peak hour and will continue to operate over capacity regardless of the Sunoco renovations. The proposed Sunoco mini-mart will increase the amount of traffic entering this intersection by less than 1%. To minimize the existing long queues and any additional delays created by Sunoco mini-mart during both the A.M. and P.M. peak hours, Sun Refining and Marketing Co. have offered to pay for the reprogramming of the existing signal controller to provide a leading eastbound green phase during P.M. peak hour and increase the allocated green time for the southbound and northbound approaches during both peaks. This will reduce the overall delays at the intersection and restore LOS and delay to the existing levels or better.
 - 1.9 In order to protect this property in case of a fire or other emergency, it will be necessary to install an automatic and manual fire alarm system connected directly to the Fire Department by a master box. Any underground routing of fire alarm wires would be required to be shown on the Plan as well as the location of the master fire alarm box on the street side of the structure. A lock box will also be required and should be shown on the property adjacent to the master fire alarm box.
 - 1.10 It is necessary for the site to have an adequate surface drainage system in order to protect adjoining properties. The drainage plans as supplied are deficient in the following areas: The storage capacity for the retention/detention pond is stated in the drainage calculations, how this amount is calculated is not shown nor is the pond shown on the Plan; the design calculations for the drainage need to be certified by a Professional Engineer; there are no construction details on the plans for their "on-site storm water retention or retention with oil/water separator;" (if the drainage is intended in any way to tie into the street drainage system a permit from the NDPV will be required.) In order to coordinate the existing and proposed contours on this site with the adjoining sites at least two benchmarks referenced to the National Geodetic Vertical Datum of 1929 should be shown on the Plan.
 - 1.11 The water line to the building has not been shown and should be indicated on the approved Plans.
 - 1.12 An erosion and sedimentation control plan will be required to ensure that sedimentation that results from the construction of the site does not enter Mass. Ave. and create a traffic hazard.
 - 1.13 In order for this facility to operate as a self serve it will be necessary for the Petitioner to obtain the approval of the State Fire Marshal's Office prior to operating the station as a self serve operation.
 - 1.14 There appears to be a break out of water along Mass. Ave. This water has been tested by the Acton Board of Health and it has been determined that the break out contains volatile hydrocarbons.

- 1.15 There is concern that traffic may try to bypass the traffic lights at the intersection of Mass. Ave. and Main Street and in order to discourage this a speed bump should be added to the Plan to prevent the traffic from passing through the site in order to circumvent these lights.
- 1.16 In order for this facility to conduct 24 hour sale of retail food, it will be necessary for the Petitioner to obtain a Special Permit from the Board of Selectmen.
- 1.17 The Petitioner is seeking a Special Permit for relief from parking regulations under Section 6.2.4 of the Bylaw to decrease the amount of required parking spaces from 9 to 7. The Board finds that it is not practical to provide the required number of parking spaces and that the lack of parking spaces will not create undue congestion or traffic hazards on or off the site.
- 1.18 A final water balance calculation has not been submitted to the Town to show compliance with the Bylaw Section 4.3.6.2. This must be done after the final location of all impervious and pervious surfaces have been determined.
- 1.19 The Plan, as modified herein, and as provided for in the Conditions protects the Town and the neighborhood against serious detrimental or offensive uses on the site and against adverse effects on the natural environment and complies with all applicable requirements of the Bylaw.
- 1.20 The Plan, as modified herein, and as provided for in the Conditions provides for convenient and safe vehicle and pedestrian movement to and from the site as well as within the site; adequate methods of waste disposal and adequate parking and loading facilities.
- 1.21 The granting of a Site Plan Special Permit for the Plan, as modified herein, and as provided for herein, will not derogate from the intent of the Bylaw to limit the adverse effects of the use and development of the land on the surface and groundwater resources of the Town of Acton.

THEREFORE, the Board voted to GRANT the requested Site Plan Special Permit and a Special Permit for relief from parking regulations under Section 6.2.4 of the Bylaw subject to and with the benefit of the following Plan modifications, conditions and limitations.

2.0 Plan Modifications

Prior to the issuance of a Building Permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected or modified information. The Building Commissioner shall not issue any Building Permit nor shall he permit any construction activity to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any Building Permit or permit any construction on the site. The Petitioner shall submit 5 copies of the final plans as approved for construction by the Building Commissioner to the Building Commissioner prior to the issuance of a Building Permit.

- 2.1 An erosion and sedimentation control plan shall be prepared so as to insure no sedimentation is allowed to enter Mass. Ave.
- 2.2 The Plan showing the entire drainage system as required by Section 5.4.6.1 of the Rules and Regulations will need to be prepared. Any necessary construction details will need to be shown on the construction detail plan. Complete drainage calculations as required by Section 5.4.6.1 of the Rules and Regulations and the supporting design of the drainage system will need to be submitted. The drainage system design shall incorporate a suitable trench drain across the entire Mass. Ave. entrance in order to intercept storm water runoff draining toward Mass. Ave. This trench drain shall discharge to an MDC type gas trap before discharging to the existing storm water drainage system in Mass. Ave. The applicant must apply for and receive an MDPW permit for this connection prior to issuance of a building permit if necessary.
- 2.3 Materials for the new parking area shall consist of 12" of gravel and 3" of bituminous concrete paving laid in two courses. This should be shown as construction detail on the Plan.
- 2.4 The Plan shall be modified to show a note on the Plan indicating that all filled materials shall not contain any hazardous material or solid waste.
- 2.5 Existing and proposed contours shall be shown on the plot plan (Sheet 1) for the entire site. The topography must be referenced to the National Geodetic Vertical Datum of 1929 with the location and elevation of the starting benchmark referenced and with at least two additional temporary benchmarks on the site shown on the Plan.
- 2.6 The automatic and manual fire alarm system which is to be connected to the Fire Department by master box shall be shown on the Plan as to the location of all associated underground wiring. The location of the lock box shall also be shown adjacent to the manual fire alarm box.

- #####
- 2.7 The water line to the building shall be shown on the Plan.
 - 2.8 A speed bump shall be added to the Plan between the island and the pump islands to discourage vehicles from circumventing the lights at the intersection of Mass. Ave. and Main Street.
 - 2.9 The Plan shall be modified to show changes in impervious cover as required in Bylaw Section 4.3.6.2., "Groundwater Protection District", and comply with such requirements.
 - 3.0 Conditions
 - 3.1 Prior to the issuance of a Building Permit, Phase I (Limited Site Investigation including Site Classification), Phase II (Comprehensive Site Assessment) and Phase III, (Development of Remedial Response Alternatives and Final Remedial Response Plan) shall be prepared and approved by DEP.
 - 3.2 Phase IV, (Implementation of the Approved Remedial Response Alternatives) may occur after the Building Permit is issued but prior to occupancy if allowed by DEP.
 - 3.3 Prior to the issuance of a Building Permit the applicant shall obtain the approval of the Department of Environmental Protection for the construction of the septic system to be used on site and such other permits, as required.
 - 3.4 Prior to occupancy or use of the new building, an as-built plan supplied by the engineer of record certifying that the project was built according to the approved documents. The as-built plan shall show all pavement, building and drainage structure locations above and below grade in their true relationship to the lot lines, and include appropriate grades and elevations. In addition to the Engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor.
 - 3.5 Prior to occupancy the Petitioner shall apply for and obtain a Hazardous Materials Storage Permit from the Board of Health.
 - 3.6 Prior to the issuance of a Building Permit or the start of any work on the site the Petitioner shall submit, for the written approval of the Board of Selectmen, a letter of agreement stating that at such time as traffic conditions on Mass. Ave. and Main Street in the opinion of the Board of Selectmen, reach proportions that constitute a hazard to the citizens of the Town of Acton, the Petitioner will contribute (on a pro rata basis) a fair share toward a traffic study to be conducted at the direction of and to the satisfaction of the Board of Selectmen, focussed on alleviating the problem. The Petitioner's share is to be based on metering of traffic to and from the subject property. The Petitioner herein agrees to assume all costs necessary and associated with the metering of traffic associated with the subject property.

- *****
- 3.7 Upon the completion of construction but prior to occupancy of any buildings on the site, any outdoor lighting facilities shown on the Plan and intended to be installed shall be inspected by the Building Commissioner to determine the compliance of said facilities with the requirements of the Bylaw. Should any or all of the outdoor lighting facilities fail to comply with the requirements of the Bylaw, the Petitioner shall cause such facilities to comply with the Bylaw requirements at his sole expense.
 - 3.8 No building or structure authorized by this Permit shall be occupied or used, and no activity, except the construction activity authorized by this Permit, shall be conducted on the site until a Certificate of Use and Occupancy has been issued by the Building Commissioner.
 - 3.9 The Petitioner shall prepare an easement, for a ten foot strip of land along the Route 27 property line, suitable for recording, that allows the Town of Acton the right to use the land for future traffic improvements. This shall be done prior to occupancy.
 - 3.10 The Petitioner in an attempt to minimize the existing long queues and any additional delays created by the Sunoco Mini-Mart during both the A.M. and P.M. peak hours, shall prepare a plan suitable for filing with the Mass. DPV to be presented to the Town of Acton. This plan will propose reprogramming the existing signal controller to provide a leading eastbound green phase during the P.M. peak hour and increase the allocated green time for the southbound and northbound approaches during both peaks. The Petitioner shall supply to the Town the cost of a professional review of the proposal, not to exceed \$1,000. The applicant assumes all costs of implementation of the plan. The applicant shall file the plan with the Town prior to Building Permit and shall implement the plan prior to occupancy if the proposal is accepted by the Town and the Mass. DPV.
 - 3.11 The Petitioner shall obtain all necessary approvals of the State Fire Marshal's Office prior to operating the station as a self serve operation.

4.0 Limitations

The Authority granted to the Petitioner by this permit is limited as follows:

- 4.1 This permit applies only to the site which is the subject of this petition. All construction to be conducted on the site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 4.2 There shall be no further development of this site without written consent of the Board of Selectmen.
- 4.3 This decision applies only to the requested Special Permit. Other permits or approvals required by the Acton Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.

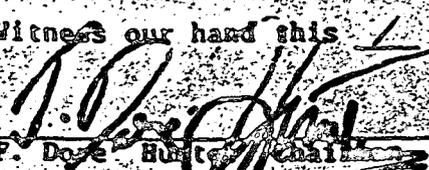
- #####
- 4.4 No approval of any indicated signs or advertising devices is implied by this decision.
 - 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the Acton Zoning Bylaw.
 - 4.6 The Board hereby reserves its powers to modify or amend the terms and conditions of this Special Permit upon its own motion or on the application of the owner, lessee, or mortgagee of the premises. The Board further reserves its powers to amend this permit without a new public hearing provided the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw or with the terms of this permit.
 - 4.7 This Site Plan Special Permit shall lapse on May 29, 1992 if a substantial use thereof has not sooner commenced except for good cause. Any request for an extension of the time limitation set forth herein must be made in writing to the Board at least 30 days prior to May 17, 1992 and the Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant any extension as herein provided unless it finds that the use of the property in question or construction on the site has not begun except for good cause.
 - 4.8 The sale of retail food cannot be conducted during a continuous 24 hour day unless a Special Permit is obtained from the Board of Selectmen.

Site Plan Special Permit #2/7/90-324
Sun Refining & Marketing Co.
421 Mass. Ave.
Plan File #3245

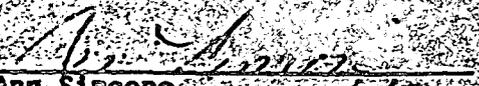
5.0 Appeals

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

Witness our hand this 1 day of July, 1990


F. Dove Huber, Chairman

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


Ann Simeone
7/1/90

July 1, 1990
Date filed with Town Clerk


Cornelia O. Huber, Town Clerk

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

Date

Cornelia O. Huber, Town Clerk

(341)
cc: Petitioner - Certified Mail # 518 375 305
Building Commissioner
Planning Board
Engineering
Conservation
Board of Health
Town Clerk
Planning Boards - Littleton, Westford, Maynard, Carlisle, Concord, Boxboro, Stov, Sudbury

6/22/93 - 13

INTER-DEPARTMENTAL COMMUNICATION

MAR 18 1992

December 23, 1992

TO: Don Johnson, Town Manager
FROM: Doug Halley, Health Director
SUBJECT: Upper Blackstone Fees

Enclosed please find Upper Blackstone's fees beginning July 1, 1993 and a proposed letter, from the Health Department to all septage haulers, notifying them of the new rates. The rates reflect a \$2.00 increase per 1000 gallons discharged for an approximate 4% increase. The Health Department does not recommend an increase in the Town's \$14.00 service charge at this time. The Board of Selectmen will need to ratify these rates prior to July 1, 1993.

BOS - CONSENT 6/22/93

NOTE TO BOS -

WE HAVE REVIEWED THIS PROPOSED
CHANGE AND CONCUR.

Don

June 1, 1992

TO: All Septage Haulers
FROM: Acton Board of Health
SUBJECT: Septage Disposal at Upper Blackstone

Please be aware that septage discharge fees will be increasing as of July 1, 1993. The new rates will be as follows:

SEPTAGE DISCHARGE PERMIT FEES

effective July 1, 1993

<u># of gals</u>	<u>basic cost</u>	<u>Up. Blck. Srv. Chg.</u>	<u>In Dist. Total</u>	<u>Out of District</u>	<u>Town's Srv. Chg.</u>	<u>Total Cost</u>
1000 gal	42.00	6.00	48.00	5.00	14.00	67.00
1500 gal	63.00	6.00	69.00	7.50	14.00	90.50
1800 gal	75.60	6.00	81.60	9.00	14.00	104.60
2000 gal	84.00	6.00	90.00	10.00	14.00	114.00
2250 gal	94.50	6.00	100.50	11.25	14.00	125.75
2600 gal	109.20	6.00	115.20	13.00	14.00	142.20
3000 gal	126.00	6.00	132.00	15.00	14.00	161.00
3600 gal	151.20	6.00	157.20	18.00	14.00	169.20
4000 gal	168.00	6.00	174.00	20.00	14.00	208.00
4500 gal	189.00	6.00	195.00	22.50	14.00	231.50
5000 gal	210.00	6.00	216.00	25.00	14.00	255.00
7200 gal	302.40	6.00	308.40	36.00	14.00	358.40
10000 gal	420.00	6.00	426.00	50.00	14.00	490.00
16000 gal	672.00	6.00	678.00	80.00	14.00	772.00

In addition, a fee of \$14.00 shall be applied to any disposal of septage which occurs at a facility other than Upper Blackstone.

Rates are based on the following conditions:

- There will be a minimum charge of \$67.00 for loads under 1000
- All charges will be based on each truck's capacity. Billing will be at a minimum of 90% of a truck's liquid capacity.
- Any quantities in between the calculated amounts will be prorated, based on actual measured loads.

If there are any questions regarding these fees call the Health Department at 264-9634.



ACTON HOUSING AUTHORITY

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

6/22/93 (14)

June 17, 1993

Mr. Dore Hunter
Chairman
Acton Board of Selectmen
Town Hall
Acton, MA 01720

Dear Mr. Hunter:

Enclosed please find an Extension of the Acton Housing Authority's Annual Contributions Contract from the U. S. Department of Housing and Urban Development which needs to be executed by the Board of Selectmen. Until your approval the Acton Housing Authority is unable to reissue our Section 8 Certificates. Your approval will allow the Housing Authority to continue to provide safe and decent housing.

If you should have any questions I would be more than happy to meet with you or the entire Board.

Sincerely,

Naomi E. McManus
Naomi E. McManus
Executive Director



U.S. Department of Housing and Urban Development

Boston Regional Office, Region I
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street
Boston, Massachusetts 02222-1092

JUN 10 1993

Naomi McManus, Executive Director
Acton Housing Authority
P.O. Box 681
Acton, Massachusetts 01720

Dear Ms. McManus:

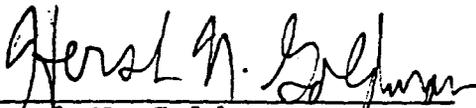
SUBJECT: Section 8 Existing Annual Contribution Contract
Contract No.: B-1223E
Project No.: MA06-E057-020-REN (Renewal)

Enclosed is the above identified contract. These documents should be processed promptly by your Authority in accordance with the attached instructions, and returned to this office as soon as possible.

If you have any questions regarding this matter, please do not hesitate to contact this office at (617) 565-5126.

Sincerely,

Patricia P. Allen
Associate Regional Counsel

By: 
Herish N. Goldman
Legal Technician

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 EXISTING

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT
PART I

for

HOUSING CERTIFICATE PROGRAM

1.1 DEFINITIONS.

A. ACC.

As used in Part I of this CACC, "ACC" means the Annual Contributions Contract for each project.

As used in Part II of this CACC, "ACC" means the CACC.

B. Budget Authority. The maximum aggregate amount which may be paid by HUD for each project in the Program over the duration of the CACC. Budget Authority is reserved by HUD from amounts authorized and appropriated by the Congress. (Exhibit II lists budget authority for projects funded with amounts appropriated in Federal Fiscal Year 1968 and later years.)

C. CACC. Consolidated Annual Contributions Contract.

D. Contract Authority. The amount of contract authority for each project is listed in Exhibit I or Exhibit II of this CACC Part I (subject to reduction in accordance with section 1.4.D and section 2.3 of this CACC).

E. Cost Amendment. An amendment to the CACC which provides additional contract or budget authority to cover increased Program Expenditures to maintain the Program at the number of units originally approved by HUD.

F. Fiscal Year. The PHA Fiscal Year.

- G. HUD. U.S. Department of Housing and Urban Development.
- H. Maximum Annual Contribution Commitment. See section L4.C.1.b of this CACC.
- I. PHA. Public Housing Agency.
- J. Program. The PHA's Housing Certificate Program under the CACC.
- K. Program Receipts. Amounts paid by HUD to the PHA for the Housing Certificate Program, and any other amounts received by the PHA in connection with the Program.
- L. Program Expenditures. Amounts which may be charged against Program Receipts in accordance with the CACC and HUD requirements.
- M. Project. A funding increment for the Program. (The project may be for additional units or for a cost amendment.)

L2. HOUSING CERTIFICATE PROGRAM.

- A. Projects in Program.
 - 1. List of Projects. The Projects in the Program are listed in Exhibit I and Exhibit II of this CACC Part I.
 - 2. Exhibit I. Exhibit I lists projects funded with amounts appropriated before Federal Fiscal Year 1968.
 - 3. Exhibit II. Exhibit II lists projects funded with amounts appropriated in Federal Fiscal Year 1968 and later years.
- B. Number of Units (by number of bedrooms). To the maximum extent feasible, the PHA shall enter into contracts for housing assistance payments for units under the Program in accordance with the unit distribution stated in this section. No substantial deviation, as determined by HUD, from this unit distribution is allowed without prior HUD approval.

<u>Number of bedrooms</u>	<u>Number of Units</u>
0	-----
1	20
2	44
3	15
4	-----

B. PHA Fiscal Year.

1. The first fiscal year for the Program shall begin on 6-23-81. (Enter the effective date for the first project listed in Exhibit I of Part I of the CACC. If this date is not entered before the CACC is signed by the PHA, the date may be entered subsequently by HUD, upon written notice by HUD to the PHA.) The first Fiscal Year for the Program shall end on the last day of the PHA Fiscal Year which ends not less than 12 months, or more than 23 months, after this date.
2. Thereafter, the fiscal year for the Program shall be the 12 month period ending December 31 of each calendar year. (Enter the day and month used as the Fiscal Year ending date for other section 8 assistance administered by the PHA under an Annual Contributions Contract with HUD.)

13. TERM.

- A. Exhibit I Projects. For all Projects listed in Exhibit I, the term of the CACC shall end on _____ (Insert last date of CACC term for all Exhibit I projects. If this date is not entered before the CACC is signed by the PHA, the date may be entered subsequently by HUD, upon written notice by HUD to the PHA.)
- B. Exhibit II Projects. For each project listed in Exhibit II:
 1. Exhibit II states the first date and last date of the ACC term for the project.
 2. The first date of the ACC term for the project shall be the first day of the month when HUD signs the CACC which adds the project to the Program, or another date as determined by HUD.
 3. If the first or last date of the ACC term for the project is not entered before the CACC is signed by the PHA, the date may be entered subsequently by HUD, upon written notice by HUD to the PHA.
 4. HUD may revise Exhibit II at any time, upon written notice by HUD to the PHA (a) to add a cost amendment project, or (b) to remove a project for which the ACC term has expired.

L4 ANNUAL CONTRIBUTION.

A. Payment. HUD shall pay the PHA annual contributions for the Program in accordance with HUD regulations and requirements.

B. Amount and Purpose of HUD Payments.

1. The annual contribution for the Program shall be the amount approved by HUD for each Fiscal Year to cover:

a. The amount of housing assistance payments by the PHA.

b. The amount of PHA fees for Program administration.

2. The amount of the HUD annual contribution may be reduced, as determined by HUD, by the amount of Program Receipts (such as interest income) other than the HUD annual contribution.

C. Maximum Payments for Program.

1. Annual Limit on Payments for Program.

a. Except for payments from the CACC reserve account as provided in section L4.E of this CACC, the HUD annual contribution for the program under section L4.B during the Fiscal Year shall not be more than the Maximum Annual Contribution Commitment for the Program.

b. The Maximum Annual Contribution Commitment for the Program for each PHA Fiscal Year shall be equal to the sum of the contract authority amounts reserved by HUD for the projects in the Program. The amount of contract authority reserved for each project in the Program is stated in Exhibit I and II of this CACC Part I (subject to reduction in accordance with section L4.D and section 2.3 of this CACC). If the first Fiscal Year for the Program is more than 12 months, the Maximum Annual Contribution Commitment for the Program for the first Fiscal Year may be adjusted in an amount as determined by HUD by the addition of the pro rata amount applicable to the period in excess of 12 months.

2. Limit on Total Payments for Program. The sum of EUD payments under section 1.4.B for the Program over the duration of the CACC (including any payments from the CACC reserve account as provided in section 1.4.E) shall not be more than the sum of the budget authority amounts reserved by HUD for the projects in the Program from amounts authorized and appropriated by the Congress.

D. Reduction of Amount Payable. EUD may reduce the amount payable by HUD for any project or for the Program, and may reduce the amount of the contract authority or budget authority for any project, by giving the PHA written notice of reduction in accordance with section 2.3 of this CACC. The notice by HUD may include a revision of Exhibit I or II to state the reduction in the amount of contract authority or budget authority for a project.

E. CACC Reserve Account. A CACC reserve account shall be established and maintained by HUD, in an amount as determined by HUD consistent with its responsibilities under section 8(c)(6) of the U.S. Housing Act of 1937. The CACC reserve account may be used by HUD for payment of any portion of the payment approved by HUD under section 1.4.B for the Fiscal Year.

F. Separate ACC. HUD's commitment to make payments for each project listed in Exhibit II shall constitute a separate ACC.

1.5 CACC.

A1. The CACC consists of this CACC Part I (including Exhibits I and II) and the form ACC Part II prescribed by HUD for the Housing Certificate Program and Housing Voucher Program, designated as form HUD 52520 E, and dated June 1985. These documents constitute the whole CACC for the Program.

A2. The PHA shall submit to the Boston Housing Opportunity Clearing Center (also known as Metrolist) (hereinafter, Metrolist) information concerning the PHA's application and selection policies and waiting list procedures, including a copy of the application form(s). All changes, amendments, deletions, or any other alteration of this information shall be submitted to Metrolist within 5 days of its effective date. Metrolist is operated by the Boston Fair Housing Commission and was established pursuant to Section II.B of the Decree entered in N.A.A.C.P. v. Boston Chapter v. Kemp, Civil Action No. 78-850-S (D.Mass.). The PHA shall also submit to Metrolist, at least two weeks in advance, notification of the reopening of any previously closed waiting list. In addition, the PHA shall encourage the owners and managers of HUD-assisted housing to participate fully in available programs designed to facilitate access to suburban housing opportunities for low-income minority households now living in the City. Such programs include, without limitation, Section 8 rental subsidies and the listing of housing opportunities at Metrolist. If so directed by HUD, the PHA shall require such participation by including such terms in RAP contracts, except that HUD will not direct that such terms be added to RAP contracts for Section 8 certificates and vouchers. The PHA shall meet all requirements imposed by the Secretary in implementation of the provisions of this paragraph. Records documenting such compliance shall be kept in accordance with the requirements of the Secretary or his agents.

B. This CACC supersedes any previous Annual Contributions Contract for the projects or Program. Matters relating to operation of the projects or Program under a previous Annual Contributions Contract shall be governed by this CACC.

Signatures:

PUBLIC HOUSING AGENCY

Acton Housing Authority _____
Name of PEA

By _____
Signature Date signed

Print or type name and official title of signatory

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

By _____
Signature Date signed

Print or type name and official title of signatory

(SEAL)
Attest:

(SEAL)
Attest:

TOWN/CITY Acton

BY: _____

TITLE: _____

DATE: _____

Executive Office of Communities
and Development

BY: _____

TITLE: _____

DATE: _____

EXHIBIT I

Projects Appropriated Before Federal Fiscal Year 1966

PROJECT NUMBER	ACC LIST NUMBER	CONTRACT AUTHORITY	PROJECT ACC EFFECTIVE DATE
MA06-E057-007	B-31-300	44,544.00	06/23/81
MA06-E057-003	B-32-439	22,050.00	01/06/83
MA06-E057-009	B-83-511	45,708.00	01/06/84
MA06-E057-011	B-86-342	42,240.00	MAY 29 1987

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Date signed

Exhibit I: Page 1 of 3 pages

EXHIBIT II (Ongoing)

Projects Anticipated in Federal Fiscal Year 1988 and Later Years

Abbreviation: CA = Contract authority. BA = Budget authority.

PROJECT NUMBER	CA	BA	FIRST DATE OF TERM	LAST DATE OF TERM	UNIT DISTRIBUTION
MA06-E057-013	\$ 89,193.	\$445,965.	10/1/89	9/30/94	2ER 6 3ER 3
MA06-E057-901	\$124,181.	\$248,360.	9/1/89	12/31/90	-----
MA06-E057-901	(\$124,181.)	(\$248,360.)			
MA06-E057-001	\$68,544.00	\$892,836.00	1-28-76	1-27-91	1ER 6 2ER 6 3ER 3 15
MA06-E057-001	(\$68,544.00)	(\$892,836.00)	1-28-76	1-27-91	
MA06-E057-902	\$124,181.00	\$124,181.00	10/1/91	12/31/91	-----
MA06-E057-902	(\$124,181.00)	(\$124,181.00)			
MA06-E057-903	\$150,000.00	\$150,000.00	10/1/91	12/31/91	-----
MA06-E057-903	(\$150,000.00)	(\$150,000.00)			
MA06-E057-003	\$68,556.00	\$945,060.00	5-22-78	5-21-93	1ER 5 2ER 8 3ER 2
MA06-E057-003	(\$68,556.00)	(\$945,060.00)	5-22-78	5-21-93	
MA06-E057-904	\$30,000.00	\$30,000.00	3/1/93	12/31/93	-----
MA06-E057-004	\$37,500.00	\$559,188.00	7-12-79	7-11-94	1ER 4 2ER 4 3ER 2

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Date signed _____

Exhibit II: Page 2 of 3 pages

EXHIBIT II - RENEWALS - 86 x 0194

Projects Anticipated In Federal Fiscal Year 1968 and Later Years

Abbreviations: CA = Contract authority. BA = Budget authority.

PROJECT NUMBER	CA	BA	FIRST DATE OF TERM	LAST DATE OF TERM	UNIT DISTRIBUTION
<u>Renewals - 86 x 0194</u>					
MA06-EO57-016-REN	\$150,162.00	\$750,810.00	1-01-91	12-31-95	1BR 6 2BR 6 3BR 3 <u>15</u>
MA06-EO57-020-REN	\$133,803.00	\$669,015.00	5-1-93	4-30-98	1BR 5 2BR 8 3BR 2 <u>15</u>

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Date signed _____

6/22/93-15

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 18, 1993

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Superior Trading Corp., Class II License

Staff has reviewed the original concerns that came to the Board regarding operations under this license. It is our opinion that structural and operational issues have now been resolved and/or will be resolved with the type of conditions suggested below. Using my original letter of Dec. 20, 1991 as a guide, we note the following:

1. The number of vehicles on the site has appeared to have been kept within the limit of six (6) since this complaint was received. Staff does not see this as a problem at this time.
2. Pavement that had been removed at the time of the original report was replaced last summer and vehicles appear to have been properly parked on the paved surface since then. This item is no longer a concern.
3. Any "stripping" of vehicles (as had been alleged earlier) has either ceased or never existed.
4. The "gasoline station" aspects of this property have ceased. (Indeed, the pavement removal and replacement issue stemmed from removal of the old gas tanks.) This provision of the license should simply be removed.

5. Mr. Wagner has proposed that we reference 50 Great Road as an "alternate repair facility" on the license. The Building Commissioner has previously reported on zoning complications that limit or prohibit the storage or sales of vehicles at 50 Great Road. Given the zoning issues, we believe the better course of action would be to not include 50 Great Road as part of the license. Our suggestion is that the license, for the sale of used vehicles, should remain limited to 790 Main Street. If Mr. Wagner takes his vehicles to other businesses for repairs, that seems to be a reasonable function of the business ... but not part of the Class II license. Our real concern is that sales and storage of vehicles, associated with Mr. Wagner's license, not take place at a location other than 790 Great Road. (The Board may wish to place a condition on the license that would prohibit storage and sales of vehicles at any location other than 790 Main Street.)

6. The Building Commissioner is handling the sign under another action. This concern does not need to carry forward under the Class II License renewal.

At this time, staff would recommend that the Selectmen approve the license for the balance of the year, including any considerations you may wish to make with respect to the items noted above.

cc: Mr. Daniel J. Wagner
Building Commissioner
Police Chief

A handwritten signature in black ink, appearing to be 'D. J. Wagner', is written over the 'cc:' line of the distribution list.

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

Don P. Johnson
Town Manager

December 20, 1991

Superior Trading Corp.
790 Main Street
Acton, MA 01720

Gentlemen:

On Tuesday, December 17, the Board of Selectmen considered the renewal of your Class II License at 790 Main Street. During the course of their discussion the Selectmen considered several questions and complaints that have come to their attention. The issues discussed included the following:

1. From time to time the number of vehicles on the site appears to exceed the authorized limit of 6.
2. Storage of these vehicles does not appear to be consistent with the approved plan. This includes the improper parking of vehicles off of paved surfaces.
3. The Selectmen have received a complaint that vehicles are being "stripped" behind the building at this location.
4. The license requires that the sale of vehicles from these premises be "...in combination with the gasoline station as one operation." The Selectmen note that you no longer maintain a gasoline station at this location.
5. There is concern that you may be selling vehicles from 50 Great Road, without proper approval.
6. An old sign structure that no longer relates to any business activity at this facility remains on the premises and should be removed.

The Selectmen have approved a 90 day extension of your license in order to allow staff an opportunity to investigate the allegations and report to the Board with a recommendation. I have directed Garry Rhodes, Building Commissioner, to undertake this investigation.

You may expect to hear from Mr. Rhodes early in January. Please give him your full cooperation in order that we might resolve these questions quickly and provide a favorable report to the Selectmen. With a favorable report, the Selectmen will be able to release your license for the balance of the year.

Very truly yours,

Don P. Johnson

Town Manager

cc: Board of Selectmen
Garry Rhodes

DPJ:219

JAN 16 1992

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

DATE: January 3, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *JAR*
SUBJECT: Superior Trading Corp., Class II License, 790 Main Street

I have had the opportunity to investigate the allegations that are contained within your December 20, 1991 letter to Superior Trading. At the time of my initial inspection only six cars were for sale on the site. The license is limited to six vehicles. There were, however, two vehicles in the rear portion of the lot (they have since been removed) that did not appear to be running or for sale. There is also a boat that, according to Mr. Wagner, belongs to himself and is stored there.

I have reviewed the license and it does not accurately describe the business. The gas station is no longer in operation. Mr. Wagner also appears to be storing/repairing vehicles at 50 Great Road. He has indicated to me that he is not selling from that site. The items noted above are in violation of MGL C140 sec 59 which reads as follows, "the license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business". 50 Great Road is located in the East Acton Village District, Zone 3, of the Groundwater Protection District. Repair of motor vehicles is a protected, non-conforming use, however, storage of vehicles is only allowed by special permit from the Planning Board and selling is not allowed at all.

Sometime around 1985 the underground storage tanks were removed from 790

Main Street. When the site was restored the pavement where the tanks had been was not replaced. Several of the vehicles are stored on these gravel areas. This site is located in Zone 3 of the Groundwater Protection District.

The free-standing sign advertises Esso, the name of the gas station that is no longer there. It is my opinion that the sign is in violation of AZBL section 7.4.2. I will be pursuing the removal of the sign.

In considering the release of the license for the full year, the Board of Selectmen may wish to consider the following:

1. Mr. Wagner should explain what is happening on 50 Great Road. If he is storing or selling vehicles this would be in violation of zoning. In any case, the license should detail where the business is taking place and under what conditions.
2. The gas station is no longer in operation and the license should be changed to reflect it.
3. 790 Main Street is located in Zone 3 Aquifer. All vehicles should be restricted only to paved areas. The pavement that was removed should either be replaced or vehicles restricted from parking there. This site does not have an adequate repair facility and only vehicles that are operable should be located there.

If you need additional information, please contact me.

<12-8-92>
145CHRIS.W22

12/15/92

⑥

FOR DECEMBER 15, 1992 SELECTMEN'S MEETING

CLASS II LICENSES

I move we approve Class II Licenses as listed below:

Auto Dealers of Concord Inc., 77 Hosmer Street. Building and Sales room located at 77 Hosmer Street

E.L. Cox Associates, Inc., 77 Hosmer Street. Building and Sales room located at 77 Hosmer Street

School Street Garage, 27R School Street. 1160 sq. ft. building with 750 sq. ft. bldg., hydraulic lift and equipment.

Superior Trading Corp., 790 Main Street, Acton, land of 8/10th of an acre with 100 ft. frontage on Main Street includes gas station, office and shed in rear. Number of cars shall be limited to six the cars to be stored as shown on plan 4 and the business associated with the permit to be conducted by Mr. Wagner and managed in combination with the gasoline station as one operation.

Robert L. Caldwell, d/b/a Coach Auto Sales, 408 Massachusetts Ave. At Foote's Shell station limited to six vehicles. No signs or banners are allowed and no repairs on the second hand vehicles allowed after 6:00 P.M.

B.S.C. Motors of Acton, 362 Central Street. Concrete block and brick face garage building on about 3/4 acre lot with black top parking and auto repair facilities including gasoline storage limited to 4 cars only.

Powdermill Sunoco, 45 Powdermill Road. 200 ft. 100 ft. lot. facing Powdermill Road all paved with 46'x47' building. Restrictions: the number of cars displayed for sale must not exceed six cars in a saleable condition and shall be parked where indicated on the plan dated April 6, 1976.

Joseph M. Britt, d/b/a J&B Sales Co., 796 Main Street, 40,155 sq. ft. lot, frontage on Ledge Rock Way, 453.71 ft. frontage on Route 27, 77.30 ft. 1 bldg. 32.32.10' height, 1 building 10/12.

Gar-Wal Co., 245 Arlington Street, Paved parking lot with a brick bldg. Restrictions: No more than two cars for sale at anytime, license will be automatically revoked.

Superior Corp.
Superior Trading Corp.

508-264-4114

DEC 31 1992

790 Main Street
Acton, Massachusetts 01720

December 29-1992

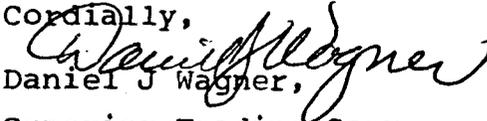
Mr Don Johnson Town Manager
Town of Acton
470 Main St
Acton, Ma. 01720

Dear Don,

Following our April meeting I sent you a letter for your file, addressed to the Selectmen, a copy of which is enclosed. I was at the last Selectmens meeting and I understand a licence wording approval will come up January 19th, 1993. I feel we are very limited by the licence, and thus concerned that confusing wording might only bring up future questions and problems. I suggest the wording be kept simple, yet within the intent of the current worded licence; a suggested wording might be as follows.;

8/10 acre with 100 ft. frontage on Main St, to include office and shed in rear- number of cars to be stored as shown on Plan 4- alternate associated repair facility at 50 Great Rd.

I will return your call, or am usually at 264-4114 after 3:30 if you have any questions.

Cordially,

Daniel J. Wagner,
Superior Trading Corp.

Superior Corp.
Superior Trading Corp

790 Main Street
Acton, Massachusetts 01720

Copy

Town of Acton
Board of Selectmen
Town Hall Main St
Acton, Ma. 01720

April 9, 1992

Gentlemen:

In December a question came up regarding our Class II car licence. We would like to address the following points.

- 1 The licence plan shows our cars are to be stored over an area where the removed gas tanks were located. Since the hot top has not yet been replaced, we are storing the cars temporarily, on hot top, back from the assigned area. In 1990 we took the tanks out and in 1991 we put water service from the street to the building, in the same area. We will hot top the open area by the end of July or sooner. Hot tops not available in the winter months. At that time, the cars will be stored again as outlined on our plan.
- 2 I purchased East Acton Garage from Mr Wm Gallagher in 1965, and this 50 Great Rd. location has been used as an alternate repair facility by Superior Trading Corp. over the years, to insure quality used cars for our customers. We are not selling cars from that location, nor do we intend to do so. It might be helpful, for all, to identify this location on our licence as an "alternate repair facility" so this question will not come up again.
- 3 "The car business managed by Mr Wagner as one operation with the gas station is correct, in that we do maintain our gas licence and occasionally sell emergency gas needs and stored oil. However it might be simpler to eliminate those words from the licence. The intent of the wording, at the time of the licence issuance, was that the used car business and gas station would be one.

We hope this will clear up any misunderstanding. We have been in business selling cars in Acton for about as long as anyone, and have not been a problem in our thirty years of operation. Our intention is to give satisfaction and value, and to be a part of Acton.

Yours truly,
Daniel J. Wagner
Daniel J. Wagner

6/22/93-16

CONFIDENTIAL

5 Valley Rd.
Acton, MA 01720
June 15, 1993

The Selectman
Town of Acton
Town Hall
Acton, MA 01720

Thanks from ACES for making Town Hall available for the June 10, 1993 public meeting which reviewed the remediation plans for the W.R. Grace Superfund Site. Several questions were raised which seem to be Town of Acton concerns, rather than EPA/DEP concerns. ACES would appreciate your response to these matters:

1. Assurance that the deeds to the WRG property define past waste sites, remediation, and limits to the future use of the property.
2. A guarantee that future site maintenance is financially available; one suggestion was the establishment of an "endowment" by WRG to the Town. Could this be part of a Town/WRG settlement in the current litigation?

Yours truly,
Bob Eisengrein
R.H. Eisengrein
TAG Project Manager

cc: Steve Anderson

cc: BOS -

#1. THIS IS ACTUALLY AN EPA/SUPERFUND TYPE OF ACTION.

#2. I WILL REPORT IN EXEC. SESSION.

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

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

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

June 1, 1993

CONFIDENTIAL

POSSIBLE EXEC. SESSION

6/22/93

BY FAX

Patrick J. Winn, Esq.
Senior Associate Attorney
Sundstrand Corporation
P.O. Box 7003
Rockford, IL 61125-7003

Dear Mr. Winn:

I tried to reach you last Thursday, but your secretary said that you would not be in the office until tomorrow, and I am, therefore, writing to you to explain the purpose of my call. I am Town Counsel of Acton. We met in 1992 in connection with the Town's renewal of a special permit for construction of an addition to the LMI facility in Acton. One of the conditions of that permit was the installation of a traffic signal at Main Street to handle the additional traffic at the site. I understand from the Town that a dispute has arisen about occupancy of the building. I understand that the traffic signal has not been installed and that LMI is not willing to provide security satisfactory to the Town that it will be installed promptly. The Town has directed me to take whatever legal action is necessary to prevent occupancy of the building until this issue is resolved.

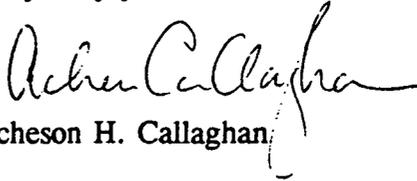
I believe that this issue should and can be resolved without such action, however. The Town has demonstrated its support for the project by its cooperation in resolving the litigation that held up work originally and by renewing the special permit after it had lapsed. The traffic signal was an important condition of that permit, and the Town is not prepared to ignore it. The Town is simply asking for security that the signal will be installed by a date certain. The posting of a cash security or a letter of credit to secure this obligation should be acceptable to LMI. Although the amount of security is based on the Town's cost of doing the work, LMI should be able to do it for a substantially lower cost. In addition, LMI would be entitled to interest on the cash deposit. Thus, the cost of LMI should be minimal, provided LMI completes the work as required.

June 1, 1993

Page 2

I look forward to hearing from you when you have had a chance to review this letter.

Very truly yours,


Acheson H. Callaghan

AHC/dcb

cc: Denis B. Hunt
Don Johnson, Town Manager

June 17, 1993

TO: Board of Selectmen, Town Manager

FROM: Nancy Tavernier

SUBJECT: Cable TV coverage

I am concerned about some issues surfacing in regard to our relationship with Cablevision. I was recently told, confidentially, by someone involved in the volunteer Cable group, that Cablevision will NOT be covering Board of Selectmen (and presumably the School Committee) meetings anymore because they have checked out the license agreement and find they are not required to cover them. They will only cover the meetings with the use of volunteers and will not pay anyone to do it.

This did not sit well with me and I have re-read the license agreement and enclose excerpts that dispute this claim. I would refer you to pages 38-39 where the terms of servicing the public needs are clearly stated. It is also clear that any such reduction in service, which this is, requires the Licensee to come before us (the Issuing Authority) to discuss such revisions. On pages 58-59, the Issuing Authority also has the authority to REVOKE the license for any defaults and I would consider section (i) to qualify as a default.

My suspicion is that these threats are related to the Town Meeting fiasco and certain personalities involved at that time. Perhaps the Board is not aware that the reason the April 12 meeting sound system failed is because Cablevision did not have adequate cable wires that would transmit to the cafeteria and that this was known well before the start of the meeting. I am sure you recall that the Selectmen were blamed for this failure! Furthermore, the least competent and cooperative unit involved in the "Field House" town meeting was Cablevision. At one point, after much complaining about cost and overtime, they were told to remove themselves and we would provide the video hookup through contracted sources. Only then did they come up with the necessary equipment and personnel.

I have been a strong advocate of televised government meetings. I believe they are the most effective way to educate our citizens. The town and the schools need full exposure more than ever. I would encourage the Board to take action on this threatened loss of service to the community.

CATV License - Town of Acton

SECTION 20 - LOCAL ORIGINATION FACILITIES AND PROGRAMMING

The Licensee shall provide access and origination equipment within eleven (11) months after execution of the Final License. The studio equipment will have the capacity for live and delayed video taping of programs and the capacity to play back, edit and transmit recorded programs. Portable equipment will be available at all times for video tape recording at any location in the Town. The market value of this equipment will be \$140,000. The general outline of equipment to be furnished shall be as follows:

The Licensee will provide for town use a video production and post-production facility. This facility will be based primarily on equipment that is state-of-the-art, easy-to-use, mobile, lightweight and of a high technical standard. The initial production and post-production equipment will include the following items:

- 1) Three (3) color studio cameras
- 2) Five (5) portable color cameras with low light operating capabilities
- 3) Three (3) industrial half-inch cassette portable decks (all BETA or all VHS)
- 4) Two (2) three-quarter-inch cassette portable decks (U-Matic standard)
- 5) One (1) complete three-quarter-inch cassette editing system (two editors and automatic controller)

SECTION 20 - LOCAL ORIGINATION FACILITIES (continued)

- 6) One (1) complete industrial half-inch cassette editing system (two editors and automatic controller in the same format as chosen in item 3)
- 7) One (1) studio type three-quarter-inch recorder
- 8) One (1) studio type half-inch cassette recorder
- 9) One (1) remote equipment/operating panel
- 10) One (1) rack-mounted set of monitors as necessary to operate studio
- 11) One (1) waveform monitor
- 12) One (1) vectorscope
- 13) One (1) time base corrector
- 14) Sufficient internal capacity for proper studio operation and multiple-camera portable production
- 15) Three (3) portable audio mixers
- 16) One (1) audio studio mixer
- 17) Combination of lavalier and desktop microphones sufficient for proper studio and portable video production and post-production.
- 18) Sufficient microphone accessories (floor stands, table stands, extension cables, booms, etc) to support the use of microphones specified above
- 19) One (1) studio three-point lighting kit (Mole-Richardson or equivalent)
- 20) One (1) portable three-point lighting kit (Mole-Richardson or equivalent)

SECTION 20 - LOCAL ORIGINATION FACILITIES (continued)

- 21) One (1) studio color special effects generator
- 22) One (1) color capable character generator
- 23) Four (4) standard portable audio cassette recorders
- 24) One (1) telecine for use with 16mm films and standard 2X2 slides
- 25) Five (5) Auxiliary battery packs for portable field production equipment
- 26) Two (2) portable VTR camera switchers (Adwar, Comprehensive Video, or equivalent)
- 27) Five (5) portable camera extension cables (30 feet or longer)
- 28) Five (5) heavy-duty, spring-loaded camera tripods for portable cameras (Husky-V or equivalent)
- 29) Three (3) heavy-duty, fluid-head studio camera tripods with dollies
- 30) Sufficient number and configuration of portable and studio color and black and white monitors for full studio and portable production purposes
- 31) One (1) color studio program monitor
- 32) All necessary cables, connections, and video tape required for the full and proper functioning of all equipment and facilities provided for production and post production.

All construction, installation, interconnection and reconstruction costs associated with the establishment of the production and post-

SECTION 20 - LOCAL ORIGINATION FACILITIES (continued)

production facility will be borne by the Licensee. The video production facility provided by the Licensee shall be located at the Acton-Boxborough Regional High School provided the Acton-Boxborough School Committee agrees to such placement. The exact location and physical dimension of this facility will be subject to negotiation between the Licensee and the Superintendent of the Regional School System or his designee. In the event that the studio facilities are located in a school building, Licensee shall recognize that the staffing of the studio is an important and sensitive issue and to insure the safety of pupils and staff and the tranquil environment required in an institution of learning, Licensee shall consult with the Superintendent of the school system or his designee in which the studio is located on all hiring and personnel additions by submitting the resumes of all persons seeking employment in and around the studio to the Superintendent or his designee for review before any offer of employment is extended, by arranging interviews by the Superintendent or his designee of any applicant, upon request of the Superintendent and by making it a condition of employment in the studio that the applicant must be acceptable to the Superintendent. Furthermore, the Licensee shall discharge or transfer to other responsibilities outside the studio any studio employee whom the Superintendent shall determine, after an open proceeding affording the employee due process (including if he so desires, legal representation), to be disruptive or unsuited to the school environment. Further, the Superintendent or his designee shall also

SECTION 20 - LOCAL ORIGINATION FACILITIES (continued)

approve the operating procedures and hours of use of the studio.

All facilities and equipment provided by the Licensee shall be maintained in good working order by the Licensee. All costs related to equipment, preventative maintenance, repair and replacement will be assumed by the Licensee, except that Licensee shall not be required to replace willful and malicious damage or vandalism to the equipment described above. As the initial equipment reaches the end of its useful life, it shall be replaced with comparable state-of-the-art equipment. When major equipment maintenance work requires the return of equipment to a repair facility, substitute equipment will be provided for ongoing program production.

The Licensee shall encourage and emphasize the use of access and origination in the Town of Acton. To accomplish this, Licensee shall provide at its own expense the technical and programming assistance as outlined in the Application or as necessary to service the needs of the Town and demands for public use of the equipment. In any event, the programming operating budget shall be \$50,000 in each of the first two years of access and origination operation and will be adjusted thereafter as necessary to maintain a level of service as specified in the application or by the continuing use of the origination facilities. In the event that the public use of the access and origination facilities would indicate a reduction in the programming budget, then Licensee

SECTION 20 - LOCAL ORIGINATION FACILITIES (continued)

shall discuss a revised budget with the Issuing Authority before implementing any reduced budget. The studio equipment housing and adequate security as approved by Licensee shall be the responsibility of the Town. The studio equipment shall be owned and maintained by the Licensee throughout the term of the License and any renewal thereof. Further, the Licensee shall make available for use by Acton citizens, mobile studio equipment it maintains in Essex, Norfolk, or Middlesex County. Licensee shall also provide at its cost a Local Origination/Access Coordinator, technical support staff, and access user training as specified in the application.

SECTION 31 - 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 Sections 4 & 5 of 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.

- (a) For failure to file and maintain a bond as required or to maintain insurance as required.
- (b) For repeated violations, as determined by the CATV Commission, of commitments of a license set forth in Subsection (j) of Section 5 of Chapter 166A.
- (c) For repeated failure, as determined by the CATV Commission, to maintain signal quality under the standards provided for by the CATV Commission.
- (d) For any assignment or transfer of the License without consent of the Issuing Authority as required by Section 34 hereof.
- (e) For failure to remit fees as required by Section 32 hereof.

SECTION 31 - REVOCATION OF LICENSE (continued)

- (f) For failure to pay taxes to the Town, when due.
- (g) For any material omissions from any application submitted pursuant to Sections 4 and 5 of G.L.c. 166A, or any annual return under G.L.c. 166A, Section 8.
- (h) For failure to complete construction in accordance with provisions of this License.
- (i) For repeated violations of any obligation of the Licensee under terms of the License or as determined by the Issuing Authority.

The Issuing Authority may issue formal notice of default without hearing, but no hearing or revocation shall be held for reasons (a) through (i) until after the Licensee has had thirty (30) days to institute a cure for the default.

SECTION 33 - REVIEW OF LICENSEE' PERFORMANCE

At the discretion of the Issuing Authority, the Licensee shall meet with the Issuing Authority or designee to discuss any aspect of existing or proposed CATV operations.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 4, 1993

TO: Cable Advisory Committee
FROM: Don P. Johnson, Town Manager
SUBJECT: Cable TV Rate Regulation

the attached information from the Massachusetts Cable Television Commission is being forwarded to you as I send it to the Board of Selectmen. Given the content and the apparent urgency, I am quite confident that the Board will seek your advice on this matter.

Please return your recommendations and/or comments as soon as possible. The earliest meeting at which the Selectmen could consider action on this matter would be June 22. If you determine that action is necessary at that time, please provide your recommendation by Thursday, June 17, in order that we might include it on the agenda and in the Selectmen's weekend packet.

cc: Board of Selectmen

NOTE TO BOS -

SHARON INGRAHAM CALLED TO RESPOND :

- 1) FCC SCHED. HAS BEEN ROLLED BACK TO OCTOBER.
- 2) SHE SAYS BOS SHOULD DO NOTHING @ THIS TIME (NO LETTER, ETC.).
- 3) SHE WILL BE FORWARDING A SAMPLE LETTER FOR OUR CONSIDERATION.



Massachusetts Cable Television Commission

C A B L E B U L L E T I N

Number 93-3

May 27, 1993

IMPORTANT: ALL MASSACHUSETTS CABLE TELEVISION ISSUING AUTHORITIES REQUESTING BASIC SERVICE TIER AND EQUIPMENT RATE REGULATION MUST READ THIS NOTICE AND RESPOND AS DIRECTED IN ORDER TO ENSURE FCC CERTIFICATION BY THE STATE COMMISSION.

As we notified all issuing authorities in our May 10, 1993 Cable Bulletin, the Federal Communications Commission (the "FCC") has clarified that basic service tier and equipment rate regulation in Massachusetts shall, under state law, be exercised under the authority of the Massachusetts Community Antenna Television Commission (the "Commission").

In past years the Commission has held Cable Forums, conducted local training sessions, and provided ongoing assistance to local governments. We expect to continue these services, and we expect to increase our utilization of Cable Bulletins which allow us to communicate directly with you. We know that you are busy with your many and varied responsibilities and we will attempt to keep our bulletins simple and straightforward. We encourage all local issuing authorities, or their key aides, to read these bulletins as they will contain important information that will directly impact your community and often require timely action.

This bulletin is intended to serve two purposes: first, to provide local issuing authorities with their first exercise of local decision making regarding rate regulation - the determination of whether or not the community requests the Commission to seek certification and apply basic service tier and equipment rate regulation for their community; second, to provide local governments with an understanding of the timing of events that will occur as the Commission moves forward in implementing rate regulation. Also attached to this Cable Bulletin is an informative FCC Public Notice to supplement the Executive Summary that we recently forwarded to you.

Requests for Basic Service Tier and Equipment Regulation

In its Rate Regulation Report and Order the FCC stated that there is, at least initially, an opportunity for a regulating body to elect not to apply basic service tier and equipment rate regulation in its franchise area. The FCC stated "[w]e [will] not . . . assume jurisdiction at this time in all cases where a franchising authority does not apply for certification."

The state Commission is likewise interested, at least initially, in providing local Massachusetts issuing authorities with the option of electing to evoke or not evoke basic service tier and equipment rate regulation. Where communities request basic service tier and equipment regulation, rates will be regulated by the Commission. We underscore that by electing not to have basic service tier and equipment rates regulated by the Commission, communities may not regulate rates on their own.

Some analysts have stated that they believe that communities have an opportunity to enter into goodwill agreements in lieu of rate regulation. These communities may presumably elect against rate regulation for a number of reasons. For example, the issuing authority may believe that existing rates are reasonable or they may believe that the threat of regulation presents some negotiating strength that could be used to achieve desired policy goals. However, we strongly caution local governments that there are significant questions as to the legality or enforceability of such informal agreements. Further, we caution that by not making a cable operator subject to regulation as of August 4, 1993 (when the FCC's rate freeze expires), some communities may be irreversibly allowing cable operators to increase rates.¹

Therefore, we are requesting that all Massachusetts issuing authorities seeking to have the Commission regulate rates for the basic tier and equipment charges notify the Commission, via certified mail, of its request. Attached to this bulletin is a sample letter of request for basic service tier and equipment rate regulation which should be signed by the issuing authority. This letter will provide the Commission with formal notification that the issuing authority is requesting rate regulation. In turn, the Commission will apply to the FCC for certification to regulate rates for the community. The FCC has not indicated any final filing date for certification; likewise, we are not requiring that

¹ If an operator's rate is below the benchmark on the date on which the system becomes subject to regulation, the operator is not entitled to raise the rate to the benchmark. If a delay in the exercise of rate regulation occurs after the freeze expires, a cable operator with rates below the benchmark may have an opportunity to raise rates to or above the benchmark. Should that operator's rates later become subject to rate regulation, the cable operator would be required to roll back rates to the benchmark, but not any lower than the benchmark.

requests for rate regulation be sent before any deadline. However, for the reasons outlined above, local issuing authorities are encouraged to make determinations in an expeditious manner.

The FCC's Report and Order was published in the Federal Register on May 21, 1993. The FCC's rate regulation rules become effective 30 days after Federal Register publication. The Commission can file for certification 30 days after the rules become effective. The Commission would become certified 30 days after filing with the FCC. Upon certification, the Commission will notify the affected cable operators that they are subject to regulation. Upon notification, cable operators will have 30 days to file their rate schedules with the Commission.

Assuming a certification request was filed on June 21, it would become effective on July 21. If notification is sent to a regulated cable operator by next-day mail, the cable operator would have 30 days from July 22 to file its rate schedule.

Once a cable operator submits its rates to the Commission for review, the Commission must make its rate determination within the time frames set by the FCC. If rates for the basic service tier and accompanying equipment rates are reasonable under FCC standards, the rates will go into effect 30 days after they are submitted. If the Commission cannot determine whether or not rates are reasonable, the Commission may take an additional 90 days to make this determination. If an operator submits a cost-of-service showing, the Commission can take an additional 150 days for its review.

Based on the FCC's rules, the Commission expects that initial rate determinations will, at the very earliest, not begin until late summer and final rate determinations are likely to take place in the early fall.

* * *

The companion role of state and local cable television regulation has always presented a very high level of cooperation between the state and cities and towns. The Commission continues to actively solicit local input on the issue of rate regulation and through the rulemaking process we will seek formal input from all interested parties. We are keenly aware that successful implementation of rate regulation depends upon the communication between and cooperation of local governments and the state. We will strive to create workable procedures that achieve Congress' intent of ensuring reasonable cable rates in a manner that minimizes administrative burdens.

Should you have any questions relating to this bulletin or to cable television in general, please do not hesitate to call us at 617-727-6925.

Attachments



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
WASHINGTON, D.C. 20554

33044

News media information 202/632-5050. Recorded listing of releases and texts 202/632-0002.

May 7, 1993

CABLE TELEVISION RATE REGULATION

QUESTIONS AND ANSWERS

On May 3, 1993, the Commission released a lengthy Report and Order containing rules, forms and procedures for implementing the rate regulation provisions of the Cable Television Consumer Protection and Competition Act of 1992 ("the Cable Act"). As has been previously announced, the Commission's staff will present a workshop on the details of these regulations in the Commission's Meeting Room, Room 856, on May 13, 1993 at 2 p.m. In the interim, the following questions and answers address a number of the more basic issues relating to the rate regulation rules.

1. Question: What does the Cable Act provide regarding cable rates?

Answer: It authorizes the regulation of basic cable and cable programming services rates for every cable system that is not subject to "effective competition." Because only a relatively few systems are subject to effective competition, rates will be regulated in most situations.

2. Question: How are rates going to be regulated and who is going to undertake the regulation?

Answer: Monthly rates for cable service will be regulated by either the local franchise authority or the FCC, depending on the tier of service involved.*** The "basic" service tier will be regulated by the local franchise authority which, if it asserts its jurisdiction, will approve rates in advance. The rates for tiers of "cable programming" service will be reviewed by the FCC, but only in response to subscriber complaints. Pay-per-view and pay-per-channel offerings are not covered by the Cable Act, and their rates are not regulated.

3. Question: What specific services are included in the "basic" and "cable programming" service tiers?

Answer: The basic tier includes all of the broadcast signals (other than satellite "superstations") that the cable system distributes, as well as the public, educational and governmental access channels that are required by the local franchise authority and any other services that the cable system at its discretion chooses to include on this tier. The cable programming service

1

IMPORTANT NOTICE FROM THE MASSACHUSETTS CABLE COMMISSION

The FCC has ruled that, for purposes of rate regulation, the Massachusetts Cable Television Commission shall be considered the franchising authority for the state of Massachusetts. Therefore, references to responsibilities and authority of the "franchising authority" in the attached FCC public notice should be read to mean the state Commission in Massachusetts.

tier (or tiers) includes all programming services that are not on the basic tier and that are not pay-per-channel or pay-per-view services.

4. Question: How does a franchise authority regulate the basic service tier?

Answer: The franchise authority is generally the city or county government where the system is located but in some states a state commission is responsible for rate regulation. In order for a franchise authority to assume responsibility for basic service rates it must be certified by the FCC as qualified to undertake this regulation -- that it has the necessary legal authority, adequate personnel, and regulations consistent with the law and FCC regulations. If the franchise authority can demonstrate that it is unable to undertake this regulation and/or its certification is rejected, then the FCC must also assume responsibility for basic tier regulation.

5. Question: How does the FCC's regulation of the cable programming service tier take place?

Answer: The FCC's authority to regulate cable programming service rates is triggered by the filing of a subscriber complaint. Systems are not required to obtain advance approval of rates changes relating to this tier of service.

6. Question: How do subscribers complain about cable programming service rates?

Answer: Complaints must be filed on an FCC approved complaint form. This form is not yet available for use because it must be cleared for use under the Paperwork Reduction Act. Complaints cannot be accepted until the form is available; complaints that are not on the proper form will not be accepted. The form requires only very simple information regarding the locale and identity of the system and the rates paid. It does not require the subscriber to do any of the calculations required to determine the reasonableness of the rate. Complaints with respect to existing rates will be accepted for 180 days after the effective date of the rules. Complaints regarding subsequent price increases must be filed within 45 days of the receipt of a bill containing a rate increase. The required complaint form will be available directly from cable system operators and the FCC.

7. Question: When will regulation of rates begin?

Answer: The process has already commenced but several transitional steps must be completed before the full impact of the new law is felt:

- On April 5, 1993, cable systems were ordered to stop all rate increases for a period of 120 days;
- On May 3, 1993, the FCC released a comprehensive set of rules to govern the rate regulation process;
- On June 21, 1993, the rules will become effective;
- After the rules become effective, franchise authorities can seek certification to begin the basic tier rate regulation process - under the law such applications must be acted on by the FCC within 30 days;

- After a franchise authority is certified the cable operator has 30 days to submit its basic tier rates for review;
- The FCC can begin its regulation of the cable programming service tier rates as soon as the regulations become effective, i.e., on June 21, 1993, but the FCC must also receive a subscriber complaint for its authority to be triggered.

As a consequence of the need for these transitional steps, regulation will generally be commencing for most systems sometime in the summer of 1993.

8. Question: Can systems make any changes in rates during the 120-day rate freeze period?

Answer: Yes. Certain changes in tier and equipment rate structures are anticipated during the freeze period in order to comply with the new rate rules so that, for example, the price of one tier may decrease while the price of another is increased. Such changes are allowed as long as the average subscriber charge is not increased.

9. Question: When will changes in cable rates be reflected in subscriber bills?

Answer: The rules will go into effect on June 21, 1993, and decreases in cable rates should begin to occur within a few months thereafter. The vast majority of cable rates should come down, but not all will. Given the time necessary for cities to get certified and for parties to file complaints, and for actual review of rates, governmental actions to reduce rates would probably begin to occur in the late summer or early fall. Cable systems may choose to reduce their rates before that time, however, if they anticipate their rates are too high under the new standards.

10. Question: Will refunds be provided if rates were too high?

Answer: The local franchising authority or the FCC can order refunds for any period after the rules become effective on June 21, 1993. The FCC will act only in response to specific complaints. A cable system cannot be legally required to refund money for rates charged before the new rules were in effect.

11. Question: What if a franchise authority doesn't do anything about regulating cable rates?

Answer: If a city demonstrates that it is unable to regulate rates for basic tier service (because it is unqualified or lacks sufficient resources to regulate rates), the FCC will do so, upon request by the city. Before the FCC will step in to regulate rates, however, the franchising authority must show why it cannot use its franchise fees to cover the costs of rate regulation. If the city does not want to regulate rates and does not ask the FCC to regulate them, the rates for the basic tier of service will not be regulated. The FCC will still review rates for tiers above the first tier, in response to consumer complaints, regardless of whether basic rates are regulated.

12. Question: How will the FCC and franchise authorities establish reasonable rate levels?

Answer: In an effort to determine what rates would be reasonable, the FCC undertook a survey of all cable television systems in the United States that were facing actual "effective competition" as that term is defined in the law. These rates were compared with a large random sample of systems in noncompetitive situations. This survey revealed that the rates for noncompetitive systems were generally about ten percent above the rates for competitive systems on September 30, 1992, the date the survey was completed. From this survey data the FCC developed a set of per channel "benchmark" rate standards to define reasonable rate levels. These levels are generally ten percent below the rates in effect on September 30, 1992. These rate levels, however, are subject to certain adjustments to determine current reasonable rates at the time of regulation including adjustments for local franchise fees, inflation, and certain programming cost increases.

13. Question: Will charges for installations, additional outlets, converter boxes, and remote controls be subject to regulation?

Answer: Yes. All customer premises installations and equipment are subject to regulation on an actual cost (including reasonable profit) basis. This regulation will generally be undertaken by the franchise authority. Late payment fees are not subject to regulation under the Act.

14. Question: Where can interested parties get a copy of the regulations and supporting documents?

Answer: The full text of the Commission decision and the new rules will be printed in a publication call the FCC Record, which is available in large law libraries around the country. The complete new rules and a summary of the decision will be published by mid-May in the Federal Register, which should be available in most local libraries. The text is also available for purchase from the Commission's independent copy contractor, International Transcription Service, phone (202) 857-3800.

_____, 1993

John M. Urban, Commissioner
Massachusetts Cable Television Commission
100 Cambridge Street
Boston, MA 02202

Re: Rate Regulation Certification

Dear Commissioner:

This letter constitutes the City of/Town of _____'s formal request that the Commission regulate rates for the basic service tier and equipment in said city or town consistent with rules and regulations promulgated by the FCC.

By signing this letter of request, the issuing authority also certifies that it has duly undertaken any action necessary to authorize its signature.

Issuing Authority for the City
of/Town of _____:

Name:
Title:

DRAFT

**SELECTMEN'S MEETING
JUNE 8, 1993**

The Board of Selectmen held their regular meeting on Tuesday, June 8, 1993 [meeting began at 8:00 due to special election]. Present were Dore' Hunter, Anne Fanton, William Mullin, Norm Lake, Nancy Tavernier and Town Manager Johnson {Representatives from cable were not present to broadcast meeting}

CITIZENS' CONCERNS

None expressed

PUBLIC HEARINGS AND APPOINTMENTS

ARBORETUM PRESENTATION

Harry Donahue and Belle Choate outlined the Friends success in obtaining a \$5,000 grant from the Wharton Trust to establish a New England Wildflower Collection. The Friend's are asking that the Town accept the improvements at the Arboretum as they progress during the next year. DORE' HUNTER - Moved to accept the improvements at the Arboretum funded by the Wharton Grant for the establishment of a New England Wildflower Collection. NORM LAKE - Second. UNANIMOUS VOTE.

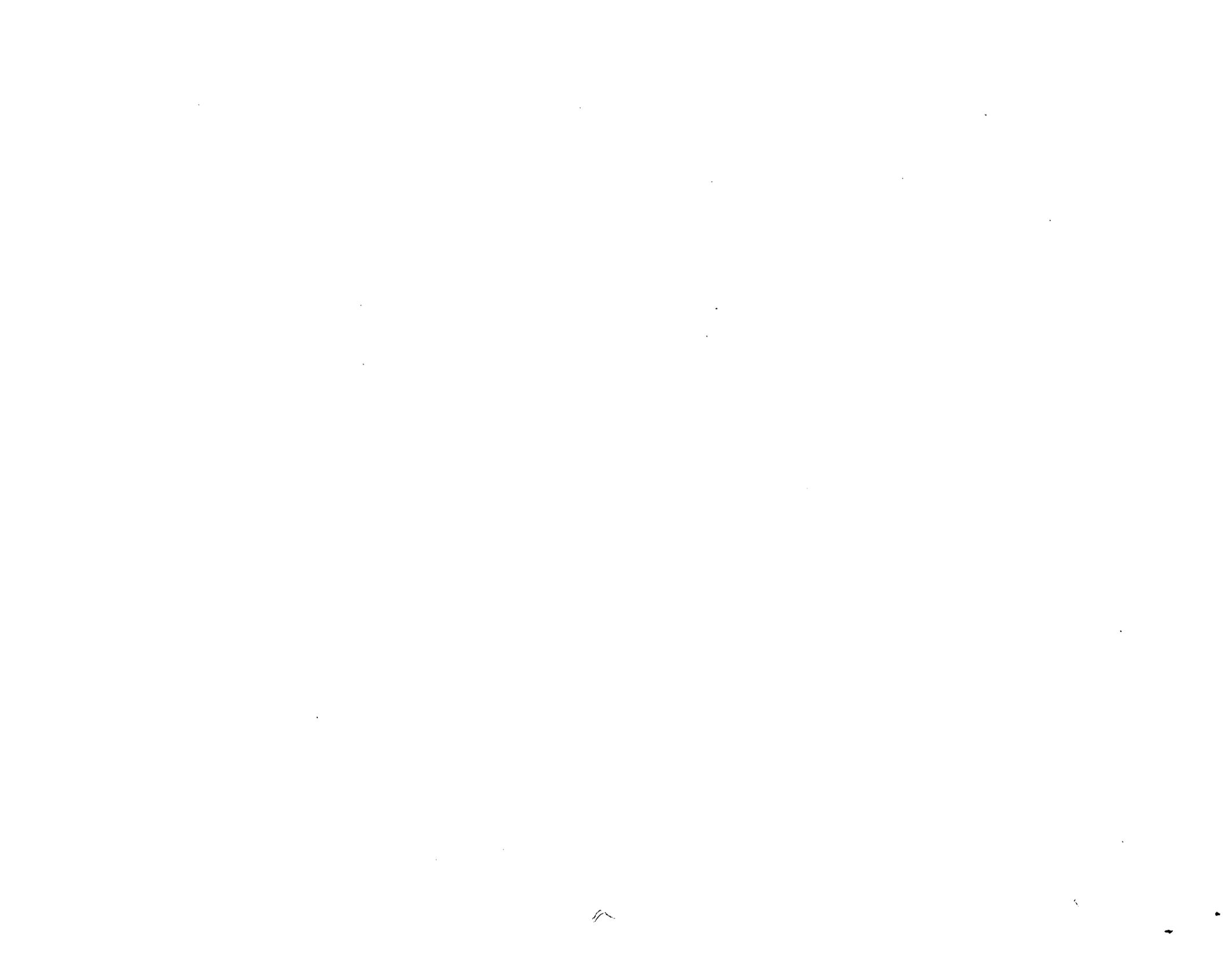
RECYCLING TASK FORCE

Nancy Tavernier introduced the members of the Task Force and thanked them as well as Myia Spies who was not present. The Task Force has completed its charge and is now ready to be sunseted.

The committee was formed in 1991 and it took some time to focus on the task and they were able to make great progress once focused. They wished to thank Dick Howe and John Murray for their efforts in negotiating contracts for the recyclables and other assistance in the process.

They also wished to thank the organizations involved in the townwide mailing of the recycling flyer. The LWV, Conservation Trust, Jr. Woman's Club, PTO's.

Peggy outlined the process of what is being recycled in Acton. They have reduced 25% from the waste stream due to the program. She hopes that Acton will continue to respond to the market. Dick Howe explained what is being collected and the tonnage of each item. He currently trades the BFI services for trash at the gate which saves the Town tipping fees. The committee had applied for and was selected to receive a grant for a 40yd roll off container for recycling. With modifications, the roll-off has been made effective and they have two backups in the event the containers get full before the pickup date.



Nancy asked that the LWV be selected as the contact person to carry on the education of citizen's about recycling. Anne noted that she felt that they might re-consider sun setting the committee. Nancy felt that the charge had been completed and it could be re-activated in the future if the need arose. Dore' asked about the Conservation Trust's status. Nancy explained that they are slowly disbanding and are continuing to keep their accumulated funds in Certificates of Deposit to be used for purposes not yet defined but possibly for future land purchases.

NORM LAKE - Moved to accept the Recycling Task Force Master Plan with the recommendation that the LWV undertake the follow-up education program. ANNE FANTON - Second. UNANIMOUS VOTE.

COMMITTEE INTERVIEW - ROYCE CHRISTENSEN CONSERVATION ASSOCIATE

Mr. Christensen expressed a desire to serve the Town in an environmental manner. While he has not been involved in any issues related to the Conservation Commission he feels he would be very interested in the position. Anne outlined the complexity of the duties with regard to wetland determinations and such and he replied that this peaked his interest even further and was anxious to get involved. NANCY TAVERNIER - Moved to appoint Mr. Christensen as an associate member of the Conservation Commission for a term to expire June 30, 1994. NORM LAKE - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

NANCY TAVERNIER - Moved to accept the consent calendar as printed. ANNE FANTON - Second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

Chairman Hunter asked that the minutes henceforth reflect whether or not cable is present to cover the Board's meetings.

EPA - Dore' Hunter reminded the Board about the EPA's Public meeting on June 10th at 7:00 to discuss the remedial cleanup at W. R. Grace. Norm Lake said he would try to attend on behalf of the Board.

MUNICIPAL QUARTERLY - Nancy wanted to have the message come from the Town Manager. After discussion several modifications were agreed upon. The newsletter will have a rotation of who the opening message comes from. The notation on the bottom of the second page regarding courtesy copy is to be deleted. The reference to the cost and the change in the opening remark should reflect "In response to numerous requests for more....".

ACCORD REQUEST - Anne was concerned with the time it takes staff to respond to requests such as the one in this weeks mail. It was explained that we provide information as outlined by statute and handle each request individually, assess the staff time required and the nature of the information requested.

MILL CORNER - Don reported that he has a consultant's meeting on Thursday with Doug Halley and SEA. Dore' asked that a report be forwarded in the Selectmen's Mail packet on this Friday.

YEAR END SPENDING - Don explained his memo item by item for the Board. Dore' felt that if we turn back monies we don't get the benefit of it. The benefits of Bottom line budget to handle unforeseen items such as the side walk plow was discussed. He felt we should only expend funds on items we could justify such as the plow, and such as a hedge on next years budget That if monies are returned, an agreement that the funds turned in go back to free cash or we get credit for them in the next budget cycle.

Dore' felt the highway plow, fire pre-emption, mowing equip. were acceptable items for expenditure.

Norm felt the PA system should also be included with the items Dore' mentioned.

Nancy felt the refurbishment of the ladder truck, E911, computer and restore maintenance for municipal properties.

Anne wanted the Elliot added. It was agreed to add it but at a lower figure of 9,999.00. She does not agree with E-911, felt is was a good issue for a menu override. She noted that she was not comfortable with the list and would have like a more comprehensive list to review the needs.

Bill said that he in the past it was his opinion to turn back unspent monies at the end of the year. However, he now feels that we should try to take care of the most pressing needs with these funds as a hedge against next years budget.

The Board voted to include the following items on the list of end of year expenditures at amount listed in Memo, unless otherwise noted:

Athletic Field Mower, Town Meeting Audio/Visual System, Sidewalk Plow, Traffic Preemption Devices, refurbish ladder truck, Computer Modifications(Fire Dept.), Grant Writer at \$5,000., Elliot Mental Health at 9,999. and Buildings and Grounds Maintenance at \$4,000.

TOWN MANAGER'S CONCERNS

RABID RACCOON POLICY - Don outlined the Board of Health memo on the proposed policy. The Board agreed with the changes relative

to the specificity of certain items pertaining to vendors. The biggest issue was the proposed list of people to be vaccinated. It was agreed that at a cost of \$120/person the list would have to be fine tuned. The Town Manager will work to develop a list of recommended people for vaccinating.

EXECUTIVE SESSION

BILL MULLIN - Moved to go into executive session to discuss potential litigation and contractual issues. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

The Board adjourned at 10:45 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(405)

**EXECUTIVE SESSION
JUNE 8, 1993**

AUDUBON HILL

Don Johnson reported on his negotiations with the Bank. They had a great meeting and the bank has agreed to fund the remaining outstanding issues at no additional cost to the Town. The Board will think about the snow plowing issue raised by Roy Smith and it was decided to make that decision when the building is offered to the Town.

TRIPLE A LIQUOR LICENSE DENIAL

Don updated the Board on his recent conversation with Zick Rubin, from Palmer & Dodge. Zick suggested the Board reconsider the application and vote a more specific motion to reflect the issues that the Board expressed when the motion to grant was defeated. After consideration, Bill Mullin expressed that he had been very preoccupied on the night of the hearing and wanted to think about the way he voted. It was decided to go to the hearing at ABCC and then if it is remanded back for Local reconsideration the Board would hear it then.

IPBO Negotiations

Don updated the Board on the recent reorganization of the leadership in the union. He expressed his disappointment that the bargaining would be formal this year in light of what has been conveyed to him.

CEMETERY DEPT.

John updated the Board on the issue of the Cemetery Commissioners continued rejection of using trust funds for salaries. They have voted to lay off the least senior full-time worker and retain all the summer help and the part time help. John has gone through the figures and found that they will have to lose all their summer and part-time help to cover the costs of laying off one full-time worker due to the unemployment payments that will result from the layoff.

The Board adjourned at 11:25 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(405)

JUNE 4, 1993

TO: Board of Selectmen
FROM: DORE' F. HUNTER, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

8:00 P.M. (NOTE MEETING BEGINS AT 8:00 DUE TO ELECTION)

JUNE 8, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 8:00 ARBORETUM PRESENTATION - The Friends of the Arboretum will be in to make a public announcement of the \$5,000 grant they are receiving from the William P. Wharton Trust. The grant is given to assist in the creation of a New England Wildflower Collection at the Arboretum. No Board action is required at this time. The Friends will return at a later time to offer the gift to the Board.
2. 8:15 RECYCLING TASK FORCE - The Task Force will discuss the final report and Recycling Master Plan.
3. 8:45 COMMITTEE INTERVIEW- ROYCE CHRISTENSEN - Enclosed please find Mr. Christensen's Citizen Resource Sheet and VCC recommendation for appointment as an Associate Member of the Conservation Commission, for Board action.

III. SELECTMEN'S BUSINESS

IV. CONSENT AGENDA

- 4 . SURPLUS PROPERTY - Enclosed please find a request from the Highway Supt. to declare as Surplus Property a 1955 Power Wagon and 1970 trailer so that they may be disposed of through sale or trade.

- 5 . SITE PLAN SPECIAL PERMIT #4/6/93-339 - Medical Investors, Suburban Manor - Enclosed please find the Decision for Board action.

V. TOWN MANAGER'S REPORT

- 6 . RACCOON POLICY - Enclosed please find the Town Manager's recommendations regarding the proposed "Raccoon Policy".
7. YEAR END FUNDS - The Town Manager's report and recommendation is attached for the Board's consideration.

VI. EXECUTIVE SESSION

8. An Executive Session will be required for discussion of contract negotiations.

MEETINGS

Marty Meehan's Health Conference - June 7 7:00 to 10:00

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

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

JUNE 22 - Mobil Oil Continuation
NET&T Petitions
Interview for Alternate Historic District Comm.
Transfer Station Fee Discussion

AUGUST 10- Ft. Devens - Tentative-
SEPT. 7

JOSEPH S. COLLENTRO

11 Grist Mill Road
Acton, MA 01720
(508) 263-7705

June 7, 1993

Ms. Nancy Travernier
Board of Selectmen
Town of Acton
Main Street
Acton, MA 01720

Dear Nancy:

As a follow-up to my letter of April 28th and our recent telephone discussion, I would like to extend an offer to the Town of Acton to participate in a pilot program for the recycling of Cathode Ray Tubes (CRTs) used in televisions and computer terminals.

As we discussed, the pilot program would cover 50 to 100 TVs at a cost of \$10 to \$12 each, the units would be recycled by Electronics Processing Associations (EPA), Inc., located in Lowell, Massachusetts. The process has been approved and permitted by the State of Massachusetts.

I welcome the opportunity for EPA, Inc., and myself to meet with you and others to provide more details concerning this program. At this meeting we will be happy to furnish additional information regarding the hazardous material (lead) contained in the CRTs, and EPA's recycling process.

Please contact me at 263-7705 to arrange a meeting at your convenience.

Very truly yours,


Joseph S. Colentro

cc: EPA, Lowell

JUN 16 '93 14159 MAIL



Commonwealth of Massachusetts Board of Library Commissioners



648 BOARD STREET, BOSTON, MASSACHUSETTS 02215 • 617 267 9100 • 800 952-7103

BOS -
More happy news!
Nancy

URGENT URGENT URGENT URGENT URGENT URGENT URGENT URGENT URGENT

DATE: June 16, 1993
TO: Public Library Directors
FROM: Dianne L. Carty, Head, Data Analysis and Research

The Senate Ways and Means Budget was released today, Wednesday, June 16, 1993.

The Senate Ways and Means Committee proposed that the FY94 Municipal Appropriation Requirement (MAR) be set at 100% of the average of the appropriations for the prior three fiscal years.

We need an immediate response (within the next 24 hours) to the following question:

Would your library meet a Municipal Appropriation Requirement for FY94 if it were 100% of the average of the prior three fiscal years (FY91 + FY92 + FY93)?

If your library WOULD/NOT meet an FY94 MAR of 100%, please FAX your response using this sheet.

If you are unable to FAX your response please call (on June 16, 1993 or June 18, 1993): Dianne L. Carty, Mary Litterst, Maureen Killoran, Brian Donoghue, Rob Maier or leave a message with the receptionist at the Board of Library Commissioners.

URGENT URGENT URGENT URGENT URGENT URGENT URGENT URGENT URGENT

BLC FAX NUMBER 617 421-9833

LIBRARY NAME ACTON MEMORIAL & CITIZENS

DIRECTOR'S NAME WANDA NULL

TOWN Our library WILL NOT MEET an FY94 MAR of 100%.

We would need approximately \$ 22,157. more to meet this requirement.

DATE 6/17/93

JOHN - PLS. CALL BOB DURAND AND EXPRESS OUR DISMAY.
AC: BOS - IS ANYONE SURPRISED?

MMA Action

HALF OF ED REFORM MONIES CAME DIRECTLY FROM OUR POCKETS, INTO THEIRS !! IT CERTAINLY DOES NOT

SENATE WAYS AND MEANS BUDGET CUTS \$46 MILLION IN NEW LOTTERY AID; OMITTS \$37 MILLION IN ROAD MONEY; "FUNDS" \$175 MILLION FOR EDUCATION REFORM

DISCOURAGE A WE/THEY MENTALITY
John

The Senate Ways and Means budget released yesterday CUTS \$46 million in local lottery revenues, and uses the funds to pay for much of the state's share of the \$175 million in "new" education funding. This fiscal shell game immediately calls into question the state's "commitment" to provide more education aid, and flies in the face of the recent SJC decision excoriating the state for failing to fund public schools.

The lottery aid must be restored. In addition, your help is needed to restore the \$37 million Chapter 90 grant program for local roads.

The Senate will begin debating the budget at 10:00 AM on Monday, June 21 and will most likely be in session around the clock until it complete its deliberations.

Please call your Senator today and ask him or her to:

- Support the MMA amendment to restore the \$46 million in lottery revenues cut by Senate Ways and Means; and
- Support the MMA amendment to restore the \$37 million cash-grant Chapter 90 road program that was part of the FY '93 budget but has been omitted by Senate Ways and Means.

After you have spoken to your Senator please call David Baier or Marie Johnson and tell them how your Senator plans to vote on these key items. We will be sending a thorough analysis of the Senate budget as soon as possible.

Please don't delay. The Senate usually completes its action in one marathon session. This means that the Senate most probably will be finished with the budget sometime Tuesday morning.

MMA will be holding a press conference on Monday morning at the State House on these two issues. If at all possible, please plan on joining us at the press conference and then meet face-to-face with your Senator before the debate begins. Call us to get more details on the time and location of the press event.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 6/14/93

TO: Garry Rhodes, Building Commissioner
David Abbt, Engineering Administrator
Don P. Johnson, Town Manager

FROM: Donna Jacobs, Assistant Planner *D. Jacobs*

SUBJECT: AUDUBON HILL
Unit Releases

R. Smith Associates has requested a "Release of Units" for Units 105, 107, 109 and 111 in Phase N-1 (see attached letter). The Planning Board voted on May 10, 1993 to release the first two units in the North Phase, but stated that no further units would be released in the North Phase until the South Phase is satisfactorily completed.

R. Smith Associates would like to receive the signed unit releases by next Monday, June 20th. Therefore, I ask that you please advise whether the South Phase work is now complete. Also, please advise if there are any other outstanding issues which prevent the release of these units at this time.

[w11*17]

6/18/93

JOHN -

PLS. HANDLE. WE DON'T
RELEASE ANY MORE UNTIL
SR. CTR. COMPLETED.

DM

CC: BOS



• TEL. (508) 263-0011

292 GREAT ROAD • ACTON, MA. 01720

June 8, 1993

Planning Department
Mr. Roland Bartl
Town of Acton
472 Main Street
Acton, MA 01720

re: Audubon Hill North Unit Releases

Dear Roland:

This is a request for a "Release of Units" from the Planning Board for Phase N-1 at Audubon Hill, Units 105, 107, 109, 111 Audubon Drive.

Please add this to your next agenda.

Enclosed is the form which should be signed and notarized.

Very truly yours,

Eric Smith
Eric J. Smith

EJS/jt

RELEASE OF UNITS

AUDUBON HILL

The Planning Board of the Town of Acton, Massachusetts, hereby certifies that sufficient security has been provided for the cost of the completion of the way and services necessary to provide access and services to certain units, hereinafter designated, in accordance with the Restrictive Covenant dated October 27, 1989, and recorded in the Middlesex South District Registry of Deeds, Book 20205, Page 227. The following units shown on a Plan entitled Audubon Hill dated August 1, 1988, and revised June 1, 1989, are released from the restrictions as to sale and building specified in the aforementioned covenant:

Units designated on said Plan, released hereunder:

Units 105, 107, 109, 111. The units released herein are located in Phase N-1 of the Audubon Hill North Condominium created by Master Deed dated _____ and recorded in Book _____, Page ____, with the Middlesex South District Registry of Deeds, which Units are also shown on the Site Plan of the Condominium recorded with said Master Deed, and the amendments thereto, all as amended, of record with said Deed.

FOR THE PLANNING BOARD OF
THE TOWN OF ACTON:

Roland Bartl, Town Planner

Date

FOR THE TOWN OF ACTON:

Don P. Johnson, Town Manager

Date

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

, 1992

Then personally appeared the above-named Roland Bartl, Town Planner and Don P. Johnson, Town Manager, and acknowledged the foregoing to be the free act and deed of the Planning Board of the Town of Acton and the Town of Acton, respectively, before me.

Notary Public

My commission expires:

To: BOARD OF SELECTMEN
From: Volunteer Coordinating Committee

June 1, 1993

1993 LIST OF REAPPOINTMENTS

ACTON/ BOXBOROUGH ARTS COUNCIL 2 year terms
Kathryn Garcia and ~~Janet Thayer~~ to 6/30/95

BOARD OF APPEALS 3 year terms
none

Donald Rhude
has been recently
appointed to
a full member?

BOARD OF ASSESSORS 3 year terms
James Kotanchic and Donald Rhude (Alt.) to 6/30/96

CEMETERY COMMISSION 3 year terms
none

CONSERVATION COMMISSION 3 year terms
Peter Shanahan to 6/30/96 (at our next mtg, June 22th, Bill Doteon, M'Elroy as full member as Assoc. not reapp)

COUNCIL ON AGING 1 year terms
Margaret Beddce, Warren Donovan, Marcia Epstein, Peg Erlanger, Julie Kennedy, Connie Krea, Roy Trafton

Donna Benanti
found she cannot
serve as she is
moving out of state

FAIR HOUSING 3 year terms
none

HANSCOM FIELD ADVISORY COMMITTEE 3 year terms
none

BOARD OF HEALTH 3 year terms
Mark Conopy to 6/30/96 and R.P. Vaillancourt (Assoc.) 6/30/94

HISTORICAL COMMISSION 3 year terms
Anita Dodson, Bill Klauer to 6/30/96, David Harris, Jr. (Assoc.) to 6/30/94

METROPOLITAN AREA PLANNING COUNCIL 3 year term
none

MINUTEMAN HOME CARE 1 year term
Joan Burrows to 6-30-94

PLANNING BOARD 5 YEAR TERMS
David Hill, Greg Niemyski to 6/30/98, Joshua Chernin (Assoc.) to 6/30/94

PRISON ADVISORY COMMITTEE 3 year terms
Harold Gordinier to 6/30/96

RECREATION COMMISSION 3 year terms
none

SOUTH ACTON REVITALIZATION COMMITTEE 3 year terms
none

VOLUNTEER COORDINATING COMMITTEE 3 year terms
Nancy Whitcomb to 6/30/96

To: Town Manager
From: Volunteer Coordinating Committee June 8, 1993
1993 Reappointments

Commission On Disability

none

Public Ceremonies + Celebrations
none? pending reorganization

Town Report Committee

none

Town Moderator 1993 Reappointments

Finance Committee 3 year terms

Paul Kohout and Tom Mackey wish to be reappointed

Minuteman Vocational School Committee

none

To: BOARD OF SELECTMEN
From: Volunteer Coordinating Committee

June 1, 1993

1993 LIST OF REAPPOINTMENTS

ACTON/ BOXBOROUGH ARTS COUNCIL 2 year terms
Kathryn Garcia and ~~Janet Thrope~~ to 6/30/95

BOARD OF APPEALS 3 year terms
none

BOARD OF ASSESSORS 3 year terms
James Kotanchic and Donald Rhude (Att.) to 6/30/96 *recently appointed to full member*

CEMETERY COMMISSION 3 year terms
none

CONSERVATION COMMISSION 3 year terms
Peter Shanahan to 6/30/96

COUNCIL ON AGING 1 year terms
Margaret Beddoe, Warren Donovan, Marcia Epstein, Peggy Erlanger, Julie Kennedy, Connie Krea, Roy Trafton

FAIR HOUSING 3 year terms
none

HANSCOM FIELD ADVISORY COMMITTEE 3 year terms
none

BOARD OF HEALTH 3 year terms
Mark Conoby to 6/30/96 and R.P.Vaillancourt (Assoc.) 6/30/94

HISTORICAL COMMISSION 3 year terms
Anita Dodson, Bill Klauer to 6/30/96, David Harris, Jr. (Assoc.) to 6/30/94

METROPOLITAN AREA PLANNING COUNCIL 3 year term
none

MINUTEMAN HOME CARE 1 year term
Joan Burrows to 6-30-94

PLANNING BOARD 5 YEAR TERMS
David Hill, Greg Niemyski to 6/30/98, Joshua Chernin (Assoc.) to 6/30/94

PRISON ADVISORY COMMITTEE 3 year terms
Harold Gordinier to 6/30/96

RECREATION COMMISSION 3 year terms
none

SOUTH ACTON REVITALIZATION COMMITTEE 3 year terms
none

VOLUNTEER COORDINATING COMMITTEE 3 year terms
Nancy Whitcomb to 6/30/96

To: BOARD OF SELECTMEN
From: Volunteer Coordinating Committee

June 1, 1993

1993 LIST OF REAPPOINTMENTS

ACTON/ BOXBOROUGH ARTS COUNCIL 2 year terms
Kathryn Garcia and ~~Janet Thrope~~ to 6/30/95

BOARD OF APPEALS 3 year terms
none

BOARD OF ASSESSORS 3 year terms
James Kotanchic and Donald Rhude (Att.) to 6/30/96 recruit change

CEMETERY COMMISSION 3 year terms
none

CONSERVATION COMMISSION 3 year terms
Peter Shanahan to 6/30/96

COUNCIL ON AGING 1 year terms
Margaret Bedoce, Warren Donovan, Marcia Epstein, Peggy
Erlanger, Julie Kennedy, Connie Krea, Roy Trafton

FAIR HOUSING 3 year terms
none

HANSCOM FIELD ADVISORY COMMITTEE 3 year terms
none

BOARD OF HEALTH 3 year terms
Mark Conopy to 6/30/96 and R.P. Vaillancourt (Assoc.) 6/30/94

HISTORICAL COMMISSION 3 year terms
Anita Dodson, Bill Kieuer to 6/30/96, David Harris, Jr.
(Assoc.) to 6/30/94

METROPOLITAN AREA PLANNING COUNCIL 3 year term
none

MINUTEMAN HOME CARE 1 year term
Joan Burrows to 6-30-94

PLANNING BOARD 5 YEAR TERMS
David Hill, Greg Niemyski to 6/30/98, Joshua Chernin (Assoc.)
to 6/30/94

PRISON ADVISORY COMMITTEE 3 year terms
Harold Gordinier to 6/30/96

RECREATION COMMISSION 3 year terms
none

SOUTH ACTON REVITALIZATION COMMITTEE 3 year terms
none

VOLUNTEER COORDINATING COMMITTEE 3 year terms
Nancy Whitcomb to 6/30/96

To: BOARD OF SELECTMEN
From: Volunteer Coordinating Committee

June 1, 1993

1993 LIST OF REAPPOINTMENTS

ACTON/ BOXBOROUGH ARTS COUNCIL 2 year terms
Kathryn Garcia and ~~Janet Thrope~~ to 6/30/95

BOARD OF APPEALS 3 year terms
none

BOARD OF ASSESSORS 3 year terms
James Kotanchic and Donald Rhude (~~Att.~~) to 6/30/96 recent change

CEMETERY COMMISSION 3 year terms
none

CONSERVATION COMMISSION 3 year terms
Peter Shanahan to 6/30/96

COUNCIL ON AGING 1 year terms
Margaret Bedoce, Warren Donovan, Marcia Epstein, Peggy
Erlanger, Julie Kennedy, Connie Krea, Roy Trafton

FAIR HOUSING 3 year terms
none

HANSCOM FIELD ADVISORY COMMITTEE 3 year terms
none

BOARD OF HEALTH 3 year terms
Mark Conody to 6/30/96 and R.P. Vaillancourt (Assoc.) 6/30/94

HISTORICAL COMMISSION 3 year terms
Anita Dodson, Bill Klauer to 6/30/96, David Harris, Jr.
(Assoc.) to 6/30/94

METROPOLITAN AREA PLANNING COUNCIL 3 year term
none

MINUTEMAN HOME CARE 1 year term
Joan Burrows to 6-30-94

PLANNING BOARD 5 YEAR TERMS
David Hill, Greg Niemyski to 6/30/98, Joshua Chernin (Assoc.)
to 6/30/94

PRISON ADVISORY COMMITTEE 3 year terms
Harold Gordinier to 6/30/96

RECREATION COMMISSION 3 year terms
none

SOUTH ACTON REVITALIZATION COMMITTEE 3 year terms
none

VOLUNTEER COORDINATING COMMITTEE 3 year terms
Nancy Whitcomb to 6/30/96

To: BOARD OF SELECTMEN
From: Volunteer Coordinating Committee

June 1, 1993

1993 LIST OF REAPPOINTMENTS

ACTON/ BOXBOROUGH ARTS COUNCIL 2 year terms
Kathryn Garcia and ~~Janet Thrope~~ to 6/30/95

BOARD OF APPEALS 3 year terms
none

BOARD OF ASSESSORS 3 year terms
James Kotanchic and Donald Rhude (~~Assoc.~~) to 6/30/96 recent change

CEMETERY COMMISSION 3 year terms
none

CONSERVATION COMMISSION 3 year terms
Peter Shanahan to 6/30/96

COUNCIL ON AGING 1 year terms
Margaret Beddoe, Warren Donovan, Marcia Epstein, Peggy
Erlanger, Julie Kennedy, Connie Krea, Roy Trafton

FAIR HOUSING 3 year terms
none

HANSCOM FIELD ADVISORY COMMITTEE 3 year terms
none

BOARD OF HEALTH 3 year terms
Mark Conopy to 6/30/96 and R.P. Vaillancourt (Assoc.) 6/30/94

HISTORICAL COMMISSION 3 year terms
Anita Dodson, Bill Klauer to 6/30/96, David Harris, Jr.
(Assoc.) to 6/30/94

METROPOLITAN AREA PLANNING COUNCIL 3 year term
none

MINUTEMAN HOME CARE 1 year term
Joan Burrows to 6-30-94

PLANNING BOARD 5 YEAR TERMS
David Hill, Greg Niemyski to 6/30/98, Joshua Chernin (Assoc.)
to 6/30/94

PRISON ADVISORY COMMITTEE 3 year terms
Harold Gordinier to 6/30/96

RECREATION COMMISSION 3 year terms
none

SOUTH ACTON REVITALIZATION COMMITTEE 3 year terms
none

VOLUNTEER COORDINATING COMMITTEE 3 year terms
Nancy Whitcomb to 6/30/96

To: BOARD OF SELECTMEN
From: Volunteer Coordinating Committee

June 1, 1993

1993 LIST OF REAPPOINTMENTS

ACTON/ BOXBOROUGH ARTS COUNCIL 2 year terms
Kathryn Garcia and ~~Janet Thrope~~ to 6/30/95

BOARD OF APPEALS 3 year terms
none

BOARD OF ASSESSORS 3 year terms
James Motanchic and Donald Rhude (~~Att.~~) to 6/30/96 recent change

CEMETERY COMMISSION 3 year terms
none

CONSERVATION COMMISSION 3 year terms
Peter Shanahan to 6/30/96

COUNCIL ON AGING 1 year terms
Margaret Bedoce, Warren Donovan, Marcia Epstein, Peggy
Erlanger, Julie Kennedy, Connie Krea, Roy Trafton

FAIR HOUSING 3 year terms
none

HANSCOM FIELD ADVISORY COMMITTEE 3 year terms
none

BOARD OF HEALTH 3 year terms
Mark Conoby to 6/30/96 and R.P. Vaillancourt (Assoc.) 6/30/94

HISTORICAL COMMISSION 3 year terms
Anita Dodson, Bill Klauer to 6/30/96, David Harris, Jr.
(Assoc.) to 6/30/94

METROPOLITAN AREA PLANNING COUNCIL 3 year term
none

MINUTEMAN HOME CARE 1 year term
Joan Burrows to 6-30-94

PLANNING BOARD 5 YEAR TERMS
David Hill, Greg Niemyski to 6/30/98, Joshua Chernin (Assoc.)
to 6/30/94

PRISON ADVISORY COMMITTEE 3 year terms
Harold Gordinier to 6/30/96

RECREATION COMMISSION 3 year terms
none

SOUTH ACTON REVITALIZATION COMMITTEE 3 year terms
none

VOLUNTEER COORDINATING COMMITTEE 3 year terms
Nancy Whitcomb to 6/30/96

**Volunteer Coordinating Committee Minutes
17 May 1993**

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

Meeting was called to order at 7:30 pm at Town Hall.

Minutes of 3 March 1993 were approved as corrected.

Interviews:

Richard Crosswell appeared before the Volunteer Coordinating Committee applying for a position on the Planning Board. Mr. Crosswell is a Structural Engineer and a Senior Associate with Symmes, Maini and McKee Associates of Cambridge, Massachusetts. He has lived in Acton for 4 years and in the Commonwealth of Massachusetts for 5 years. He works for an architecture/engineering firm and reads site plans on a daily basis. He knows that a potential conflict of interest is possible and if such an interest occurred he would refrain from involvement in that issue. He attended the public forms for the West Acton Planning Commission and is familiar with the Acton Master Plan. He is fully aware of the time commitments of the Planning Board and would like to be considered for an associate position. Mr. Crosswell indicated he is committed to the Town, has children in the school system and plans on making Acton his permanent residence.

Mark Benson grew up in Acton and attended school here. He now has children in the school system and would like to become active in supporting the Town with his talents. He holds a B.A. in History from University of Massachusetts and a Master of Divinity from Gordon-Cornwell. He thought his background in History might be appropriate to the Acton Historical Commission and he would also like Public Ceremonies Comm.

Board of Selectmen Action:

No appointments were made by the The Board of Selectmen between meeting dates.

Recommendations:

A motion was made to recommend Richard Crosswell for appointment as an Associate Member of the Planning Board. The motion was carried unanimously.

Stephen Crockett was recommend for appointment as a full member of the Board of Appeals with a term expiring 6/96. The motion was carried unanimously.

Both Peter Berry and Nicholas Miller were recommended for the one available position as Alternate Member of the Board of Appeals. This position will be available after June 30, 1993. The motion was carried unanimously.

On 3 May 1993 a call was received from Carol Place indicating that Alfred Rudolph will be resigning his position on the Fort Devens Advisory Commission. The VCC had previously voted to nominate Marilyn Wolfson for appointment as a full member of that committee if Mr. Rudolph resigned.

Sworn In:

Walter George indicated that Leslie Hogan was sworn in as a member of the Cable Advisory Committee on 30 April 1993.

Victoria Beyer was sworn in as an Associate member of the Acton Historical Commission on 30 April 1993.

The meeting was adjourned at 9:30 pm with the next meeting scheduled for 14 June 1993.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles R. Husbands". The signature is written in a cursive style with a large, prominent initial "C".

Charles R. Husbands
cc Board of Selectmen, Town Clerk

HISTORICAL COMMISSION

- VCC SYMBOL : AHC
- MEMBERSHIP : 5 members, 3 year terms
appointed by the Board of Selectmen
- MEETINGS : The 2nd Wednesday of each month at 8:00 PM, in
Town Hall.
- GENERAL : This commission seeks to protect and develop
archeological and historical assets of the Town.
It studies places of historical and archeological
value, and then nominates buildings and areas for
the National Register. The commission also
implements the Demolition By-laws in regard to
areas which may be of historical value. It
furthers its objectives through hearings,
acceptance of gifts, contributions, and bequests.
Surveys of historical sites are conducted by this
commission. Historical research is done via
written and oral interviews in order to help the
Town retain and appreciate its historical
heritage.

ADDITIONAL DUTIES AND INFORMATION :

Members are occasionally asked to research, or do
writing or typing on a project. The commission
continually updates the Cultural Resources list of
buildings in Acton, and writes information for
survey of buildings (1700 - 1940).

VCC-AHC.001

Revised June 1993.

PRISON ADVISORY COMMITTEE

- VCC SYMBOL : PAC
- MEMBERSHIP : 3 members, 3 year terms
appointed by the Board of Selectmen
- MEETINGS : Quarterly, and as needed; meet with Concord
committee members, and administrative
representatives from MCI Concord and NCC
(= Northeastern Correctional Center -- the farm)
- GENERAL : This committee works to keep communication lines
open between the State Department of Corrections
and the Town of Acton so as to apprise the
Selectmen of Correctional Facility matters which
may concern Acton.

DUTIES AND ADDITIONAL INFORMATION :

Reacts to problems; occasional letter writing is
necessary. Review of newspapers is helpful to
keep track of what is occurring locally, and at
the State level.

VCC-PAC.001

Revised June 1993.

SOUTH ACTON REVITALIZATION COMMITTEE

VCC SYMBOL : SARC

MEMBERSHIP : 5 members, 3 year terms
appointed by the Board of Selectmen

MEETINGS : Once a month on a Thursday

GENERAL : SARC is an advisory committee to the Board of Selectmen, originally formed as a result of the South Acton Technical Report (1982) completed by the Town together with the Metropolitan Area Planing Council. SARC has continued to play an active role in the planning, development, and implementation of activities related to the goals and objectives stated in this report, which was accepted by Town Meeting. The committee continues to work on activities directly impacting South Acton and its revitalization.

VCCSARC.001

Revised June 1993.

cc: BOS
:VCC

F.H.I
Don

June 15, 1993

Mr. Doug Haley
Acton Health Department
Town Hall
Acton, MA 01720

Dear Doug,

I am writing to inform you and the Board of Health that I must resign my position as a member of the Board effective immediately. I will be starting my own microbiology research business in July and the time demands will be such that it will impact my ability to devote the proper time and energy necessary to be an effective and contributing member to the Board of Health.

I would like to thank all the Board of Health members, the Board Selectman and especially you for giving me the opportunity to serve the town of Acton. The town is extremely lucky to have you as the town Health Director. I learned a great deal from being on the Board.

Although, I can not continue to serve on the Board of Health, I would like to offer my services concerning any questions that may arise about microbiology or infectious diseases.

With best personal regards, I remain

Sincerely,



James J. Barbato, M.S., M.P.H.

DHALEY00.615

193 W. Acton Rd.
Stow, Ma. 01775
June 9, 1993

Mr. Don Johnson
Town Manager
Acton Ma. 01720

I am sending you a copy of a request I am sending to
Mr. William Wrigley, the Town Manager of Stow Ma.
If you have any questions please contact me or Mr. Wrigley.

George W. Olson
George W Olson

CC: D. ABBT -

PLEASE GIVE ME YOUR COMMENTS.

dm

CC: ~~BOS~~ - FYI

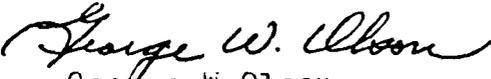
193 W. Acton Rd.
Stow, Ma.
June 9, 1993

Mr. William Wrigley
Town Manager
Stow, Ma.

Reference our conversation on June 4, 1993 concerning heavy truck traffic on W. Acton Rd. The traffic this summer ha been averaging between twelve and fifteen heavy dump trucks and dump trailers per hour.

I would like you to initiate a request to the Massachusetts Dept. of Public Works to prohibit truck traffic over two and one half tons on W. Acton Rd. between the intersection of S. Acton Rd. Boxboro Rd. and W. Acton Rd. and the Acton/Stow town line.

The appropriate signs would be required on W. Acton Rd. and an additional sign at the intersection of Summer St and Willow St. in the Town of W. Acton. Willow St is the continuation of W. Acton rd. into W. Acton Ma.


George W Olson

cc' BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

South Acton Village Planning Committee (SAVPC)

Minutes for Meeting of:

May 25, 1993

Members in attendance:

Sushama Gokhale, Bob Pion, Betsy Eldridge, Roger Andrews, William Shupert, Sandra Whaley.

Also present: Roland Bartl (Town Planner).

Minutes of May 11, 1993 were approved.

Announcements:

Planning Department lost South Acton Village planning area digital maps due to computer and communication mishap. Roland will continue to try to recover as much data as possible. Sushama suggested to check with Recovery Data Systems.

The West Acton Village Planning Committee will soon release its draft plan which includes recommendations for zoning changes. They asked that copies be distributed to SAVPC members for review. SAVPC might find some of the recommendation useful and applicable to South Acton Village. Why re-invent the wheel?

Zoning:

Roland stated that density and intensity regulations are one of the major tools the committee must decide on. For areas with commercial zoning, such as the SAV district, the most commonly used direct measure is the Floor Area Ratio (FAR). In order to develop a variety of "FAR build-out scenarios" Roland asked the committee to make the task easier by deciding on the village district boundary. Following some discussion the committee reaffirmed the boundary decisions made in November 1992, with the only change to draw the boundary at the School Street/River Street intersection rather than at the South Acton Fire Station. The committee briefly discussed the possibility of proposing a Village Residential District similar to the one proposed for West Acton. No decision was made in this item.

Next regularly scheduled meeting: TUESDAY - JUNE 8, 1993:

- Minutes
- Discussion of Zoning Changes

Minutes approved: June 8, 1993.

cc: Town Clerk, Planning Board, Board of Selectmen ✓

[RHB.SAVPC*1]

RECEIVED & FILED

DATE June 14, 1993

Barbara Brown
for TOWN CLERK, ACTON

cc: BOS

ACTON SCHOOL COMMITTEE
MINUTES

Library
R.J. Grey Junior High School

May 13, 1993

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

Also Present: Bill Ryan, Mac Reid, Dan Leclerc, Fran Leiboff, citizens and press

The meeting was called to order at 7:30 p.m. by Bill Ryan, Interim Superintendent.

ELECTION OF OFFICERS: Bill Ryan asked the Committee for nominations for the position of chairperson for 1993-94. Pam Harting-Barrat nominated and Micki Williams seconded the nomination of Lees Stuntz. Steve Aronson reiterated what he had said at the regional meeting regarding the method of selecting the School Committee chairperson. He felt that appropriateness and skill should determine the chairperson, not seniority. It was unanimously

VOITED: To appoint Lees Stuntz Chairperson of the Acton Public School Committee, effective May 13, 1993.

It was moved, seconded and unanimously

VOITED: To appoint Micki Williams Secretary of the Acton Public School Committee, effective May 13, 1993.

It was moved, seconded and unanimously

VOITED: To appoint Evelyn Smith and Bunny Lawton Secretaries Pro Tempore for the Acton Public School Committee, effective May 13, 1993.

Lees thanked Jean Butler for the wonderful job she has done as chairperson this past year, especially the work involved in the new superintendent selection.

MINUTES of April 1 and 7, 1993 were approved as read.

WARRANTS: Warrant #92-113 in the amount of \$604.93 and warrant #93-019 in the amount of \$130,113.33 were signed by the chairperson and circulated to other members of the committee.

PUBLIC PARTICIPATION: Wendy Campbell, Community Coalition member, asked why the principals' salary line item in the budget showed a significant increase. Mac Reid explained that, at the region, part of two assistant principals' salaries had been charged to another line item the previous year (due to different areas of responsibility) and were now being charged to the principals' line item, accounting for part of the increase. Another factor was the contractual increase in longevity payments for several principals. In the local schools, most of the increase was accounted for by an amount set aside for administering the new Merriam School. Wendy requested Central Office staffing information, comparing the current year vs. 7-8 years ago, commenting that there is a perception in the community that this is where there is fat in the budget. Bill Ryan said that in the local schools' FY'94 budget, 2.6% of the total is Central Office salaries. Comparatively, in 1983 Central Office salaries accounted for 6% of the total budget. At the region, in FY'94, Central Office salaries were 2.3%; in 1983, 2.8%. Wendy said there were a lot of faces in the Central Office and it would be helpful to explain how they are paid. Bill mentioned several programs that are self-funding: Community Ed. School Lunch Program; Externship Program; and CASE West Special Education Transportation. Mac Reid is preparing a report, to be distributed to staff and the community, addressing these Central Office concerns. Mr. Kadlec urged the Committee to stick to the budget that had been approved by town meeting a year ago, and not spend every last dollar. Bill Ryan stated the schools' position, that as we approach the end of the year we try to spend what we have. For example, the \$2,000 budgeted for capital outlay for each school is minimal, and we use end-of-year funds to supplement this insufficient amount. This year any excess funds will be used to purchase desks, chairs, books, i.e. the basics needed for our

students. Mr. Kadlec urged the Committee not to send home information with students regarding the override; Lees Stuntz replied that it was illegal for the Committee to do that. Mike Guzzo commented that a benefit of the override failing is that it forces citizens to attend meetings. He thanked the School Committee and Bill for their patience in explaining the same facts many times.

EDUCATION REPORT: *Integration: A Collaborative Approach (An Update)*

Fran Leiboff introduced Nancy Kolb, Elementary SPED Chairperson, Carol Huebner, Transition/Integration Specialist, and Susan McGrail, Classroom Teacher at Gates School. Approximately 300 elementary students have I.E.P.'s (Individual Education Plans), which represents about 15% of the school population. Twenty-seven children or 8% of the total SPED population are of preschool age. Ten years ago only 3% were preschool, so this has become an important component. Fran defined the inclusion concept, which works towards educating as many SPED students as possible in the regular classroom, with appropriate SPED staff support. Nancy, Carol and Sue are a model inclusion team, creating individual programs for students. Nancy spoke generally about the wide variety of SPED plans for students, and emphasized the need for staff training and collaboration. An occupational therapist has been hired, for the first time, to help integrate students into the classroom and to lead in-service workshops for teachers regarding motor development. Carol reported on an Early Childhood Quality Network grant initiated by the Department of Education in which Acton is participating. We will then have an accredited early childhood program. Reporting on the inclusion survey recently sent to all staff, Carol said they had received 79 responses at the elementary level. Most staff valued the participation of all students in regular classrooms. A future survey may be sent to parents. Sue McGrail, 4th grade teacher at Gates, spoke about her experience this year with a multiple handicapped student who became part of her class. It was enriching for everyone involved. Her students and the Gates School community gained a new appreciation of diversity, and their attitudes resulted in the success of this inclusion program. The student will go on to a 5th grade classroom next year. The School Committee thanked Sue and the transition team for their exceptional efforts and their informative report.

SUPERINTENDENT'S RECOMMENDATIONS FOR MAY

It was moved, seconded and unanimously

- VOTED: To approve the request for three McCarthy-Towne School class trips:
- 1) Jane Lifton's class trip to Camp Virginia, June 16-17;
 - 2) Joe McInerney's class trip to Camp Favorite, June 16-18;
 - 3) Nancy Mutty's class trip to Cape Cod Sea Camps, June 16-18.

It was moved, seconded and unanimously

- VOTED: To approve the request from the Curriculum Specialist's Office for a field trip to the Cape for three Conant fourth grade classes.

It was moved, seconded and unanimously

- VOTED: To restore to the FY'94 Acton Public School budget the items listed in Enclosure 3, contingent on passage of the June 8, 1993 override vote.

Six classroom teachers plus a small amount for the Merriam School would be restored to the budget. A modified version of Merriam would be opened, housing nine sections, K-5 (2 kindergartens); specialists (P.E., art, music) would be shared with the other elementary schools. If the June 8 override passes there probably will be no forced transfers. If it fails, forced transfers are a certainty and various plans have been discussed by the administration as to the best use of Merriam to reduce the number of forced transfers. The first option is to have six sections at Merriam, K-4 (2 kindergartens). The second option places the three sixth grade sections from McCarthy-Towne at Merriam plus at least 2 sections from Douglas, probably their three sixth grades. Ben McCann asked what some of the alternatives were. Giving some background, Bill Ryan said that a Space Committee had met for the past one and one-half years and looked at many options - opening Merriam as a K-1 school, a 5-6 school, etc. It was the committee's consensus

that the best situation would be to open Merriam as a K-6 school, through parental choice. The New Merriam School group was then formed to come up with a plan for the school. With the failure of the override, the original Merriam School concept may have to be revised. To further illustrate the space/forced transfer options, Mac Reid distributed a chart which showed the number of sections at each school and the potential student numbers. These figures are all tentative; variables include number of retentions, transfer requests, some Merriam choice parents opting out if the school is different from that originally planned, and families moving over the summer. No new students will be enrolled at schools and grade levels where forced transfers will occur. The transfer situation affects Conant and Gates most, because fewer of those students opted to attend Merriam. If the override fails, a lottery will be held for forced transfers, and Bill said that probably they would exempt from transfer only SPED students who can receive appropriate support in that particular school. A question was asked about transferring School Choice students. Bill said once accepted, Choice students are treated just as Acton students. One parent asked if the parents, principal and teachers agree to a larger individual class size, would the School Committee approve. They said they probably would. Another parent commented that we should focus our energies on getting the B+ budget passed. Bill said we are still waiting to hear about the level of State funding. Lees Stuntz suggested that concerned parents should go to their respective principals with additional alternative ideas/suggestions. On behalf of the Committee, she thanked the parents for coming and participating in this discussion.

WARRANT DISCUSSION: There were several questions answered by Bill Ryan.

FOR YOUR INFORMATION: Bill congratulated Judy Melillo, music teacher at Conant, for receiving the Massachusetts Music Educators' Association Distinguished Service Award.

CONCERNS OF THE BOARD: Rick Sawyer asked whether monies in the budget designated for professional development could be reallocated if the state gave extra funds only for professional development. Bill said he would find out. Rick suggested School Committee procedures should be discussed at a future meeting especially for the benefit of Isa Zimmerman and new school committee members. Lees will discuss this with Isa. Steve Aronson reported on the most recent meeting of the Acton Board of Selectman. Regarding the future of the town's Coordinating Committee process, he offered three suggestions as to how to proceed. The next Coordinating Committee will be held after the June 8 override election.

EXECUTIVE SESSION: At 10:30 p.m. it was moved, seconded and unanimously

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

At 10:55 p.m. the Committee returned to open session.

It was moved, seconded and

VOTED: To approve the early retirement agreement for Mary Lou Parker, teacher at the Douglas School, effective June 30, 1993. [Vote: 5-1 (Aronson)]

The meeting was adjourned at 10:56 p.m.

Respectfully submitted,

Sarah T. Lawton,
Secretary, pro tempore

cc: BOS

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND, MASSACHUSETTS 01778

STEERING COMMITTEE

- AGENDA -

Thursday, 3:30 P.M.
June 24, 1993

Wayland Town Building
School Committee Room
(2nd Floor)

1. Approval of Minutes of May 27, 1993.....Linda Greyser
2. Report of Executive Director/Treasurer.....Jack Wilson
3. Review of Position Paper.....Frank LeBart/All
4. Final Draft of Brochure.....Louise Haldeman
5. Update of FY'94 State Budget.....Frank LeBart
Jack Wilson
6. Assessment of Education Reform from
Viewpoint of Member Cities and Towns.....Bill Zimmerman
7. Review of Target Cities and Towns
Plans for Building Membership.....Jack Wilson
8. Old/New Business.....All
9. Next Meeting (Proposed: Sept. 30, 1993).....All
(If legislative action on budget or other
urgent matters seem appropriate, Chair
may call a special meeting.)

* * * * *

If you are unable to attend this meeting,

PLEASE CALL: FRANK LeBART (617) 934-7411

or

JACK WILSON (508) 358-2489

STEERING COMMITTEE MEETING- MINUTES -

Thursday, 3:30 P.M.
May 27, 1993

Wayland Town Building
School Committee Room

Members Present: Frank LeBart (Duxbury); Jack Wilson (Wayland); Linda Greyser (Wayland); David A. Tenney (Duxbury); John Crisafulli (Natick); Tom Dolan (Millis); Sherry Dillon (Carlisle); Jessica Barnett (Marblehead); Mary Pratt (Hopkinton); Dan Kehoe (Millis); Sheryl Lajoie (Millis); Jane Stabile (Wayland); Tedd Tarr (Rockport); Louise Haldeman (Concord); Bob Hilliard (Wayland)

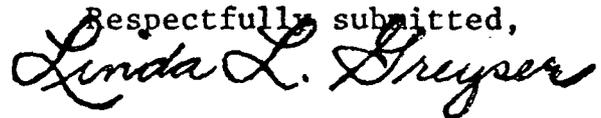
1. Approval of Minutes.--Upon a motion duly made and seconded, the Minutes of the meeting of April 29, 1993 were approved unanimously.
2. Report from Executive Director/Treasurer:
 - Bank Balance....\$3,667.75
 - Sherborn is the latest dues paying town
 - A list of member towns has been sent to Rep. Frank Hynes (Marshfield), Co-Chairman of the Legislative Caucus initiated by the Coalition.
 - A letter representing the Suburban Coalition's position on Education Reform Legislation voted at the last meeting has been sent to the Governor, the Lt. Governor, Legislators, and the Legislative Caucus.
 - The Coalition has taken out a bulk mailing permit for our mailings.
3. Report from the Chairman:
 - Letters from Rep. Mary Louise Kehoe (D., Dedham) and from Sen. Brian Donnelly (D., Plymouth) were shared with the group.
 - Upon a motion duly moved and seconded, John Crisafulli (Natick) was added as a member to the Steering Committee.
4. Position Paper Update.--A lengthy discussion ensued concerning changes to the Suburban Coalition's Position Paper. Highlights of the discussion were:
 - (a) That we maintain our support of the provisions of Question #5 on the November '90 state ballot (40% of state revenue growth be allotted to local aid).
 - (b) That we add a clause in support of 100% state funding of special education under the section seeking full funding of state mandated programs and administrative directives and thus eliminate the current section #8 from the position paper.
 - (c) That section #3 read: "To revise the revenue sharing formula to ensure that it meets the needs of all cities and towns or to find appropriate alternative methods of funding municipal services in order to lessen the burden on the property tax."
 - (d) That section #4 read: "To revise the Proposition 2-1/2 annual increase in the levy limit from 2-1/2% to equal the U.S. Department of Commerce index that measures local and state government costs,* (4.7% projected for fiscal year 1993) or other reasonable index that keeps pace with inflation, by vote of city/town legislative body."

* Proposed by Hamill Task Force on Local Finances. (other side)

Suburban Coalition
Steering Committee Minutes (cont'd.)
May 27, 1993

- (e) That a new section #8 be added representing a redistribution of the gasoline tax (language to be added later).
5. Draft of Brochure.--The concept of the draft brochure revisions submitted by Louise Haldeman was enthusiastically received. Louise will continue to revise the draft.
 6. Plans for summer "Chronicle".--Jessica Barnett offered a draft for the next edition of the "Chronicle." The draft was enthusiastically received.
 7. Rep. Hasty Evans (R., Wayland) was unable to attend this meeting of the Coalition due to a budget debate in the House.
 8. Education Reform Report.--Dave Tenney offered a review of the Report of the Conference Committee on Education Reform. Modifications to provisions for School Choice and Charter Schools are in this new version of the legislation. A vote on the bill is expected within a week or so.
 9. Highlights of FY94 State Budget.--Frank LeBart gave an overview of the FY1994 State Budget. Highlights are:
 - (a) \$185m for education (\$100/pupil) which is not Chapter 70 funds and not funds for education reform;
 - (b) Chapter 70 is set at \$898 million;
 - (c) The lottery share targeted to cities and towns is raised from \$329 million to \$375 million;
 - (d) Full funding of the gas tax revenue;
 - (e) \$20 million snow removal reimbursement;
 - (f) Index Proposition 2-1/2 to inflation;
 - (g) That the overlay reserve be exempted from Prop. 2-1/2 provisions;
 - (h) Motor vehicle excise tax be increased to \$66/thousand;
 - (i) 18 communities be added to the MBTA.
 10. Next Meeting.--June 24, 1993.
 11. Adjournment.--It was moved, seconded, and voted unanimously to adjourn at 5:30 p.m.

Respectfully submitted,



Linda L. Greyser
Clerk (pro tem)

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND, MASSACHUSETTS 01778

POSITION PAPER 1993-1994

Due to more than a decade of Proposition 2½ and modest levels of State revenue sharing and local aid, the cities and towns of Massachusetts are struggling to provide the most basic services to our citizens and young people. Municipalities provide police and fire protection, education, public works and other services that affect all people. These services are essential to our survival as a civilized society and our future as a nation.

The Suburban Coalition urges the Governor and Legislature to recognize and acknowledge this crisis in local government and to take immediate action. The following are proposed as options that would individually, or in combination, provide the necessary solutions:

- (1) To guarantee 40% of personal and corporate income and sales tax and all of the lottery revenues be dedicated to revenue sharing (local aid) as required by referendum question #5 passed by 57% of the voters in the November 1990 general election. We believe it is a violation of public trust that the Governor and the Legislature have ignored this issue.
- (2) Full funding of state mandated programs and administrative directives. State funding of special education would be a responsible place to start. This would be appropriate and enlightened public policy.
- (3) To revise the revenue sharing formula to insure that it meets the needs of all cities and towns or to find appropriate, alternative methods of funding municipal services in order to lessen the burden on the local property tax.
- (4) To revise, by State law, the Proposition 2½ annual increase in levy limits from 2½% to equal the U.S. Department of Commerce index that measures local and state government costs,* (4.7% projected for fiscal year 1993) or other reasonable index that keeps pace with inflation. When this is done, the Legislature should enact a "circuit breaker" to ease the burden of the property tax for property owners of limited means.
- (5) To provide stable, adequate, timely distribution of revenue sharing to cities and towns. Cherry Sheets shall be distributed by March 1 as required by question 5 (1990 general election).
- (6) To support adequate, stable, equitable, and increased funding for all school systems in the Commonwealth. Education has been underfunded for far too long.
- (7) To insure that the School Facilities and Management Services (formerly School Building Assistance Bureau) is fully funded and meets its obligations. Projects once approved and placed on a "priority list" should continue to move toward funding and any subsequently approved projects should be placed on the list behind those previously approved.

(over)

- (8) The gasoline tax revenue should be shared more equitably between the State and cities and towns. Even though municipalities have far more mileage of roads than the State, their share is 3.1¢ out of the 21¢ tax. It should, bare minimum, be divided on a 50-50 basis.
- (9) To exclude the overlay (a fund set aside for tax rebates) from the Proposition 2½ levy limit. The overlay exemption, in the form of exemptions or abatements, does not violate Proposition 2½. It was added as an administrative decision after the referendum and laws was passed. We believe the Hammill Task Force Report, in its entirety, continues to have merit as a reasonable, comprehensive solution to our fiscal problems.

*Proposed by Hamill Task Force on Local Finances.

* * * * *

Contacts

Frank T. LeBart
Chairman
(617) 934-7411

John B. Wilson
Executive Director
(508) 358-2489

Robert Hilliard
Research Diector
(508) 358-7701

THE HILLIARD GROUP

cc: BRS
Report in TM's office

ACTON COMMUNITY HOUSING CORPORATION
P.O. BOX 681
ACTON, MASSACHUSETTS, 01720
(508)263-4776

June 15, 1993

Mr. Clark L. Ziegler
Executive Director
Massachusetts Housing Partnership Fund
88 Broad Street
Boston, Ma. 02110

Dear Clark:

Enclosed please find the Acton Community Housing Corporation's completed MHP Fund questionnaire for the Town of Acton. Should you or your staff have any questions regarding the information that has been included please feel free to contact me directly. I would like to take this opportunity to thank you and your staff for MHP's continued support and guidance.

Sincerely,

Naomi E. McManus
Clerk, ACHC

✓ cc: Acton Selectmen



STEWART KENNEDY
SUPERINTENDENT

Acton Cemetery Department

OFFICE: WOODLAWN CEMETERY

TELEPHONE: 263-2240

ACTON, MASSACHUSETTS 01720

WOODLAWN CEMETERY 1737

NORTH ACTON CEMETERY 1750

MT. HOPE CEMETERY 1840

June 15, 1993

Mr. Donald P. Johnson, Town Manager
472 Main Street
Acton, MA 01720

Dear Don,

As my years of service at the Cemetery Department grew, it became my personal goal to serve the Town for a period of fifty years. This goal was achieved in April of this year. I felt an obligation to the Town and the Cemetery crew to remain on the job through Memorial Day and the closing out of the fiscal year. With the fulfillment of this obligation soon to be met, I wish to announce my retirement, effective Friday, July 23, 1993.

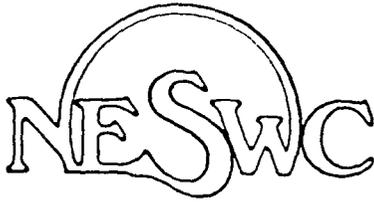
Sincerely,

Stewart Kennedy

Stewart Kennedy
Superintendent

cc: Board of Selectmen ✓

John Murray, Assistant Town Manager
Dean Charter, Director of Municipal Properties
Cemetery Commissioners



cc: BOS

NORTH EAST SOLID WASTE COMMITTEE

FOR IMMEDIATE RELEASE
Monday, June 14, 1993

FOR FURTHER INFORMATION
Steven M. Rothstein (617) 338-6300

NESWC Selects New Management

The 23 communities of North East Solid Waste Committee (NESWC) today announced the selection of Environmental Futures, Inc. a Boston environmental management firm to coordinate this public agency. Environmental Futures will be responsible for developing and implementing a strategy in close coordination with then NESWC communities to stabilize trash disposal fees.

"We believe this selection is an important step in NESWC's effort to address the current high tipping fees," said Donald Marquis, Chairman of the Board of Directors and Arlington Town Manager. "We are pleased with the quality of responses received, and with the opportunities this new management team offers our communities."

Steven M. Rothstein, President of Environmental Futures will assume the role of Executive Director of NESWC with a senior project manager, office manger and other staff assigned to NESWC's work.

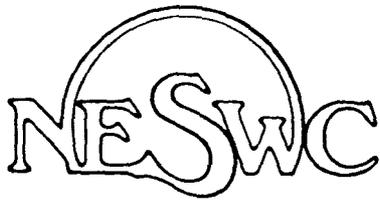
"The 439,000 people in the NESWC contract communities are paying among the highest fees to dispose of their trash," Rothstein said. "Municipal leaders are facing tough budget decisions. We hope to dispose of their trash while minimizing the costs."

"There are several important issues confronting the NESWC communities in the coming months. Environmental Futures is excited about the opportunity to work with these cities and towns on these important solid waste issues," added Rothstein.

Steven M. Rothstein co-founded and served as General Manager of Citizens Energy Corporation from 1979-1986, a non-profit energy company providing a range of energy services. He is a former Assistant Commissioner of the Massachusetts Department of Mental Retardation and is an Adjunct Assistant Professor at Boston University's Graduate School of Business. Environmental Futures is involved with a wide range of environmental management issues, working to find economically driven solutions to environmental issues.

NESWC communities are Acton, Andover, Arlington, Bedford, Belmont, Boxborough, Burlington, Carlisle, Dracut, Hamilton, Lexington, Lincoln, Manchester, North Andover, North Reading, Peabody, Tewksbury, Watertown, Wenham, Westford, West Newbury, Wilmington, and Winchester. NESWC is seeking additional members.

- 30 -



cc: BOS

NORTH EAST SOLID WASTE COMMITTEE

MINUTES of the BOARD OF DIRECTORS MEETING of JUNE 3, 1993

This meeting of the Board of Directors was called to order by Vice Chairman Robert Moroney (Manchester) at 1:35 pm. After determining a quorum was present, those in attendance were:

Robert Moroney (Manchester)	John Seites (Peabody)
Henry J. Rugo (Lincoln)	David Owen (Burlington)
Richard Spiers (Lexington)	Robert McQuade (Andover)
Russ Hansen (Lincoln)	Paul Cohen (Carlisle)
Craig Blais (Arlington)	Jerry Mee (Watertown)
Robert Halpin (Westford)	Robert Palmer (Wilmington)
Robert Dunn (N. Reading)	Michael Caira (Wilmington)
Peter Buhler (Financial Advisor)	Steven Rothstein (Envir. Futures)
Ruth Ellen Fitch (Palmer & Dodge)	

The Minutes of the Board of Director's meeting of May 6, 1993 were presented for approval. It was MOVED (Spiers), SECONDED (Blais) and VOTED (Unanimous) to accept the Minutes as presented.

Discussion concerning the Legislative Breakfast was directed by Steven Rothstein. He reviewed the status of the legislators who had responded to the invitation and urged all Board members to contact their members of the General Court to urge attendance at the breakfast. Mr. Rothstein conducted a dry run of the presentation he would be making at the breakfast which received input from many of the attendees.

Mr. McQuade suggested putting the primary issues in writing as part of the packet to be given to the legislators. Mr. Owen asked if a detailed legislative agenda would be included in the packet. Mr. Blais responded that many legislators do not understand what NESWC is and they must be educated before a detailed legislative strategy can succeed.

Mr. Moroney reported that a budget allocation would be required at the next meeting to reallocate funds between the Salary, Expense and Consultant categories, but that no additional appropriation would be required.

The annual audit was next discussed. Mr. Moroney recommended retaining BDO Seidman to conduct the annual audit of the Operating Funds and possibly the Community Stabilization Fund (CSF) from February 24, 1993 through the end of the fiscal

year. Mr. Peter Buhler discussed his efforts to reconstruct and validate the CSF since July of 1992 and indicated that he hoped to have a document ready for review shortly.

Miscellaneous other business was considered next. Ruth Ellen Fitch discussed an amendment to the Peabody Landfill Agreement requested by GCR. Ms. Fitch noted that the March 1994 date had been included in the original agreement to allow NESWC to locate an alternate ash disposal location if GCR was not fully operational by 1994. Additional inquiries will be made at DEP to facilitate the permitting process.

Mr. Moroney reported that the HHV testing would occur on June 8 and 9 and that Camp Dresser & McKee, Inc. would be monitoring the testing on NESWC's behalf.

Mr. Moroney next noted that the discussion of the contract with Environmental Futures, Inc. would be delayed to another meeting later in June, as noted in his memo of May 29, 1993.

Ms. Ruth Ellen Fitch left the meeting at this point since the Buy-down negotiations were to be discussed next. Mr. Michael Cairra reported on the meeting held with Palmer & Dodge on May 28, 1993 in Winchester attended by several Board Members and Winchester's and Wilmington's town counsel. He reported that the Subcommittee had made the following recommendations:

1. That the lawsuit be pursued against Wheelabrator, et al and Roy F. Weston, Inc. and other appropriate defendants;
2. that counsel be retained in accordance with one of the following options:
 - a. Hire Palmer & Dodge after successful negotiation of a contingency fee arrangement,
 - b. Solicit proposals for law firms qualified in construction litigation;
3. that the Executive Director be authorized to implement this recommendation;
4. Direct the Subcommittee to work with the Executive Director as he may require their assistance.

Considerable discussion ensued over whether any other legal firm could quickly assimilate all the prior contract documents and arbitration proceedings already known by Palmer & Dodge. Mr. Hansen noted that Palmer & Dodge has an initial advantage with their prior work, but if other firms were willing to gain the knowledge at their expense and not NESWC's and submitted a lower proposal for the suit, the other firm could be a better bet. Mr. Halpin asked if another firm was selected, what level of assistance would be required from other Board Members. After further discussion concerning fixed fees, a bonus, or contingency contracts Mr. McQuade MOVED, Mr. Halpin SECONDED and it was VOTED (Unanimous) to accept the recommendations of the Subcommittee.

NESWC oversight and status of the Office Manager was next discussed. Mr. Rothstein suggested setting up a subcommittee to perform the oversight function. Mr. Rothstein suggested having the Office Manager

become an employee of Environmental Futures, Inc. with the same salary and benefits to eliminate having two sets of accounting records. The Board concurred. Mr. Halpin questioned how NESWC records are retained. Mr. Rothstein noted that all records except handwritten notes concerning NESWC would remain the property of NESWC. Mr. Halpin noted that NESWC's Clerk may need to take physical possession of the records at some point in time.

Mr. Rothstein discussed President Clinton's proposed BTU energy tax and recommended that he be authorized on behalf of NESWC to write to Congress in support of the waste-to-energy exemption currently proposed in the bill. It was MOVED (Caira), SECONDED (Spiers) and VOTED (Unanimous) to accept the recommendation of Mr. Rothstein contained in his June 3, 1993 memo.

There being no further business, the meeting adjourned at 3:20 PM.

cc: BOS



Minuteman Advisory Group on Interlocal Coordination

Acton
Borborough
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

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

Dear Mr. Hunter:

As you probably know, the MAGIC subregion has recently undertaken a number of activities related to affordable housing. First, MAGIC surveyed subregional housing activities, resources, and strategies and compiled the findings into a subregional housing profile with supportive data. Next, MAGIC organized a well-attended "Housing Information Exchange" to showcase "success stories" and consider opportunities for subregional action. Your community was an important participant.

Many exciting ideas came out of this exchange, including the possibility of forming a subregional housing trust or nonprofit, joining forces to secure state or federal program funds and/or to approach lenders, seeking shared housing planning and/or technical assistance, and working together to make state programs more responsive to suburban needs. Through such cooperative efforts, MAGIC communities may enhance their ability to compete for grants and qualify for programs, share staff, and avoid duplication of effort.

To go the next step, we need your help. MAGIC is recommending formation of a time-limited Subregional Housing Task Force to meet monthly starting in September. The Task Force would explore and evaluate the several options for subregional activity, review its progress periodically with MAGIC, and report back its recommended plan of action next June. To make this project a success, we are asking that your board vote to endorse the Task Force and designate 2-3 volunteers with an active interest in affordable housing to serve on it.

For more information, please feel free to call me at (508) 264-9636 or MAGIC Coordinator Judith Alland at (617) 451-2770. If your community chooses to participate, please send evidence of the vote and the names, addresses, and phone numbers of designees to Ms. Alland at MAPC, 60 Temple Place, Boston, 02111.

Sincerely,

Donna Jacobs
(JR)
Donna Jacobs, Chair

cc: BOS

HISTORIC DISTRICT COMMISSION MINUTES--MAY 17, 1993

Members present: Dallmus, Forbes, Gates, Moran, Mowry, Peterman, Schmidt

Meeting called to order at 7:40 p.m. Minutes of 5/4 were accepted as amended.

ANNOUNCEMENTS: by Forbes

Appl. # 9304 for fence. which has already been erected at 525 Mass. Ave. HDC can review tonight.

Approval for Appl. # 9302-- 92 River St. , Jeanette Van Heerden-- went through upon submittal of revised specs and drawings of dormer window to chairman.

HDC restrictions in Holden on Mobil Oil were upheld in Superior Court; Mowry offered to get more info on this.

B.U. Colloquium Report is coming in next few weeks.

APPLICATION # 9303A--Karen LaRoche appeared at 7:45 for a Public Hearing on her application for a sign at 556 Mass. Ave. A signmaker's drawing of the proposed 36" x 32" sign was shown; to be of 2" thick wood, sandblasted with a Southwest logo in pink, green, yellow, black on white. The sign would not exceed 5' in height, would be illuminated as the present sign is now. LaRoche was informed that the sign can not be illuminated more than 30 minutes before the opening, or 30 minutes after the closing of business.

It was moved to approve Appl. # 9303A as presented in design with the option of altering the scale, proportion, number of elements and positioning in the upper stencil section at the applicants discretion. IT WAS UNANIMOUSLY APPROVED, ON THE CONDITION THAT IT DOES COMPLY WITH EXISTING ZONING AND THAT THERE ARE NO ADVERSE REPLIES FROM ABUTTERS.

APPLICATION #9303C--for letters on an awning at 556 Mass. Ave. HDC questioned the interpretation of Section 7.7.6--wording on convex lettering. Applicant will get opinion from Gary Rhodes , and return to us on June 7.

OLD BUSINESS

20 CONCORD ROAD--Forbes said Gilberti had told her the Congregational Church had voted to buy the property and will have an application before our next meeting. Mowry said he might like to bid for the barn/ garage or get it given to him; he said perhaps he should withdraw from the vote. Forbes says she thinks abutters (Dallmus and Gates) should step aside, and thinks Town Counsel will rule so. She mentioned the Rule of Necessity which the chairman can evoke if the commission is reduced beyond a quorum. Forbes said she did not think the current plan had reduced the number of parking spaces. She tentatively set May 27, or June 3 for a 6:30 p.m. viewing of the barn and property.

APPLICATION #9304—Pat and Rene Beaudoin for fence at 525 Mass. Ave. put up last week to replace old fence—both old and new appear to be variation of split rail. Applicant also mentioned to Forbes wishing to extend the fence further along Mass. Ave. IT WAS MOVED AND VOTED THAT THE FENCE DID COME UNDER HDC JURISDICTION, AND THAT A PUBLIC HEARING WOULD NOT BE REQUIRED. Mowry opposed. Applicant will get abutter list for Gates to send out waiver of hearing notices.

Peterman and Gates will review jurisdiction until Monday, May 24.

JONES TAVERN— Iron Works Farm 128 Main St.—Mowry noted that the organization has a sign license (#1010) good until May 19, 1995, but it is for a free-standing sign and they want to attach the sign to the building using a black iron bracket. HDC members will look at the site before the next meeting when we will determine if it is within our jurisdiction.

Moran noted that she had transferred her real estate office to Acton from Groton and will furnish the selectmen with a letter requesting exclusion from property in which she might have a business interest.

Meeting adjourned at 9:45 pm

Respectfully submitted,

Joan R. Gates, secretary

RECEIVED & FILED

DATE June 17, 1993

Barbara Brown
for TOWN CLERK, ACTON



Selectmen

MASSACHUSETTS

BOARD OF APPEALS

DECISION ON THE PETITION OF TERRI STONE BENTON

DECISION No. 93-7

A public hearing on the Board of Appeals was held in the Town Hall on Monday, June 7, 1993 at 7:30 p.m., Room 126, Acton, MA on the petition by Terri Stone Benton, 594 Main Street, for a PETITION FOR A VARIANCE from the Zoning Bylaw, Section 3.2.1, to allow this family to keep more than one horse on their 3-acre farm located at 594 Main Street, Map E4/Parcel 3 and Map D4/Parcels 23 and 24, which is surrounded by 30 acres of conservation land with many riding trails.

Present at the meeting were Board Members Malcolm Burdine, Acting Chairman; Janet Clark, Acting Clerk; Beatrice Perkins, Member; and Valerie Sipprelle, Board of Appeals Secretary. Also present were Terri and Thomas Benton, Petitioners.

Mr. Burdine opened the hearing, introduced the Board Members present, and explained the hearing procedure. He then read the petition and file contents and asked the Petitioner to present her request.

The Board of Appeals, after considering the materials submitted with the petition, together with the information developed at the public hearing, finds that:

1. Petitioner presently owns two female quarter horses. One is in the barn on the property; and, one is boarded at another stable.
2. The premises have historically been a working farm for over 100 years. Petitioner purchased the property in December 1992 as part of an estate sale and own 3 acres, the main house, barn, and chicken shed.
3. The remainder of the property is now state-owned conservation land that can't be purchased.
4. Petitioner and her family are trail riders. They do not plan to board horses or have a riding ring. Petitioner has established a paddock that is fenced in.

5. Petitioner will not have a manure disposal problem as a Concord farm has agreed to take all the manure from the horses.

6. Petitioners' neighbors support her request and have granted their permission to use their riding trails.

7. Petitioners request is consistent with the Town's Master Plan.

Based upon the above findings, the Board of Appeals concluded that:

1. The requested variance is consistent with the Master Plan.

2. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

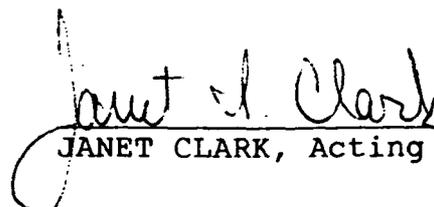
3. Owing to the circumstances relating to the soil conditions, shape or topography of the lot or structures in question, especially affecting such lot or structure but not generally affecting the zoning district in which it is located, a literal enforcement of the provisions of this bylaw would involve a substantial hardship to the Petitioner.

4. Based upon the above conclusions, the Board of Appeals voted unanimously to GRANT the requested variance subject to the condition that only two horses may be kept on the premises. If the horses foal, then a new request to comply with the bylaw provisions on foals has to be submitted to this Board.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws chapter 40A, Section 17, within twenty (20) days after the decision is filed with the Acton Town Clerk.

TOWN OF ACTON BOARD OF APPEALS


MALCOLM BURDINE, Acting Chairman


JANET CLARK, Acting Clerk


BEATRICE PERKINS, Associate Member

I certify that copies of this decision have been filed with
the Acton Town Clerk and Planning Board on June 17, 1993.

Valerie J. Sippelle
VALÉRIE SIPPHELLE, Board of Appeals
Secretary

cc: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

June 16, 1993

Paul Halkiotis
Chairman, Massachusetts Association of Planning Directors

REGARDING: DiDuca v. Town of Acton &
DiDuca v. Planning Board of the Town of Acton.

Dear Paul:

Thank you for allowing me to bring this matter before the MAPD membership at the annual meeting. For your and the other officers' review I have enclosed five copies each of

- my letter to you dated 5/28/93,
- the Land Court judge's decision,
- the post trial brief of the Town,
- the post trial brief of the plaintiffs,
- the pre-1990 zoning maps (Figures 1A & 1B),
- the post-1990 zoning maps (Figures 2A & 2B),
- a close up of the DiDuca parcel vicinity with existing and previous zoning, and the distribution of land uses (Figure 3, not to scale),
- an internal memorandum regarding the zoning of the Great Road (Rt.2A) corridor.
- a 4/28/93 letter to George Marcou, APA, Washington D.C.
- the Town of Acton Master Plan Executive Summary.

Concurrently I am addressing the Mass. Chapter of the APA, MAPC and 1000 Friends, and possibly MMA and the Mass. Association of City Solicitors and Town Counsels. A joint effort of these organizations would also be desirable. Thank you for considering our request. Please call me if you need additional information, and inform me what your course of action will be. I expect that the cases will be entered in the Appeals Court shortly. From then we will have 40 to 50 days to file any briefs.

Sincerely,



Roland Bartl
Town Planner

cc: ✓ Don P. Johnson, Town Manager
✓ Acheson H. Callaghan, Esq., Palmer & Dodge

[RHB.ZONE.93*19]

CC: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

June 16, 1993

Ralph Willmer
President, Massachusetts Chapter, APA
McGregor & Shea
141 Tremont Street, Suite 200
Boston, MA 02111

REGARDING: DiDuca v. Town of Acton & DiDuca v. Planning Board of the
Town of Acton.

Dear Ralph:

Thank you for the time you have spent on this case and for your assistance in our effort to obtain an amicus brief from the national APA in the appeal of the Land Court decision. Unfortunately we were not successful with the national APA. This case may not be deemed of national importance by the APA amicus committee, but it certainly is rather significant in Massachusetts. Therefore, on behalf of the Town of Acton I request assistance from the Massachusetts Chapter of the APA for the appeal in the form of an amicus brief or otherwise, and I hope you will consider this request favorably. For your and the chapter officers' review I have enclosed five copies each of

- the Land Court judge's decision,
- the post trial brief of the Town,
- the post trial brief of the plaintiffs,
- the pre-1990 zoning maps (Figures 1A & 1B),
- the post-1990 zoning maps (Figures 2A & 2B),
- a close up of the DiDuca parcel vicinity with existing and previous zoning, and the distribution of land uses (Figure 3, not to scale),
- an internal memorandum regarding the zoning of the Great Road (Rt.2A) corridor.
- a 4/28/93 letter to George Marcou, APA, Washington D.C.
- a Town of Acton Master Plan Executive Summary.

Concurrently I am addressing the MAPD, MAPC, 1000 Friends, and as you had recommended possibly MMA and the Mass. Association of City Solicitors and Town Counsels. A joint effort of these organizations would also be desirable. Thank you for considering our request. Please call me if you need additional information, and inform me what your course of action will be. I expect that the cases will be entered in the Appeals Court shortly. From then we will have 40 to 50 days to file any briefs.

Sincerely,

Roland Bartl
Roland Bartl
Town Planner

cc: Don P. Johnson, Town Manager ✓
Acheson H. Callaghan, Esq., Palmer & Dodge

[RHB.ZONE.93*18]

cc: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

June 17, 1993

Ms. Kathryn Preston
Executive Director
1000 Friends of Massachusetts
P.O. Box 236
Lincoln, MA 01773

REGARDING: DiDuca v. Town of Acton & DiDuca v. Planning Board of the
Town of Acton, Land Court Decision

Dear Ms. Preston:

Anne Fanton of the Acton Board of Selectmen informed me that she has spoken to you about the above matter and that your organization might be able to help the Town of Acton in its appeal of the Land Court decision. Therefore, on behalf of the Town of Acton I request assistance from 1000 Friends of Massachusetts in the Town's appeal and I hope you will consider this request favorably. Your assistance would be helpful and appreciated, and it could take the form of an amicus brief by 1000 Friends, alone or jointly with others. Another area of assistance would be in locating a capable lawyer who would be willing to formulate an amicus brief on a pro-bono basis. The issues involved in this case are by no means limited to any peculiarities of Acton, but are of significance state wide.

Anne mentioned that you would appreciate some background materials on the matter. Rather than to repeat work already done, I enclose the following:

- the Land Court judge's decision,
- the post trial brief of the Town,
- the post trial brief of the plaintiffs,
- the pre-1990 zoning maps (Figures 1A & 1B),
- the post-1990 zoning maps (Figures 2A & 2B),
- a close up of the DiDuca parcel vicinity with existing and previous zoning, and the distribution of land uses (Figure 3, not to scale),
- an internal memorandum regarding the zoning of the Great Road (Rt.2A) corridor,
- a 4/28/93 letter to George Marcou, APA, Washington D.C., stating some of the major problems with the court's decision,
- a Town of Acton Master Plan Executive Summary.

Please use this material as you see fit. If you have any questions or would like additional copies of some or all of the above please call me.

Concurrently I am addressing the Massachusetts Association of Planning Directors, the Metropolitan Area Planning Council and the Massachusetts Chapter of the American Planning Association. I may also contact the Massachusetts Municipal Association and the Massachusetts Association of City Solicitors and Town Counsels. A joint effort of these organizations with yours would be most desirable. We had tried to obtain an amicus brief from the national American Planning Association (APA), but

we were not successful because the amicus committee of APA felt that the case was particular to Massachusetts and had no nation wide implications.

Thank you for considering this request. Please inform me what your course of action will be. I expect that the cases will be entered in the Appeals Court shortly. From then we will have 40 to 50 days to file any briefs.

Sincerely,



Roland Bartl
Town Planner

cc: ✓ Don P. Johnson, Town Manager
Acheson H. Callaghan, Esq., Palmer & Dodge

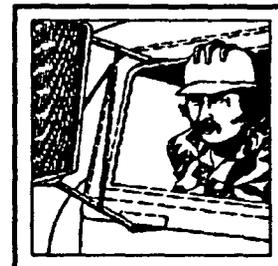
[RHB.ZONE.93*21]

**Concord Municipal Light Plant
Invites You To a Discussion
About Road Work Scheduled for West Concord**

DON
CC: BOS
TOWN CLERK
PLS. POST

Dear Neighbor and CMLP Customer,

In our continuing effort to provide you with the best energy services available, Concord Municipal Light Plant is improving power lines in Concord. This includes road work that will begin soon on Main Street, between Harrington Avenue and Forest Ridge Road. Since this project will unavoidably affect you, we invite you to meet at the Harvey Wheeler Center on Thursday, June 24 at 7 P.M. with CMLP representatives and other Town officials to discuss how to minimize the impact.



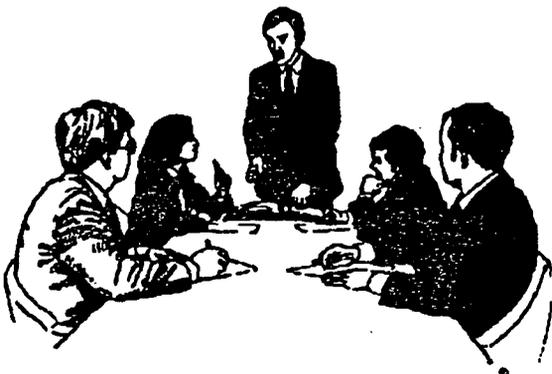
This section of Main Street will be dug up starting in August to build an electrical conduit. The purpose is to install underground power distribution lines for the new electric substation that CMLP is constructing off Forest Ridge Road. These lines will help meet your future power needs reliably and consistently. To lessen the impact on afternoon rush-hour traffic, the work is currently scheduled between 6 A.M. and 4 P.M. daily. This work day would extend the construction into November.

A suggestion has been made of a possible way to reduce the amount of time the road is dug up. The idea is to allow the contractor to also work weekday evenings in the business area and weekends in the residential area. The rationale is that the business people would be gone during off hours, and that local residents would be up and about on weekends when the contractor was working. We appreciate your reaction to these two options.

We would also welcome any suggestions about alternate routes during construction.

If you have any questions, please call the Light Plant weekdays at 371-6320 between 8:30 A.M. and 4:30 P.M. Thank you for your future patience.

Daniel J. Sack
Superintendent, CMLP



**Thursday, June 24, 1993
7:00 - 9:00 P.M.
Harvey Wheeler Center
1276 Main Street, West Concord**

Refreshments will be provided.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 18, 1993

TO: Donna Jacobs
FROM: Don P. Johnson, Town Manager
SUBJECT: Fort Devens Commission

I spent Monday and Tuesday (6/14 & 15) in the Town of Harvard, assisting them in interviewing Police Chief candidates. During the course of that time I had lengthy conversations with members of the Board of Selectmen concerning the status of their Fort Devens efforts.

The upshot of our discussions was that the Joint Boards of Selectmen have reached an agreement with the State that will establish a Fort Devens Commission. The total makeup of this commission escapes me; however, the real message is that a representative of MAGIC will apparently be our only entre to a seat on the Commission. They mentioned you as a good representative for MAGIC and I agreed.

Please be alert to this new organization and the value of obtaining the appointment ... both for MAGIC and for Acton.

cc: Board of Selectmen



CHRIS -
6/25/93 PACKET

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 25, 1993

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Mill Corner

I have not yet been successful in my attempts to meet with Kevin Sweeney regarding the Board's vote last Tuesday night. We had scheduled an appointment for this morning (Friday) and Kevin called to postpone it until 3:00PM. At the appointed hour we received a call from someone in his organization, cancelling until next week.

I have posted a meeting for Tuesday night. If I am able to resolve this matter prior to that time I will notify you. Otherwise, I guess we may have no alternative but to have you meet and further consider the Board's position.

In the meantime, a problem has arisen with the Planning Board's decision that may have a direct bearing on this matter. It seems that the Planning Board ventured out on this subdivision and, instead of asking for the normal bonding on this project, they asked for a pledge of the developer's development rights in five (5) of the units. This was to be taken as security, in lieu of completion of the roadways and utilities, in exchange for the Planning Board's release of building permits. In and of itself, this is a very unacceptable form of security; however, that is not the point here.

When Roland Bartl brought me the proposed form of the pledge of development rights we realized that four of the five units being pledged (#2, 5, 8 & 11) are the same units that have been identified as the points for payment under the \$300,000 gift scenario. Quickly one can imagine where we would be if these units never get built:

1. They are pledged to secure installation of the roads and utilities. We could well have all of the homes built (save the ones pledged) with the road and utilities unfinished. The Planning Board could then be put in the position of having to take the security and complete this work. We would only have vacant "lots" and would have to sell them in order to create capital to finance the work (possibly coming up short in the amount we were able to realize from the sales).
2. Meanwhile, the trigger points for delivery of the "South Acton Improvement" monies never not be reached because the units were not built and sold.
3. The possibility exists that the Town would expend substantial monies in converting the pledged properties to cash, find that the asset was not sufficient to cover the liability (we would have to add additional Town monies) and we would never receive the pledged improvement monies.

The above probably portrays the "worst case" and I am sure that no one expects it to occur. None the less, that is exactly the intent of a bond ... to cover the remote possibility.

Roland is working on changing the form of the security for the Planning Board so we may not have to concern ourselves with their issue. The problem is that I have spoken with Kevin's attorney and he has advised me that a bonding requirement by the

Selectmen, on top of the Planning Board's need for restructuring their security, will kill the project. (Kevin may not know of this conversation and I am not sure how much may have been said to me in confidence, if anything, so I would ask you to use discretion with this information.)

All of that and I haven't even spoken with Kevin!

Now you are reasonably up to speed. I will attempt to meet with Kevin next week and try to find some solutions but I expect that I will only find more complications. As of this writing I am expecting that you will need to meet Tuesday.

A handwritten signature in black ink, appearing to be the name 'Dan' written in a cursive style.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 25, 1993

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Digital Equipment Corp., Piper Road

I have been contacted by a Digital representative to officially notify the Town that they are pulling out of their Piper Road facility and plan to sell to property.

They have apparently been actively marketing this location for quite some time and find that there are few, if any, potential purchasers that fit within our current zoning ("Office Park"). The interest is coming from the retail community and they have indicated that they are talking to the "big" commercial players ... without being specific. Retail is not permitted in this district.

There is much more to be said about the issues that are involved but the long and short of it is that they would like the Town to consider rezoning to allow retail uses. They also indicate that they do not wish to engage in a battle over this and would probably focus away from retail if the Town opposed. I promised to put the question in front of you to get a sense of how you feel.

I plan to seek your input and guidance at the July 13 meeting.



Planning Board and Board of Selectmen
Town of Acton
Town Hall
Acton, MA 01720

June 24, 1993

Good Morning,

As you may be aware, various boards in the Town of Westford are reviewing a proposal by Walmart to construct a store at the intersection of 110 and Boston Road (Minot's Corner). The development of this store will most assuredly have a substantial impact on the environment of Westford in terms of traffic flow, air and noise pollution, ground water protection and future business expansion. However, you may not be aware of the potential impact that this project will have on your town so we would like to point out a few facts:

- Traffic counts (just for Walmart) are expected to increase by 9,000 trips a day, seven days a week. Walmart expects to draw from all nearby towns including Acton, Ayer, Bedford, Boxborough, Carlisle, Chelmsford, Groton, Littleton and Maynard. We believe that the significance of this has not been fully evaluated for nearby towns. Because of the expected draw, we can anticipate that certain intersections and roads outside of Westford will experience increased congestion. They are:

Routes 110 and 119 in Littleton
Route 119 and Powers Road in Littleton
Route 225 and Lowell Street in Carlisle
Routes 110 and 4 in Chelmsford
Routes 225 and 119 in Groton
Routes 119 and 27 in Acton

Additional traffic impacts due to follow on development of the 110 corridor have not been evaluated. You can bet that this will quickly become a *regional shopping center* if Walmart is allowed to proceed.

- You may experience a change in territorial rating for auto insurance due to increased traffic counts which will have an economic impact on your citizens.
- You will suffer increases in crime and accident statistics simply because more people are traveling through your town. Again, an economic consideration.
- The proposed building site is directly on top of a watershed for Vinebrook which ultimately flows down to Acton. This watershed is a backup source for the Stoney Brook Aquifer.

There could be other areas of concern for your town that we are not aware of. If you wish to obtain more information you may contact Elizabeth Michaud (chairman) at 692-8683 or Richard Maliska (member) at 692-3124 to discuss any concerns you may have. You can also contact Bill Turner who is the Conservation and Planning co-ordinator for Westford at 692-5524

Richard P. Maliska



Member
The Committee to Stop Walmart

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 25, 1993

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Triple A

Julian D'Agostine, representing Triple A in their appeal of the Beer & Wine License denial, has forwarded the attached petitions to Town Counsel. Counsel has, in turn, sent copies to me.

I have no information on the ABCC hearing results at this time.



NOTE TO BOS:

WE REC'D 60 PAGES OF PETITION... HAVE
ATTACHED 1ST PAGE FYI. FULL SET IN RF.

**PETITION FOR RECONSIDERATION
OF PACKAGE STORE LICENSE
FOR THE TRIPLE A MARKET**

TO THE BOARD OF SELECTMEN OF ACTON, MASSACHUSETTS:

We the undersigned, being customers of the Triple A Market, a family market owned and operated by the Acconcia family, which has been located on Route 2A, in the Gould Shopping Mall, in Acton, Massachusetts for twenty years, hereby request that the Selectmen reconsider and grant the application of said Triple A Market for a license to operate a package store selling wine and Malt beverages on the premises of said store. We feel there is a definite need for such a service based on the fact that there is no other package store in the Gould Shopping Mall, which is the only major mall north of Route 2 in Acton. Also, there is a need for the convenience of the customers to minimize trips by being able to shop for food, beer, wine and other retail goods and services which are offered at the Gould Shopping Mall. There was no opposition to the issuance of the subject package store license, except by competing package store businesses in Acton.

NAME

ADDRESS

Elaine Houck

9 Davis Rd Acton

D. Barry

59 Wood Lane Acton

Wendy Liberto

287 Great Rd, Acton

Bradford G. O'Brien

61 Spencer Road UNIT 46 Boxborough MA

Nancy Steeples

Strawberry Hill Rd, Acton

Steph deMont

161 GREAT Rd Littleton MA

Evelyn Chaboussier

8 Stowman Rd Acton

Angela Challice

8 Cardusent Road Westford

Lara Russo

2 Sandmark Road Westford

D. J. D.

12 Wampus Ave #K

Ellie Kelly

661 Pleasant Hill Rd Acton

Lanuel Schubert

42 Grasshopper Lane, Acton

Nancy Farrell

26 Bruce Rd Harvard MA

Heidi G. Crim

260 S. Row Rd Townsend Ma

Marie Bruslowke

212 Meadows Edge MA

**PETITION FOR RECONSIDERATION
OF PACKAGE STORE LICENSE
FOR THE TRIPLE A MARKET**

TO THE BOARD OF SELECTMEN OF ACTON, MASSACHUSETTS:

We the undersigned, being customers of the Triple A Market, a family market owned and operated by the Acconcia family, which has been located on Route 2A, in the Gould Shopping Mall, in Acton, Massachusetts for twenty years, hereby request that the Selectmen reconsider and grant the application of said Triple A Market for a license to operate a package store selling wine and Malt beverages on the premises of said store. We feel there is a definite need for such a service based on the fact that there is no other package store in the Gould Shopping Mall, which is the only major mall north of Route 2 in Acton. Also, there is a need for the convenience of the customers to minimize trips by being able to shop for food, beer, wine and other retail goods and services which are offered at the Gould Shopping Mall. There was no opposition to the issuance of the subject package store license, except by competing package store businesses in Acton.

NAME

ADDRESS

<u>Ly Baker</u>	<u>49 Stonymede Way, Acton</u>
<u>Judi Caliva</u>	<u>1280 Washington St. Needham</u>
<u>Ann Blot</u>	<u>304 Nagog Hill Rd. Acton</u>
<u>Carolyn J. Patterson</u>	<u>265 Fleet Rd Acton</u>
<u>Kathleen Gaulttett</u>	<u>5F Iris Ct. Acton</u>
<u>Donna Murphy</u>	<u>55 Brook St #3 Acton</u>
<u>SEBASTIAN AVILA</u>	<u>66 HARVARD AVE #2 BOSTON</u>
<u>Cheryl Steinberg</u>	<u>73 Strawberry Hill Rd Acton</u>
<u>Jeanette Peck</u>	<u>9 Whittier Dr Acton, Mass.</u>
<u>T. Kennerly</u>	<u>509 Newbury St Acton</u>
<u>William</u>	<u>427 Elm St Concord</u>
<u>Paul R. Fagan</u>	<u>63 Lenox Rd. Danvers</u>
<u>Joanne Buckley</u>	<u>55 Brook St. Acton</u>
<u>Tamara L. Berkey</u>	<u>101 Raymond Rd, Sudbury</u>
<u>Virginia J. Trujillo</u>	<u>247 Pine Cone Strand Acton</u>
<u>Kimberly A. Kennedy</u>	<u>B-C Azalea Ct. Acton</u>

**PETITION FOR RECONSIDERATION
OF PACKAGE STORE LICENSE
FOR THE TRIPLE A MARKET**

TO THE BOARD OF SELECTMEN OF ACTON, MASSACHUSETTS:

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NAME

ADDRESS

L. D. Hennessy

155 PAINE Tpk - Concord

N. E. Wolfe

172 Nathan Lane - Carlisle

James Cochran

19 Brewster Lane, Acton

John W. Wren

118 NEWTON RD Acton

Cindy Altman

3 Hadley Rd Welford

Susan White

9 Mable Lane Acton

Cheryl C. Remington

3 Depot Rd., Still River, MA

John J. Gump

445 Strawberry Hill RD

Richard H. Dewey

308 Still River Rd, Still River MA 01467

Susan C. Zahner

17 Sherry Rd Harvard MA 01451

James D. Warner

Maple Hill Rd. Acton

John Blake

11 Pine St Peppercorn MA

William L. Schmidt Jr.

49 Paul Revere Rd Concord

Donald M. Lerman

99 Concord Rd, Acton

Inanna Arthur

20 Heath St Peppercorn

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NAME

ADDRESS

<u>Christine M. Di...</u>	<u>Fitchburg MA</u>
<u>Alice Kimball</u>	<u>Harvard, MA</u>
<u>Aurora</u>	<u>Concord, MA</u>
<u>[Signature]</u>	<u>Acton MA</u>
<u>B. Giffen</u>	<u>Acton MA</u>
<u>Mike B...</u>	<u>GROTON MA</u>
<u>Arnold Chest...</u>	<u>Fitchburg MA</u>
<u>Robert M. Freeman</u>	<u>Act Chelmsford</u>
<u>Lynn G. Marano</u>	<u>Act</u>
<u>Gail Mor...</u>	<u>Acton, MA</u>
<u>Kathleen Delor...</u>	<u>Concord MA</u>
<u>Andrea Miller</u>	<u>Acton, MA</u>
<u>Mary Johnson</u>	<u>Acton, MA</u>
<u>John Murray</u>	<u>Keeneston MA</u>
<u>John Langdon</u>	<u>Boxboro, MA</u>
<u>Elizabeth Devesse</u>	<u>Concord MA</u>

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NAME

ADDRESS

Ann O'Neill

1 Willis Holden Acton

Margaret Rosconi

4 Madison Lane, Acton

Fred Wood

14 Green Needle Littleton

Casey Phelan

27 Capt Beavis Ln Acton

Patricia Knize

21 Samuel Parker Drive

J. Cogh

10 Bayberry Rd Littleton

M. Junipers

82 MacArthur St Concord 01742

Kelly Marchand

1400 Lowell Rd Concord

E. Spence

George Pad - Maynard

McDonahue

Newslet Post - Acton

John Houly

118 North St - Shrewsbury

Walter Alexander

736 Strawberry Hill Rd Concord

Henry J. Beltram

10 Holman St. Allston, Mass 02134

Judy Moss

287 College Road Concord MA

Jim Benjamin

556 Central St. Leominster, Ma.

Chris Smith

118 Chester Rd, Barboro, MA

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NAME	ADDRESS
<u>Mikheer Raut Raymond</u>	<u>292 Great Rd, Acton</u>
<u>Lynette Claus</u>	<u>11-04 Concord Avenue Concord</u>
<u>Julie Bak</u>	<u>4 Cross St., Acton</u>
<u>Kent Johnson</u>	<u>261 Stearns St., Carlisle</u>
<u>Ken Paris</u>	<u>15 Davis Rd Acton MA</u>
<u>Rahn Schmitt</u>	<u>203 Liberty Sq Rd Buxborough</u>
<u>Nancy E. Jewoy</u>	<u>46 Ethan Allen Dr Acton</u>
<u>Susan Hagen</u>	<u>50 Arlington St. Acton</u>
<u>Ellen Kedron</u>	<u>350 Cambridge St Acton</u>
<u>Carole A. Hayden</u>	<u>407 Great Rd[#] Acton</u>
<u>Richard J. Sanelli</u>	<u>284 Great Rd / Acton MA</u>
<u>Hori Petersen</u>	<u>200 Pope Rd Acton Ma</u>
<u>M. Seward</u>	<u>42 Washington Dr Acton</u>
<u>M.A. Seward</u>	<u>42 Washington Dr Acton</u>
<u>B.G. Turner</u>	<u>9 Fairbury Rd Acton</u>

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NAME

ADDRESS

<u>Judd Kendall</u>	<u>187 Great Rd Acton</u>
<u>Rosemarie Sullivan</u>	<u>405 Street Acton #15</u>
<u>J. Bonoumie</u>	<u>P.O. Box 826 Acton, Ma</u>
<u>Sarah Cunningham</u>	<u>36 Powers Rd Concord</u>
<u>Trish Jones</u>	<u>2054 Main St Concord</u>
<u>Linda Kaultz</u>	<u>8 Driftwood Rd Acton</u>
<u>William Ericman</u>	<u>15 Fishery St Lowell, Ma</u>
<u>Madelene Elin Sweet</u>	<u>75 Carlisle Roxbury, Ma</u>
<u>Wm. M. Felt</u>	
<u>UTTA BEYER</u>	<u>1 Harvard Ct</u>
<u>S B Custer</u>	<u>17 DAVIS RD</u>
<u>C. D. Galt</u>	<u>19 Cherokee Rd</u>
<u>J. Mahan</u>	<u>19 Cherokee Rd</u>
<u>S. Conkle</u>	<u>153 Virginia Farm Carlisle</u>
<u>M. Abbott</u>	<u>430 main ST Acton</u>
<u>Albet Moutter</u>	<u>52 GREAT RD ACTON</u>

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NAME

ADDRESS

June Rainey

11 Minot Ave Acton Ma. 01720

V. J. Sells

5 Iris Ct. Acton

Patricia Austin

21 Washington Ave

Alicia Aaron

7 Ladyslipper Lane Acton

Joe Duffey

10 Old Rd - Weston

Paula Brown

10 Knowlton Acton

John H. Sly

187 MAGGS HILL Rd Acton

Martha Baker

Littleton

Barry A. Bender

301 Wiggan Hill Rd. Acton

Bud Lynch

221 GAY Rd Groton MA

E. J. [unclear]

6 Long Lake Littleton, MA

Keri Morgan

174 Concord Rd, Lincoln, MA 01773

Enaron Buhle

420 Great Rd Acton

Kathy Vecchio

568 Barnetts Mill Concord MA

Lishe Barron

376 Old Beaver Brook Acton

Rollin W. Perry

18 Core Drive Still River Ma

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NAME

ADDRESS

~~Chayer Sumner~~

1510 Main St Concord

Cheryl Sweeney

9 Highland Rd, Acton, Ma

~~John P. ...~~

30 Ft. Hill Rd, Littleton

Richard H. Charles

16 Augusta Rd, Groton, MA

~~John ...~~

14 Great Run Acton

~~Robert ...~~

17 Bradford Rd Weston

~~John ...~~

63 Simons Rd Acton

~~John ...~~

Stawberry Hill Rd Acton

~~John ...~~

428 Great rd Apt 1 Acton

~~John ...~~

310 Cochran Hill Boxboro

~~John ...~~

13 Evergreen Rd Acton

~~John ...~~

110 Nanset Path Acton

152 Wiley Rd Groton Ma

126 Nanset Path Acton

648 Pleasant Hill Acton

Quinton Lane Acton

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NAME

ADDRESS

<u>Vicki Murphy</u>	<u>125 Summer St Acton</u>
<u>Paul Akshar</u>	<u>73 Coburn Hill Rd. Concord Mass</u>
<u>Gloria Harmon</u>	<u>42 Isaac Davis Rd. Concord</u>
<u>Neil Fitzgerald</u>	<u>10 Meadow Brook Rd Acton</u>
<u>Rosemary Dow</u>	<u>52 Hayward Rd Acton</u>
<u>Jill Natola</u>	<u>87 Woodland Rd, Carlisle</u>
<u>Paul Grogan</u>	<u>240 Oak Hill Cir Concord</u>
<u>[Signature]</u>	<u>27 Conby Rd. Westford</u>
<u>Laura Cushman</u>	<u>366 River Rd. Carlisle</u>
<u>Janice Romano</u>	<u>444 Old Marlboro Rd Concord</u>
<u>Paul Mason</u>	<u>160 Strawberry Hill Rd Acton</u>
<u>Richard McHall</u>	<u>428 Taylor Rd, Stow</u>
<u>Charlotte Zales</u>	<u>107 Deer Run Concord N.H.</u>
<u>William J. Dulles</u>	<u>1241 Adams St Rockport, Mass.</u>
<u>Ruth McInnis</u>	<u>33 Minutemen Acton</u>
<u>Richard P. [Signature]</u>	<u>107 LANIER GROTON</u>

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NAME

ADDRESS

<u>Caryl Torchik</u>	<u>29 Tuttle St. Acton</u>
<u>Theresa McLean</u>	<u>10 Revolutionary Rd. Acton</u>
<u>Kimberly Kuyck</u>	<u>55 Suffolk Parkside</u>
<u>Batim Eneason</u>	<u>393 Pine Cone St Acton</u>
<u>Walter Patricia</u>	<u>160 Strawberry Hill</u>
<u>Elise L. Hagwood</u>	<u>71 Greenwood Rd. Acton</u>
<u>Paula Bury A</u>	<u>985 Main St Concord</u>
<u>Clara Powell</u>	<u>726 Mt Rd Acton</u>
<u>Mary Newman</u>	<u>10 Shirley St Concord</u>
<u>J. Stuart</u>	<u>Acton</u>
<u>Barbara Harsing</u>	<u>87 Wood Lane Acton</u>
<u>Betty Hutchins</u>	<u>Concord, SC</u>
<u>Kate D. Blau</u>	<u>20 Dartm St Concord</u>
<u>Judith Trumbus</u>	<u>228 Liberty Sq Concord</u>
<u>Evela Whitfield</u>	<u>67 Whit's End Rd Concord</u>
<u>Arthur J. LeBlanc</u>	<u>Ft Devens, MA</u>

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NAME	ADDRESS
<u>John Becks</u>	<u>24 Blueberry Ln ^{Concord} MA</u>
<u>Paul Johns</u>	<u>62 FIDBERT RD STOW MA</u>
<u>Mara Dorene</u>	<u>18 Blankhorse D. Acton</u>
<u>Carole S. Husel</u>	<u>5 Clay St. Cambridge, MA</u>
<u>L. Albande</u>	<u>107 Muldred Road Concord</u>
<u>Laurance Lera</u>	<u>54 Summer St., Maynard, MA</u>
<u>Cindy Sweet</u>	<u>14 Kancamark, Belkford, MA</u>
<u>Raymond Brown</u>	<u>40 Rangeway Rd Billerica MA</u>
<u>Barbara Burke</u>	<u>101 Swanson Rd, #114 Boston MA</u>
<u>Lara Millette</u>	<u>14B Strawberry Hill Rd Acton MA</u>
<u>Elizabeth D. Sundberg</u>	<u>20 Henley Rd Acton MA</u>
<u>William Robson</u>	<u>166 GREAT RD ACTON MA</u>
<u>Lynn</u>	<u>49 Parker St Acton MA</u>
<u>Proff</u>	<u>115 Indian Pkwy Concord MA</u>
<u>Margaret L. Thap</u>	<u>340A Great Rd #7 Acton</u>
<u>Kellie Stmar</u>	<u>ACTON</u>

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NAME	ADDRESS
<u>McAon</u>	<u>191 Conover Rd Bedford</u>
<u>Kari Brazan</u>	<u>397-5 Heat Rd Acton Ma</u>
<u>D. Kennedy</u>	<u>133 Hill Rd Acton, ma</u>
<u>Electra Connor</u>	<u>10 Phelan St. - Acton, MA</u>
<u>John Stetson</u>	<u>450 Westford Rd Concord</u>
<u>Jan Taylor</u>	<u>399 Great Rd #4 Acton</u>
<u>Lorraine</u>	<u>Bolton Rd Harvard</u>
<u>Jeanne Alwine</u>	<u>43 Westford St. Chelmsford</u>
<u>Sarah J. Hopkins</u>	<u>107 Smith St. Groton</u>
<u>John A. Coy</u>	<u>138 Baker Ave Concord</u>
<u>Kim Williams</u>	<u>5 Hazen Dr. Acton</u>
<u>Jim Eaton</u>	<u>511 Foster Littleton</u>
<u>Tom Clymer</u>	<u>103 Willow St Acton</u>
<u>Gail Rockett</u>	<u>48 Lowell Rd Peppercorn</u>
<u>Jeanne Austin</u>	<u>3 Haynes Ct Acton</u>
<u>Barbara Ferguson</u>	<u>4 Goswood Acton</u>

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NAME	ADDRESS
<u>Roger E. Hard</u>	<u>61 Spencer Rd, Barborough, MA</u>
<u>Mark Bell</u>	<u>9 DAVIS Rd Acton MA</u>
<u>Gene Heger</u>	<u>5 Putnam Rd Acton</u>
<u>Mark G. G. G.</u>	<u>67 Wesley Rd Framingham</u>
<u>Sybil Jackson</u>	<u>45 Shore Dr. Concord</u>
<u>Esther Huggins</u>	<u>107 Westford Rd Concord</u>
<u>Jennie D. D.</u>	<u>182 Indian Hill Circle</u>
<u>Edward D. D.</u>	<u>19 STRAWBERRY Hill Rd</u>
<u>Mary Alice Roemer</u>	<u>185 Great Rd Boston</u>
<u>Caron M. McIlhenny</u>	<u>118 Monset Path Acton</u>
<u>J. Finney</u>	<u>Acton, MA</u>
<u>Mark L. D.</u>	<u>Pope Rd. Concord, MA</u>
<u>Andra Bean</u>	<u>451 Main St Acton</u>
<u>Orin D. D.</u>	<u>235 Brown Bear Crossing</u>
<u>Leslie K. K.</u>	<u>594 Great Elm Way Acton</u>
<u>Kevin M. M.</u>	<u>49 Staffordshire Concord</u>

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NAME

ADDRESS

<u>Patricia Harris</u>	<u>368 Shel Rd</u>
<u>Donald James</u>	<u>1400 Lowell Road - Concord</u>
<u>Alan Wilson</u>	<u>25 Westford Rd, Concord</u>
<u>Katherine Tommens</u>	<u>107 Newtown Rd, Acton</u>
<u>Stacey Maclean</u>	<u>38 Amherst Hill Rd Concord</u>
<u>Jane Fountain</u>	<u>3 Old Colony Lane Acton</u>
<u>Pauline M. Croft</u>	<u>331 Pope Rd Acton</u>
<u>Thomas Finley</u>	<u>5 Castle Drive Acton</u>
<u>Bob Rustuff</u>	<u>24 Old Village Rd Acton</u>
<u>Suzanne Deberia</u>	
<u>Walter G. Vink</u>	<u>42 Lowell St, Burlington MA</u>
<u>D. J. Miller</u>	
<u>H. J. Russell</u>	<u>570 W. St Carlisle</u>
<u>Michelle DeFenye</u>	<u>47 East Pond Rd, Acton</u>
<u>Elizabeth Searcy</u>	<u>15 Balsam Dr. Acton</u>
<u>John Summerson</u>	<u>32 Fairview Cliff Road, Concord</u>

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NAME	ADDRESS
<u>Lisa Page</u>	<u>205 Fruit Rd. Acton</u>
<u>Steve Gooding</u>	<u>17 NASH RD. ACTON</u>
<u>Shaun Kunnick</u>	<u>3 Rose Ct, Acton</u>
<u>Kwester Kunnick</u>	<u>3 Rose Ct., Acton</u>
<u>Richard Chudray</u>	<u>2 Abby Rd Westford</u>
<u>Ch. [unclear]</u>	<u>27 Meetinghouse Ave</u>
<u>Jim Townsend</u>	<u>20 Robinwood Rd</u>
<u>Walter Reed</u>	<u>223 Old Beavertowne</u>
<u>Carol Brown</u>	<u>8 Horseshoe Dr.</u>
<u>Randa Collins</u>	<u>Hattletown Ma.</u>
<u>Linda Martin</u>	<u>Acton, Mass.</u>
<u>Donna Buelin</u>	<u>acton, MA</u>
<u>Dybbse</u>	<u>Acton Ma</u>
<u>Alan M. Bourne</u>	<u>Chelseaford MA</u>
<u>Bruce Vayo</u>	<u>22 Bayberry Rd, Acton</u>
<u>Peter Jozwicki</u>	<u>17-1 Concord Avenue Concord</u>

**PETITION FOR RECONSIDERATION
OF PACKAGE STORE LICENSE
FOR THE TRIPLE A MARKET**

TO THE BOARD OF SELECTMEN OF ACTON, MASSACHUSETTS:

We the undersigned, being customers of the Triple A Market, a family market owned and operated by the Acconcia family, which has been located on Route 2A, in the Gould Shopping Mall, in Acton, Massachusetts for twenty years, hereby request that the Selectmen reconsider and grant the application of said Triple A Market for a license to operate a package store selling wine and Malt beverages on the premises of said store. We feel there is a definite need for such a service based on the fact that there is no other package store in the Gould Shopping Mall, which is the only major mall north of Route 2 in Acton. Also, there is a need for the convenience of the customers to minimize trips by being able to shop for food, beer, wine and other retail goods and services which are offered at the Gould Shopping Mall. There was no opposition to the issuance of the subject package store license, except by competing package store businesses in Acton.

NAME

ADDRESS

<u>LINDA MODZAK</u>	<u>821 STRAWBERRY HILL RD CONCORD</u>
<u>Lois Bealey</u>	<u>53 Black St. apt #251 Acton</u>
<u>Fred Johnson</u>	<u>10 Evergreen Ave. Acton</u>
<u>Marie St Germain</u>	<u>331 Noyes Hill Rd. Acton</u>
<u>Rubin M. Williams</u>	<u>217 Great Rd Acton</u>
<u>Carl Gattlieb</u>	<u>311 Nashoba Rd Concord</u>
<u>Pete Dwyer</u>	<u>674 MASS AVE BOXBORO</u>
<u>Liz Dwyer</u>	<u>488 Great Rd Acton</u>
<u>Wendy Dwyer</u>	<u>488 Great Rd Acton</u>
<u>Charles Madigan</u>	<u>93 Charter Acton</u>
<u>Nancy C. King</u>	<u>406 Great Elm Way Acton</u>
<u>M. Miller</u>	<u>Swobbery rd</u>
<u>Sally Lee Swift</u>	<u>161 River Rd Carlisle</u>
<u>Paul Hughes</u>	<u>22 Milldam Rd Acton</u>
<u>Jim J. Hughes</u>	<u>11 Davis Rd. Apt C3 Acton, MA</u>
<u>John Davis</u>	<u>9 DAVIS RD AP B-5 ACTON MA</u>

**PETITION FOR RECONSIDERATION
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NAME

ADDRESS

<u>Denise L. Castonguay</u>	<u>17 Strawberry Hill Rd, Acton</u>
<u>Donna Martin</u>	<u>289 Great Rd Acton</u>
<u>Adriana</u>	<u>98 Newtown rd</u>
<u>Mary O'Callaghan</u>	<u>38 Huggon Rd Acton</u>
<u>John F. Curran</u>	<u>37 Boy St. Ayer</u>
<u>Paul C. Jr</u>	<u>40 N. STORSA RD ACTON</u>
<u>Joan Haddad</u>	<u>636 Fulton St Medford</u>
<u>Al Reid</u>	<u>1391 MAIN ST CONCORD</u>
<u>Katherine Bloomstein</u>	<u>7 Freedom Farms Rd Acton</u>
<u>Laura Robinson</u>	<u>105 WAMPUS AVE, ACTON, MA</u>
<u>F. J. J.</u>	<u>174 Split Rock Acton MA</u>
<u>Michael Deale</u>	<u>89 Hillcrest Rd, Concord, MA</u>
<u>Merle M. Langley</u>	<u>29 Woodland Rd Concord, MA</u>
<u>Bob Amico</u>	<u>296 Great Rd Acton</u>
<u>Gregory J. Hewitt</u>	<u>118 West Park Acton</u>
<u>Sharon C. Leadet</u>	<u>11</u>

**PETITION FOR RECONSIDERATION
OF PACKAGE STORE LICENSE
FOR THE TRIPLE A MARKET**

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NAME	ADDRESS
Cathy Whelan	419 Great Rd, Acton, MA
Robert Whelan	419 Great Rd, Acton, MA
Kipici Coley	Page St Shirley Mass
Rita Duraim	12 Sackem Way Acton Mass.
Carol Soule	20 Smart Rd Acton MA
Robert P Beaudoin	PO Box 638 Acton
McKear	21 New South Rd Acton
Janet Kenney	100 Mayfair Dr Roxbury
Dannance Jahia	11 Mass Ave. Harvard, MA
Hugh Gull	511 Main St Acton MA
Kater O'Connell	14 Durson W, Ward 2nd, MA
Selma Plomms	25 Hallis Apt 2 Acton, ma
Uma Kyle	2 Duxton Lane Acton, MA 01720
Linda M O'Connell	11 Davis Road Acton MA 01720
Imur Tassar	17 S. Parlin Acton MA 01720
Carlton Myronis - Slagle	621 Pleasant Hill - MA 01715

**PETITION FOR RECONSIDERATION
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NAME

ADDRESS

<u>Virginia L. Scoulet</u>	<u>1001 Depot Rd. Boxborough MA</u>
<u>Mary Federico</u>	<u>265 Grove St. Cambridge, MA</u>
<u>William Harland</u>	<u>50 Jennie St Littleton ma</u>
<u>Mary Helen Lind</u>	<u>1 Furch Road, Acton</u>
<u>Frank Connor</u>	<u>97 Elmwood st, Concord</u>
<u>Frank T. Cripps</u>	<u>23 DAVIS RD, Acton</u>
<u>Carolyn W Platt</u>	<u>100 Newton Rd Acton</u>
<u>Cheryl Bottus</u>	<u>33 Harrist St Apt 19 Acton</u>
<u>Carol Goudry</u>	<u>55 Landover Dr Stow</u>
<u>Myles Benson</u>	<u>8 LANSLIPPER LN ACTON</u>
<u>Lauren Tracy</u>	<u>9 Davis Rd. Acton</u>
<u>2512</u>	<u>St. Partridge Ln. Carlisle</u>
<u>Alexis Fishbone</u>	<u>6 Harvard Ct. Acton</u>
<u>Judith A. Smith</u>	<u>301 Great Rd. Acton</u>
<u>Josun Baker</u>	<u>4 Wachuset Dr. Acton</u>
<u>Magnussen</u>	<u>10 Fair Ln Littleton ma</u>

**PETITION FOR RECONSIDERATION
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NAME

ADDRESS

Kathy Gramat

Great Elm Way, Acton

Jim Maccone

1030 Concord Rd Sudbury MA

Eric Foks

9 Davis Rd Unit A-11 Acton

Edward Yetman

Glenn Baker

Rich. Chang Kuo

26 Meetinghouse Rd. Acton

Ray Emerson

26 OAKWOOD RD Acton

Carol Coyne

5 Woodridge Lane West

Linda Newman

11 Heald Rd, Acton

John O. Jr

51 Arlington St, Acton

R. Johnson

Sara Ann Dupont

18 Knowlton Acton

Joseph P. Whalen

24/3 Concord Green Concord MA

Mary Kay Vassel

12 York Mill Acton

R. Mc Jimmis

31 Homestead, Acton MA

Regina Howard

16 pope Rd Acton

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NAME	ADDRESS
<u>Lisa McCauley</u>	<u>106 Russett Ln, Boxboro, MA 01719</u>
<u>Sharon Edmunds</u>	<u>33 Harris St, Acton</u>
<u>Ken Sullivan</u>	<u>144 HARBWOOD AVE, LITTLETON</u>
<u>[Signature]</u>	<u>3 TRASK Rd. ACTON</u>
<u>John M. Maguire</u>	<u>390 Great Rd Acton</u>
<u>Joseph Koersch</u>	<u>PO Box 737 GROTON MA</u>
<u>Kinda Houde</u>	<u>3 Ashwood Rd, Acton, MA</u>
<u>Jean H. Savage</u>	<u>7 Elm St. Acton</u>
<u>Dorothy J. Thompson</u>	<u>124 Pope Rd Acton</u>
<u>Linda J. Joubert</u>	<u>2564 Sweet Rd. Acton</u>
<u>Mary Keal</u>	<u>Great Rd Acton</u>
<u>Alfred Massad</u>	<u>9 Wampus Ave.</u>
<u>Janeice Deles</u>	<u>275 Pope Rd. Acton</u>
<u>Jean Bauer</u>	<u>7 Minuteman Acton</u>
<u>Fran Olson</u>	<u>7 Deer Path #2 Maynard, MA</u>
<u>Loren Burke</u>	<u>284 Great Rd Acton</u>

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NAME	ADDRESS
<u>John Curran</u>	<u>4 Knowlton Drive Acton</u>
<u>M.A. Callahan</u>	<u>18 Putnam Acton MA</u>
<u>Joe Gibbons</u>	<u>112 - Norcut Park Acton</u>
<u>P.S. Mack</u>	<u>572 Highway 1711 Rd Concord</u>
<u>Paula Adonis</u>	<u>16 Boxboro Rd Littleton</u>
<u>Tom Davis</u>	<u>" " "</u>
<u>Clark W. Beach</u>	<u>419 Great Rd Acton MA 01720</u>
<u>Dominic Papadimitriou</u>	<u>Concord Mass 679 old Bedford Rd</u>
<u>Jan Shuttle</u>	<u>54 LAWSBROOK Rd. S. Acton</u>
<u>Jennifer Ball</u>	<u>11 Davis Rd Unit B2 Acton</u>
<u>Ronald Whittier</u>	<u>66 PARK ST PEPPERELL MASS.</u>
<u>Marcus Lancia</u>	<u>12 Condiey L. Acton Ma.</u>
<u>Duane Markham</u>	<u>102 Selvester Cove Littleton</u>
<u>Barbara Cape</u>	<u>9 Meadow Lane Westford</u>
<u>Janis Malcom</u>	<u>333 Davis St Acton</u>
<u>Kristen Hunt</u>	<u>2 Magnolia Drive Acton</u>

**PETITION FOR RECONSIDERATION
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TO THE BOARD OF SELECTMEN OF ACTON, MASSACHUSETTS:

We the undersigned, being customers of the Triple A Market, a family market owned and operated by the Acconcia family, which has been located on Route 2A, in the Gould Shopping Mall, in Acton, Massachusetts for twenty years, hereby request that the Selectmen reconsider and grant the application of said Triple A Market for a license to operate a package store selling wine and Malt beverages on the premises of said store. We feel there is a definite need for such a service based on the fact that there is no other package store in the Gould Shopping Mall, which is the only major mall north of Route 2 in Acton. Also, there is a need for the convenience of the customers to minimize trips by being able to shop for food, beer, wine and other retail goods and services which are offered at the Gould Shopping Mall. There was no opposition to the issuance of the subject package store license, except by competing package store businesses in Acton.

NAME

ADDRESS

<u>Mary W. Hopkins</u>	<u>48 Bedford Rd Lincoln</u>
<u>James R. Lindsay</u>	<u>42 Woburn Lexington</u>
<u>Robert J. Dinnell</u>	<u>69 Touple Rd Acton Mass.</u>
<u>Paul Whinn</u>	<u>600 MIT RD JAFFREY NH</u>
<u>Norman Hamm</u>	<u>3 Palmetto Way Needham MA</u>
<u>Helene Kuperzind</u>	<u>13 Independence Rd Acton</u>
<u>Joe Harold</u>	<u>26 Leveret Rd, Amherst</u>
<u>S. Tsoumas</u>	<u>100 Herff Rd Roslindale</u>
<u>Maria Pacy</u>	<u>380 B. Great Rd. Acton Mass.</u>
<u>Robert W. Fisher</u>	<u>3923 Great Rd Acton</u>
<u>Norma DeMatta</u>	<u>52 Mahawk Drive Acton</u>
<u>Mary McCarty</u>	<u>16 Coolidge Dr</u>
<u>Patricia Laclard</u>	<u>27 Fort Pond Rd Acton</u>
<u>Josephine Guzman</u>	<u>65 Esterbrook Rd Acton</u>
<u>A. Morrison</u>	<u>22 Mahawk Acton</u>
<u>Katherine Stephens</u>	<u>27 Fort Pond Rd Acton</u>

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TO THE BOARD OF SELECTMEN OF ACTON, MASSACHUSETTS:

We the undersigned, being customers of the Triple A Market, a family market owned and operated by the Aconcia family, which has been located on Route 2A, in the Gould Shopping Mall, in Acton, Massachusetts for twenty years, hereby request that the Selectmen reconsider and grant the application of said Triple A Market for a license to operate a package store selling wine and Malt beverages on the premises of said store. We feel there is a definite need for such a service based on the fact that there is no other package store in the Gould Shopping Mall, which is the only major mall north of Route 2 in Acton. Also, there is a need for the convenience of the customers to minimize trips by being able to shop for food, beer, wine and other retail goods and services which are offered at the Gould Shopping Mall. There was no opposition to the issuance of the subject package store license, except by competing package store businesses in Acton.

NAME

ADDRESS

<u>A. Ferrera</u>	<u>Snow Dr, Westford</u>
<u>Melissa Gallo</u>	<u>Strawberry Hill Rd, Concord</u>
<u>Fern Botto</u>	<u>Great Rd, Acton</u>
<u>Heather Sheldon</u>	<u>Fshan Allen Dr Acton</u>
<u>Bayla Connee</u>	<u>Elchrest St. Lunenburg</u>
<u>George B. Williams</u>	<u>16k Wampus Ave Acton MA</u>
<u>Teresa L. Bashant</u>	<u></u>
<u>Nancy M. Crade</u>	<u>Meetinghouse rd, Acton</u>
<u>Ann Jacobs</u>	<u>Krisley Rd Acton</u>
<u>Carl A. Dan</u>	<u>3 Patriot, Acton</u>
<u>Jane A. Marzke</u>	<u>Patricia St. Haverhill</u>
<u>Dori Pease</u>	<u>48 Mohawk Rd Acton</u>
<u>Peggy Smith</u>	<u>6 Walcott St Maynard</u>
<u>Gene Penterton</u>	<u>408 Great Elm Way, Acton</u>
<u>Christina D. Underhill</u>	<u>9 DAVIS ROAD UNIT C-9 Acton</u>
<u>Sheila Norton</u>	<u>95 HAMMAN ACTON, MA</u>

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NAME

ADDRESS

<u>Mary Kenge</u>	<u>246 Oak Orchard Rd Concord</u>
<u>Janet Beavert</u>	<u>40 Stonymead Way, Acton</u>
<u>D. Mattson</u>	<u>631 STRAWBERRY HILL Rd Concord.</u>
<u>Cara Moran</u>	<u>127 Lee St. Concord</u>
<u>Martha Howard</u>	<u>846 Bedford Rd. Carlisle</u>
<u>Christine</u>	<u>6 Brucewood Rd Acton</u>
<u>Debra Smith</u>	<u>Sullivan Ct. Foxborough</u>
<u>Jean Sachman</u>	<u>Harvard St</u>
<u>Debra</u>	<u>64 Charter St Acton</u>
<u>Barbara & Louis</u>	<u>2 Simon Haysford Lane, Acton</u>
<u>V. Gutz</u>	<u>86 Corey Rd Brookline? Ma</u>
<u>BH Butler</u>	<u>38 Feet Pond, Acton</u>
<u>Kate Markowitz</u>	<u>30 Faulkner Mill Rd Acton</u>
<u>Nancy Manson</u>	<u>238 Holden rd. Rd, Concord,</u>
<u>Suni Melon</u>	<u>42 Brook St.</u>

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NAME

ADDRESS

Ray Skamel

61 Alcott St Acton

Chester F. Kane

68 Windsor Ave. apt. 2C

Maura Louis

48 Robert Rd Stow

D Skamel

61 Alcott St Acton

Richard Mahoney

25 Concord St Weymouth

M Mahoney

25 Concord St Weymouth

Faith Swenson

516 Old market rd Concord

Bert Esoria

33 Newtown Rd. Acton

John Shay

13 Forest Rd Acton

Michael Fall

3 Milldam Rd Acton

Ellen Miras

69 Esterbrook Rd Acton

Susan michel

7 Oneida Pl Acton

Carol Woodlake Quinby

Woodbury Ln Acton

John F.W. Quinby

12 woodbugy lane Acton, mass

Carol DePhillips

5 Badger Cir Acton, Ma

Babur Stockert

7 Faulkner Hill Acton Ma

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NAME	ADDRESS
<u>Et Lincke</u>	<u>43 Concord Rd, Westford</u>
<u>G Rossi</u>	<u>136 Guild Rd. Littleton</u>
<u>J Rossi</u>	<u>" " " "</u>
<u>D Goldman</u>	<u>187 West Rd Acton</u>
<u>D Skedd</u>	<u>Westford</u>
<u>L Merchant</u>	<u>20 Millman Rd. Acton</u>
<u>C Spadillo</u>	<u>16 Strawberry Hill Rd.</u>
<u>J Scanlon</u>	<u>135 Partridge lane</u>
<u>Carol Beaulieu</u>	<u>25 Windsor ave, acton</u>
<u>Steven Klepko</u>	<u>434 Old Stone Brook Acton</u>
<u>Marcy Manning</u>	<u>14 Woodmere Dr, Acton</u>
<u>W J Stewart</u>	<u>1400 Lowell Rd. Concord</u>
<u>Joyce Mills</u>	<u>200 Long Ridge Rd Carlisle</u>
<u>John M. Berry</u>	<u>10 Fernwood Rd. Acton</u>
<u>RE Prouty</u>	<u>21 Woodland Rd. Concord</u>
<u>Ed Polyzak</u>	<u>10 Cowdrey LA Acton</u>

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NAME

ADDRESS

Shyl Shalt

2 Wilson Rd Concord MA

Nadine Kunk

382B Great Rd Acton MA

Eleanor B. Spinney

61 Cassabet Ave Concord Mass

Lauren A. Longmire

12 Kinsley Rd Acton 01720

Pat W.

32 Old Pickard Lane Littleton

Donna W.

Concord Dend, Concord

Robin M. Carlan

54 Woodchuck Hill, Harvard

Jim Huns

130 Parker Rd Acton

Sal Weiss

108 Whitcomb Ave Littleton

KM Drack

124 Foster St, Littleton

Sue H. Heald

481 Heald Rd Cabot MA

Fisher Davis Grant

239 Hoyts Wharf Rd. Groton

RM [unclear]

3 Ashley Circle, Acton

[unclear]

105 Stow Rd Harvard

[unclear]

843 Main St Acton

Sal [unclear]

34 A. J. W. S. I. [unclear]

**PETITION FOR RECONSIDERATION
OF PACKAGE STORE LICENSE
FOR THE TRIPLE A MARKET**

TO THE BOARD OF SELECTMEN OF ACTON, MASSACHUSETTS:

We the undersigned, being customers of the Triple A Market, a family market owned and operated by the Acconcia family, which has been located on Route 2A, in the Gould Shopping Mall, in Acton, Massachusetts for twenty years, hereby request that the Selectmen reconsider and grant the application of said Triple A Market for a license to operate a package store selling wine and Malt beverages on the premises of said store. We feel there is a definite need for such a service based on the fact that there is no other package store in the Gould Shopping Mall, which is the only major mall north of Route 2 in Acton. Also, there is a need for the convenience of the customers to minimize trips by being able to shop for food, beer, wine and other retail goods and services which are offered at the Gould Shopping Mall. There was no opposition to the issuance of the subject package store license, except by competing package store businesses in Acton.

NAME

ADDRESS

<u>E. B. Clark</u>	<u>7 ARBURN RD ACTON</u>
<u>James V Talbot</u>	<u>217 Great Road Acton</u>
<u>John W Talbot</u>	<u>4 " " " "</u>
<u>Ben Allen</u>	<u>11 PAULS RD ACTON</u>
<u>Harvey A Ruggiero</u>	<u>263 Great Rd Acton</u>
<u>Anthony J. Ruggiero</u>	<u>263 Great Rd Acton</u>
<u>Jean Miller</u>	<u>P.O. Box 160 Carleton, MA</u>
<u>Spacie P Augenstein</u>	<u>7 Patrick Henry Ln Acton</u>
<u>Annette Wardley</u>	<u>39 Meadowbrook Carleton</u>
<u>52 Elm St</u>	<u>47 JACKSON DR ACTON</u>
<u>Allyson Keegan</u>	<u>117 Union Rd Lincoln MASS 01773</u>
<u>Charles Moran</u>	<u>93 Charter Acton</u>
<u>Marie Bradbury</u>	<u>388A Great Rd Acton</u>
<u>Diane Zimmerman-Decker</u>	<u>12 Patriots Rd. Acton</u>
<u>Larvia Ziegler</u>	<u>28 Brewster Ln. Acton</u>
<u>Barbara Brown</u>	<u>28 Brewster Ln, Acton</u>

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NAME

ADDRESS

<u>Kathy Tannotti</u>	<u>57 Stoneymede Way Acton</u>
<u>Herbert Koh</u>	<u>1155 Plaza Ter Mountaineer Pk</u>
<u>Elmer M. Hauser</u>	<u>308 OLD BEDFORD RD (CONCORD)</u>
<u>Verna M. Medlar</u>	<u>Newtown Rd - Acton</u>
<u>Laura Cain</u>	<u>8 Hosmer St Acton</u>
<u>Dorothy W. Ameron</u>	<u>Great Rd Acton</u>
<u>Cathleen Holmes</u>	<u>10 Abby Rd. Westford</u>
<u>Bonnie Colucci</u>	<u>40 Washburn Dr Acton</u>
<u>Stanley J. Felt</u>	<u>350 Great Rd store</u>
<u>W. W. King</u>	<u>446 Hayward Mill, Concord</u>
<u>Debbie Miller</u>	<u>818 Princeton Blvd Lowell MA</u>
<u>Marie E. Buxton</u>	<u>484 Great Rd Acton Ma</u>
<u>Patricia R. Wright</u>	<u>4 Capstan Fox base way</u>
<u>Janice DeWitt</u>	<u>46 Commerce Rd Concord</u>
<u>M. S. English</u>	<u>Fire Rd to Lancaster</u>
<u>Jill E. Meier</u>	<u>103 Canterbury Ct, Concord</u>

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NAME

ADDRESS

Rosie Latto	4 Mohagan Acton
Mary Snay	74 Butternut Cir. Concord, Ma.
Bom Anell	102 Baldwin Lane Boxborough
Forrest Rose	Acton
Lorraine Gray	767 Liberty Rd. Lowell
Kath Nye	63 CONANT ST ACTON
Stacy Dunbar	18 Wetherbee St Acton
Claire Black	31 Mohawk Acton
Jenne B Lynch-Glum	16 Perth Rd Arlington MA
Kristy Mackenzie	12 Wilson Lane Acton
[Signature]	962 Lowell Rd Concord, Ma
[Signature]	135 S. St Rd Boxborough
Dan Farmer	174 Old Marlboro Rd Concord
Olmy Kutrakis	
Harion D Hardy	14 Maplewood Cir., Concord, Ma.
[Signature]	86 Marlboro St. Lowell Ma

**PETITION FOR RECONSIDERATION
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NAME

ADDRESS

<u>Chris Plamondon</u>	<u>21 Old Village Acton</u>
<u>B. Ho</u>	<u>15 Spaw Rd, Harvard</u>
<u>Lisa Forte</u>	<u>61 JUDY FARM RD CARLISLE</u>
<u>Ally Wilder</u>	<u>486 Newtown Rd. Littleton, Ma</u>
<u>R. Joly</u>	<u>7 Flagg Rd Acton</u>
<u>D. Neco</u>	<u>181 Littleton Rd. Chelms</u>
<u>J. Martini</u>	<u>8 MILL ST., DANVERS.</u>
<u>Andrew</u>	<u>36 Wood St Concord</u>
<u>Debra Smully</u>	<u>60 Commonfud Rd Concord</u>
<u>Jennifer Erbes</u>	<u>168 High Plain Andover</u>
<u>Wynne Linger</u>	<u>239 Davidson Rd Foxboro</u>
<u>S. Lounis</u>	<u>301 Great Rd. Apt. #B10 Acton</u>
<u>Dorothy F. Chamberlain</u>	<u>72 MacIntosh Ln. BoxBOROUGH</u>
<u>Margaret J. Saphier</u>	<u>56 Bellows Hill Rd Carlisle MA</u>
<u>E. M. Chamberlain</u>	<u>72 MacIntosh Ln. Foxboro</u>
<u>Nancy Savell</u>	<u>1681 Ayer Road, Shirley</u>

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NAME

ADDRESS

Christina KO Connor

41 Taylor Rd Acton

Greg W. Messinger

78 College Rd., Concord

Greg W. Messinger

33 Walnut St Acton

Paul N. Hamel

24 Alcott St Acton

Jay Hamel

24 Alcott St Acton

Robert C. Howe

20 Pond View Drive Acton

Alex Byrne

RFD 1 Box 273 Putney VT

Joe Warner

191 Nagog Hill Acton

Kir Mungam

Alice T. Farrell

158 Goldsmith St. Littleton

Mary C. Charze

68 Amber Lane Acton

Scott

151 Willow St -

N. Okley

1 Kelley Rd Acton

Anne Gilmanlow

536 Lowell Road, Concord

William T. Foley

490 GREAT RD Acton

Nan Edlison

780 Main St. Acton

**PETITION FOR RECONSIDERATION
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NAME	ADDRESS
<u>W. D. Perkins</u>	<u>136 Russet Lane Boxboro MA</u>
<u>William E. Wilson</u>	<u>55 DEER PATH MAYNARD MA</u>
<u>Helen J. Wood</u>	<u>4 Redwood Acton MA</u>
<u>Suzanne M. Conway</u>	<u>106 Holmes St. Acton</u>
<u>William J. Durkin</u>	<u>43 Windsor Ave. Acton</u>
<u>Ernest C. Cerra</u>	<u>252 Chelsea St. Concord MA</u>
<u>Anna Cerra</u>	<u>252 Chelsea St. Concord</u>
<u>William Hayes</u>	<u>96 Haver St. Acton, Mass.</u>
<u>Joseph W. Bolger</u>	<u>128 Pope Road, Acton, Mass.</u>
<u>Nancy Jandl</u>	<u>816 Lowell Rd Concord MA</u>
<u>Richard Tyler</u>	<u>206 Elmwood St. Concord MA</u>
<u>Donna Hayes</u>	<u>354 Great Rk. Acton Mass</u>
<u>James D. Hayes</u>	<u>420 Great Rd ^{APT A-1} Acton MA 01720</u>
<u>Phyllis de Lillo</u>	<u>731 Bingham Road Concord MA</u>
<u>Jayne Caputo</u>	<u>493 SOUTH ST, CAULISSE, MA</u>
<u>Barbara Frankel</u>	<u>383 Border Rd. Concord</u>

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NAME

ADDRESS

Cindy Schaffer

93 Nashaway Boston

Terrri Benton

594 Main St. Acton MA

Robert Wozney

304 Hunters Ridge Rd, Concord MA

Linda Hill

21 Brookline St Popquill Mass

Julie Leonard

7 Emerson Dr. Acton

Hoplin Conant

11 Putnam Rd

Nancy Hoelmer

985 Robinson Rd. Mass.

Robert Hill

29 Nagog Hill Acton

Sam I. Willis

Sedley, MA

Martina Ojeda

Weymouth Ma

Manette L. Wilbrow

3 Whittier Dr - Acton

Lewis B. Wilbrow, Sr.

Harvard Ma

Janet Donaghy

70 Chestnut Rd

Carol H. Flagg

56A Green St Acton

T. Hunt

419 College Rd. Concord

Johnna Jameson

419 College Rd. Concord

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NAME

ADDRESS

<u>Patricia X...</u>	<u>66 Temple Rd Concord Mass 01742</u>
<u>Ulla G...</u>	<u>21 S Teew Rd Harvard Mass</u>
<u>Shirley Kendall</u>	<u>50 Harris St Acton ma</u>
<u>Harriet B...</u>	<u>50 Old field Ln Rd Harvard</u>
<u>L...</u>	<u>50 Barton Lane - Boston</u>
<u>C Z Tr...</u>	<u>5 Madison Acton</u>
<u>Dee Conger</u>	<u>5 Elm St Harvard</u>
<u>Sally Malone</u>	<u>Concord, Mass 01742</u>
<u>Faded m...</u>	<u>Concord, MA 01742</u>
<u>Carol M. Smith</u>	<u>149 Nottkardene, Castile, MA 01741</u>
<u>Melody J...</u>	<u>17 Hooper St Acton</u>
<u>Bernadette G...</u>	<u>67 Euston Rd Brighton</u>
<u>R. Dana W...</u>	
<u>Debra D...</u>	<u>145 - Good Rd Acton</u>
<u>M...</u>	<u>13 Conpl Acton</u>
<u>Amelia Gonzalez</u>	<u>Concord 784 - Great Rd Acton</u>

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NAME

ADDRESS

<u>Dion Cocker Petin</u>	<u>20 Carlisle Rd. Acton, MA 01720</u>
<u>Mary Hill</u>	<u>23 Davis Rd. Acton MA</u>
<u>Donna M. Costa</u>	<u>17 Davis Bl Acton, Mass 01720</u>
<u>Peter F. White Sr</u>	<u>17 Davis Bl Acton, Mass 01720</u>
<u>Carole Cornelius</u>	<u>6 Phlox Lane, Acton MA 01720</u>
<u>Christine A. Mlyns</u>	<u>187 Great Rd Acton MA</u>
<u>Laura J Besse</u>	<u>411 Great Rd Acton MA</u>
<u>Emily Hurd</u>	<u>437 Main St, Acton MA 01720</u>
<u>Joshua M. & Alexis</u>	<u>8-6 Oak Ridge Dr. Acton MA</u>
<u>Bill Van Etten</u>	<u>19 Davis Rd. # C 12</u>
<u>Dieu Phuong Vu</u>	<u>11 Davis Rd # B5 Acton.</u>
<u>Erin</u>	<u>39213 Great Road Acton MASS.</u>
<u>Laura Laver</u>	<u>209 Great Road Acton Ma 01720</u>
<u>ANTHONY J. JAWNIN</u>	<u>334 HARRIS ST. Apt. 24, Acton</u>
<u>Thomas M. Lamb</u>	<u>DITTO</u>
<u>James H. Blandis</u>	<u>4 Looking Rd, Acton</u>

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NAME

ADDRESS

Thomas J. Maroney

9 Davis Rd #C-1 Acton

Susan Minor

376 Great Road Acton

Clayton K. Hiley

9 Davis Rd, # B8

William S. Rider

" "

Patricia Deming

44 Vose Hill Rd. Westford

Pauline

5 Haverly Ct, Acton

Dan Levine

9 DAVIS RD A-11 Acton

Steven Bellotti

83 Great Rd Littleton

David C. Faxon

15 Davis Rd, Acton

Joseph Hoffner

192 Newtown Rd Acton

Paul H. Baw

7 River St Concord

Susan Robinson

19 Spaulding St - Townsend

Robert E. Matrone

428 Great Rd, Acton Apt #17

Jim Murray

426 East Rd Acton #12

Richard G. Faxon

11 Elm St. Acton MA

Dr. Wahn

99 E. Main St. Ayer, MA

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NAME

ADDRESS

Karen Metro
 Mary Ann Souler
 Mary B. Ryan
 Stephen Ryan
 Jane F. Mosher
 Sally Tosta
 Daniel J. Klein
 Pigeon L. Lopez
 Joe Brea
 [Signature]
 [Signature]
 [Signature]
 [Signature]
 [Signature]
 [Signature]
 [Signature]

16 Barber Rd, Acton Mass.
 99 Winton St Framingham
 11 Greenwood Ln Acton MA
 11 Greenwood Ln. Acton, MA
 909 Lowell Rd, Concord, MA
 13 Evergreen Rd, Acton MA
 537 OLD STONEBROOK, ACTON, MA
 8 11 Larch Rd Acton, MA
 296 Main St " "
 Hayward Rd Acton
 23 DAVIS RD ACTON
 2 Arborwood Rd Acton
 386B Great Rd Acton
 539 Elm St Concord, MA
 401 Great Elm Acton MA
 11 DAVIS RD ACTON, MA

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NAME

ADDRESS

<u>Terri Cannon</u>	<u>18 Howell Farm Rd Carlisle Ma</u>
<u>Valerie Mason</u>	<u>Pickard Lane Littleton</u>
<u>Elizabeth Russo</u>	<u>1 Wagon Rd Ayer Ma</u>
<u>Shirley J. Mason</u>	
<u>John W. Nelson</u>	
<u>Joanell Peterson</u>	<u>547 Westford St, Carlisle</u>
<u>Diane Henry</u>	<u>219 Pope Rd Acton</u>
<u>Anne Buttrick</u>	<u>30 Oak Rd Concord</u>
<u>William R. White</u>	<u>96 Baldwin Ln Roxbury</u>
<u>Joseph Powers</u>	<u>55 DRUMMER Bn Acton</u>
<u>Al St</u>	<u>40 Copperville Rd Concord</u>
<u>Lauren G. Gougeon</u>	
<u>Lois P. Rosenfeld</u>	<u>69 Concord Rd Acton</u>
<u>Susan Park</u>	<u>18 Cowdry Lane And</u>
<u>Mr. Merrill</u>	<u>75 Morris -</u>
<u>Paul J. Jozel</u>	<u>145 Depot Rd Harvard MA</u>

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NAME	ADDRESS
<u>Stephanie Pagiavlas</u>	<u>420 Great Rd, Acton, Ma 01720</u>
<u>Nancy</u>	<u>55 Jacob Gates Rd Harvard Ma 01450</u>
<u>Lisa Vuckovic</u>	<u>39 Old Village Rd Acton, Ma</u>
<u>Peter Ver Plancs</u>	<u>135 Strawberry Hill Rd.</u>
<u>Wayne Bond</u>	<u>20 Patriots Rd</u>
<u>Richard Lauritzen</u>	<u>22 Old Village Rd, Acton</u>
<u>Gemma Danahy</u>	<u>21 Hazel Rd Groton MA</u>
<u>Jill</u>	<u>30 Willard Grant Rd. Sudbury MA</u>
<u>J. Snow</u>	<u>15 Robinwood Rd Acton</u>
<u>Ray King</u>	<u>2 Meadowbrook Rd Acton</u>
<u>Carol Blue</u>	<u>4 Samuel Parlin Dr., Acton</u>
<u>B. Dooly</u>	<u>23 Davis rd.</u>
<u>Suzanne Powderly</u>	<u>308 Still River Rd - Harvard, Ma 01450</u>
<u>Barbara Wheaton</u>	<u>268 Elm St., Concord, MA 01742</u>
<u>Laura Tavonin</u>	<u>82 Indian Pine Lane Concord, Ma. 01742</u>
<u>R. Dussell</u>	<u>80 Ayrshire Ln Concord 01742</u>

**ON FOR RECONSIDERATION
PACKAGE STORE LICENSE
THE TRIPLE A MARKET**

TO THE BOARD OF SE

V OF ACTON, MASSACHUSETTS:

We the undersigned
operated by the Acconcia
in Acton, Massachusetts
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north of Route 2 in Acton
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to opposition to the issuance of the subject package store license,
businesses in Acton.

NAME

ADDRESS

<u>K. Pulaski</u>	<u>2 Birchwood Rd Acton</u>
<u>J E Tucker</u>	<u>33 Summer St Acton</u>
<u>Jim Travers</u>	<u>45 SIMON WILLARD RD</u>
<u>Sally Carle</u>	<u>61 Windsor Ave Acton</u>
<u>J Booth</u>	<u>424 GREAT RD ACTON</u>
<u>William King</u>	<u>390 B Great Rd, Acton</u>
<u>Sharon McElroy</u>	<u>90 E. Base Hill Rd, Harvard</u>
<u>Michelle Deane</u>	<u>159 Maple St, Lexington</u>
<u>Dee Spruell</u>	<u>135 Littlefield Ln Marlboro</u>
<u>John Orsica</u>	<u>419 GREAT RD APT 5 ACTON, MA</u>
<u>Dyner</u>	<u>15 DAVIS RD APT. A15 Acton Ma</u>
<u>J Lounzath</u>	<u>7 Minot Ave Acton Ma</u>
<u>Juan Lopez</u>	<u>109 Judy Farm Rd, Colville</u>
<u>Andrea M Zull</u>	<u>14 B Strawberry Hill Acton</u>
<u>Tom Bull</u>	<u>419 Great Rd Acton MA 02701</u>
<u>S Hill</u>	<u>11 DAVIS TER Acton, MA</u>

**PETITION FOR RECONSIDERATION
OF PACKAGE STORE LICENSE
FOR THE TRIPLE A MARKET**

TO THE BOARD OF SELECTMEN OF ACTON, MASSACHUSETTS:

We the undersigned, being customers of the Triple A Market, a family market owned and operated by the Acconcia family, which has been located on Route 2A, in the Gould Shopping Mall, in Acton, Massachusetts for twenty years, hereby request that the Selectmen reconsider and grant the application of said Triple A Market for a license to operate a package store selling wine and Malt beverages on the premises of said store. We feel there is a definite need for such a service based on the fact that there is no other package store in the Gould Shopping Mall, which is the only major mall north of Route 2 in Acton. Also, there is a need for the convenience of the customers to minimize trips by being able to shop for food, beer, wine and other retail goods and services which are offered at the Gould Shopping Mall. There was no opposition to the issuance of the subject package store license, except by competing package store businesses in Acton.

NAME

ADDRESS

<u>Margaret Muroto</u>	<u>20 Alcott St. Acton 01720</u>
<u>John Perry</u>	<u>58 Channing Belmont 02175</u>
<u>Hele Howell</u>	<u>399 Great Rd Acton 01720</u>
<u>Victor Gelman</u>	<u>35 W. Hampden St. Concord 01742</u>
<u>Brenda Olsen</u>	<u>1- Senior Napswood Ln Concord</u>
<u>Yana Yristo</u>	<u>33 Blackmer Rd. Sudbury MA. 01776⁰¹⁷⁷⁴</u>
<u>Adeline Lee</u>	<u>390B Great Rd #23 Acton, MA 01720</u>
<u>James Whalen</u>	<u>270 Liberty Rd Buxton</u>
<u>Kathleen A Stanley</u>	<u>1355 Lowell Rd Concord 01742⁰¹⁷¹⁹</u>
<u>Anne DiIorio</u>	<u>117 Robbins R. Carlisle 01741</u>
<u>Doris Foster</u>	<u>58 Shawbury Hill Acton</u>
<u>James P. Roberts</u>	<u>24 Pope Rd. Acton</u>
<u>Madeline Padua</u>	<u>39 A Liberty Sq Rd Buxton</u>
<u>Ally</u>	<u>34 SLEIGH RD CONCORD</u>
<u>Ellen Luvie</u>	<u>73 Litchfield Pl Carlisle 01741</u>
<u>Joan Regan</u>	<u>2 Ashwood Rd, Acton</u>

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NAME	ADDRESS
<u>Mary E. Henry</u>	<u>176 SWANSON Rd Danvers MA</u>
<u>Walter J. Ghan</u>	<u>11 O'Connell Way, Stow, MA. 01775</u>
<u>Marcia Dentwell</u>	<u>136 Russel Lane, Roxborough 01768</u>
<u>Sandra Kemmer</u>	<u>285 Elm St Concord</u>
<u>Mrs JK Spreng</u>	<u>122 Tapscott Dr. Harvard</u>
<u>garnash</u>	<u>6 Arrow Trail Groton MA</u>
<u>Amos Pappas</u>	<u>151 NEWTOWN RD</u>
<u>Joe Juliano</u>	<u>141 Bonningford Concord</u>
<u>R. S. Long</u>	<u>67 Wood Lane, Acton</u>
<u>Doona Yandukof</u>	<u>Harvard</u>
<u>Joan Weizel</u>	<u>Harvard</u>
<u>Marcia Krebs</u>	<u>Concord</u>
<u>Sophia Stametelatos</u>	<u>6. HARRIS St Acton</u>
<u>Robert Kallise</u>	<u>3 Wilson Ln, Acton</u>
<u>Skail L. Sawyer</u>	
<u>Selma Fisher</u>	

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NAME

ADDRESS

<u>Charles Feltus</u>	<u>5 Beth Circle, Acton, MA</u>
<u>John S Mahoney</u>	<u>8 NEATHER HILL Rd Acton, MA</u>
<u>Paul McManus</u>	<u>1 Houseshoe Drive Acton 194</u>
<u>Thomas M Shuban</u>	<u>306 Arlington St. Acton</u>
<u>Joseph Kafan</u>	<u>16 POND VIEW DRIVE, ACTON</u>
<u>Laurie McShaver</u>	<u>25 Warner St. Concord</u>
<u>Deborah P. Reed</u>	<u>19 Ford Pond Rd Acton</u>
<u>Richard G. Miller</u>	<u>189-48 Littleton Rd (Chickadee)</u>
<u>Dorothy Mueller</u>	<u>1 Quail Run, Acton 01720</u>
<u>Aurora Shealby</u>	<u>15 Lincoln Drive Acton 01730</u>
<u>Donna M. Caruba</u>	<u>136 Hill St. Concord MA 01742</u>
<u>Walter D. Morris</u>	<u>560 Mass Ave, Acton MA 01720</u>
<u>Shayne Talles</u>	<u>21 Concord Greene #5 Concord 0174</u>
<u>POoley</u>	<u>Lowell Mass</u>
<u>JR Sullivan</u>	
<u>John Morano</u>	<u>20 ALCOTT ST., Acton, MA</u>

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NAME	ADDRESS
<u>Peter Hutchinson</u>	<u>99 Jenkins Rd Groton MA.</u>
<u>Donald Rose</u>	<u>421 East Rd Acton</u>
<u>Joni Junesque</u>	<u>9 Beverly Rd Acton</u>
<u>Paul De Acton</u>	<u>26 SUBURBAN VILL. PEPPERELL</u>
<u>Katherine Roy</u>	<u>14 Coughlin Rd</u>
<u>Maria MacCadden</u>	
<u>Ruth Jensen</u>	<u>12 Old Village Rd Acton</u>
<u>Don Clark</u>	<u>9 DAVIS Rd #B-9 Acton</u>
<u>E Quastler</u>	<u>4119 Strawberry Hill Concord Mass.</u>
<u>Perry A Zillett</u>	<u>2 Iris Ct # 4A Acton</u>
<u>Marjory Hughes</u>	<u>160 Strawberry Hill Rd Acton</u>
<u>B Rose</u>	<u>75 Barrett's Mill Rd Groton</u>
<u>C. Decker</u>	<u>3 Abbott St Acton</u>
<u>Jean P. Janin</u>	<u>59 Spaulding St. Townsend,</u>
<u>Mary Turner</u>	<u>44 Cogswell Rd Acton</u>
<u>John Jones</u>	<u>3 Westgate Farmington</u>

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NAME

ADDRESS

<u>Maryann Paulson</u>	<u>93 Cashel Road, Cashel</u>
<u>P. H. Luine</u>	<u>49 Grist Mill Rd. Littleton</u>
<u>C.S. Rittore</u>	<u>1305 Elm St., Concord</u>
<u>Jessie Pitter</u>	<u>87 Noyes Hill Rd. Acton</u>
<u>George Chavuth</u>	<u>9 Mill Dam Acton</u>
<u>Kathryn Penney</u>	<u>44 Stoneymede Way</u>
<u>BARBARA REICHERT</u>	<u>10 MARNEZIA DRIVE</u>
<u>Nancy Fitch</u>	<u>167 Hartwell Ave Littleton</u>
<u>Jan Yessue</u>	<u>221 Main St., Marlboro</u>
<u>Jim Shun</u>	<u>828 Strawberry Hill Rd, Concord</u>
<u>Jan Radosth</u>	<u>209 Great Rd Acton</u>
<u>Barbara Kelly</u>	<u>590 Heald Rd. Cashel</u>
<u>Nancy Steves</u>	<u>41 Old Village Rd Acton</u>
<u>S. Edwards</u>	<u>5-4 Oak Ridge Maynard</u>
<u>Heligman</u>	<u>19 Stoneymede Way Acton</u>
<u>S. McLean</u>	<u>6 Mill Pond Ave Acton</u>

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NAME	ADDRESS
<u>M. Pella</u>	<u>9 Balsm Acton</u>
<u>Caroline B Pennell</u>	<u>106 Poor Farm Rd Harvard</u>
<u>J. Thompson</u>	<u>103 West Lake Dr Groton</u>
<u>J. King</u>	<u>18 Commonwealth Boston</u>
<u>Pella</u>	<u>57 BATES RD, ARUNGTON MA</u>
<u>A. O'Keefe</u>	<u>P.O. Box 262 Shirley, MA</u>
<u>Rebecca J. Palon</u>	<u>61C AZALEA CT. ACTON</u>
<u>B. Geyser</u>	<u>24 Jewell Rd. Acton</u>
<u>David P. Pella</u>	<u>44 Rosemont Ave. Waltham</u>
<u>Branie C. Clark</u>	<u>7 Ashwood Rd</u>
<u>Daniel Polowski</u>	<u>50 Hosmer St</u>
<u>Jessie C. Borowski</u>	<u>50 Hosmer St</u>
<u>A. Camo</u>	<u>411 Great Rd Acton</u>
<u>Lana Hays</u>	<u>411 Great Rd Acton</u>
<u>David P. Pella</u>	<u>13 FOREST RD ACTON</u>
<u>Lauren Ellis</u>	<u>17 Otter Lane Groton</u>

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NAME

ADDRESS

<u>Muriel Lombardo</u>	<u>26 Cahelo Rd N-Acton</u>
<u>Rita Jones</u>	<u>43 Moxen Rd. Concord, MA</u>
<u>J. J. Lee</u>	<u>55 Brook St. Acton MA</u>
<u>Ali Cantrell</u>	<u>55 Brook St. Acton ma</u>
<u>Nicetas Gonzalez</u>	<u></u>
<u>Marilee Pehl</u>	<u>65 Washington - Acton</u>
<u>Zuan Pugh</u>	<u>15 Short St - Leom. MA</u>
<u>W. P. Pelli</u>	<u>863 Weston St Waltham MASS</u>
<u>F. J. Poirier</u>	<u>211 Old Bellows Rd Farned MA</u>
<u>R. J. Poirier</u>	<u>460 Green St. Apt #1 Northborough, MA</u>
<u>Campbell</u>	<u>142 Mansi - PO Box 980 GROTON</u>
<u>Chella Judson</u>	<u>157 Farmers Row Groton MA</u>
<u>Robert B. Duncan</u>	<u>13 Simon Willard Rd Acton, MA</u>
<u>David Chley Jr</u>	<u>55 Rural St Lowell MA 01852</u>
<u>Edwin C. Hopkins</u>	<u>6 Emerson Acton</u>
<u>Pat Sawyer</u>	<u>127 Concord Rd Acton</u>

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NAME	ADDRESS
<u>D. J. D'Amico</u>	<u>7 NOTRE DAME RD ACTON</u>
<u>Maryte Magzone</u>	<u>209 Grant Rd Acton</u>
<u>Ann Magzone</u>	<u>100 George St Medford</u>
<u>Julie Brown</u>	<u>784 Main St Acton</u>
<u>Ross Warner</u>	<u>77 Sudbury Rd Concord</u>
<u>Jessica Chisari</u>	<u>3 Phileas Whale Ln, Sudbury</u>
<u>Martha Alvarado</u>	<u>11 Hamme St, Acton</u>
<u>Robert Ferris</u>	<u>226 SWANSON RD. BOXBORO</u>
<u>[Signature]</u>	<u>377 Mass Ave Acton</u>
<u>[Signature]</u>	<u>22 Putnam Rd Acton</u>
<u>Mary Kay Dessel</u>	<u>13 Gresh Mill Rd Acton</u>
<u>Julie Smith</u>	<u>8 Oakwood Rd Acton</u>
<u>Colleen Broderick</u>	<u>262 Central St. #2 Acton</u>
<u>S. E. Edwards</u>	<u>27 Forest Rd, Acton MA</u>
<u>W. Perkins</u>	<u>136 Russel Lane Box</u>
<u>Judith Leber</u>	<u>39 Walden Terr Concord</u>

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NAME

ADDRESS

<u>Regina Redube</u>	<u>51 IRIS CT. Acton</u>
<u>James J. Sullivan</u>	<u>9 DAVIS RD. Acton</u>
<u>Ray Hagan</u>	<u>37 Dover St. Fitch</u>
<u>Barbara F. McClain</u>	<u>158 Galdsmith St, Littleton</u>
<u>Sandra C. Taylor</u>	<u>24 BETH CIRCLE Acton</u>
<u>James J. Bentley</u>	<u>17 Pilgrim Rd Concord, MA</u>
<u>Frank M. Bentley</u>	<u>17 Pilgrim Rd Concord, MA</u>
<u>Julia Jean Quinn</u>	<u>52 Gifford La. Concord MA.</u>
<u>Donald Rice</u>	<u>421 Great Rd, Acton</u>
<u>Christina Rice</u>	<u>421 Great Rd, Acton</u>
<u>Howard Duran</u>	<u>12 Revere rd, Westfield</u>
<u>Wendy</u>	<u>117 central St ACTON, MA</u>
<u>Ed Kelly</u>	<u>5 PHlox Lane Acton MA</u>
<u>Joe Pogue</u>	<u>105 Concord Rd Acton</u>
<u>ca. Smith</u>	<u>1362 Main Concord</u>
<u>Joseph Gorte</u>	<u>14A Shrub. Hill Rd Acton, Ma.</u>

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NAME

ADDRESS

<u>Ann S. Hoover</u>	<u>36 Faulkner Hill Rd., Acton, MA</u>
<u>Mark Ramsay</u>	<u>150 Strawberry Hill Rd, Concord, MA</u>
<u>A. Ramsay</u>	<u>48 Warriston Rd. Edmeston, Scotland</u>
<u>Audrey Porter</u>	<u>380 Burroughs Rd Boxboro</u>
<u>Janet Ly</u>	<u>9 Greenwood Lane Acton MA 01720</u>
<u>Rita Volpone</u>	<u>315 Hextingale Rd, Concord 01742</u>
<u>Robert White</u>	<u>77 Peladon Rd Boxboro MA 01719</u>
<u>Kenn Smith</u>	<u>59 Windsor Ave, Acton</u>
<u>Payton Kopelman</u>	<u>5 Coolidge Dr. Acton, Mass.</u>
<u>W. J. [unclear]</u>	<u>36 OLD WILBERD Acton</u>
<u>Francis Brown</u>	<u>1200 Lowell Rd Concord, Ma. 01742</u>
<u>Gordon Ross</u>	<u>173 Wright Rd Concord, Ma 01742</u>
<u>Jean Dyer</u>	<u>968 Lowell Rd Concord, Ma 01742</u>
<u>Sheila Colby</u>	<u>8 Union St., Concord MA 01742</u>
<u>Thomas P. Lach</u>	<u>30 Hosmer St, ACTON</u>
<u>Fred L. [unclear]</u>	<u>10 Evergreen Rd, Acton</u>

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NAME

ADDRESS

Marian P. Howe

564 Newtown Road, Littleton, Ma

Charles A. Howe

564 Newtown Rd, Littleton Ma

Michael Ryzhik

12 Berry Lane Acton MA,

Charles T. ...

5 Till Drive Acton, Ma.

Hyacinth ...

38 Harris St. Acton MA

Cherie G. Winalow

536 Lowell Road, Concord MA

RW Alban

1 GRIST MILL RD ACTON

Marquise P. Matson

6 HAWTHORNE ST, ACTON

...

76 Alcott St, Acton

Arthur S. ...

133 Hayward Mill Rd Conc

Jane d. Spencer

133 Hayward Mill Rd Concord, MA

Dulh ...

252 Great Rd - Acton MA

Nancy ...

142 Pathway Hill, Acton

Jed ...

9 GREAT RD ACTON MA 01

Sally K. Lind

303 OLD BEAVERBROOK Acton Ma.

Bonnie d. Clark

7 Arborwood Rd Acton MA

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NAME

ADDRESS

<u>Carole Weston</u>	<u>7 So. Meadow Ridge Concord</u>
<u>Barbara McClain</u>	<u>40B Peppercill, M.A.</u>
<u>Susan (Bainon)</u>	<u>187 Great Rd. Acton, MA</u>
<u>Judith A. Kelle</u>	<u>6 Surrency Lane Chelmsford Ma</u>
<u>Janet E. Hannan</u>	<u>132 Parker St Acton, MA</u>
<u>Stephen Bellamy</u>	<u>419 Great Rd Acton, Mass</u>
<u>Barbara Jordan</u>	<u>383 Old Beaverbrook Rd., Acton</u>
<u>Wendy Thomas</u>	<u>"</u>
<u>Jan Sutter-Wat</u>	<u>2 Hickory Hill Tr Acton</u>
<u>Maude Fisher</u>	<u>21 Lake Shore Dr. Littleton</u>
<u>Jayhan</u>	<u>21 LAKE SHORE DR LITTLETON</u>
<u>S. Amahua-Ward</u>	<u>55 Brook St ACTON</u>
<u>Elizabeth Sleeper</u>	<u>16 Strawberry Hill Rd. Acton, Ma</u>
<u>Mrs. Lottin</u>	<u>87 Wagon Hill Rd. Acton</u>
<u>Michael</u>	<u>18 Elm Hill Dr, ACTON</u>
<u>Steve Hill</u>	<u>656 Strawberry Hill Rd, Acton</u>

**PETITION FOR RECONSIDERATION
OF PACKAGE STORE LICENSE
FOR THE TRIPLE A MARKET**

TO THE BOARD OF SELECTMEN OF ACTON, MASSACHUSETTS:

We the undersigned, being customers of the Triple A Market, a family market owned and operated by the Acconcia family, which has been located on Route 2A, in the Gould Shopping Mall, in Acton, Massachusetts for twenty years, hereby request that the Selectmen reconsider and grant the application of said Triple A Market for a license to operate a package store selling wine and Malt beverages on the premises of said store. We feel there is a definite need for such a service based on the fact that there is no other package store in the Gould Shopping Mall, which is the only major mall north of Route 2 in Acton. Also, there is a need for the convenience of the customers to minimize trips by being able to shop for food, beer, wine and other retail goods and services which are offered at the Gould Shopping Mall. There was no opposition to the issuance of the subject package store license, except by competing package store businesses in Acton.

NAME

ADDRESS

<u>L. M. Lohel</u>	<u>146 Iris Court Acton</u>
<u>Carole Babey</u>	<u>16 Birch Rd. Littleton, Ma.</u>
_____	<u>5 Louisa Rd. Maynard, MA</u>
<u>Chris In</u>	<u>19 Davis Farm MA</u>
<u>Mary T. Lepore</u>	<u>7 Sawmill Rd Acton, MA</u>
<u>Judy Cushing</u>	<u>2 Bradford St Westford</u>
<u>Lynn Aggar</u>	<u>42 Davis St. Acton</u>
<u>Cheryl Lake</u>	<u>35 QUABOAG Rd Acton</u>
<u>Nylen O. Hartford</u>	<u>_____</u>
<u>Janis Young</u>	<u>251 Nogg hill rd Acton</u>
<u>Deanna Spren</u>	<u>42 Lewis Ave Arlington 02174</u>
<u>Deanna Spren</u>	<u>_____</u>
<u>Mary A. Murray</u>	<u>201 Concord Green - (Concord)</u>
<u>Linda Van Emburgh</u>	<u>17 Side Street In Acton</u>
<u>Christy Lee Bar</u>	<u>30 Madlum Cir, Ayer</u>
<u>Frank Damore</u>	<u>= - = <</u>

**PETITION FOR RECONSIDERATION
OF PACKAGE STORE LICENSE
FOR THE TRIPLE A MARKET**

TO THE BOARD OF SELECTMEN OF ACTON, MASSACHUSETTS:

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NAME

ADDRESS

<u>Linda Gardner</u>	<u>15 Fort Pond Rd Acton MA</u>
<u>Cecelia Downey</u>	<u>2 HOSMER ST Acton</u>
<u>Paul Scumle</u>	<u>116 Willow St. Acton, ma</u>
<u>Eugenia Meldonian</u>	<u>81 Virginia Farm Carlisle</u>
<u>Paul Weckel</u>	<u>271 Brown Bear King Town</u>
<u>Angela Browne</u>	<u>50 SPENCER RD. Buxborough</u>
<u>Mary Bea Zingley</u>	<u>25 Capt. Brown's Acton</u>
<u>Kevin Grogan</u>	<u>16 Mary Hill Rd Acton</u>
<u>William J. Louis</u>	<u>9 Rd Village Rd Acton</u>
<u>Harold M. Brooks</u>	<u>10 Valley Rd Concord</u>
<u>Loy Ann</u>	<u>100 POPE RD ACTON</u>
<u>Mary Ann</u>	<u>300 Old Road and One</u>
<u>Mary Black</u>	<u>22 Pleasant St Littleton MA 01460</u>
<u>Jane Brown</u>	<u>78A main St Acton</u>
<u>Robert Piro</u>	<u>52 main St Acton</u>
<u>Nancy Conley</u>	<u>46 Tahattman Rd Littleton</u>



**PETITION FOR RECONSIDERATION
OF PACKAGE STORE LICENSE
FOR THE TRIPLE A MARKET**

TO THE BOARD OF SELECTMEN OF ACTON, MASSACHUSETTS:

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NAME

ADDRESS

Maury O'Malley	15 Bulette Rd Acton
Fluence M Ward	7 Marian Rd Acton
Jim M Krayer	19 Lincoln Drive
Way Johnson	15 Hancock Ln Acton
Antoni DeRuggo	76 Stonebrook Rd Concord Mill
Samuel	9 Davis Rd Acton
Christy McLaughlin	27 3rd St. Maynard
Joseph Ewelen	531 Old Stone Brook, Acton
Jean Appleton	19 Windemere Dr, Acton
Bartina Laughlin	71 Cortland Lane, Boxboro
Sally Gore	797 Depot rd Boxboro
Melissa Lucey	547 Great Elm Way Acton
Alachi	9 Wheeler Ave Acton
Erine Toland	64 Francis St, Concord
Karen Dutton	294 Pine Cone Strand
Gudrun Stevens	28 Middle View Hillside MA 01860

**PETITION FOR RECONSIDERATION
OF PACKAGE STORE LICENSE
FOR THE TRIPLE A MARKET**

TO THE BOARD OF SELECTMEN OF ACTON, MASSACHUSETTS:

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NAME

ADDRESS

<u>James P. Gentry</u>	<u>Dean Rd. Acton MA</u>
<u>Shane McKelvey</u>	<u>Capt Foxworth Acton</u>
<u>David Hiller</u>	<u>1410 ST Concord, MA</u>
<u>Stephen J. Jadowski</u>	<u>100 West Hill Concord</u>
<u>Edi Kowalski</u>	<u>Concord</u>
<u>John A. Spill</u>	<u>Acton - Ethel Allen Dr</u>
<u>David Stroud</u>	<u>146 Hill Court Acton</u>
<u>Bettine Burn</u>	<u>237 West St - Carlisle</u>
<u>Virginia Huston</u>	<u>6 Heald Rd - Acton MA</u>
<u>Mary Fraser Morgan</u>	<u>13 Arborwood Acton MA</u>
<u>Meryl Widman</u>	<u>107 Liberty Sq. Rd. Boyborough</u>
<u>Carol B. Mahoney</u>	<u>16 Concord Rd, Acton</u>
<u>George Culligan</u>	<u>251 Manning St Johnson</u>
<u>Bruce Wallis</u>	<u>11 DAVIS RD Acton MA</u>
<u>Peggy F. Liberty Beiko</u>	<u>116 Newtower Rd Acton MA</u>
<u>John Nelson</u>	<u>256 Hwy A. Amherst. VT. 5845</u>

Maria and Karl Lorencic
18 Blackhorse Dr.
Acton, Ma. 01720

June 23 1993

Acton Planning Board

Re: Maple Hurst Farm Development

As abutters of this development my wife and I would like to state our support for this project as its new homes undoubtedly will help the town to raise its needed tax base. However we also want to convey our total objection to the inclusion of a rumored soccer facility on this property regardless of its placement on the open field on Summer Steet or up on the hill on a yet to be cleared and leveled piece of this property. This would totally change the character of this neighborhood and endanger the local residence on an already heavily traveled Summer Street.

We are certain that there are many much more suitable parcels for such a sports facility. One that comes to mind is a very large open field on the corner of Route 2 and Wetherbee Street.

Sincerely

Maria Lorencic

Karl Lorencic

C C To board of selectmen office

TOWN OF ACTON

Inter-Departmental Communication

Date: June 7, 1993

JUN - 9 1993

TO: Board of Selectmen

FROM: Cemetery Commissioners

SUBJECT: Recreational Activities and Dogs in the Cemeteries

We feel that we should address the problems expressed in the recent letters from John F. Prendiville and Paul Inglis, both of whom have "loved ones" buried in our cemeteries. Both gentlemen referred to dogs being walked and/or exercised in the cemeteries, and Mr. Prendiville also complained about parents bringing children to the cemetery for recreational purposes.

The Rules and Regulations state that "Children are not allowed in the cemeteries except when accompanied by their parents or by some adult having them in charge" and that "Behavior unbefitting the sanctity of a cemetery is prohibited". We are proud that our cemeteries are as beautiful as they are and certainly have no objection to the citizens of the Town of Acton enjoying the fruits of our labors. However, first and foremost, we are involved in the operation of cemeteries, not recreational grounds. In the past, we have found that if we have had to speak to visitors about their conduct in the cemeteries, they have complied to our request with good grace. While we regret that Mr. & Mrs. Prendiville had the misfortune to encounter inappropriate behavior on two occasions recently, we would like to continue with the practice of approaching the errant visitors personally. However, since the incidents he referred to occurred on a weekend and a holiday, another possibility that might be helpful, would be a nicely worded article or letter in the Beacon regarding behavior/activities appropriate in a cemetery.

The words "Dogs are not allowed in the cemeteries" have been in our Rules and Regulations since the November 14, 1989 revision. This is not the first time we have had complaints about dogs in the cemeteries. Shrubs have been ruined by dogs relieving themselves. Other "doggie deposits" are a nuisance to visitors to lots, when showing lots to prospective buyers, or to our employees while engaged in the maintenance of the grounds. We have had joggers accompanied by dogs, dog walkers, and people transporting their dogs by car and releasing them in the cemeteries. We have heard from someone who had his car scratched by a dog in the cemeteries and by a visitor who was jumped on by an over-enthusiastic dog.

Stewart Kennedy felt there had been sufficient complaints to warrant an informal poll. The greatest concentration of visitors to the cemeteries occurs just prior to and during Memorial Day weekend. In 1986, Stewart polled many of these visitors. He asked the following questions: Are you a lot owner or a visitor?; Do you own a dog?; Do you think dogs should be allowed in the cemeteries if they are on a leash?; Do you think no dogs should be allowed in the cemeteries? He approached a total of 130 people, of whom 74 were lot owners and 43 were owners or former owners of dogs. Of the 130 people polled, 2 thought dogs should be allowed if on a leash and 129 thought no dogs should be allowed in the cemeteries (one person checked both categories). None of the dog owners polled thought dogs should be allowed, whether leashed or not.

As Cemetery Commissioners we feel that we have an obligation to those who have purchased lots and/or have loved ones buried in our cemeteries. While we realize there will probably always be the stray dog who crosses through the grounds, we are addressing our attention to those people who bring their dog(s) onto the grounds. We propose that you allow us to post "No Dogs Allowed" signs at the entrances to both Mount Hope and Woodlawn Cemeteries.

Thank you for giving your attention to this request.

Attached are copies of both of the letters referred to in this memo as well as a copy of the poll taken in 1986.

Charles F. Putnam Walter J. George Stuart R. Bailey

4001 Park Avenue
Fairfield, CT 06432
April 22, 1993

Mr. Charles F. Putnam, Chair Person
Cemetery Commission Town of Acton
7 Agawam Road
Acton, MA 01720

Dear Mr. Putnam:

Thank you for listening to my comments on April 21, 1993 regarding the uses of the Mount Hope Cemetery by adults and children who apparently do not understand that a cemetery is a place for reverence and meditation.

On April 19, 1993, my wife and I visited our son's grave at Mount Hope in mid afternoon. The area in the immediate vicinity of his grave site was being used as a playground by three adults and their progeny. We said nothing to them; we feel that a cemetery is a place of reverence and meditation and not a playground for children and their parents. Bicycles and soccer balls have their places of use in other Town locations.

On April 20, 1993, we again visited the cemetery at about 3:30 P.M. and found the area being used by a woman and three children on roller blades as a street hockey arena. Her vehicle was a Volvo Wagon with an unidentifiable license plate. While we were visiting our son's grave, four other vehicles drove up, parked, and the female passengers got out. With several children, tricycles, and three dogs they proceeded to promenade from the rear of Mount Hope towards Central Street.

The Massachusetts license numbers of these four vehicles were:

Volvo	*7761YV
Dodge Wagon	*934UMC
VW Wagon	*826SAH
Ford Thunderbird	*5862

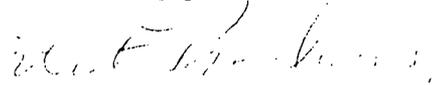
On other occasions, since my son was buried in Mount Hope in January 1992, we have observed adults and children using the cemetery in completely irreverent manners. To this end we vehemently object. A cemetery is a place

of reverence, meditation, and respect for the dead. It is not a playground! It is not a street hockey rink! It is not a dog run!

As I told you, we recommend that appropriate signs be posted to inform the Acton populace that Mount Hope is a cemetery, not a playground. In addition, we recommend that the Board Of Selectmen be informed of our recommendations and concerns, and that they take action through police and cemetery employees to stop immediately this most improper use of Acton's cemeteries as playgrounds and dog runs.

We are looking forward to your commission's response to our recommendations and trust that this matter can be dealt with expeditiously. We own property in Acton and feel our real property taxes provide for the town's playgrounds and sports fields by adults and children. If you need to call us regarding this matter, our telephone number is (203)-374-3455

Sincerely yours,



John F. Prendiville

CC to N. Tavernier

Mr. Charles F. Putnam
Cemetery Commission Chairman
7 Agawam Road
Acton, Ma 017220

Subject: Town of Acton Cemetery Department Rules
and Regulations, Revised November 14, 1989

Dear Mr. Putnam:

During numerous visits to the grave site of my wife, located in Woodlawn Cemetery, there have been person(s) not only walking, but also seated in their vehicles allowing their dogs to run loose.

I myself have approached these persons and made them aware of the commissions rule, "Dogs are not allowed in the Cemeteries" in addition to addressing the same subject by a visit to the Acton Police Department.

Unless there are signs posted around the perimeter of Woodlawn Cemetery, to include the soccer field entrance, those person(s) who do-not have LOVED ONES interned in Woodlawn, believe that it is their right to unlease their dogs and allow them to seek a place to relieve themselves.

I would appreciate any considerations that the commission could take to alleviate this problem.

Sincerely,



Paul Inglis
P.O. Box 777
Pepperell, MA 01463

Telephone:
Days: 617-270-2450
Evenings: 508-433-8827

CC: Mr. Stewart Kennedy
Superintendent

MAY 1986

LOT	OWNER	VISITOR	NAME	Do You Own A Dog	DOGS ON LEASH	No Dog Allowed
✓			Sidney P. Dunfee	No	✓	✓
✓			Hartley P. Ross	No	✓	✓
✓			Benjamin Brown	3		✓
✓			Laura Dabic	No		✓
✓			Sorathy Ann	No		✓
✓			Janus P. Debra	yes		✓
✓			Barbara S. Gouche	no		✓
✓			Eleanor P. Wilson	yes		✓
✓			Diane Shay			✓
✓			Albert W. 1127 Ave	no		✓
✓			William G. Dundas			✓
✓			Rosalie Connell	No		✓
✓		VISITOR	Nicholas De Troppo	no		✓
✓			Brendy McHaff	no		✓
✓			Marjorie R. Kennedy	no		✓
✓			Cynthia Styer	no		✓
✓			Helmer Ford	no		✓
✓			Irene Jaenico	yes		✓
✓			Ted Jaenico	"		✓
✓			Halley A. Flauer	yes		✓
✓			Robert Watkins	no		✓
✓			Biff Topp	no		✓
✓			Richard Ferris	no		✓
✓			Zelda P. Provencher	no		✓
✓			Ralph Jackson	no		✓
✓			Barbara Wood	no		✓
✓			Belle B. Merrick	no		✓
✓			Anna G. Murucki	no		✓
✓			James H. Mc Namara	no		✓
✓			Rose Mc Namara	no		✓
✓			James H. Mc Namara	no		✓
✓			Mary M. Notargiacomo	no		✓
✓			Kay Spreen	no		✓
✓			William Spreen	no		✓
✓			June Batulin	yes		✓
✓			Genevieve Gray	no		✓
✓			June Gray	yes		✓
✓			Jerry Gray	yes		✓

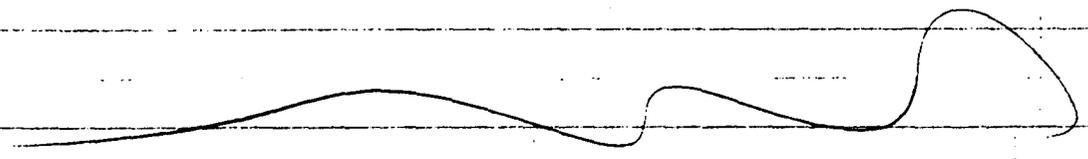
MAY 1986

LOT OWNER	VISITOR	NAME	Do You OWN A DOG	DOGS ON LEASH	No Dogs ALLOWED
✓		Jean Donaldson, Foxboro, Mass	no		✓
		Jean Donaldson " "	no		✓
	✓	Muriel Lombardi	NO		✓
✓		Dorothy R Smith	no		✓
✓		Eleazer Scowen	no		✓
✓		Albert Scowen	no		✓
	✓	Florence Broadbent Weymouth MA	YES		✓
	✓	Mollie Brunson Quincy	yes		✓
	✓	James Broadbent Weymouth	yes		✓
✓		Alberta D. Coe Brooklyn, NY	no		✓
	✓	Frank Guttenberg Acton	NO		✓
	✓	JOHN FARRAR HUDSON	YES		✓
✓		Laurie Evers Jule	NO		✓
	✓	Sarah W. Hage	NO		✓
✓		Shirley J. Tub	no		✓
✓		Judy Tub Bozeman	no		✓
	✓	Judy Bozeman	NO		✓
	✓	John H. Thatcher	No		✓
✓		Glenna Bradley	NO		✓
	✓	Marta Florenty	NO		✓
	✓	Joseph & Helen Conradi	NO		✓
	✓	Eugene & Lucy Davis	NO		✓
✓		David W. Dentner Jr. (Vermont)	YES.		✓
	✓	Paul & Betty Barborough	YES		✓
✓		Margaret Gaye Thompson CT	yes		✓
✓		Stephen & Jill Hudson Moo	no		✓
✓		Eden King Acton Mass			✓
✓		Richard V. McWurt	yes		✓
✓		Frances B. Sweney	no		✓
✓	✓	Marilyn & Larry T. Plaque	no		✓
✓		Jim & Ann T. Myland	no		✓
	✓	J. Richard T. Hanson	YES		✓
✓		Virginia Millery	no	✓	✓
✓		Jessie & Ernest A. Knippel	no		✓
	✓	Louise & Chester P. Jordan	no	no	✓
	✓	Jim & Peggy Anderson	no	no	✓
✓		Patricia W. Forbes	No		✓
✓		Frances S. Sullivan (Windsor)	NO		✓
	✓	Alison N. T. T.	NO		✓

MAY, 1986

LOT OWNER	VISITOR	NAME	Do You OWN A DOG	DOGS ON LEASH	No Dogs ALLOW
1. 15		Shirley E. Robbins Acton			✓
Barbara's lot	✓	Linda Francis Townsend	yes		✓
		Faith Burt Acton	yes		✓
Husband		Mabel Jenkins McNIFF ACTON	NO		✓
OWN		Fairuce D. Henry ACTON	yes		✓
	✓	Jane L. Smith Fulmouth	NO		✓
	✓	Barbara M. Leary Fulmouth	YES		✓
yes		Alan Peterson Acton	used to		✓
yes	✓	A. R. Jones	yes		✓
yes		R. V. Walden - Scituate	yes		✓
	✓	Warren L. Tuttle KRALE ME	NO		✓
yes		Nicholas O. Baird	NO		✓
"		Glova M. Larr	NO		✓
YES		John Peterson Fittleton	NO		✓
yes	✓	Clifford Bomber Lincoln	YES		✓
yes		Whay Christopher	NO		✓
	✓	Samuel Taylor	YES		✓
ye		Edith L. Carlton, Maynard	NO		✓
	✓	Frank Pys Somerville	yes		✓
yes		Bruce Leonard Acton	yes		✓
yes		Mary Hedley Acton	yes		✓
yes		Roube Munsell, Acton	NO		✓
yes		Charlotte Welton	yes		✓
yes		Ernestine Hayward	NO		✓
YES		H. M. Perkins	NO		✓
YES		Louise Thompson Acton	YES		✓
YES		Pam Hartwell acton	NO		✓
yes		Thelma Panetta Acton	NO		✓
YES		Albert R. Panetta Acton	NO		✓
yes		Robert N. Minusian	yes		✓
		Arlene Howe	NO		✓
YES		Ronald Cole Greeley	NO		✓
		Marian Stone	NO		✓
"ES		Alvina A. Putnam	NO		✓
yes		MARIETTA Romano	NO		✓
	✓	Dorothy M. Robertson	NO		✓
yes		Therese L. Boatman	NO		✓
	✓	Patricia L. Little	YES		✓
yes		Jacqueline W. Little	YES		✓

name	Town	no dog allowed	dog leashed	dog owner
Ken Khauer	Acton	✓		✓
Aris Durham	Littleton	✓		
Ruth Charter	Acton	✓		✓
George Chart	Acton	✓		✓
Berni Murphy	Acton	✓		
Mark Haddad		✓		
Florence Ross	Acton	✓		
Kelley Pederson	Acton	✓		dic
Nancy Miller	Acton	✓		dic
Neil Grolnic	Acton	✓		✓
Jeff Nofke	Barbors	✓		✓
Al Erwin	Acton	✓		di
Don MacLennan	Acton	✓		



4 B
 12 MS
 Beverly
 Lucier
 423-4811
 369-0940
 3650
 Burlan
 58
 252
 4 WW
 15 WW2
 6 WW3
 3 Vets
 28

Aris Durham says no dogs allowed

3-15-86

45 ~~Abby~~ Abby jumped up and scratch bill's door

CC: BOS

HISTORIC DISTRICT COMMISSION MINUTES-- June 7, 1993

Members present: Forbes, Gates, Moran, Mowry, Schmidt

The meeting was called to order at 7:30 p.m. in Room 46. Minutes of 5/17 were accepted as amended.

ANNOUNCEMENTS: by Forbes

Mail contained a proposal from the Chairman of Selectmen for guidelines concerning the use of counsel by committees and commissions.

Forbes noted that since she hadn't heard anything about the appointment of another alternate member, she would send a note to the Selectmen encouraging the appointment of the present applicant.

Forbes will do a draft of HDC financial arrangement for 93-94.

Vacation schedules were noted.

APPLICATION # 9303C --Karen LaRoche appeared at 8 p.m. concerning her application to replace an awning at 556 Mass. Ave. with a similar awning (same size) with similar lettering (same size, font and color) as before on the lower part of the awning. IT WAS VOTED that the ~~matter~~^{SIGN} was within our jurisdiction and that the HDC would waive a Public Hearing on the application.

APPLICATION #9304--IT WAS VOTED UNANIMOUSLY to approve Application #9304, from Pat and Rene Beaudoin, for the existing wooden rail fence, along with any future extension shown on plan of 5/17/93, at 525 Mass. Ave (Parcel F2A 104) provided there is no adverse response to abutter mailing. Additionally it was noted that as Parcel F2A 105 is not in the Historic District, any future fence there would not be subject to our jurisdiction and therefore would not require HCD approval.

NEW BUSINESS--A preliminary sign proposal for West Acton Mobil Station, 553 Mass. Ave. . After some discussion it was agreed that Forbes would compose a letter stating that we would like to see them ^{more nearly} comply with the zoning bylaw.

OLD BUSINESS--

Year end expenditures. It was agreed that we should spend the balance on envelopes, as we are almost out. Mowry will order.

APPLICATION #9305 --Jones Tavern, 128 Main Street to hang a sign instead of putting it on the ground--have valid sign permit according to Mowry. HDC will decide jurisdiction on 6/21

20 Concord Road--Forbes announced that at the site visit she had agreed to have the HDC decide whether they could take up the relocating of the barn separate from the decision on the plan for the rest of the property. Forbes announced that after conferring with Assistant Town Manager John Murray that the restrictions on abutters on the Commission were much more stringent than she had previously thought. She said that members who are abutters could not

be present in the room when the subject is under discussion, nor may they have private conversations with the members of the commission on the subject. They may not be present at meetings or hearings which are held on the subject by the commission on which they serve. Forbes noted that these requirements are to avoid undue influence or the appearance of undue influence. Gates protested that this would take away her First Amendment rights, and did not believe that was correct. It was agreed to ask Town Counsel to reply in writing to a number of questions on the subject.

Gates left at 9:45p.m. Minutes to be completed by Schmidt.

Respectfully submitted,


Joan Gates, secretary

ACTON HISTORIC DISTRICT COMMISSION
CONTINUATION OF MINUTES
JUNE 7, 1993

Time 9:45

Joan Gates dismissed herself from the following as she is an abutter to the property being discussed. Discussion commenced on review of 20 Concord Rd., property being purchased by the Acton Congregational Church for parking.

Micheala noted that she would not like to see the ^{out} building moved, it would not be that beneficial either. Whit added that in viewing the building they found the condition not as bad as they are leading everyone to think.

Ann stated after talking with Mass Historical and other Districts we do have authority over parking lots. An example stated was in Hamilton when a church wanted to add an 80 car lot which the District denied, it also went to court.

Question on whether we should separate the application into two parts, one for the garage, the other the parking lot. It was agreed that it would have to be as one, it would be hard to separate, as whatever the decision is on one it affects the other. It was also questioned whether the Church could submit an application before becoming the owner.

Ann will talk with Don Gilberti about Church, informing him we cannot separate the application and also that we feel we do have jurisdiction to review parking lots.

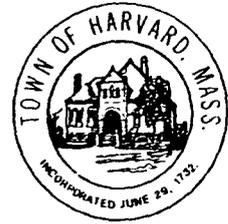
Ann will also go to Mass. Historical Commission to get all information related to these issues.

Meeting adjourned 10:30

Submitted by
Sandy Schmidt

OFFICE OF THE
BOARD OF SELECTMEN

P.O. BOX 220 • 13 AYER ROAD • HARVARD, MASSACHUSETTS 01451 • (508) 456-4100
FAX (508) 456-4107



June 21, 1993

Don Johnson, Town Manager
472 Main St.
Acton, MA 01720

Dear Don;

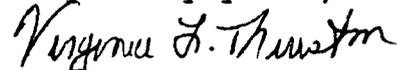
We are writing to thank you for your work as a member of the Police Chief Interview Committee. The Committee did great work and accomplished their charge in a superb manner.

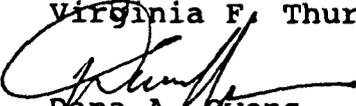
We were amazed at having over 200 applications filed for the position. So many applicants had similar qualifications. It was certainly a difficult task to cull the best candidates that could make the most positive impact on the Town. The Committee did accomplish this task and provided us several good candidates for interview. We will now take the finalists and continue with the final process of selecting a final candidate.

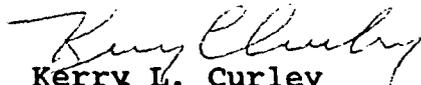
We particularly want to thank you for your professional expertise which you willingly put forth during the entire process. This expertise and advice was a critical aspect of the review.

The citizens of Harvard can be assured that your Committee methodically reviewed all candidates in order to present the best of the lot. Once again, we thank you on behalf of the citizens of Harvard for your dedication and work.

Very truly yours,


Virginia F. Thurston


Dana A. Owens


Kerry L. Curley
Board of Selectmen


John D. Petrin
Executive Secretary



Richard F. Maiore


Sarah M. Hamill

cc: Acton Board of Selectmen

cc: BOS



Commonwealth of Massachusetts
Executive Office of Environmental Affairs
**Department of
Environmental Protection**

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

21 June 1993

Dear Local Official:

Knowing of your interest in Title 5, the State Sanitary Code, I am sending you the Department of Environmental Protection's response to the major policy issues that have been raised since late last fall, when we circulated for public comment several options for moving forward on changes to the Code. The attached response reflects considerable thought on our part and discussions with interested parties, including homebuilders, realtors, Boards of Health and environmentalists.

Hopefully, this response will indicate the genuine improvements we intend to make in the Code, and put to rest a number of widespread rumors and misinformation, including the notion that one-acre lots will be required for all homes statewide and that all existing systems will need to be replaced to meet the new Code. Our goal is to implement regulations which improve protection of public health and the environment while minimizing negative impacts on development projects.

We are now in the process of drafting regulations and hope to hold a series of public hearings over the summer and promulgate the new regulations in October of this year. Please contact John Viveiros of the Division of Water Pollution Control (617/292-5837) if you wish to be notified of these hearings.

Thank you for your participation in this important process.

Sincerely,

Daniel S. Greenbaum
Commissioner

Attachment



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

QUESTIONS AND ANSWERS TO PROPOSED REVISIONS TO TITLE 5

1. What is Title 5 and why is DEP rewriting the regulations?
 - ▶ Title 5 is the state Environmental Code for Subsurface Disposal of Sanitary Waste. While the regulations are written by the Department of Environmental Protection, they are administered by local Boards of Health. The Code was last revised in 1978. DEP has undertaken a comprehensive review and revision of the Code to bring it up to date with current scientific knowledge about how septic systems contribute to ground and surface water pollution.
 - ▶ Nearly one third of all sanitary waste in Massachusetts is disposed of through on-site septic systems; nearly half of those fail to meet existing standards and are among the leading contributors to pollution of the Commonwealth's rivers, lakes, and coastal waters.

2. What effect will the proposed changes to Title 5 have on existing systems?
 - ▶ If your septic system was approved by the Board of Health and meets the current (1978) Code, no changes are required.
 - ▶ If you plan to expand your home or business, you must meet the increased wastewater design needs of the new Code. However, reasonable variances will be granted if the original septic system otherwise met the 1978 Code.
 - ▶ If you have a substandard septic system, such as a cesspool, you must, as is the case now, upgrade the system to meet the new Code.

3. What effect will the new Code have on existing vacant lots?
 - ▶ Under Massachusetts subdivision control laws, the Code in effect on the date the subdivision plan is filed remains in effect for three years from the date the subdivision receives final approval from the planning board. For most other existing lots, which are not located in critical environmental areas, such as those supplying groundwater to public drinking water wells (Zone II's), or in nutrient sensitive coastal areas such as portions of Waquoit or Buttermilk Bay on Cape Cod, the new Code will have very little effect. However, lots within these critical areas may need to meet more stringent standards, resulting in the need for additional treatment, or construction of a smaller house.

4. Will new homes be required to meet the septic system design required for a 4-bedroom home even if they are smaller?

- ▶ Originally, DEP proposed a minimum 4-bedroom design requirement even for smaller homes. This was suggested to deal with the likely future expansion of homes to accommodate growing families. But this concept has been dropped, and systems will need to be designed based on the actual number of bedrooms planned.

5. Will all lots have to be at least one acre or larger to construct a home?

- ▶ No. The amount of land required to construct a home will depend on a number of factors: among them, the percolation rate of the soil, the depth to ground water, distance from surface waters or private wells, and the number of bedrooms, which determines sewage flow. However, in certain critical environmental areas, such as those defined above, a minimum of one acre will be required for a 4-bedroom home.

On smaller lots throughout the state which are presently buildable, such as a ½ or ¼ acre, at least a two-bedroom home will be permitted, and more bedrooms may be constructed if additional treatment is provided.

6. What is DEP doing about substandard septic systems, including cesspools, which are causing so many water pollution problems?

- ▶ The proposed regulations will require regular inspection and maintenance of septic systems. This will allow Boards of Health to learn within a short time where the substandard systems are located, and to set up appropriate actions to repair, remediate and upgrade these systems.

MANPOWER?

7. What input will the public have on the final regulations?

- ▶ DEP held several public information meetings across the state last winter to solicit discussion and comments from interested parties on the options available for revising the Code. Those meetings have helped to shape the Department's decision-making on what the new Code should look like.
- ▶ Draft regulations are being written now, and a series of hearings will be held across the state this summer to give the public an additional opportunity to comment and advise DEP on what the final regulations should be.

Please refer to DEP's "Response to Comments on Title 5 Changes" for more detailed information.

June 15, 1993



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

RESPONSE TO COMMENTS RECEIVED FOLLOWING THE TITLE 5 PUBLIC INFORMATION MEETINGS

15 June 1993

Title 5, the State Environmental Code for Subsurface Disposal of Sanitary Waste (310 CMR 15.00), was last revised in 1978. Since then, scientific studies have significantly changed our understanding of the environmental impacts of septic systems on ground water and surface water. In Massachusetts, where nearly one-third of all sanitary waste is disposed of on-site, and nearly half of all systems are sub-standard, on-site wastewater disposal ranks among the top four sources of river pollution and has contributed to shellfish bed closures, and pollution of water supplies and lakes and ponds. The mounting evidence regarding environmental impacts associated with septic systems prompted the Department of Environmental Protection (DEP) to undertake a comprehensive review of Title 5. The study, completed late in 1991, was used to develop a draft position statement of the major issues raised in the study.

Knowing the broad level of interest in Title 5, DEP decided to hold several public information meetings reaching hundreds of people throughout the Commonwealth, rather than go immediately to draft regulations. The purpose of the informal meetings was to solicit discussion and comments from all interested parties on options for revising the Code before DEP had reached any conclusions on its own. While these forums provided thoughtful discussion and comments on a variety of technical and policy issues, the lack of definitive answers on all of the issues has led to imagined worst-case scenarios and *false* rumors such as: all new homes and existing/approved lots will need at least an acre of land; all existing septic systems will need to be immediately upgraded; and the new Code will give Board of Health officials the right to enter private property without prior notice.

This is a response to the most frequently questioned aspects of DEP's statement of policy issues on Title 5. DEP is currently in the process of drafting regulations and expects to hold public hearings this summer in anticipation of promulgation in October. We will notify all Boards of Health, Boards of Selectmen, and Planning Boards, and all parties who submitted written comments and will publish notice of the hearings in major newspapers and the Environmental Monitor.

1. Status of Existing Building Lots and Septic Systems (Grandfathering) - Many commenters were concerned over the status of existing building lots and structures at various stages of local approval.

Response - An important goal of the proposed revisions to Title 5 is to ensure that new construction in the Commonwealth is served by septic systems designed in accordance with best engineering and siting practices, capable of minimizing the discharge of pollutants to the environment. The Department recognizes, however, the potential hardship to property owners of imposing new standards on property which has previously received local approvals (including those claiming the protection of M.G.L. c. 41 or c. 111 s. 127P) but is incapable of being developed in accordance with the standards of the revised Code. The Department proposes to balance these concerns as follows.

Projects that have received approval under the 1978 Code will be allowed to proceed in accordance with the 1978 Code (which provides that permits are valid for two years). Projects grandfathered under c. 111 s. 127P because subdivision plans are pending, or have been approved within the last three years, will be allowed to proceed under the 1978 Code in accordance with c. 111 s. 127P. On lots in critical environmental areas on which new setbacks, nutrient loading or density restrictions apply, but which would have been buildable under the 1978 Code, the revised Code will allow the construction of at least a two bedroom home. Larger homes on such lots may be permitted if they are equipped with a technology that provides a higher level of treatment, to ensure protection of critical water resources.

DEP currently intends to consider existing Title 5 systems that are in full compliance with the existing code (including those properly granted variances) to be in compliance with the revised code *provided* the system does not fail as defined by the code. All other systems, for example cesspools, are currently considered "substandard" and are not grandfathered. Per previous DEP policy, these systems should be upgraded in accordance with priorities established by the local Board of Health. The code will set out clear guidance as to under what circumstances system upgrades will be required and the criteria Boards of Health should use in determining upgrade priorities.

2. Nutrient Loading Rate - Nitrogen is used as an indicator of pollution from on-site systems, and DEP suggested several options for controlling pollution based on nitrogen loading studies, ranging from a statewide standard to a few selected critical areas where new development would need an acre or more of land to support a four-bedroom home. The controversy over the proposal to restrict development density to reduce nitrogen loading focused on attendant land use impacts.

Response - The impact of septic system density on ground water resources is well documented, including studies conducted by the US Environmental Protection Agency and the US Geological Survey. It is clear that allowing the use of septic systems in densely populated areas with no consideration for their cumulative impacts can result in significant pollution of ground water and surface water.

DEP will not propose a statewide nutrient loading standard but will limit nutrient loading to 440 gal/day/acre to protect sensitive environmental areas. DEP will propose that the following areas be designated as environmentally sensitive: public drinking water supplies, designated Areas of Critical Environmental Concern, nitrogen-sensitive coastal embayments, and new development served by septic systems and private wells on the same lot. Because many towns have residential zoning of 40,000 ft², for the purposes of Title 5 an acre will be equal to 40,000 ft². Communities may petition DEP for a resource-area wide variance from this rate in situations where a water resource protection plan and land use controls can demonstrate that at least the equivalent level of protection as the 440 gal/day/acre rate is provided with respect to total pollution loading. The Secretary of Environmental Affairs is committed to assisting communities in finding money to develop local plans. In the case of subdivisions, the nutrient loading rate will be applied on a per-lot basis unless all lots on the entire subdivision plan, on average, do not exceed the nutrient loading rate. Communities or regions can establish stricter standards based upon site-specific studies.

3. Setback to Wetlands and Water Supplies - Many commenters made the point that DEP's proposal to make Title 5 consistent with the Wetlands Protection Act (WPA) by prohibiting septic systems within the 100' buffer zone was flawed in that the WPA does not prohibit activities within the buffer

zone; it merely requires a site-specific review pursuant to the Act. Other commenters cited the need for more protective setbacks to surface water supplies and other surface waters.

Response - DEP will propose retaining the existing 50-foot wetlands setback from septic systems. To eliminate the confusion over the boundary line to be used to measure the setback, DEP will revise Title 5 to be consistent with the wetlands regulations (measuring from the wetland boundary as determined by the Wetlands Act and regulations and *not* the current "mean annual flood elevation"). DEP will not allow variances from wetlands setbacks for new lots. Other proposed setbacks will also be consistent with relevant laws and regulations, with the provision that should an existing buildable lot become unbuildable as a result of the new setbacks, a minimum of a two-bedroom dwelling would be allowed, and greater design flows may be permitted with a higher level of treatment:

- no new or expanded septic systems within the Zone I of public ground water supplies (400 feet from gravel packed wells, 250 feet from tubular wells), consistent with current water supply regulations;
- no new or expanded septic systems within 400 feet from the bank of public surface water supply reservoirs, nor 200 feet from the bank of tributaries to these reservoirs or 50 feet from the boundary of the wetland bordering said tributaries, whichever is greater, based on the rationale of Ch. 36, Acts of 1992 (the "Cohen Bill");
- no new or expanded septic systems within 150 feet of rivers and streams, consistent with pending river protection legislation.

4. Innovative/Alternative Technologies - There was strong support for new technologies. While most expressed their desire for their use in both new construction and remediation some expressed concern about the land-use implications of allowing innovative technologies for new development.

Response - DEP will propose to approve the general use of recirculating sand filters in the revised regulations, and expects to approve other new technologies within the next few years. These new technologies may have an impact on growth and development. Communities concerned about these impacts will need to do the necessary planning to prepare for these technologies. As noted above, the Secretary of Environmental Affairs is committed to assisting communities in finding money to develop local plans. DEP is developing clear procedures for expediting the use of new technologies. An evaluation and planning period is proposed for each of the newly approved technologies to allow for appropriate field testing and experience in actual operation, after which time the use of alternative technologies will be approved for broader use with appropriate environmental, institutional, and operational controls to ensure protection of public health and the environment. During this interim period, new technologies may be used for remediation, upgrade, and repair of existing systems and, for new construction, on lots otherwise buildable under the applicable Title 5 standards to ensure that if the system fails a backup solution could be installed. Recirculating sand filters, and other technologies as they are approved for broader use, will be available for cluster situations (see question 7 below).

5. Percolation Rate - Comment was equally divided on this issue. No specific scientific data was presented to support either position, retaining the 30 min./inch maximum rate or increasing the rate to 60 min./inch. However, the opinions expressed were very strong. Land use impacts were the major concern of those expressing opposition to changing the allowable percolation rate to 60 min./inch. Those expressing support felt that the establishment of a maximum percolation rate

should be based solely on the ability of the on-site system to function properly. DEP is already instituting a soils training and certification program.

Response - Pollutant renovation can be increased by properly siting and designing on-site systems in soils typified by higher organic content and slower percolation rates. However, as soils become more restrictive to the flow of water, the importance of properly identifying the parent soils types and designing the system based on this information increases. A suitable site for sewage treatment and disposal must contain soils capable of accepting the expected hydraulic loads while providing adequate treatment. This site characterization can be a complex process, typically involving a systematic field investigation to assess landscape position and general soil taxonomy. The existing requirements for site evaluation and the witnessing of percolation testing are inadequate to ensure the proper siting and design of on-site systems in less permeable soils.

DEP concurs with the recommendation of its consultant, DeFeo Wait & Associates, that more emphasis on the properties of the parent soils, the long-term acceptance rate and hydrologic criteria in relation to sewage treatment would be a more technically sound overall approach than sole reliance on percolation rate. Consequently, DEP will not change the existing percolation rate but will propose a series of measures to address this issue sequentially over time:

- first, the proposed regulations will contain effluent loading rate design criteria for leaching systems based on soil types and long-term acceptance rate;
- second, DEP will continue to offer a training course and a site evaluator certification program to increase the expertise of persons evaluating sites for on-site systems. The course will be offered several times annually at different locations statewide. One year after the effective date of the regulations, DEP will require that evaluations be performed by a certified person (either a Board of Health member or agent, or a contractor). DEP encourages Boards of Health to consider regional approaches to developing and applying expertise in this area;
- third, DEP expects to replace or augment the percolation rate with a soils-based system in the future.

In addition, the proposed regulations will provide that variances may be granted for remediation or repair of existing substandard systems in areas where the percolation rate of the soils does not exceed 60 minutes per inch.

6. Inspection & Maintenance (I&M) - Most commenters expressed their recognition of the importance of proper maintenance of on-site systems. However, the expense to the homeowner and the resources necessary to implement an I&M program at the local level were two issues identified by most commenters as the greatest concern.

Response - When an on-site sewage treatment and disposal system does not function properly it places public health and the environment at risk. Therefore, routine inspection and maintenance is essential to the successful long-term performance of the system. The revised code will make it clearer that the principal responsibility to ensure proper operation and maintenance rests with the system owner. However, the use of individual systems varies significantly, and each community is unique in both the percentage of homes served by on-site systems and the available resources to implement an effective I&M program. Recognizing these factors, DEP believes that allowing the local regulatory entity to formulate a plan which reflects these variables and best suits their specific

situation will provide the most effective approach to this problem. Where there is no community-wide plan, each homeowner will be responsible for having their system inspected once every three years, but this schedule could be modified under an approved local or regional plan. Under any approach, inspections could be performed by, for example, Registered Engineers or Sanitarians. Some Boards of Health have suggested that inspection at the time of a home sale to ensure that substandard systems are identified and upgraded is one mechanism that should be considered; DEP will solicit comment on this issue. The proposed regulations will identify criteria to be addressed in developing an acceptable I&M plan. DEP will be as flexible and reasonable as possible in its review of plans with the main objective of proceeding towards having every system inspected and maintained (including repairs as appropriate) on a regular schedule and to have communities look comprehensively at all of their sewage and septage collection, treatment and disposal needs.

DEP recognizes there is an associated expense with I&M and is working on designing a system which assists communities to take incremental steps towards a comprehensive, affordable, and manageable I&M program. The small I&M cost will vary with the frequency of inspection and from community to community (much like sewer use fees). Over the life of an individual system, a small fee for proper inspection and maintenance can avoid very costly system replacement.

7. Cluster Development - Many commenters asked how Title 5 can encourage cluster development.

Response - DEP is supportive of "cluster" development to reduce the overall impact of a project on natural resources. Restrictions caused by the one on-site septic system per lot rules in Title 5 have tended to impede clustering development. The proposed revisions will allow developments, particularly small residential projects, to connect homes into a community septic system and will establish a standard set of institutional controls to address long term system operation and maintenance, replacement and repair. This would be allowed only in compliance with local zoning, only for flows of less than 10,000 gpd, and when proper operation and maintenance requirements are incorporated into each home-owner's deed. To encourage clustering, DEP will propose to allow 25% increased density of development within a project when at least a 25% increase in contiguous open space within the project area is provided. The open space requirement is important to water quality because nutrient loading rate limitations reflect pollutant flow from sources such as road runoff and lawn fertilizers as well as from septic systems.

8. Depth to Ground Water in Well Drained Soils (i.e., <5 min/inch) - Most commenters supported the proposal to increase the depth to ground water to 5 feet in well drained soils. Some did question, however, the need for the increase if all of the treatment was provided in the biological mat.

Response - Although it is true that most of the pollutant renovation in soil absorption systems occurs in the biological mat, the soils immediately below the leaching area are important in removing pathogens as well as some inorganic constituents, such as metals, through chemical and physical processes. It is very important that system siting and design ensure that there is sufficient opportunity for these processes to occur before the effluent reaches the ground water; therefore, DEP will propose a five foot separation in well-drained soils. While there may be other options available to theoretically provide the same level of protection, such as soil amendments, they pose the problem of regulating the quality of the fill material. The proposed regulations will include better methods of determining groundwater levels, including use of USGS and town well data.

9. Minimum System Design Assumptions (4-Bedroom House) - Some commenters expressed the view that DEP should not require septic systems to be sized based on a 4-bedroom house if fewer bedrooms were actually proposed. Higher costs and greater land requirements were cited as concerns.

Response - DEP proposed the sizing standard because it has commonly experienced expansions of homes without the necessary expansion of the system, resulting in system failures. However, DEP will propose that systems be designed based on the actual number of bedrooms initially built, recognizing that Boards of Health will need to exert more control to ensure systems are expanded when necessary.

10. What About the Use of Privately Owned Sewage Treatment Facilities?

Response - Generally, Privately Owned Sewage Treatment Facilities (PSTFs) are used to treat larger volumes of wastewater, currently in excess of 15,000 gallons per day (the maximum volume permissible under Title 5). This threshold will be lowered to 10,000 gallons per day in the revised regulations. There are currently about 150 PSTFs operating in Massachusetts, serving primarily businesses and residential condominiums, and DEP continues to review and approve such facilities under its separate Groundwater Discharge Permit Program (314 CMR 5.00).

A Generic Environmental Impact Report (GEIR) has been completed to evaluate the use of PSTFs in subdivisions of single family homes. One finding of the GEIR was that legislation would be required to provide homeowner's associations increased authority over individual property owners, particularly with respect to assessment and collection of user charges, before these associations could be found to provide the same level of confidence about long term operation and maintenance that is available through condominium associations. Should such legislation be enacted, DEP will move promptly to promulgate regulations to implement that change.

DEP is grateful to everyone who attended the public information meetings and particularly to those who took the time to submit written comments. The data, opinions, positions and perspectives presented have been very useful in developing a draft code to present at public hearing. We value your continued input during the public hearing process.



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

**Department of
Environmental Protection**
Central Regional Office

William F. Weld
Governor
Daniel S. Greenbaum
Commissioner

cc: BOS
D. HALLEY

May 21, 1993

Dufresne - Henry, Incorporated
Westford Office Park - Suite 1A
239 Littleton Road
Westford, MA 01886
ATTN: George Allan Sr., Vice President

RE: ACTON - Conant II
Wellfield - Zone II

Dear Mr. Allan:

A review by Water Supply personnel was conducted on a report titled "Report On Conant II Pumping Test" for the Acton Water District and submitted by Dufresne-Henry, Incorporated. The review identified several discrepancies and omitted data in the report.

Enclosed in this letter is a copy of the review of your report. These comments from the Divisions of Water Supply's Boston Office are provided to you in order that you may respond to the required information as stated in this correspondence.

Until the requested information is submitted to the Division, an approval for the Zone II for the Conant II wellfield cannot be granted.

Should you have any questions, please feel free to contact Carey Kling in Boston at (617) 556-1070 or Jana Leung of the Central Regional Office at (508) 792-7650.

Very truly yours,

John A. Desmond
Section Chief
Division of Water Supply

SS/msd:ConantII.002
cc: Page 2

RE: ACTON - Conant II
Wellfield - Zone II

Page 2

DEP - DWS - Boston - ATTN: David Terry, Director
DEP - DWS - Boston - ATTN: Carey Kling
DEP - DWS - CERO - ATTN: Jana Leung

Acton Water Supply District
PO Box 953
Acton, MA 01720

Acton Board of Selectmen
Town Hall
Acton, MA 01720



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

RECEIVED

MAY 18 1993

DEPT
CENTRAL REG

TO: John Desmond, DWS CERO
FROM: Carey Kling, DWS Boston *CLK*
THRU: Paul Blain, DWS Boston *P&B*
DATE: May 17, 1993
RE: Acton: Conant II Wellfield Zone II

We have reviewed the "Report on Conant II Pumping Test, Acton Water District, Acton, MA" submitted by Dufresne-Henry, Inc., January 1993. We request additional information discussed below before approval of the Zone II is given. These requirements are in bold.

A site visit was conducted on Wednesday, May 5, 1993 with Jana Leung of the CERO, John MacLeod, of the Acton Water Department, and myself.

Pumping Test

The pumping test was conducted on 12 two and one half inch wells, arranged in couples, 100 feet apart on a north-south trending line parallel to the trend of the valley aquifer.

The pumping test began at a rate of 405 gpm and was cut back to 300 gpm after six days to reach stabilization, which occurred after eight days.

Antecedent water levels were measured in the 1500 ft well north of the site. Water levels were dropping prior to the pumping test and continued to drop steadily during the test. This may have been impacted by pumping.

There was no precipitation during the test.

Monitoring and recording of the pumping test was satisfactory.

Well log data was not submitted for all the wells located on the map, such as 400B, 100B, 350E, 250E, and 500E. Are these wells related to the logs which have numbers which do not correspond with wells on the map? Where is 100E located? It is not on the maps.

Pumping Test Analysis

It is difficult to analyze the drawdown data for aquifer parameters because of the arrangement of pumping wells and because of the boundary and recharge conditions.

DWS concurs with the consultant's determination of an average of 30,000 gpd/ft. The following are comments on our interpretation of the drawdown data.

These time/drawdown plots are of little use for determining aquifer parameters because early time data is not very good and late time data is probably influenced the till boundary to the west. Early drawdown data is represented in wells 4A-85 and 5-90 which give transmissivities of 20,000 gpd/ft to 25,000 gpd/ft.

Distance/drawdown data is only useful in the southern, downgradient direction where there are three good points of data. This plot estimates a transmissivity of 38,634 gpd/ft. The saturated thickness of the site is between 25 and 30 feet. Therefore, the hydraulic conductivity is about 50 m/d, which is equivalent to coarse sand. The well log is described as fine to coarse sand with gravel.

The consultant estimates transmissivity values much higher than this. Some logs indicate large gravel and cobbles which would result in much higher transmissivity values.

We do not agree with the choice of slopes used to determine transmissivity values on the residual recovery curves. DWS determined transmissivity values ranging from 16,000 gpd/ft to 35,000 gpd/ft, which is about half the values the consultant determined.

It would have been very helpful to have drawdown data plots for more of the wells, especially for 11-85, 13-85, 250E, 100S, and 400S, to compare curves and trends in the curves with their locations relative to the ponds, the stream and the till boundary.

Induced Infiltration

Nashoba Brook is about 300 feet east of the wellfield. It is reported to have a sand and gravel bottom which indicates that it is hydraulically connected to the wellfield although some peat is indicated in the cross section. On the site visit the water was so dark that the bottom of the brook was not visible.

There was some drawdown in the 500E well on the opposite side of the brook. It is not clear what is going on in the first half hour of the pumping test when water levels are fluctuating considerably. In general, it follows a rather similar pattern to the other wells which is surprising because one would expect to see drawdown much later in this well, if at all. Drawdown in this well indicates that the brook does not act as a recharge boundary.

Six staff gages were monitored, three in the brook and one in each of three ponds. Water levels in two of the three ponds lowered to below the staff gages (which were at the edge of the ponds) during the test. As discussed earlier, part of the lowering of water

levels is attributed to the hot weather and the general trend of dropping water levels in the surface waters. John MacLeod stated on the site exam that these ponds tend to dry up during the summer. He also stated that the bottom of the ponds may have mud and peat. There was considerable vegetation in these ponds.

Recharge from the ponds may be represented by the lack of drawdown in the early data. The boundary conditions are clearly indicated by the change in the shape of all the curves after about 200 minutes.

There were no distinct trends in water quality parameters measured. Although the temperature of the discharge rose 0.5 C and there was a slight rise in hardness during the test.

SAFE YIELD

DWS concurs with the consultant's conservative recommendation of 300 gpm or 432,000 gpd.

ZONE II DELINEATION

The consultant used a very simplified MODFLOW model that included the river package. There were a number of problems with the first model submitted. The most recent model submitted May 11, 1993, is still overly simplified, but is accepted as a determination of the downgradient stagnation distance.

The consultant used a hydraulic conductivity of 150 ft/d which is reasonable, however it was used for all nodes (except the till island where 2ft/d was used) therefore it is not conservative in that regard because the K was determined for the well site where the most permeable materials are located and less permeable materials are probably present outside the wellfield area. A uniform saturated thickness of 28 feet was used for the entire model which is not conservative either because the wells are located in a valley and the saturated thickness is shallower on the sides of the valley.

It is not clear how the upgradient boundary was terminated. The east side of the brook in the east arm of the upgradient area is mapped as medium yield aquifer material. Why was this area not included in the Zone II? Further justification must be given for this boundary.

A new Zone II map submitted on a 1:25000 scale map must be submitted.

WELLHEAD PROTECTION

The site exam was submitted September 1990, therefore a Groundwater Monitoring Well Plan is required to be submitted for this site.

Local land use restrictions meet our requirements.

cc: BOS - FYI

Barbara R. Griffith
34 Spartan Arrow Road
Littleton, MA 01460
19 June 1993

Acton Police Department
365 Main Street
Acton, MA 01720

Dear Officers:

Please read the attached letter. Although this is not a formal complaint, I wanted you to be aware that this is what is going on at an establishment in your town. I have never experienced anything like this before.

I will be out of town until June 28 but I can be reached at my office at 508-263-2662 or at home at 508-486-8394 after that date if you have any questions. Thank you.

Sincerely,



Barbara R. Griffith

cc: Meineke Discount Mufflers

Barbara R. Griffith
34 Spartan Arrow Road
Littleton, MA 01460
19 June 1993

To: Whom it May Concern:

I am writing to relay the details of a complaint I have against your Meineke shop at 424 Massachusetts Avenue, Acton, MA.

On June 15 I went into the store and was waited on by Bucky. I had the original receipt for a muffler and exhaust system that was installed by that shop on my husband's Ford Bronco. We have been having a problem with the muffler and decided to have it checked out.

The date on the receipt (copy enclosed) was incomplete and did not show a year nor an odometer reading. Bucky said it was "probably 1992" wrote it in and had my car put on the lift. After a few minutes he came to me and said that the car would need a whole new exhaust system and muffler but that the muffler was under warranty. The total cost, he said, would be \$147.00 plus tax. I then calmly asked him the following question: "If the work was done in 1992, doesn't a year and a half seem like a short time for an exhaust system to need replacing?" He immediately became rude and belligerent and said "We really don't know what year the work was done, now do we?" I asked him if I could get the papers out of the glove compartment to see if I could find the MasterCard receipt. He said to go ahead but it probably wouldn't matter anyway and then he changed the date on the receipt to 1991. I could not find the MasterCard receipt with the date so I repeated my question. At that point Bucky started screaming at me "Lady, I don't need this harassment". Each time I tried to speak he cut me off by screaming at me. I tried to explain to him that I was not raising my voice so I did not understand why he felt he had to scream at me but he just continued. He instructed the technician to get my car out of the garage and then yelled at me to "Get out of here". I left immediately and went back to my office. I was extremely shaken up and distraught. I was in such a state that my boss offered to get the phone number of Meineke customer service.

When I called that afternoon, I spoke with Randy Nurse. She was very nice and promised to contact the owner and have him call me within three days. At that point I told her that I was so upset that I wanted the whole system replaced at no charge. I described the verbal abuse I had received from Bucky and how upset I was. I told her that I felt his attack on me was totally unprovoked and I felt that a person like that should not be dealing with their customers. She offered to make arrangements with another Meineke shop in my area where I could have the work done.

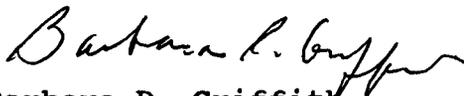
Ms. Nurse called the following morning. She said that they found the records and that the work was done in 1991. She said that the muffler purchased had a one year warranty but that they would replace the whole system and charge for everything but the muffler. She again offered to make arrangements with another Meineke shop. I told her that I had already been told by Bucky the day before that the muffler was still under warranty and that what they were offering was not anything more than what I was offered originally. Furthermore, there was no indication on the receipt that this muffler was had only a one year warranty even though there is a box on the receipt that should have been checked off. I repeated that I was extremely upset over the way I was treated and I felt I should be compensated for this. I said I would call her back.

That afternoon I called Ms. Nurse and told her that I was requesting a full refund of the muffler that we purchased in 1991 that had a lifetime warranty. This amounts to \$53.20 plus tax. She said that there was no way she could authorize this and I suggested she try to get it authorized. She asked me to look at my receipt for the warranty. I told her that there was nothing marked on the receipt to show a the warranty period of only one year. She asked me to fax her a copy of the receipt which I did.

When she called me back she said that possibly the owner would give me a discount on some of the additional work. I repeated that I will not pay any more money to Meineke for anything. I want a \$53.20 refund and a phone call from the owner of the Acton store (from whom I will ask for an apology from Bucky). I also informed her that I had called the Better Business Bureau and would be filing a complaint. Furthermore, I am considering contacting the Acton Police Department regarding the treatment I had received from Bucky.

The next morning (Friday) Ms. Nurse called me and asked me if I had heard from the owner. I said no, I ha not. She said the owner claims he called me and I refused to take his call. I told her that this is totally untrue and it could be verified with our receptionist who takes all incoming calls. Again, she said they will absolutely not give me a refund.

Sincerely,



Barbara R. Griffith

enc.

cc: Better Business Bureau
Acton Police
AAA

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

TO: Garry Rhodes, Building Commissioner
FROM: David F. Abbt, Engineering Administrator
SUBJECT: Final Grading of Lot M-4, Autumn Lane

DATE: 6/17/93
D. Abbt

On Tuesday, June 15, 1993, the Engineering Department inspected the final grading of Lot M-4 Autumn Lane (house #3) and found that this grading has been done in a manner which preserves the natural berm at the rear of the lot and apparently will also prevent puddling of storm water over the septic system for this lot. This statement of fact was required as a condition of approval of the Definitive Subdivision Plan of Autumn Lane. The natural berm at the rear of Lot M-4 is adequate, in our opinion, to prevent flooding of adjacent properties (see my memo of 9/19/89 to Tim Smith, Assistant Planner).

cc: Planning Dept.

[.93*9]

NANCY T.

DAVID ABBT WANTED YOU TO SEE THIS
RE THE ISSUES RAISED BY MR. MANTER W/Y
TO AUTUMN LANE .

cc: BOS

DM



cc: BOS
CAC

Massachusetts Cable Television Commission

C A B L E B U L L E T I N

100 Cambridge Street, Boston, MA 02202 Tel.# 617-727-6925

Number 93-4

June 17, 1993

As you may have read in the press, the FCC has delayed the effective date of its rate regulations from June 21, 1993 to October 1, 1993. In order to ensure against rate increases during this period, the FCC also extended its rate freeze order to November 15, 1993.

As indicated by the attached copy of its public notice, the FCC determined that without deferring the effective date it would have been unable to meet its substantial new administrative responsibilities without additional funding, which has yet to be appropriated by Congress. While this action will delay any consumer rate relief, it will allow all parties more time to put in place the mechanisms to ensure a more orderly transition to regulation.

In Massachusetts, the previous effective date of June 21, 1993 had forced us to draft emergency rate regulations that we had planned to place into effect on June 18, 1993. Now, with the additional time provided by the FCC, we are moving forward with a Notice of Proposed Rulemaking in place of the Emergency Rulemaking. The Notice of Proposed Rulemaking process will allow us to gain input and comment from you and other interested parties before the rules go into effect.

In our May 27, 1993 Cable Bulletin, we asked issuing authorities seeking to have the Commission regulate rates for the basic tier and equipment charges to notify the Commission, via certified mail, of its request. (As a reminder, by electing not to have basic service tier and equipment rates regulated by the Commission, communities may not regulate rates on their own.) Given that the Commission will now wait until October 1, 1993 to

certify with the FCC, issuing authorities may take advantage of this extra time to further consider this issue. However, we strongly encourage issuing authorities to address this very important decision without any unnecessary delay.

The FCC's new October 1, 1993 effective date for rate regulation has no impact on the effective date of customer service regulations. As we stated in our May 3, 1993 Cable Bulletin, the customer service regulations are effective July 1, 1993. An issuing authority may adopt these regulations at any time. However, each issuing authority must provide its cable television operator ninety (90) days written notice by certified mail that it intends to enforce the FCC's standards.

In closing, we should mention that we will continue to forward information to communities via Cable Bulletins. The Commission is also planning to conduct a Cable Forum dealing with the new regulations this summer in Boston. We will keep you posted on these and other matters as they develop. In the mean time, as always, please feel to call us with any questions.

Attachment

NEWS

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

News media information 202 / 632-5250
Recorded listing of releases and texts
202 / 632-0002

JUN 16 1993

This is an unclassified announcement of Commission action. Release of the full text of a Commission order constitutes no action. See MCI v. FCC 515 F.2d 365 (D.C. Cir. 1975)

June 11, 1993

FCC Defers Implementation of Cable Service Rate Regulation Until October 1, 1993 and Extends Rate Freeze Until November 15, 1993

MM Docket 92-266

The FCC has deferred the effective date of its regulations implementing rate regulation of cable service adopted pursuant to the Cable Television and Consumer Protection Act of 1992 ("Cable Act of 1992") from June 21, 1993 until October 1, 1993. The Commission's rate regulations were adopted in Report and Order and Further Notice of Proposed Rulemaking, MM Docket 92-266, FCC 93-177, released May 3, 1993. The FCC took this action on reconsideration on its own motion of the Report and Order. The FCC deferred the effective date of all regulations adopted in the Report and Order. Effective dates for rules not involving rate regulation, adopted in other proceedings, remain unchanged.

The FCC based its decision on resource constraints. The Commission stated that even without the additional administrative responsibilities imposed by the Cable Act of 1992 it is facing a substantial budgetary shortfall for Fiscal Year 1993 potentially requiring furloughs of all FCC employees. The Commission found that the Congress has taken initial steps to provide a supplemental appropriation to the FCC for Fiscal Year 1993. However, the Commission will not be able to access additional funds for an additional period of time after the supplemental appropriation is adopted. Therefore, the Commission found that it would be unable to implement cable rate regulation on June 21, 1993. In addition, the Commission observed that a deferral of rate regulations would provide franchising authorities and cable operators additional opportunity to ensure a smooth transition to rate regulation. Accordingly, the FCC determined that it would establish an effective date of October 1, 1993 for cable service rate regulation. The FCC stated that it would continue to work with the Congress to assure the availability of funding necessary for full implementation of the Cable Act of 1992.

In order to prevent rate increases pending implementation of the Commission's rate regulations that could potentially undermine congressional intent that cable service rates remain reasonable, the Commission extended its current freeze of cable service rates from August 3, 1993 until November 15, 1993. The rate freeze was established in Order, 8 FCC Rcd 2921 (1993), clarified, 8 FCC Rcd

2917 (1993). The rate freeze applies to rates for cable services, including the provision of equipment, other than premium channel or pay-per-view services, offered by systems subject to rate regulation under the Cable Act of 1992.

Action by the Commission June 11, 1993, by Order (FCC 93-304). Chairman Quello and Commissioners Barrett and Duggan.

-FCC-

For further information contact: Jennifer A. Manner (202) 632-7500.

Don Herskovitz
88 Hammond Street
Acton, MA 01720
508-263-0473

cc: BOS } COVER
C. LAKE } LTR w/
ATTACH.
ONLY.

BUDGET IN RF

18 June 1993

Board of Selectmen
Town of Acton
Acton, MA 01720

Subject: Recent events at the Lowell Regional
Transportation Authority (LRTA)

There have been some rather momentous changes at the LRTA over the past several months of which the BOS should be apprised.

Earlier this year, Charles Gallagher, the City of Lowell's representative to the LRTA and Chairman of the Advisory Board passed away and was replaced by Ken Stevens of Lowell.

The LRTA administrator, Robert Maquire, presented with an attractive and time-dependent retirement opportunity, retired on Friday, May 28, 1993 (see story in Lowell Sun dated 29 May 1993).

There followed a period of "behind-the-scenes" activity directed toward the then vacant administrator's position. Kevin Coughlin, Tyngsborough's representative to the LRTA, resigned his seat on the Board to run for the administrator's position. Robert Kennedy, a member of Lowell's City Council, also vied for the position. Kennedy enjoyed the support of Lowell's City Manager as well as that of Lowell's LRTA representative Stevens.

Early in June, the vacant position of LRTA administrator was advertised in several newspapers and over 40 candidates, including Coughlin and Kennedy submitted resumes. At the same time four new advisory board members were seated, replacing long-time members of the Board. At a special meeting on 9 June 1993, Robert Kennedy was selected the new LRTA administrator. Because of a "weighted" voting system based upon member towns' assessments, the vote of Lowell plus any other two towns is sufficient to elect. Interestingly, three of the four newly appointed LRTA representatives cast their votes along with Lowell for Mr. Kennedy (see Minutes of Special Meeting dated 9 June 1993).

At the regular meeting on 17 June 1993 (minutes not yet available) the following members were elected to the LRTA

executive committee:

Chairman: Ken Stevens, Lowell
Vice Chairman: Charles Coppola, Tewksbury
Secretary: Bill Kavanaugh, Westford
Treasurer: Tim Lorden, Townsend

So much for recent history.

Also accepted at the 17 June meeting was the FY 1994 budget (copy enclosed). The net budgeted cost of Acton's Road Runner and COA vans are \$48,600 and \$30,100 respectively, for a \$78,700 total. In 1993, this cost was \$75,293 and Acton's assessment was \$16,213. The total FY 1994 budgeted member community assessment is \$830,260 compared to the FY 1993 actual assessment of \$810,016, a 2.5% increase.

Robert Kennedy, the new LRTA administrator, has offered to meet with any of the Boards of Selectmen of the member communities for the purpose of answering questions about the FY 1994 budget, explaining the benefits derived from the LRTA, exploring possible service expansion, etc. If there is interest for such a meeting with the Acton BOS, Kennedy can be contacted directly, or I would be pleased to act as liaison in setting up a mutually satisfactory time.



Don Herskovitz
Member of LRTA Advisor Board
Assoc. Member Acton Transportation Advisory Committee

Maguire retires as LRTA chief

5/29/93

By DAVID ARNOLD
Sun Staff

LOWELL — Robert Maguire retired yesterday as administrator of the Lowell Regional Transit Authority, but will be kept as a consultant for at least a month while the search for a new administrator continues, the chairman of the authority's Advisory Board said yesterday.

Chairman Charles Coppola said the Advisory Board will meet Thursday to appoint an interim administrator. He said the search will be conducted in-house, but the position will not be filled by Maguire.

Maguire will remain as a consultant "on projects of legal and budgetary matters as prioritized by the advisory board," Coppola said.

Board member Jack Emerson said last week Maguire is needed to help resolve a dispute with the Massachusetts Bay

Maguire will remain as a consultant 'on projects of legal

and budgetary matters as prioritized by the advisory board,'

LRTA Advisory Board Chairman

Charles Coppola said.

Transportation Authority, which Maguire said owes the transit authority \$500,000. Other legal disputes and the authority's fiscal 1994 budget also require Maguire's assistance, Emerson said.

On Tuesday, Maguire rejected a two-month contract extension proposed by the board and strongly urged that an interim administrator be appointed.

The Sun was unable to reach Maguire by telephone for comment yesterday.

Coppola said yesterday the transit au-

thority's staff is more than capable of providing a smooth transition until a new administrator is appointed.

"We have a very conscientious, hard-working office staff," Coppola said. "The day-to-day operations will proceed without event and I'm sure that they will work as hard as the Advisory Board toward a smooth transition."

Coppola said he has spoken by telephone with Maguire several times a day this week "discussing how day-to-day operations will proceed. He has been very cooperative ... in making sure that everything at the LRTA would run exactly the way it has run for the last 10 years."

Coppola said the interim administrator would serve an undetermined amount of time. He said Maguire has volunteered his services as a consultant beyond one month without compensation if needed.

LOWELL REGIONAL TRANSIT AUTHORITY

SPECIAL MEETING

June 9, 1993

The meeting was called to order by Chairman Pro Tem Charles T. Coppola at 7:00 p.m. in the lobby of the Charles A. Gallagher Transportation Terminal, 145 Thorndike Street, Lowell, MA. Mr. Peter Brennan of Groton, Mr. Joseph Czarnionka of Pepperell, Mr. Arthur Doyle of Billerica, Mr. John Emerson of Chelmsford, Mr. Donald Herskovitz of Acton, Ms. Elizabeth Kalhauser of Tyngsborough, Mr. William Kavanagh of Westford, Mr. Timothy Lorden of Townsend, Mr. John Lyons of Dracut and Mr. Kenneth Stevens of Lowell were present.

INTERVIEW OF CANDIDATES FOR ADMINISTRATOR POSITION

Chairman Coppola commenced the meeting by welcoming the three candidates to be interviewed for the Administrator's job.

The three candidates to be interviewed were: Mr. Kevin Coughlin, Mr. Robert Kennedy and Mr. Raymond Grady. Board Members then interviewed each candidate and a general discussion ensued. Mr. Coppola congratulated the Board and stated that all three candidates did an excellent job.

MR. Coppola requested a 2-3 minute recess.

APPOINTMENT OF ADMINISTRATOR:

Chairman Coppola opened up nominations for the position of Administrator. Mr. Stevens nominated Robert Kennedy, seconded by Mr. Doyle.

Mr. Czarnionka nominated Kevin Coughlin, seconded by Mr. Emerson.

Mr. Lorden nominated Mr. Grady, seconded by Mr. Doyle.

MR. DOYLE MOTIONED TO CLOSE NOMINATIONS, SECONDED BY MR. STEVENS, VOTED UNANIMOUSLY.

On the first motion for Mr. Kennedy, the following votes were taken:

Lowell	Robert Kennedy
Billerica	Robert Kennedy
Chelmsford	Nay
Tewksbury	Robert Kennedy
Dracut	Nay
Acton	Nay
Westford	Robert Kennedy
Pepperell	Nay
Townsend	Robert Kennedy
Groton	Nay
Tyngsborough	Nay

Minutes

June 9, 1993

Page 2

Mr. Coppola counted 18.48 votes. According to the LRTA Advisory Board weighted vote system, there are 13.76 votes needed to adopt a motion. Mr. Kennedy congratulations.

MR. LYONS MOVED TO MAKE THE VOTE UNANIMOUS, SECONDED BY MR. EMERSON, VOTED UNANIMOUSLY.

Coppola thanked Mr. Coughlin and Mr. Grady for coming this evening.

MR. COPPOLA then directed discussion to the appointed Administrator's Employment Agreement.

Mr. Coppola recommended the following process and guidelines for an Employment Agreement/Contract with the new Administrator.

-Appoint an Executive Committee for the purpose of negotiating approving and signing the contract.

Guidelines:

-Starting salary not to exceed \$65,000.

-Contract period not to exceed 12/96

-Benefits not to exceed LRTA personnel guidelines

-Benefits not to exceed those of the previous Administrator either expressed or implied in his employment agreement.

-Agreement must be approved as to form by the LRTA Attorney.

Mr. Emerson questioned how long the contract would be for? Mr. Coppola responded that it would be for three and one half (3 1/2) years and that he would like the contract to end at the end of calendar year rather than the fiscal year.

Mr. Czarnionka questioned, should we go that long under the original contract? Shouldn't we have him prove himself for the first year and then renew the contract for a longer period of time.

Mr. Coppola: There is a clause in the contract to remove the Administrator for just cause and certainly just cause in my mind would be non performance.

Mr. Coppola explained the reasoning for the three and one half years and the December 31, 1996 ending date. In this way the contract would not end at budget time.

MR. KAVANAGH MOTIONED TO ACCEPT THE APPOINTED ADMINISTRATOR'S EMPLOYMENT AGREEMENT GUIDELINES, SECONDED BY MR. DOYLE, VOTED UNANIMOUSLY.

Mr. Coppola: According to the Advisory Board BY-Laws--Mr. Stevens and I are automatically members of the Executive Committee. Mr. Lorden has said he would like to be on the Executive Committee. Mr. Coppola accepted Mr. Lorden's offer. My intention is to meet tomorrow morning at 8:30 to begin. I have asked Atty. Owens to be present. This is so that we can put together a contract. I will ask Mr. Kennedy if he can join us around 9 or 9:30 and negotiate some of the fine points of the contract. Anyone else who would like to be on the Executive Committee? Mr. Doyle asked for the door to be left open. Mr. Coppola accepted Mr. Doyle's offer.

MR. EMERSON MOVED TO ACCEPT THE APPOINTMENT OF AN EXECUTIVE COMMITTEE OF MR. COPPOLA, MR. STEVENS, MR. LORDEN AND MR. DOYLE TO NEGOTIATE, APPROVE AND SIGN THE EMPLOYMENT AGREEMENT WITH MR. KENNEDY, SECONDED BY MR. DOYLE, VOTED UNANIMOUSLY.

ON A MOTION MADE BY MR. DOYLE, SECONDED BY MS. KALHAUSER AND VOTED UNANIMOUSLY, THE MEETING WAS ADJOURNED AT 8:40 P.M.

I, William Kavanagh, duly elected and acting as Clerk of the Lowell Regional Transit Authority, do hereby certify that the foregoing Minutes are a true and accurate record of the meeting of the Lowell Regional Transit Authority Advisory Board held on June 9, 1993.

Date

William Kavanagh, Clerk

via MAGIC
FYI - BOS
Don/John

JOURNEY TO WORK DATA (by place of residence)							
COMMUNITY	Workers	Drive Alone	Car-pool	Public Trans.	Other	Walk or	Mean travel
	16 yrs. & over					Work at Home	time to Work
Acton town	10,089	84.25%	7.54%	3.55%	0.78%	3.88%	25.28
Arlington town	25,121	68.37%	8.65%	16.30%	0.81%	5.88%	23.95
Ashland town	7,058	83.62%	7.98%	3.19%	0.62%	4.59%	26.12
Bedford town	7,255	81.02%	7.83%	2.18%	1.24%	7.73%	18.80
Bellingham town	8,021	83.59%	10.50%	2.08%	0.11%	3.72%	26.59
Belmont town	12,915	70.30%	9.28%	12.81%	1.18%	6.43%	21.90
Beverly city	20,036	78.74%	8.44%	5.23%	0.96%	6.62%	22.28
Bolton town	1,683	81.52%	7.07%	2.32%	0.83%	8.26%	24.65
Boston city	282,528	40.14%	10.49%	31.54%	1.66%	16.18%	24.39
Boxborough town	2,007	84.55%	7.92%	0.90%	0.00%	8.63%	23.81
Braintree town	16,900	78.33%	10.08%	8.14%	0.31%	3.15%	23.97
Brookline town	30,668	46.20%	8.01%	27.36%	2.09%	16.34%	23.22
Burlington town	13,657	85.70%	8.49%	3.23%	0.28%	2.30%	21.08
Cambridge city	52,595	37.49%	7.49%	23.53%	3.55%	27.94%	20.62
Canton town	9,814	78.74%	7.76%	8.94%	0.39%	4.17%	24.08
Carlisle town	2,365	80.80%	7.57%	1.23%	0.00%	10.40%	24.57
Chelsea city	11,714	50.22%	13.83%	23.37%	2.16%	10.42%	24.32
Cohasset town	3,674	72.07%	8.27%	10.26%	0.90%	8.49%	30.05
Concord town	8,100	75.58%	7.62%	5.73%	0.84%	10.23%	23.50
Danvers town	12,845	85.24%	8.08%	1.54%	0.65%	4.49%	20.34
Dedham town	12,015	77.77%	8.34%	7.67%	0.36%	5.87%	22.35
Dover town	2,411	78.68%	5.23%	8.34%	0.46%	7.30%	27.79
Duxbury town	6,750	79.66%	7.97%	3.36%	2.04%	6.96%	29.49
Essex town	1,740	79.37%	9.43%	1.67%	0.86%	8.68%	20.98
Everett city	17,279	61.18%	14.49%	17.73%	0.38%	6.22%	22.77
Foxborough town	7,897	81.40%	8.72%	4.63%	1.10%	4.14%	24.23
Framingham town	36,071	80.55%	10.29%	2.89%	0.74%	5.53%	23.43
Franklin town	11,534	80.69%	7.63%	5.05%	0.54%	6.10%	27.04
Gloucester city	14,172	75.00%	11.19%	3.30%	1.11%	9.41%	19.45
Hamilton town	3,523	81.89%	5.85%	4.26%	1.25%	6.76%	23.38
Hanover town	6,334	83.47%	9.41%	4.09%	0.41%	2.62%	27.17
Hingham town	9,980	76.32%	8.05%	8.96%	0.59%	6.08%	27.48
Holbrook town	5,651	74.64%	13.04%	7.33%	0.88%	4.11%	25.71
Holliston town	7,044	84.23%	8.70%	2.41%	0.24%	4.42%	27.82
Hopkinton town	4,866	83.95%	8.26%	0.92%	0.64%	6.23%	24.29
Hudson town	9,802	82.88%	12.05%	0.64%	0.67%	3.79%	22.88
Hull town	5,259	74.31%	10.90%	8.42%	1.48%	4.89%	34.21
Ipswich town	6,236	79.65%	8.43%	4.31%	0.38%	7.22%	27.00
Lexington town	15,082	80.33%	7.33%	4.86%	0.84%	6.65%	21.85
Lincoln town	3,921	73.07%	10.94%	3.57%	2.07%	10.35%	18.00
Littleton town	3,785	88.87%	6.45%	2.54%	0.53%	3.82%	24.00
Lynn city	35,262	69.39%	13.28%	8.97%	0.91%	7.46%	22.21
Lynnfield town	5,703	88.01%	4.94%	2.89%	0.65%	3.51%	23.62
Malden city	28,068	57.93%	11.54%	24.13%	0.68%	5.71%	25.17
Manchester town	2,763	71.99%	9.41%	6.33%	1.88%	10.39%	28.02
Marblehead town	11,064	76.08%	5.62%	6.62%	1.61%	10.07%	27.60
Marlborough city	17,754	82.60%	12.50%	0.69%	0.70%	3.51%	21.99
Marshfield town	11,366	81.30%	11.48%	2.33%	0.39%	4.50%	31.37
Maynard town	5,879	81.58%	9.74%	1.57%	0.97%	6.15%	22.31
Medfield town	5,565	81.35%	6.88%	5.28%	1.01%	5.48%	26.94
Medford city	29,948	65.55%	10.65%	16.61%	0.71%	6.48%	22.44
Medway town	5,121	84.38%	8.98%	2.97%	0.86%	2.81%	27.87
Melrose city	14,583	70.17%	8.85%	15.70%	0.44%	4.83%	23.84

MAGIC SUBREGION		
PLACE OF RESIDENCE OF BOSTON & CAMBRIDGE WORKERS		
	# who	# who
	work in	work in
COMMUNITY	Boston	Cambridge
Acton	729	483
Boxborough	86	80
Carlisle	205	118
Concord	930	492
Hudson	271	122
Littleton	186	90
Marlborough	702	191
Maynard	189	208
Stow	162	54
Sudbury	790	257
TOTAL	4250	2095

CC: BOS - NOTICE ONLY
FULL APP. IN RF.



MASSACHUSETTS

BOARD OF APPEALS

Selectmen
RECEIVED & FILED
DATE June 21, 1993
Richard Brown
for TOWN CLERK, ACTON

#93-10

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday

August 2, 1993, at 7:30 P.M. in the TOWN HALL, Room 126

on the following petition:

of Stuart A. Treat, 10 Martin Street, for a Petition for a Special Permit from the requirements from Section 5.3.1 of the Zoning Bylaw to allow the construction of a new roof and shed dormer at 10 Martin Street, Map G2A/Parcel 72, so that a second floor may be added without extending beyond the existing structure's "footprint" and within the setback guidelines.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Malcolm Burdine

Clerk

June 15, 1993

Mr. Doug Haley
Acton Health Department
Town Hall
Acton, MA 01720

Dear Doug,

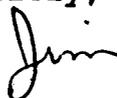
I am writing to inform you and the Board of Health that I must resign my position as a member of the Board effective immediately. I will be starting my own microbiology research business in July and the time demands will be such that it will impact my ability to devote the proper time and energy necessary to be an effective and contributing member to the Board of Health.

I would like to thank all the Board of Health members, the Board Selectman and especially you for giving me the opportunity to serve the town of Acton. The town is extremely lucky to have you as the town Health Director. I learned a great deal from being on the Board.

Although, I can not continue to serve on the Board of Health, I would like to offer my services concerning any questions that may arise about microbiology or infectious diseases.

With best personal regards, I remain

Sincerely,



James J. Barbato, M.S., M.P.H.

DHALEY00.615

cc: BOS

VCC

MARY LARSON

cc: BBS
6/22/93 (7)

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

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

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

June 14, 1993

Mr. Don Johnson
Town Manager
P.O. Box 236
Acton, MA 01720

Dear Don:

(Mill Corner)

I have reviewed the January 25, 1993, letter from Kevin Sweeney to the Planning Board offering to donate a sum of money to the Town and the February 22, 1993, PCRC decision of the Planning Board requiring such a donation. Although the difference in the language of these two documents creates some ambiguity, I think a common core of meaning can be discerned which can guide the Selectmen's considerations of the gift.

Sweeney's offer gives the Town, acting through the Selectmen, discretion whether to accept a cash donation of \$300,000 or to approve the conveyance of four affordable housing units in the project to ACHC. It also gives the Town, acting through the Selectmen, discretion to use the money "as the Town deems appropriate to revitalize and improve South Acton or foster affordable housing." The only express conditions are (1) the payment schedule, and (2) compatibility of any structure with the design of the condominium.

The Planning Board's decision requires Sweeney to make such a donation, subject to acceptance by the Selectmen, with a "primary purpose" to assist in the construction of a sewer system serving South Acton," and "beyond this primary objection, [for] the purpose[s] stated by the Applicant in his 1/25/93 letter." I read § 3.12 as recognition that the Planning Board did not have adequate information at the time (and perhaps also was not the appropriate Board) to decide whether construction of sewage disposal facilities was feasible, either within the \$300,00 or with whatever additional funds the Town could contribute to the work. Thus, the decision whether to accept the funds was left entirely to the Selectmen. If the Selectmen do not affirmatively accept the funds by June 30, the applicant is required to

provide four affordable units to be sold in accordance with the terms and conditions in § 3.13.

I think the Selectmen have three basic options:

(1) If they have sufficient information by June 30 to conclude that the sewer system is feasible and in the best interests of the Town, they should accept the contribution before June 30.

(2) If they believe that the provision of affordable units is more in the public interest, and that the conditions in § 3.14 are acceptable, they should decline the cash and require the applicant should provide the four units to ACHC.

(3) If they do not have sufficient information to decide whether the sewer system is feasible, but believe that it is desirable, or if they believe that some other use of the funds is more desirable than either the sewer system or donation of four housing units, they should accept the contribution before June 30, and should try to indicate the purposes for which the donation will be used.

Numbers 1 and 2 are pretty straightforward and represent a choice between the two purposes that have been most discussed. Number 3 represents an alternative purpose, which by definition has not been spelled out in comparable detail. Although I think the Selectmen have discretion under Sweeney's offer and the Planning Board's decision to accept and use the funds for such an alternative purpose, I think it would be desirable for the Selectmen to spell out their intent as clearly as possible, so that all parties -- the applicant, the Town Boards, and the public -- will understand the conditions. I would be happy to draft votes embodying one of the alternatives outlined above.

Very truly yours,



Acheson H. Callaghan

AHC/dcb