

Lisa Tomyl

From: Corey York
Sent: Wednesday, August 27, 2014 8:34 AM
To: Lisa Tomyl
Subject: RE: BOS Meeting (9/22) - Winter Maintenance

Is there a time specified for the Traffic Rules and Orders? I am working on the legal ad for the Beacon.

*Thank You,
Corey*

Are the other 4 items (PAYT, Mailbox Policy, Snow Plow Rates, & Private Way Plowing) on the September 22nd agenda?

From: Corey York
Sent: Monday, August 25, 2014 10:25 AM
To: Lisa Tomyl
Subject: RE: BOS Meeting (9/22) - Winter Maintenance

The TRO policy needs a vote by the BOS to adopt the revised policy. I am taking the amendments from the 7/28 meeting and incorporating them into the new policy. For the PAYT, I will presenting our findings on the PAYT program and will be looking for their recommendation. If recommended, the Town and the Green committees will begin publicizing it to the residents and so that we educate the users in advance of commencing the program next fall. I suspect the BOS will want a discussion on the other three items (Mailbox policy, Snow Plow rates & the Private Way Program), but they will need to vote on each of them. I hope the Mailbox Policy, Snow Plow Rates & Private Way Plowing discussions will only last about 10 minute each. The TRO Policy might last longer, but hopefully will stay around 15-20 minutes.

*Thank You,
Corey*

From: Lisa Tomyl
Sent: Monday, August 25, 2014 9:21 AM
To: Corey York; Manager Department
Subject: RE: BOS Meeting (9/22) - Winter Maintenance

Hi Corey –

I would be happy to include the Pay As You Throw Program onto the Selectmen Business for the September 22, 2014. What specifically would you like to discuss with the traffic rules? The vote of the Selectmen? I can show you the draft minutes from 7/28 if you would like. As far as the additional items below, are you going to have a presentation, or a general discussion? Also, how much time do you think will need to be allotted for all additional items?

Lisa

From: Corey York
Sent: Monday, August 25, 2014 8:43 AM
To: Manager Department
Subject: BOS Meeting (9/22) - Winter Maintenance

I believe I am scheduled on the BOS agenda on Monday, Sept. 22nd to discuss the approval of the updated Traffic Rules and Order policy and the PAYT program for the Transfer Station. Would it be possible to also add agenda items to discuss the following:

- **Mailbox Replacement policy**

Mailboxes installed in the Town right of way are placed at the owner's risk. The Town's general rule is that the Highway Department will not replace mailboxes if damaged by snow being discharged by the snowplow. The Town only assumes responsibility if a Town plow comes into contact with the mailbox or post. The Assistant Highway Superintendent will inspect the reported damage to determine the cause of the damage to the mailbox and/or the post. If they determine the damage is a result of the Town plow hitting the mailbox or post, the Town staff will attempt to make the necessary repairs. If the mailbox or post is deemed non-repairable by the Highway Department staff, they will replace it with a standard mailbox. In recent years, we noted mailboxes and posts becoming more ornament and expensive. One issue is that plastic decorative mailboxes in cold weather become very brittle and are not well-suited to withstand this type of environment. In some instances, residents have claimed their mailbox assemblies to cost over \$500. The proposed policy would provide homeowner with two options if the Town is responsible to replace the damage mailbox or post. The Town will replace the damaged mailbox and/or post with a standard-style metal mailbox and wood post, or the homeowner may opt to furnish and install their own mailbox and post and the Town will reimburse them up to a specific amount. I still have to confirm the total amount, but it seems to be in the range of \$75-\$100.

- **Snow Plow Contractor Rates**

We've been preparing for the upcoming winter season and noted our rates for the hired contractors have not raised within the last 5 years or so. A couple contractors already stated they plan to work for other communities due to our lower rates. Highway is surveying the surrounding communities to obtain their current rates so that we can compare them.

- **Private Way Plowing Program**

We started reviewing the rate for the Private Way Plowing Program. The Town has been operating a fee program for private ways that meet a set of minimum requirements. In the recent past, the Town has only entered into agreements with Heron View Road and Wyndcliff Drive. We set the rate by determining the cost of the Highway Department to plow the Town Ways using prior year budgets and current fuel projections. If the upcoming winter is worse than expected, we have a condition in the agreement that allows the Town to apply an "additional charges reasonably assessed by the Town if conditions warrant." We need to establish the rate so that we can initiate the process this fall in preparation for winter.

Could you let me know if these other three items can added to the same BOS meeting on September 22nd? If not, could you schedule it for the BOS in October.

*Thank You,
Corey York, DPW Director / Town Engineer*

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weather become very brittle and are not well-suited to withstand this type of environment. In some instances, residents have claimed their mailbox assemblies to cost over \$500. The proposed policy would provide homeowner with two options if the Town is responsible to replace the damage mailbox or post. The Town will replace the damaged mailbox and/or post with a standard-style metal mailbox and wood post, or the homeowner may opt to furnish and install their own mailbox and post and the Town will reimburse them up to a specific amount. I still have to confirm the total amount, but it seems to be in the range of \$75-\$100.

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*Thank You,
Corey York, DPW Director / Town Engineer*

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Lisa Tomyl

From: Corey York
Sent: Monday, September 15, 2014 12:36 PM
To: Manager Department
Cc: Lisa Krause; Stephen Barrett; Brian McMullen; Highway Department
Subject: Fee Recommendation - Private Way Plowing
Attachments: 2014-09-22 - IDC - BOS - Private Way Plowing.pdf; Private Way Plowing Agreement 2014-15 - Blank.pdf

I've attached our fee recommendation for the 2014-15 Private Way Plowing Program. After reviewing the prior fiscal year budget with the Finance Department, we are recommending a fee increase from \$2.19 to \$2.41 per linear foot. Also attached is a copy of our standard Private Way Plowing Agreement. The BOS are scheduled to discuss this fee recommendation at their September 22nd meeting.

Let me know if you need any additional information.

*Thank You,
Corey York, DPW Director / Town Engineer*

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**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION**

Date: September 15, 2014

To: Steven L. Ledoux, Town Manager

From: Engineering Department
Corey York, Town Engineer/Director of Public Works

Re: Private Way Plowing – 2014-15 Winter Season - Fee Recommendation

In preparation for the upcoming winter season, we reviewed the fee for the Private Way Plowing Program. We utilized the Town budget information to project the overall cost to maintain the roads during the upcoming winter months.

I've attached a copy of the typical private way plowing agreement. In the recent past, the Town has only entered into agreements with Heron View Road and Wyndcliff Drive.

We are recommending an increase to the fee for private way plowing from \$2.19 per linear foot to \$2.41 per linear foot. This rate should be sufficient to cover the Town's costs for plowing/treating the private ways for the upcoming winter. One of the conditions of the agreement is that "there may be additional charges reasonably assessed by the Town if conditions warrant."

Private Way Plowing Agreement

The undersigned being all the owners and abutters served by the private way known as _____ (the "Private Way") and the Town of Acton (the "Town") enter into this agreement effective for the 2014-15 winter season.

WHEREAS, the Town's registered voters at an annual Town election held on April 7, 1986, voted to accept the provisions of M.G.L. Chapter 40, Section 6C, regarding the appropriation of money for the removal of snow and ice from private ways within its limits and open to the public use.

WHEREAS the Town plowed the Private Way under the provisions of M.G.L. Chapter 40, Section 6C, during the 2003 – 2004 winter season.

WHEREAS the Annual Town Meeting since April 2004 has not appropriated funds under M.G.L. Chapter 40, Section 6C, as had been done for several consecutive years in the past;

WHEREAS, M.G.L. Chapter 44, Section 53A, authorizes the Board of Selectmen to accept grants and gifts for particular purposes.

WHEREAS the undersigned owners and abutters of the Private Way request that the Board of Selectmen accept the funds described in this Agreement for the purpose of plowing the Private Way during the 2014-15 winter season as set forth herein.

WHEREAS, the Acton Board of Selectmen has voted to accept such contributions and to continue plowing the Private Way during the 2014-15 winter season;

NOW THEREFORE; for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The undersigned owners and abutters of the Private Way hereby agree (a) to deposit \$_____ with the Town treasurer to be held as a separate account and expended by the Treasurer to plow, salt and sand the Private Way during the 2014-15 winter season, and (b) to allow interest on these funds to be retained by the Town.
2. The Board of Selectmen agrees to accept said funds pursuant to M.G.L. Chapter 44, Section 53A, and to use said funds and any interest thereon to plow, salt and sand the Private Way during the 2014-15 winter season.
3. The undersigned owners and abutters of the Private Way hereby agree to this fee for the 2014-15 winter season with the understanding that there may be additional charges reasonably assessed by the Town if conditions warrant. There will be no refunds. In the event funds remain in the separate account on May 22, 2015, the undersigned owners and abutters of the Private Way hereby agree that these funds shall be transferred to and become part of the Town's general revenues.

4. The undersigned owners and abutters of the Private Way further agree as follows:
 - a. They do on behalf of themselves and their respective heirs, executors, administrators, successors and assigns, release and they shall jointly and severally defend, indemnify and hold harmless the Town, its employees, agents and contractors, from any claim for damage to the Private Way, or any claim for bodily injuries, property damages, or other losses to themselves or to any third party arising out of or relating to the Town's plowing, sanding and salting work under this Agreement, including without limitation any defect in the Private Way caused by the Town, its employees or contractors;
 - b. They shall assume all responsibility for maintenance and repair of the Private Way, whether or not the damage was caused by the Town plows, and all liability for injuries and losses to third parties resulting from defects in the Private Way.
 - c. The plowing of the Private Way by the Town shall not create or impose on the Town any obligation or responsibility for plowing or maintenance of the Private Way in future years.
 - d. For the purposes of M.G.L. c. 84, section 25, the removal of snow or ice from the Private Way shall not constitute a repair of the way.
 - e. The Private Way shall not become a public way by virtue of said plowing, whether by the doctrine of prescription or otherwise. Rather, the Private Way can only become a town way by following the statutory procedure contained in M.G.L. Chapter 82, Section 21 – 24.

5. The Town agrees to plow the Private Way and apply a salt/de-icing agent mixture for ice control on said way during the 2014-15 winter season in the same general manner as on public ways of similar size and location. The Town shall determine in its sole discretion when, how and whether it is necessary and appropriate to plow, salt and sand the Private Way, and the undersigned owners and abutters of the Private Way agree that this determination involves a high degree of discretion and judgment in weighing alternatives and making choices and they do accordingly on behalf of themselves and their respective heirs, executors, administrators, successors and assigns, release and forever discharge the Town, its employees, agents and contractors, from any claim for damage or injury arising out of or relating to any action or omission with respect to plowing or failing to plow the Private Way.

Executed as a Sealed Instrument on the dates indicated below:

(Printed Names)

(Signatures) Dated: _____, 2014

(Printed Names)

(Signatures) Dated: _____, 2014

(Printed Names)

(Signatures) Dated: _____, 2014

(Printed Names)

(Signatures) Dated _____, 2014

(Printed Names)

(Signatures) Dated _____, 2014

The Town of Acton
Acting by and through its Town Manager:

Steven L. Ledoux
Dated: _____, 2014

NOTE: This agreement must be signed by all owners and residents on the Private Way with the exception of condominiums where the duly authorized Village Manager, Board of Directors, President of the Association, etc. can sign on behalf of all the unit owners provided that the condominium bylaws or vote of the unit owners has granted that individual such authority. Evidence to this effect should be included with this agreement. The private way must meet the criteria outlined below and plans and/or sketches may be included with the agreement to assist the Selectmen in determining compliance:

1. The Private Way must be at least twelve (12) feet wide.
2. The Private Way must have an adequate turnaround so that plow trucks do not have to back out. (The Highway Superintendent will determine the adequacy of the turnaround).
3. The Private Way must be paved and free of ruts and pot holes.
4. The Private Way must be open to the public with no gate or signs controlling access. (The general public must have free and unrestricted access).
5. The Private Way must serve a minimum of three (3) residences.
6. The maximum grade of the Private Way is not to exceed 10% (10 feet of rise in 100 feet of length).
7. The Private Way is not to have sharp curves or obstructions that restrict truck movements in the opinion of the Highway Superintendent.
8. The way must be plowable with standard snow removal equipment used by the Town, and sufficient space must be available along the way for snow storage.
9. Construction of the way must be completed to Town standards in effect at the time the plan of the way was approved and there can be no restrictions or conditions of record that preclude Town plowing, salting or sanding. Partially completed subdivision roads will not be considered.
10. There can be no restriction by the Conservation Commission on the use of salt as a deicing agent.
11. Evidence must be furnished that the existing storm drainage system has been properly maintained and is in good working condition. This includes cleaning sand from catchbasins, sumps and detention/retention basins and insuring pipe lines and outfalls are unobstructed. The catchbasins should have a sump that is about 2.5 feet below the bottom of the outlet pipe. The water level in the catchbasin is maintained by the outlet pipe. The sediment in the catchbasin

should not exceed a depth of twelve (12) inches as determined by probing the catchbasin with a stick. If the stick hits the sediment within eighteen (18) inches of the water level, more than twelve (12) inches of sediment has accumulated and the sump needs to be cleaned. Evidence of storm drainage maintenance may consist of, but not be limited to, items such as invoices from contractors for the work or a signed letter from the property manager certifying that the work has been completed.

12. The road surface must have been swept to remove the sand from the previous winter.

FEE CALCULATION

Private Way	Length	Fee/Foot	Total Fee
_____	_____ ft	\$ <u>2.41</u>	\$ _____

Lisa Tomyl

From: Corey York
Sent: Monday, September 15, 2014 12:56 PM
To: Manager Department
Cc: Stephen Barrett; Brian McMullen; Highway Department
Subject: Mailbox Replacement Policy - BOS (9/22/2104)
Attachments: 2014-01-07 - POLICY - Mailbox Policy.pdf

We have attached a copy of our proposed Mailbox Replacement Policy for the BOS meeting scheduled on September 22nd. Currently, the Highway currently posts the following policy on the Town website:

MAILBOXES & BASKETBALL NETS

Mailboxes installed within the town right of way are placed at the owner's risk. The plow operators do not deliberately knock down or damage mailboxes. The primary cause of the loss is the weight of the snow being thrown off the plow. When installing a mailbox choose a suitable location. If you are unsure, check with the postal carrier. After a substantial snowfall be sure to clean in front of the mailbox so you can receive deliveries. If the snow banks are too high to shovel, place a temporary box or a plastic pail beside the road until the snow has melted enough to allow access to the mailbox. Check the condition of your mailbox and post now before the ground freezes and replace them if needed. Basketball posts and nets that have been placed on the edge of the road and overhang areas to be plowed are another area of concern for operators. These have caused damage to town vehicles and must be removed before the snow season begins. The Town cannot be held responsible for damage to posts or backboards and will remove them if they interfere with snow removal operations. More recently, the Highway Department has been asked to repair or replace parts of underground lawn sprinkler systems that have been damaged during the plowing of streets. Once again, the Town cannot be held responsible for damage to systems installed within the Town right-of-way. Residents should place snow markers beside the road to help protect their lawns.

The Town will not repair mailboxes that were damaged due to the weight of the snow being plowed. If the Highway Superintendent, or his designee, determine the damage to the mailbox was the direct result of the plow, the crew will repair those mailboxes.

During this past winter season, the crew inspected several complaints about damaged mailboxes from our winter maintenance operations. Some of the complaints were not submitted until late spring. At this point, it is very difficult to verify whether the damage was caused by our snow plows. We contacted several other communities and obtained copies of their policies for mailbox replacement. We utilized all this information formulated the attached revised policy for the BOS.

Let me know if you need any additional information.

*Thank You,
Corey York, DPW Director / Town Engineer*

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Snow & Ice

Mailbox Replacement Policy

Mailboxes installed in the Town right of way are placed at the owner's risk. Each mailbox installation should be sufficiently solid to withstand snow-clearing efforts by the Town. It is the responsibility of the owner of the mailbox to clear the snow around the mailbox to assure mail delivery by the U.S. Postal Department. If the snow banks are too high to shovel, place a temporary box beside the road until the snow has melted enough to allow access to the mailbox.

The mailbox should be installed, periodically inspected and maintained by the homeowner in accordance with the guidelines provided by the United States Post Office (www.USPS.com). When installing a mailbox choose a suitable location. If you are unsure, check with the postal carrier.

The Town does not replace mailboxes if damaged by snow being discharged by the snowplow. The Town only assumes responsibility if a Town plow comes into contact with the mailbox or post.

The Town does not replace plastic mailboxes. Plastic mailboxes in cold weather become very brittle and are not well-suited to withstand this type of environment. The Town also does not replace mailboxes that are in need of repair due to lack of maintenance, vandalism or have a spike-type support. Homeowners should check the condition of their mailbox and post before the ground freezes and make any necessary repairs. **The Town will not be responsible for damage to any mailbox or post if the front of the box extends past the curb line and/or is within 6-inches from the curb line.**

The Town will only replace mailboxes if the Town's plow came in contact with a well-maintained mailbox or post. The Highway Superintendent, or their designee, will inspect the reported damage to determine the cause of the damage to the mailbox and/or the post. If the Superintendent, or their designee, determines that the damage is a result of the Town plow hitting the mailbox or post, the Town staff will attempt to make the necessary repairs. If the mailbox or post is deemed non-repairable by the Highway Department staff, the Homeowner may choose from one of the two options listed below:

- the Town will replace the damaged mailbox and/or post with a standard-style metal mailbox and/or wood post,
- the homeowner may opt to furnish and install their own mailbox and post and the Town will reimburse them up to \$200 towards the replacement.

Mailboxes to be fixed will be put on a list and repaired when the Highway Department is back on a regular schedule and all other weather-related priorities are completed.

A CLAIM should be submitted to the Highway Superintendent immediately following the storm so that they can witness the damage and make their determination. LATE CLAIMS are difficult to verify and will likely be denied since the Highway Superintendent may not be able to adequately determine the cause of the damage.