

File
4/6/93

April 2, 1993

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

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AGENDA
ROOM 204
7:30 P.M.
APRIL 6, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

- 1. 7:45 PLAYGROUND COMMITTEE - Enclosed please find correspondence from the Committee for Board review and discussion.
- 2. 8:00 J. Scott Motor's Class II Hearing Continuation- Enclosed please find Mr. Scott's application for discussion.

III. CONSENT AGENDA

- 3. Accept Minutes February 16 and March 16, 1993 - Enclosed please find Minutes for Board approval.
- 4. Eagle Scout Court of Honor - Enclosed please find a invitation to a Court of Honor on April 28th for Board assignment.

IV. SELECTMEN'S CONCERNS

- 5. Traffic Signal Warrant Study - Enclosed please find information from Vanasse Hangen Brustlin, Inc. and staff regarding the Signal Warrant at Route 27 at Post Office Square.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

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

IX. FUTURE AGENDAS

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

April 27, 1993 - Boston Edison Hearings
MAY 11, 1993 - Mobil Oil Site Plan 204 Main Street

786 acs

4/6/93
①

ACTON CHILDREN'S PLAYGROUND

PROPOSAL

TO: Board of Selectmen
FROM: Acton Children's Playground Committee
RE: Proposal for Playground
DATE: April 6, 1993 Town Meeting

The Acton Children's Playground Committee will be presenting their Plans for a playground to be located behind the library in Acton Center at the April 6 Meeting of the Board of Selectmen. The Committee has been working cooperatively with Town staff, including Dean Charter, Don Johnson and David Apt, to design a safe, attractive and stimulating playground for young children, with special consideration for the physically impaired.

On Tuesday evening, we will present our Plan and Specifications for the equipment for both Phase I and Phase II (the completed playground.) At the present time we have \$25,000 in cash, plus donations of fencing, stone and plantings for Phase I. We will continue to raise funds and add to the playground, until we have completed the Phase II Plan.

Town staff have reviewed our Equipment Plan and we will continue to work with the Town on further planning. A Topographical Plan is being prepared by Town Engineer David Apt. The Landscape Plan will then be prepared by a Landscape Architect. Site preparation will be done by the Town Highway and Maintenance crews, when their schedules permit. Installation of the equipment will be done by volunteers, and supervised by a representative from Children's Playgrounds Inc. and our Construction Chairman.

As we complete each phase of the playground, the Committee will donate the equipment to the Town. We have designed the equipment and landscaping to minimize the upkeep needed.

The Committee asks that the Board approve our proposal for the complete playground (Phase II) at the April 6 Meeting. Committee Officers will be present to answer any questions you may have. Thank you for your kind consideration.

Respectfully submitted,

Cindy Berlied, President
Elizabeth Golden, Vice President and Construction Chairman

TOWN OF ACTON
NOTICE OF HEARING

~~3/30/93~~

~~(3)~~

4/6/93 (2)

Notice is hereby given that the Board of Selectmen will hold a public hearing in its office at the Town Hall on Tuesday, March 30, 1993 at 8:30 P.M. on the application of Jeffrey Scott, d/b/a Scott Motors, for a Class II Dealer's License at 866 Main Street, Acton, MA.

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

(4)

**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION**

DATE: March 12, 1993

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Class II License Application/866 Main Street

This application creates a somewhat difficult zoning issue. 866 Main Street is a dwelling unit located in the "Small Manufacturing District". Acton zoning bylaw does not normally permit "Light Vehicular and Equipment Sales" in this zoning district. However, section 3.8.1 allows a home occupation as an accessory use to a dwelling in a non-residential district. A home occupation that is conducted entirely within the dwelling unit by a resident is permitted. If the Board of Selectmen votes to approve this request, they may wish to prohibit any vehicles from being displayed on the exterior of the dwelling unit. This, in my opinion, would allow the home occupation to comply with zoning.

(985)

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

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

1. What is the name of the concern? SCOTT motors

Business address of concern. No. 866 MAIN St.,
. ACTON MASS 01720 City - Town.

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

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

Deborah A. Scott
866 MAIN ST. ACTON MASS 01720

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

N.A.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President N.A.

Secretary N.A.

Treasurer N.A.

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles?

If so, is your principal business the sale of new motor vehicles?

Is your principal business the buying and selling of second hand motor vehicles?

Is your principal business that of a motor vehicle junk dealer?

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

866 ...
.....
.....
.....

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

If so, state name of manufacturer

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

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

If so, in what city — town

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

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

Sign your name in full. *[Signature]*
(Duly authorized to represent the concern herein mentioned)

Residence... *866 ...*

IMPORTANT

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

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

4/10/93
③

SELECTMEN'S MEETING
FEBRUARY 16, 1993

The Board of Selectmen held their regular meeting on Tuesday, February 16, 1993, present were Nancy Tavernier, Dore' Hunter, Norm Lake, and Town Manager Johnson Absent: Anne Fanton, William Mullin, and Recording Secty (minutes prepared from Mgr. and Asst. Mgr's Notes).

CITIZENS' CONCERNS

Ralph Sandford asked the Board to reconsider their position on the amount of override; he felt it was too large.

Dore' will go to the School Committee meeting regarding cuts. He would like them in a rank order cut list. Given the alphabetic listing of cuts he feels they are unclear at this point in time.

Nancy reminded the Board that the last day to adjust is February 23, 1993.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISION
JOSEPH REED LANE POLE LOCATION

DORE' HUNTER - Moved to approve. NORM LAKE - Second.
UNANIMOUS VOTE.

TRIPLE A SUPERMARKET - BEER AND WINE LIQUOR LICENSE

Mr. Gratezeno representing Triple A outlined the store's history in Acton. They have been in business in the Acton store for 20 years and have a lease for an additional 15 years. They have been active and are committed to the community. They acknowledge that the license to sell beer and wine is a serious responsibility. They pledge to comply with all rules and regulations. They plan to store the liquor in a locked cage and six key holders with at least 12 years experience with Triple A who are at least 35 years old will have access to the areas. The liquor will be locked and the secondary displays will be covered on Sundays. They plan to pull any required permits to alter the premises to accommodate the sale of liquor. They plan to train employees regarding the proper I'ding of purchasers and only cashiers over age 18 will be used to check out orders with liquor. The front end manager will be responsible for monitoring the sale and will ring any orders if under age checkers are on registers. They will have strict internal theft control and have an alarmed fire door. They propose the card and floral area to be used as

the liquor sales area with holiday display on the entrance path of the store. They will have no single bottle sales of beer only 6,12 and full cases will be sold. The hours for sale will be the hours of the store operation.

Nancy expressed concern about the job reduction that might be caused to the younger employees. Dore' felt that the granting of this license would set a precedent for the town. Dore' further requested an outline of full policy. Dore' suggested that only the rear of the store be used for the sale and display of liquor and that registers be designated for liquor purchases.

Steve Steinberg representing the package store owners spoke in opposition to supermarket licenses.

- 1) All supermarkets may request licenses (4 Major)
- 2) They did not supply the floor plan as required
- 3) Mentioned that a number of items makes beer and wine sales difficult to track
- 4) Is there a public need?
- 5) Littleton, Westford can be open 52 Sunday's because of closeness
- 6) License to cover entire store
- 7) Section 13B not properly answered, and listed several other deficiencies with the license. He stated he was not notified as abutter.

Dore' said he was inclined to move to have 5 selectmen rule on this issue and to address it with a full board, accepting a re-submission without prejudice.

TOWN CLERK INTERVIEWS

The Board interviewed the three finalists for the Town Clerk's position. Cathy Belbin, Mary Will and Sandra Taglieri. After interviewing all three candidates, the Board took the appointment of the Town Clerk under advisement.

CONSENT CALENDAR

DORE' HUNTER - Moved to accept the consent calendar as printed. NORM LAKE - - Second. UNANIMOUS VOTE

SELECTMEN'S CONCERNS

Mill Corner - The Board discussed Mr. Sweeney's offer of a 300,000 gift to the Town in lieu of affordable housing units. Nancy felt it is incumbent upon the Selectmen to determine the feasibility of the sewer system.

The Board asked the Town Manager to check with SEA for the cost and feasibility of a package sewage plant in conjunction with this gift. The Board decided to spend up to \$30,000 from the Great Hill gift account for design, if it is determined that the project is feasible. The Manager was asked to develop information and place this subject on the next agenda for discussion. DORE' HUNTER - Moved that no more spending take place from the "Slattery Money" until the question of sewers is resolved. NORM LAKE - Second. UNANIMOUS VOTE.

TOWN CLERK APPOINTMENT - The Board discussed the interviewees. Dore' Hunter stated that he felt Ms. Taglieri was the weakest of candidates with respect to municipal and record keeping skills. He felt the other two candidates were close in qualifications. DORE' HUNTER - Moved to appoint Catherine Belbin as Town Clerk for a three year term. NORM LAKE - Second. UNANIMOUS VOTE.

TOWN MANAGER'S CONCERNS

Marty Meehen: Don informed the board about the upcoming forum with Congressman Meehen to be held on March 4, at 7:30 and he would like to meet with the board at 7:00.

Cablevision - The Cablevision office offered to make a presentation to the board on the channel line up. The Board asked that it be passed on to the Cable Committee.

Sawyer Dog Complaint - Don reported that Mr. Sawyer had filed an appeal and recommended that the Selectmen take no further action at this time.

Junk Car Violation - Central Street - The Board noted that an enforcement letter was necessary. NORM LAKE - Moved to authorize a violation letter be sent to Mr. Ahearn on behalf of the Selectmen. DORE' HUNTER- Second. UNANIMOUS VOTE.

NEWSC release documents - DORE' HUNTER - Moved to re-vote the Selectmen's earlier vote with new wording as presented and directed that the results of the vote be forwarded with a notation that the Board of Selectmen had voted this authorization with the express understanding that the documents are indential except for the names of the towns and their tonnage; the Town Manager was authorized to sign the documents on behalf of the Town. NORM LAKE - Second. UNANIMOUS.

The Board adjourned at 11:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(361)

FEBRUARY 12, 1993

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

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AGENDA

ROOM 204

7:30 P.M.

FEBRUARY 16, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

- 1. 7:31 BOSTON EDISON POLE LOCATION - JOSEPH REED LANE
- 2. 7:45 TRIPLE A MARKET - BEER AND WINE PACKAGE STORE LICENSE - Enclosed please find the application and staff comment for board review and action on Triple A's request for a Beer & Wine License at 248 Great Road.
- 3. 8:00 CATHERINE BELBIN - Town Clerk Interview - Enclosed please find Ms. Belbin's resume and attachments for board review.
- 4. 8:30 MARY WILL - Town Clerk Interview - Enclosed please find Ms. Will's resume and attachments for Board review.
- 5. 9:00 Sandra Taglieri - Town Clerk Interview - Enclosed please find Ms. Taglieri's resume and attachments for Board review.

III. CONSENT AGENDA

- 6. Selectmen's Minutes - Enclosed please find minutes from the January 19 and 26 Meeting for Board approval.
- 7. Acceptance of Gift - Enclosed please find a request from the West Acton Library for acceptance of a restricted gift from Digital Equip. for Board action.
- 8. Corporate Donation - Enclosed please find a request for the Selectmen to accept a donation of a NEC Personal Computer, etc. for Police Department use.

IV. SELECTMEN'S CONCERNS

9. MILL HILL - Enclosed please find information regarding the Proposed Gift to the Town of Acton for South Acton Revitalization for Board discussion.

V. TOWN MANAGER'S REPORT

10. Town Clerk - Enclosed please find several pieces of correspondence in regard to the Town Clerk's Position.
11. Sawyer Dog Issue - Enclosed find report from staff. The Town Manager will seek direction of the Board.
12. Junk Car Violation - Enclosed please find Police Dept. report and Town Manager's Recommendation.

VI. EXECUTIVE SESSION**VII. MEETINGS****VIII. ADDITIONAL INFORMATION**

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

IX. FUTURE AGENDAS

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

March 2, 1993 -

- Street Acceptance Hearings
- Charter Road Layout at Haartz Hearing
- Amendments to Traffic Rules and Orders
- Nursing Service Discussion

March 16, 1993

March 30, 1993 - Election - Mtg. begins at 8:00P.M.

April 5, 1993

April 20, 1993

777 acs

4/10/93
(3)

**SELECTMEN'S MEETING
MARCH 16, 1993**

The Board of Selectmen held their regular meeting on Tuesday, March 16, 1993, present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None expressed

PUBLIC HEARINGS AND APPOINTMENTS

**BOSTON EDISION
DAVIS ROAD**

NORM LAKE - Moved to approve. DORE' HUNTER - Second.
UNANIMOUS VOTE.

CONSENT CALENDAR

DORE' HUNTER Moved to accept the consent calendar as printed.
NORM LAKE - Second. UNANIMOUS VOTE

SELECTMEN'S CONCERNS

The Chairman publicly thanked the Highway Department for the excellent job performed during the recent snow storm.

LIONS CLUB - DORE' HUNTER - Moved to waive the \$20.00 Tent fee. NORM LAKE - Second. UNANIMOUS VOTE

JENK'S FUND - DORE' HUNTER - Moved to award to the three applications to the Jenk's Fund in the amount requested. NORM LAKE - Second. UNANIMOUS VOTE.

BOY SCOUT INVITATION - Dore' and Norm will represent the Board at the outing.

MMA RESOLUTION - DORE' HUNTER - Moved that the Board of Selectmen indicate support of the MMA Actions as listed and communicate our support to our State and Federal Officials. NORM LAKE - Second. UNANIMOUS VOTE. Bill felt uncomfortable about joining in on this as it represents a case similar to pick and choose "Fund me" much the same as we struggle to avoid to balance services. Don Johnson to send letter to our representatives and MMA expressing our support.

CABLE TV COMMITTEE APPOINTMENTS - Dore' asked how many members were to be appointed, Nancy said 5-7. Anne thought that Don Gilberti's appointment should be considered carefully as he

currently represents the town on another time consuming board. Bill was concerned that Don Gilberti had volunteered and he should be considered. VCC had said they did not see a conflict after they had reviewed and had given their recommendation. Anne felt that the Board of Selectmen had the responsibility to make their decisions after reviewing recommendations from VCC. Norm expressed concern that only one member from the original committee should be appointed at the beginning so as not to direct the committee and that after the Committee had established itself that Don could apply and fill as vacancies occurred. Dore' asked which of the seven was a former member. Nancy indicated John Covert had served on the original Committee.

NORM LAKE - Moved to appoint the original list of seven as submitted, with communication to Don Gilberti that he may reapply in a year after the committee is fully constituted and as openings occur. DORE' HUNTER - Second. 4-1 Bill Mullin NO.

BOARD OF SELECTMEN'S SCHEDULE - The Board discussed upcoming meetings. They will be meeting on April 6 and April 12 & 13th at 6:45 (prior to Town Meeting) staff to arrange for the use of the faculty dining room at the high school. The meeting of the 20th was cancelled and they will meet on April 27th.

WARRANT DISCUSSION - Dore' asked what the School Committees vote/position was on deferral. Dore' thought a vote was required to adopt the deferral plan. Dore' asked that a written communication be send to the Regional School Committee asking them to vote on the regional teacher deferral new amortization schedule, prior to Town Meeting as per Coordinating Committee consensus.

REPRESENTATIVE MEEHEN - Anne and Bill will try to make the new time which has been set up to represent the Board.

EOCD QUESTIONNAIRE - The Board reviewed and made comments to the Manager for inclusion.

E-911- The Board reviewed the current correspondence from the Fire Union. Nancy reminded the Board that it was a Town Meeting Vote two years ago and that it had been accepted. It was a town meeting decision, not a Board decision. Dore' commented that the issue has been voted by the citizens and it is a done deal.

NURSING REVIEW - The Board discussed the draft as prepared by Nancy. Anne noted she wanted Don's concerns outlined in the draft. Bill did not feel we should be dictating the task. Nancy wanted to have the structure for them to follow so it would stay on track. It was decided to amend the letter to include dates of a preliminary report and final report on October 1st. DORE' HUNTER - Moved to adopt draft with changes. NORM LAKE - Second. UNANIMOUS VOTE.

Nancy spoke about the recent editorial in the Beacon and expressed her concern with the inaccurate information within it. After Nancy's conversation with Doris Hilberg, Doris stated that she apparently misunderstood. Bill also was concerned about the accusatory nature of the Editorial, and felt that a retraction and statement should be printed.

WATER DISTRICT MEETING - Norm encouraged the citizens to attend and vote on the Water Districts Articles. Of particular concern was the Cell One Article. Norm was asked to let voters know that the Board of Selectmen supports passage of this article at the Meeting.

TOWN MANAGER'S CONCERNS

SKY LIGHTS - Don reported on the breakage of three sky lights over the Finance wing. No one was hurt. Dean has been instructed to contact the architect to discuss this with him. It is possible that reimbursement might be obtained from FEMA since it can be tied to the snow storm.

EXECUTIVE SESSION

ANNE FANTON - MOVED to go into executive session for the purpose of discussing the exchange of Real Property and Collective Bargaining. DORE' HUNTER - SECOND. Anne Fanton took Roll call, All Ayes.

The Board adjourned at 10:00 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(369)

BOARD OF SELECTMEN
EXECUTIVE SESSION

MARCH 16, 1993

COLLECTIVE BARGAINING - Don outlined the situation currently with regard to the hiring process for the Deputy Chief. He is moving forward and he feels that the town needs to have a non-union person in this position to assist the Chief. This position was left unfilled as a safety net and now Don feels it can be filled and the hiring of a deputy will help the Chief tremendously.

MARSHALL LAND -(for the record Bill will not participate since he knows the purchaser) Anne outlined the 61A committee's review of the lot. The Conservation Commission wants us to look at a swap when the remaining parcel is offered. It was decided to let the public know of the Board's review and possible vote at the next meeting. Anne will draft a short notice to the Beacon letting the public know that the Board will be discussing the waiving of right of first refusal on a 61A parcel at the 30th Board Meeting. Anne asked that we get a written statement from Conservation regarding the preservation of wetlands areas for future negotiations.

MORRISON LAND - Anne outlined the review done by the 61A Committee. The house will remain even if a Nursing Home is built. She further discussed the idea of a land swap using the Arlington Street property. Anne felt we should take a serious look at selling this parcel now, so it is not at the last minute. Norm felt we should look at the Arlington Street property also to be prepared so we would not loose the chance if there were a small window of opportunity which becomes available in the future.

The Board adjourned at 10:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(369)

MARCH 12, 1993

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

#####

AGENDA
ROOM 204
7:30 P.M.
MARCH 16, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 BOSTON EDISION - DAVIS ROAD - Enclosed please find hearing notice and staff comment.
2. 7:35 PLAQUE PRESENTATION - CLOCK REPAIRS

III. CONSENT AGENDA

3. ONE DAY LIQUOR LICENSE - Enclosed please find a request from Congregation Beth Elohim for a One-Day Liquor License in conjunction with their Food and Wine Sale.
4. ENTERTAINMENT LICENSE - Enclosed please find the annual request from the Lion's Club in conjunction with the Towne Fair.
5. VILLAGE SAAB - Enclosed please find two letters relative to Site Plan #7/8/91-332 and staff comment for Board action.

IV. SELECTMEN'S CONCERNS

6. Jenks fund - Enclosed please find this year's request for Board review.
7. Boy Scout Invitation - Enclosed please find an invitation to the Annual Patriot's Day event.
8. MMA Request For Resolution - Enclosed find documents requesting support for proposed MMA Actions.
9. Cable TV Advisory Committee Appointments - Enclosed please find correspondence from VCC regarding recommendations to iCTAC for Board action.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

10. An Executive Session will be needed to discuss the purchase, exchange and value of real property - Please see enclosed materials.

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

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

IX. FUTURE AGENDAS

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

March 30, 1993 - Election - Mtg. begins at 8:00P.M.
Triple A Beer and Wine
Scott Motors- Class II

April 5, 1993
April 20, 1993

781 acs

4/4/93 (4)

Troop I, Acton, Massachusetts (The Isaac Davis Troop)

MAR 30 1993

1916 - 1993

cc: BOS

March 22, 1993

Board of Selectmen
Town of Acton
Town Hall
Acton, MA 01720

Dear Members of the Board:

The Troop I committee requests the honor of your presence at a Court of Honor recognizing the advancement of Andrew Mason to the rank of Eagle Scout on Wednesday, April 28, 1993 at St. Matthews Methodist Church, 435 Central Street, West Acton, Massachusetts.

The Eagle Ceremony will begin at 7:00 p.m., followed by a Reception in the Church Hall.

For every 100 boys who join scouting, two scouts attain the highest rank of Eagle. Therefore, we consider ourselves especially fortunate to be honoring these young men. We hope you will join us on this important occasion.

Sincerely,



Denis LeBlanc
Advancement Chairman
32 Paul Revere Road
Acton, MA 01720
263-1612

cc: BOS

4/10/93
⑤

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 3/30/93

TO: Don P. Johnson, Town Manager

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

SUBJECT: Traffic Signal Warrant Study
Route 27 at Post Office Square

Vanasse Hangen Brustlin, Inc. (VHB) has completed the updated "Traffic Signal Warrant Study" for Main Street (Rte.27) at Post Office Square. Enclosed is a copy of this study. VHB has found that signals are warranted at this location according to the Manual of Uniform Traffic Control Devices published by the Federal Highway Administration (1988).

Upon review of this report by you and the Board of Selectmen. we will need to discuss the next step in implementing this project.

DFA/dmj

cc: R. Bartl, Town Planner
G. Rhodes, Building Commissioner



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
Acton Engineering Department
472 Main Street
Acton, MA 01720

Date: March 23, 1993

Project No.: 3507.21

From: Vanasse Hangen Brustlin, Inc.

Re: Traffic Signal Warrant Study
Route 27 at Post Office
Square

Vanasse Hangen Brustlin, Inc. (VHB) under contract with the Town of Acton has completed a warrant analysis study for the intersection of Route 27 and Post Office Square.

Route 27 is a two-lane arterial in the Town of Acton. The corridor extends from the Maynard Town Line, through the Town's Center to Chelmsford with major intersections at Route 111, Route 2, and Route 2A. Presently, Route 27 serves as a link for commercial and residential users between these two routes. Post Office Square is a commercial/office subdivision roadway serving primarily office and institutional users. The roadway is two lanes wide with right turns to Route 27 removed from general traffic flow by the large island. The fourth leg of the intersection is the driveway to an office building.

Warranting conditions for a traffic control signal as stated in the MUTCD (Manual of Uniform Traffic Control Devices) are based on traffic volume, pedestrian volume, speed, delay and/or angle-type accident occurrence. To justify the installation of a traffic signal at the intersection of Route 27 and Post Office Square, warrant analyses based on a combination of vehicular volumes and speeds were performed.

Turning movement counts were collected for the morning, midday and evening peak hour periods. These counts were compared to 24-hour counts conducted on Route 27 and Post Office Square to perform the warrant analyses. Only the left turns volumes from the minor street approach (Post Office Square) were used in the analysis as the right turns are not signal controlled in the proposed signal design. (Through movement from Post Office Square to the office building were inconsequential).

The percentage of left turns from Post Office Square to Route 27 eastbound were examined for the 3 peak periods (morning, midday, and evening). It was determined that the heaviest peak hour left turns occurred during the evening peak hours and the lowest during the morning peak hour. Furthermore, the percentages for the midday and evening peak periods were examined collectively and an average was taken. Based on this examination 50 percent of the minor street approach volume were assumed to be left turning vehicles. The use of this split appears to be reasonable based on the volume data and the activities associated with Post Office operation occurring at the intersection.

Date: March 23, 1993
Ref: 3507.21

Additionally, a speed study was performed on Route 27 roadway to determine the 85th percentile speed. While the average travel speed on Route 27 at the Post Office Square is 40 mph or less, the 85th percentile speed is in excess of 40 mph. Travel speeds varied between a minimum of 26 mph to a maximum speed of 50 mph. Based on this study, the volume requirements for the warrant analyses were reduced by 30 percent (as set forth in the MUTCD) since the 85th percentile speed is in excess of 40 mph.

The general finding of the analyses summarized in Table 1 and Figures 1 and 2, is that signal control is warranted under three individual warrants. The primary condition is Warrant 2, Interruption of Continuous Traffic with reductions taken due to Route 27 speed. The 4-hour Warrant (Number 9) and peak-hour Warrant (Number 11) are also satisfied. It should be noted that the volumes used in the analysis have not been factored to recognize proposed development to be served by Post Office Square. This development would add traffic primarily during the evening peak period, adding to the warranting volumes, but not increasing the number of hours for which warrants are satisfied.

Date: March 23, 1993
Ref: 3507.21

TABLE 1
TRAFFIC SIGNAL WARRANT ANALYSIS
ROUTE 27 AT POST OFFICE SQUARE
ACTON, MASSACHUSETTS

Approach Configuration

Route 27 Eastbound - major approach - one lane
Route 27 Westbound - major approach - one lane
Post Office Square - higher volume minor approach - one lane (left turns only)

Required Approach Volumes - Any Eight Hours

Warrant 1 - Total both directions - 350 vph*
One direction - 105 vph*

Warrant 2 - Total both directions - 525 vph*
One direction - 53 vph*

Volumes

Hour	Major Roadway Total Both Directions Route 27	Minor Roadway** Left Turn Post Office Sq.	Warrant #1 Satisfied	Warrant #2 Satisfied
6:00 - 7:00 AM	397	12	No	No
7:00 - 8:00 AM	861	23	No	No
8:00 - 9:00 AM	1,008	30	No	No
9:00-10:00 AM	855	35	No	No
10:00-11:00 AM	815	61	No	Yes
11:00-12:00 PM	951	68	No	Yes
12:00 - 1:00 PM	962	75	No	Yes
1:00 - 2:00 PM	1,023	65	No	Yes
2:00 - 3:00 PM	1,007	59	No	Yes
3:00 - 4:00 PM	1,252	113	Yes	Yes
4:00 - 5:00 PM	1,359	103	No	Yes
5:00 - 6:00 PM	1,459	74	No	Yes
6:00 - 7:00 PM	999	16	No	No

Based on 2/9/93 data for Route 27 and Post Office Square, it is apparent that a traffic signal is warranted at this location under Warrant #2.

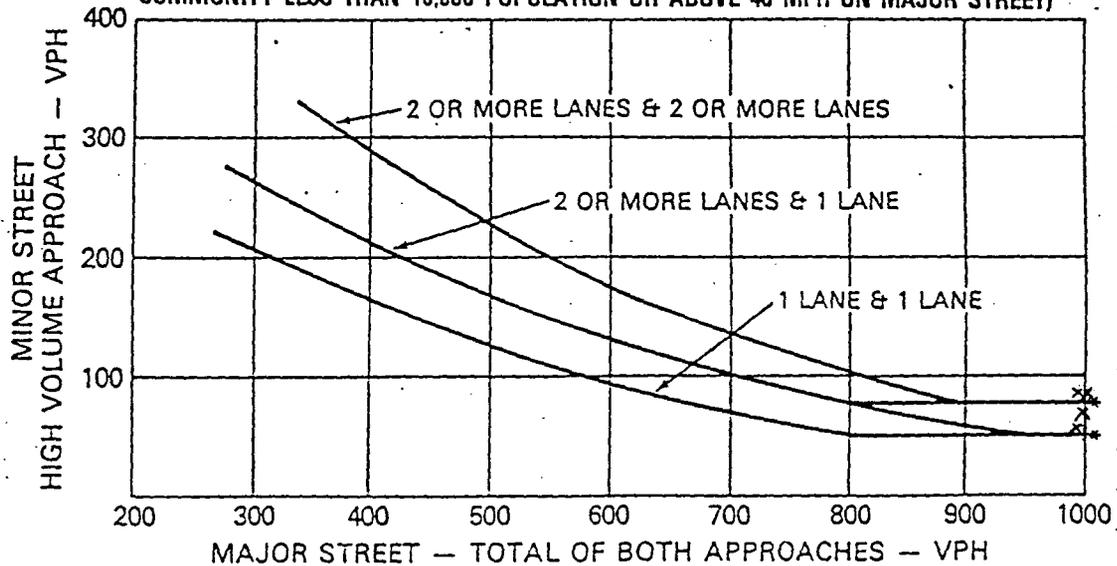
* Volumes are 70 percent of the requirements as the 85th percentile speeds on the major roadway exceed 40 mph.

** Fifty percent of the minor street approach volumes were assumed to be left turning vehicles.

Project ACTON Project # 3507.21
 Location ROUTE 27/P.O.SQ Sheet of
 Calculated by RNR Date 3/8/93
 Checked by Date
 Title WARRANT 9 & 11 ANALYSES

FIGURE 1 FOUR HOUR VOLUME WARRANT

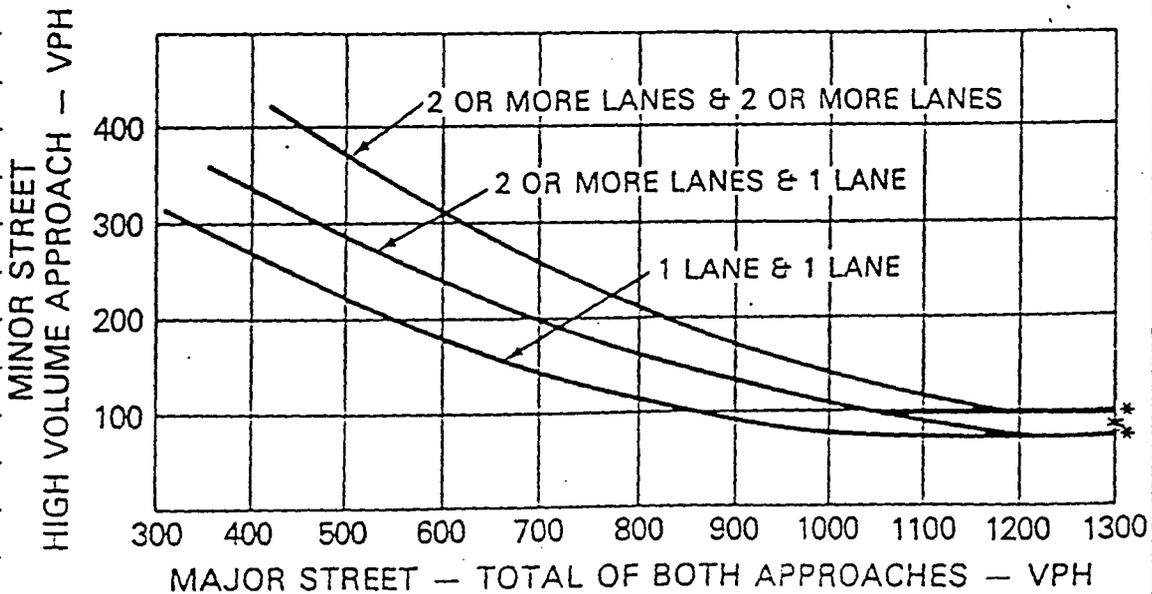
COMMUNITY LESS THAN 10,000 POPULATION OR ABOVE 40 MPH ON MAJOR STREET



*NOTE: 80 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACH WITH TWO OR MORE LANES AND 60 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACHING WITH ONE LANE.

FIGURE 2 PEAK HOUR VOLUME WARRANT

(COMMUNITY LESS THAN 10,000 POPULATION OR ABOVE 40 MPH ON MAJOR STREET)



Vanasse Hang • NOTE: 100 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACH WITH TWO OR MORE LANES AND 75 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACHING WITH ONE LANE.

SITE CODE : 35072102
 Location : Rte.27(East of PO Square)
 Location : Acton, Ma
 Operator : pp

ACCURATE COUNTS

PAGE: 1
 FILE: ACT35072

DATE: 2/09/93

Time BEGIN	EB		WB		COMBINED		DAY: TUESDAY
	AM	PM	AM	PM	AM	PM	
12:00	10	125	5	103	15	228	
12:15	7	112	6	128	13	240	
12:30	3	119	5	139	8	258	
12:45	1	21	2	18	3	39	962
1:00	2	152	3	143	5	295	
1:15	2	132	1	101	3	233	
1:30	0	133	4	110	4	243	
1:45	2	6	1	9	3	15	1023
2:00	1	133	0	135	1	268	
2:15	2	112	0	115	2	227	
2:30	0	126	2	132	2	258	
2:45	2	5	0	2	2	7	1007
3:00	1	145	0	139	1	284	
3:15	1	156	0	154	1	310	
3:30	0	157	1	193	1	350	
3:45	3	5	2	3	5	8	1252
4:00	3	159	2	164	5	323	
4:15	2	195	3	177	5	372	
4:30	0	147	3	167	3	314	
4:45	3	8	4	12	7	20	1359
5:00	5	175	4	175	9	350	
	4	164	6	229	10	393	
	12	177	9	178	21	355	
5:45	19	40	14	33	33	73	1459
6:00	21	130	18	179	39	309	
6:15	35	137	21	123	56	260	
6:30	60	106	56	107	116	213	
6:45	106	222	80	175	186	397	999
7:00	100	103	106	108	206	211	
7:15	106	110	101	68	207	178	
7:30	91	73	121	62	212	135	
7:45	137	434	99	427	236	861	656
8:00	151	73	94	59	245	132	
8:15	178	52	86	74	264	126	
8:30	147	62	114	33	261	95	
8:45	136	612	102	396	238	1008	451
9:00	137	46	109	58	246	104	
9:15	105	51	119	38	224	89	
9:30	78	31	100	36	178	67	
9:45	101	421	106	434	207	855	318
10:00	80	32	106	32	186	64	
10:15	98	21	106	26	204	47	
10:30	96	16	113	26	209	42	
10:45	113	387	103	428	216	815	177
11:00	98	10	117	12	215	22	
11:15	101	7	122	5	223	12	
11:30	105	12	146	7	251	19	
45	141	445	121	506	262	951	70
TOTALS	2606	4815	2443	4918	5049	9733	
DAY TOTALS		7421		7361		14782	
SPLIT %	51.6	49.5	48.4	50.5			
PEAK HOUR	7:45	4:15	11:00	5:15	8:15	5:00	

SITE CODE : 35072101
 Location : Post Office Square
 Location : Acton, MA
 Operator : pp

ACCURATE COUNTS

PAGE: 1
 FILE: ACT35071

DATE: 2/09/93

TIME BEGIN	NB		SB			COMBINED		DAY: TUESDAY
	AM	PM	AM	PM	AM	PM		
12:00	2	32	1	31	3	63		
12:15	1	36	1	36	2	72		
12:30	2	46	1	44	3	90		
12:45	0	36	150	0	3	35	146	
1:00	0	24	1	46	1	70		
1:15	0	38	1	29	1	67		
1:30	1	31	0	32	1	63		
1:45	0	37	130	0	2	37	144	
2:00	0	36	0	29	0	65		
2:15	0	27	0	32	0	59		
2:30	1	25	1	27	2	52		
2:45	0	30	118	1	2	41	129	
3:00	0	51	0	47	0	98		
3:15	0	34	0	40	0	74		
3:30	0	99	1	38	1	137		
3:45	0	41	225	1	2	37	162	
4:00	0	48	3	41	3	89		
4:15	1	50	1	52	2	102		
4:30	1	49	0	33	1	82		
4:45	0	59	206	1	5	50	176	
5:00	0	55	2	31	2	86		
	1	47	1	12	2	59		
	3	24	5	15	8	39		
5:45	1	21	147	5	13	5	63	
6:00	5	14	13	6	18	20		
6:15	3	8	9	9	12	17		
6:30	6	6	24	7	30	13		
6:45	10	4	32	65	111	4	26	
7:00	14	9	34	5	48	14		
7:15	10	6	22	7	32	13		
7:30	12	2	20	2	32	4		
7:45	9	5	22	38	114	3	17	
8:00	19	9	41	4	60	13		
8:15	15	2	41	2	56	4		
8:30	12	4	27	3	39	7		
8:45	14	9	24	22	131	3	12	
9:00	7	6	19	1	26	7		
9:15	12	0	29	0	41	0		
9:30	22	3	20	1	42	4		
9:45	29	0	9	27	95	0	2	
10:00	28	1	21	0	49	1		
10:15	29	1	36	0	65	1		
10:30	30	2	32	1	62	3		
10:45	35	1	5	31	120	2	3	
11:00	32	2	30	1	62	3		
11:15	33	0	39	0	72	0		
11:30	36	0	29	0	65	0		
	35	136	14	16	24	122	0	
					1	59	258	
							14	
							17	

TOTALS	471		1084		720		881		1191		1965
DAY TOTALS		1555			1601				3156		
SPLIT %	39.5		55.2		60.5		44.8				
BACK HOLD	10:45		3:00		7:45		4:00		10:45		3:30

SITE CODE #: 35072103

ACCURATE COUNTS

PAGE: 1

Location : Rte.27(West of PO Square)

FILE: ACT35073

Location : Acton, MA

DATE: 2/09/93

SDP r : pp

TIME BEGIN	WB		EB		COMBINED		DAY: TUESDAY					
	AM	PM	AM	PM	AM	PM						
12:00	5	108	6	123	11	231						
12:15	3	133	6	114	9	247						
12:30	6	141	5	118	11	259						
12:45	3	112	17	494	1	18	115	470	4	35	227	964
1:00	3	152	2	140	5	292						
1:15	2	104	2	128	4	232						
1:30	4	124	1	124	5	248						
1:45	2	140	11	520	2	7	121	513	4	18	261	1033
2:00	0	146	1	145	1	291						
2:15	1	117	2	118	3	235						
2:30	1	132	0	126	1	258						
2:45	0	152	2	547	1	4	124	513	1	6	276	1060
3:00	0	145	2	147	2	292						
3:15	1	165	0	163	1	328						
3:30	1	171	0	196	1	367						
3:45	3	171	5	652	3	5	158	664	6	10	329	1316
4:00	3	172	2	170	5	342						
4:15	4	144	2	173	6	317						
4:30	2	146	0	140	2	286						
4:45	4	138	13	600	3	7	165	648	7	20	303	1248
5:00	3	156	2	189	5	345						
	7	201	5	177	12	378						
5:15	10	177	10	181	20	358						
5:45	17	172	37	706	17	34	164	711	34	71	336	1417
6:00	25	168	22	133	47	301						
6:15	26	126	30	133	56	259						
6:30	65	110	53	108	118	218						
6:45	115	115	231	519	94	199	101	475	209	430	216	994
7:00	116	106	94	113	210	219						
7:15	110	67	99	111	209	178						
7:30	128	61	95	75	223	136						
7:45	110	56	464	290	124	412	79	378	234	876	135	668
8:00	105	57	147	75	252	132						
8:15	98	76	153	54	251	130						
8:30	114	32	147	63	261	95						
8:45	101	42	418	207	132	579	62	254	233	997	104	461
9:00	107	54	136	50	243	104						
9:15	109	35	107	47	216	82						
9:30	101	34	84	34	185	68						
9:45	114	30	431	153	113	440	27	158	227	871	57	311
10:00	108	35	95	31	203	66						
10:15	130	22	107	21	237	43						
10:30	117	26	96	16	213	42						
10:45	112	13	467	96	119	417	10	78	231	884	23	174
11:00	120	9	111	11	231	20						
11:15	132	5	110	6	242	11						
11:30	153	8	122	14	275	22						
	109	514	4	26	137	480	13	44	246	994	17	70
TOTALS	2610	4810	2602	4906	5212	9716						
DAY TOTALS		7420		7508		14928						
SPLIT %	50.1	49.5	49.9	50.5								
TIME RANGE	12:00	5:15	3:00	4:45	7:45	5:00						

ACCURATE COUNTS

CODE : 1

File : 35072101

r Street : Route 27

Minor Street : Post Office Sq.

Date : 02/09/93

Weather : Clear, Cold

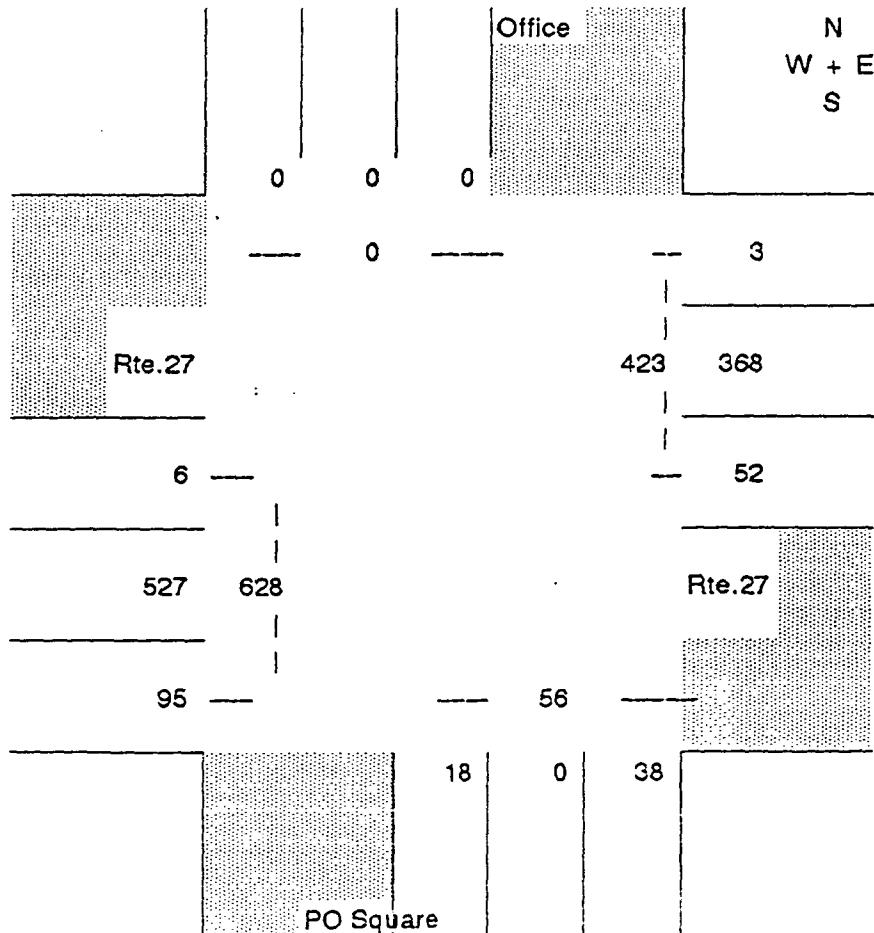
Sum Movements: Vehicles

Peak Period Analysis For The Period: 7:00AM - 9:00AM

Direction From	Start Peak Hour	Peak HR FactorVolumes.....			Percents.....		
			Left	Thru	Right	Total	Left	Thru	Right
North	7:45AM		0	0	1	1	0%	0%	100%
South	7:45AM	0.79	21	0	39	60	35%	0%	65%
East	7:00AM	0.88	49	394	0	443	11%	89%	0%
West	7:45AM	0.90	7	535	92	634	1%	84%	15%

Entire Intersection

North	7:30AM		0	0	0	0	0%	0%	0%
South		0.16	18	0	38	56	32%	0%	68%
East		0.92	52	368	3	423	12%	87%	1%
West		0.90	6	527	95	628	1%	84%	15%



ACCURATE COUNTS

SI CODE : 1
 Street : Route 27
 Minor Street : Post Office Sq.
 Weather : Clear, Cold

File : 35072101

Date : 02/09/93

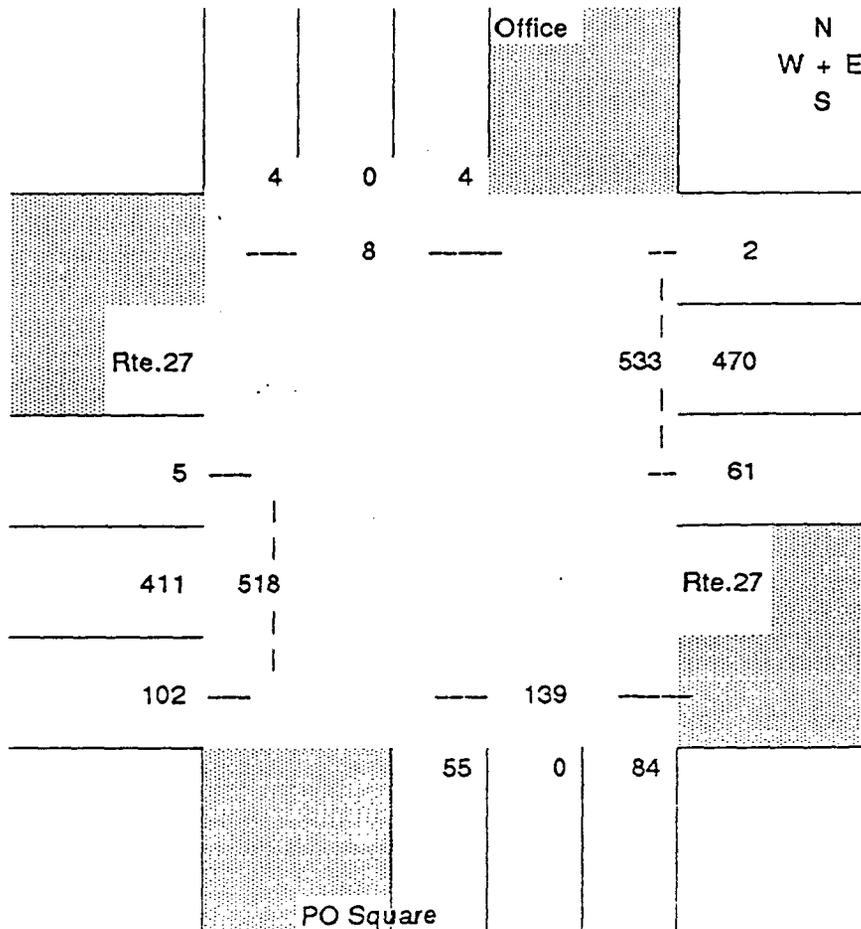
Sum Movements: Vehicles

Peak Period Analysis For The Period: 11:30AM - 1:00PM

Direction From	Start Peak Hour	Peak HR FactorVolumes.....			Percents.....		
			Left	Thru	Right	Total	Left	Thru	Right
North	12:30PM	0.83	3	0	7	10	30%	0%	70%
South	11:45AM	0.82	61	0	86	147	41%	0%	59%
East	12:00PM	0.95	61	470	2	533	11%	88%	0%
West	12:30PM	0.84	3	436	108	547	1%	80%	20%

Entire Intersection

North	12:00PM	0.67	4	0	4	8	50%	0%	50%
South		0.13	55	0	84	139	40%	0%	60%
East		0.95	61	470	2	533	11%	88%	0%
West		0.80	5	411	102	518	1%	79%	20%



ACCURATE COUNTS

CODE : 1

File : 35072101

Major Street : Route 27

Minor Street : Post Office Sq.

Date : 02/09/93

Weather : Clear, Cold

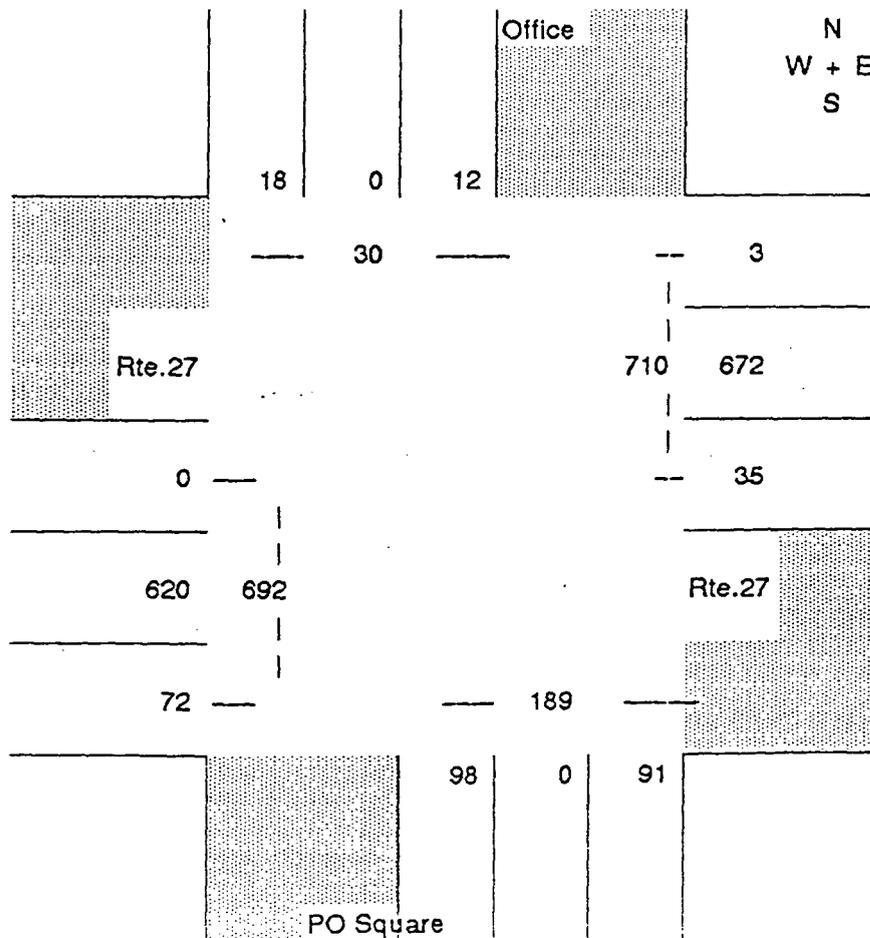
Sum Movements: Vehicles

Peak Period Analysis For The Period: 4:00PM - 6:00PM

Direction From	Start Peak Hour	Peak HR FactorVolumes.....			Percents.....		
			Left	Thru	Right	Total	Left	Thru	Right
North	5:00PM	0.64	17	0	19	36	47%	0%	53%
South	4:00PM	0.90	117	0	100	217	54%	0%	46%
East	5:00PM	0.87	10	725	0	735	1%	99%	0%
West	4:30PM	0.96	0	620	72	692	0%	90%	10%

Entire Intersection

North	4:30PM	0.54	12	0	18	30	40%	0%	60%
South		0.79	98	0	91	189	52%	0%	48%
East		0.83	35	672	3	710	5%	95%	0%
West		0.96	0	620	72	692	0%	90%	10%



TURNING MOVEMENT COUNT REDUCTION WORKSHEET

INTERSECTION: Route 27, Post Office Square & Office Building / Acton

DATE OF COUNT: 02/09/93

JOB NUMBER 3507.21

TUESDAY MORNING

Time	Route 27 EB			Route 27 WB			P.O. Square NB			Office Park SB			Total	Sum to Hours
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right		
7:00-7:15	0	89	14	9	98	0	4	0	6	0	0	0	220	XXX
7:15-7:30	0	78	11	9	117	0	2	0	11	0	0	0	228	XXX
7:30-7:45	1	116	22	15	94	0	3	0	7	0	0	0	258	XXX
7:45-8:00	0	132	25	16	85	0	7	0	12	0	0	0	277	983
8:00-8:15	2	144	30	11	86	1	2	0	13	0	0	0	289	1052
8:15-8:30	3	135	18	10	103	2	6	0	6	0	0	0	283	1107
8:30-8:45	2	124	19	4	92	0	6	0	8	0	0	1	256	1105
8:45-9:00	1	128	14	4	98	2	3	0	4	0	0	0	254	1082
Total:	9	946	153	78	773	5	33	0	67	0	0	1	2065	

Peak Hour

Total:	6	527	95	52	368	3	18	0	38	0	0	0
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Peak Hour

Trucks:	0	12	1	1	6	0	0	0	1	0	0	0
---------	---	----	---	---	---	---	---	---	---	---	---	---

% Trucks by

Approach:	0%	2%	1%	2%	2%	0%	0%	0%	3%	0%	0%	0%
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Peak Hour Factor: 0.96

TUESDAY EVENING

Time	Route 27 EB			Route 27 WB			P.O. Square NB			Office Park SB			Total	Sum to Hours
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right		
4:00-4:15	3	145	38	14	143	1	28	0	23	0	0	0	395	XXX
4:15-4:30	1	114	23	11	139	1	29	0	20	1	1	1	341	XXX
4:30-4:45	0	135	33	17	136	0	29	0	31	0	0	1	382	XXX
4:45-5:00	0	155	21	11	155	0	31	0	26	2	0	4	405	1523
5:00-5:15	0	159	9	2	210	1	30	0	17	6	0	8	442	1570
5:15-5:30	0	171	9	5	171	2	8	0	17	4	0	5	392	1621
5:30-5:45	2	155	4	1	178	0	14	0	7	3	0	2	366	1605
5:45-6:00	2	131	4	2	166	0	9	0	4	4	0	4	326	1526
Total:	8	1165	141	63	1298	5	178	0	145	20	1	25	3049	

Peak Hour

Total:	0	620	72	35	672	3	98	0	91	12	0	18
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Peak Hour

Trucks:	0	14	4	2	9	1	2	0	3	1	0	2
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% Trucks by

Approach:	0%	2%	6%	6%	1%	33%	2%	0%	3%	8%	0%	11%
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ACCURATE COUNTS
 10 Weare Street
 So. Lawrence, MA 01843
 (508) 681-4735

TURNING MOVEMENT COUNT REDUCTION WORKSHEET

INTERSECTION: Route 27, Post Office Square & Office Building / Acton

DATE OF COUNT: 02/09/93

JOB NUMBER 3507.21

TUESDAY AFTERNOON

Time	Route 27 EB			Route 27 WB			P.O. Square NB			Office Park SB			Sum to	
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Total	Hours
11:30-11:45	0	118	19	5	98	0	18	0	16	1	0	0	275	XXX
11:45-12:00	0	107	17	14	93	0	13	0	19	0	0	0	263	XXX
12:00-12:15	3	97	19	18	111	1	13	0	22	1	0	0	285	XXX
12:15-12:30	0	92	24	20	121	0	18	0	27	2	0	0	304	1127
12:30-12:45	1	97	23	13	105	1	17	0	18	0	0	3	278	1130
12:45-1:00	1	125	36	10	133	0	7	0	17	1	0	1	331	1198
1:00-1:15	1	103	23	6	100	2	21	0	17	0	0	2	275	1188
1:15-1:30	0	111	26	5	107	0	17	0	14	2	0	1	283	1167
Total:	6	850	187	91	868	4	124	0	150	7	0	7	2294	

Peak Hour

Total:	5	411	102	61	470	2	55	0	84	4	0	4
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P Hour

s:	0	8	1	0	11	0	0	0	1	0	0	0
----	---	---	---	---	----	---	---	---	---	---	---	---

% Trucks by

Approach:	0%	2%	1%	0%	2%	0%	0%	0%	1%	0%	0%	0%
-----------	----	----	----	----	----	----	----	----	----	----	----	----

Peak Hour Factor: 0.90

CC: BOS

D. ABBT, D. CHARTER, R. BARTL

INTERDEPARTMENTAL COMMUNICATION

JAN 19 1993

TO: Don Johnson, Town Manager

FROM: Anne Forbes, Historic District Commission *kwf*

SUBJECT: Town Common traffic circulation and potential re-design

DATE: January 13, 1993

Thank you for requesting the Historic District Commission's input on possible solutions to the traffic problems at the Town Common. As we all know, this is a very difficult situation to solve without diminishing the character of the center by either installing a traffic signal or taking land from the common, or both, and the Commission was unable to come up with any unanimous recommendations. The Campbell Associates proposals gave us some food for thought, however, and elicited the following comments from Commission members.

Most of our discussion centered on the trade-offs inherent in both of the Campbell Associates ideas. We also discussed what we felt the overall priorities would be for any traffic redesign from the Historic District Commission's point of view, i.e. the preservation of the historic and architectural character and significance of the Acton Center district:

1. One high priority, of course, was the preservation of the land remaining at the triangle of the common, which as you know has diminished bit by bit over the decades from a long, tree-lined green extending north to Nagog Hill Road. No one wanted to see it further reduced to a traffic island, although the point was made that even now it is an isolated space that is not used by the public, except for ceremonial occasions. Three members felt that even a traffic light would be preferable to cutting into the common, if a signal turned out to be the only possible alternative. A signal is at least an item added to the town center, which theoretically might be replaced in the future by some other means. Removing part of the common, however, even if it involved the addition of grassed islands, was seen as a permanent diminishing of something that gives the center its character.

2. A less obvious, possibly conflicting priority, but an important part of the experience of the center as a historic area, had to do with the type of traffic circulation that each solution might generate. There was a strong feeling that any proposal should aim for a continuous, even if heavy, flow of traffic, as the type of noise of that type of circulation is more in keeping with the village center character than the stop-and-go noise and motion produced by intermittent idling and acceleration at a traffic signal.

Other than these two considerations, our discussion centered on a few questions raised by a study of the two Campbell Associates proposals:

- Alternative 1: the "jug handle" at Nagog Hill Road was one of the main factors here. It only appears to be workable if no more than one or two cars have to wait there at a time; otherwise cars making the U-turn there would be likely to block Main Street.

-- Alternative 2 (rotary): generally, the turns and clearances here look dangerously tight. Concern was expressed as to how you could ensure that traffic would slow down for it, even with speed-limit signs. The character of a rotary, of course, is likely to be more urban than the present triangle, and the monument area would feel even more isolated from the rest of the neighborhood.

Other points raised were the status of any plans for installing parking spaces on the west side of Main Street, and for the installation of a traffic signal at Post Office Square. The impact on and from those should be kept in mind in designing anything new at the common.

Finally, the most novel idea raised in the discussion was the question of what would happen if the northern leg of Concord Road were to be eliminated altogether, and the area grassed over, connecting the east side of Main Street with the common. It would probably mean that all traffic from the east would go up Nagog Hill Road, with both left and right turns made onto Rte 27 at the Main/Nagog Hill corner, but what else????

11/10/92
19

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: John Murray, Assist. Town Manager DATE: October 30, 1992

FROM: Roland Bartl, Town Planner *R.B.*

SUBJECT: Acton Center Traffic Management

Attached please find estimates/proposals by two firms for a traffic management study in Acton Center:

1. Bruce Campbell & Associates, Inc. runs at \$3,500.00.
2. Vanasse Hangen Brustlin, Inc. runs at \$4,500.00 for one option, and at \$16,000.00 for a second option.

I had also contacted HMM Associates, Inc. While they did not respond in writing, Andre Bover of HMM quoted to me over the telephone a figure of up to \$10,000.00.

I have no recommendations at this time. Once again I wish to express my hope that remaining Master Plan funds stay reserved for Village Plans.

cc: David Abbt

[RHB.IDC.92*13]

September 29, 1992

Bruce Campbell
Bruce Campbell & Associates, Inc.
38 Chauncy Street, Suite 701
Boston, MA 02111

REGARDING: Cost Estimate for Traffic Management Study - Acton Center

Dear Mr Campbell:

The Board of Selectmen has asked me to collect cost estimates for the study and design of traffic management solutions that could eliminate (or postpone) the need for a traffic signal in Acton Center at the intersection of Main Street (Route 27) with Newtown Road and Concord Road. Continuous and heavy traffic flow on Main Street causes left in/out turns and cross movements to be difficult and hazardous particularly during peak hours.

Alternatives to a signal may include, but need not be limited to turn restrictions and one-way rules. The study should deliver one or more possible alternative measures or combination of measures, an assessment and recommendation on their feasibility and effectiveness, and an assessment of the impacts on other roadway links and intersections within Acton's street network.

Would you be so kind and respond with a rough cost estimate or range for such a study at your earliest convenience. Thank You.

Sincerely,

Roland Bartl
Town Planner

Enclosures

cc: Don P. Johnson
David Abbt

[RHB.LET.92*2]

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

September 29, 1992

John Kennedy
Principal
Vanasse Hangen Brustlin, Inc.
101 Walnut Street
P.O. Box 9151
Watertown, MA 02272

REGARDING: Cost Estimate for Traffic Management Study - Acton Center

Dear John:

The Board of Selectmen has asked me to collect cost estimates for the study and design of traffic management solutions that could eliminate (or postpone) the need for a traffic signal in Acton Center at the intersection of Main Street (Route 27) with Newtown Road and Concord Road. Continuous and heavy traffic flow on Main Street causes left in/out turns and cross movements to be difficult and hazardous particularly during peak hours.

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Sincerely,

Roland Bartl
Town Planner

Enclosures

cc: Don P. Johnson
David Abbt

[RHB.LET.92*2]

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

September 29, 1992

T. Andre Bover
HMM Associates, Inc.
196 Baker Avenue
Concord, MA 01742

REGARDING: Cost Estimate for Traffic Management Study - Acton Center

Dear Mr. Bover:

The Board of Selectmen has asked me to collect cost estimates for the study and design of traffic management solutions that could eliminate (or postpone) the need for a traffic signal in Acton Center at the intersection of Main Street (Route 27) with Newtown Road and Concord Road. Continuous and heavy traffic flow on Main Street causes left in/out turns and cross movements to be difficult and hazardous particularly during peak hours.

Alternatives to a signal may include, but need not be limited to turn restrictions and one-way rules. The study should deliver one or more possible alternative measures or combination of measures, an assessment and recommendation on their feasibility and effectiveness, and an assessment of the impacts on other roadway links and intersections within Acton's street network.

Would you be so kind and respond with a rough cost estimate or range for such a study at your earliest convenience. Thank You.

Sincerely,

Roland Bartl
Town Planner

Enclosures

cc: Don P. Johnson
David Abbt

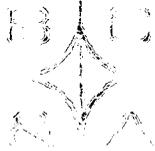
[RHB.LET.92*2]

Request to:

TOWN OF ACTON

For:

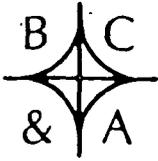
**Study and Design of Traffic Management Solutions
at the Intersection of Main Street (Route 27)
with Newtown Road and Concord Road**



Bruce Campbell & Associates, Inc.

Transportation Planning & Services
1000 Main Street, Suite 100
Acton, MA 01726
Phone: 978-261-1111
Fax: 978-261-1112
www.brucecampbell.com

October 1997



Bruce Campbell & Associates, Inc.

Transportation Engineers and Planners

PRINCIPALS

Bruce Campbell, P.E.
Georgy Bezkorovainy, P.E.
Michael Gruenbaum, P.E.
Gultekin Sultan, P.E.

ASSOCIATE

Vedat Alsan, P.E.

October 9, 1992

Mr. Roland Bartl
Town Planner
Town of Acton
472 North Main Street
Acton, Massachusetts 01720

Dear Mr. Bartl:

Bruce Campbell & Associates, Inc. (BC&A) is pleased to submit this proposal for conducting a traffic management study in Acton Center. We have presented two alternative measures that postpone or eliminate the need for a traffic signal in Acton Center at the intersection of Route 27 with Newtown Road and Concord Road. Alternative 1 deals with turn prohibitions and changes in one-way patterns; this alternative only postpones the need for a signal. Alternative 2 creates an Acton Center rotary and eliminates the need for a traffic signal. However, this alternative encroaches on the Acton Common and may not be viewed favorably by Acton public officials and residents. We include Alternative 2 only to illustrate the relative disruption to a sensitive and historical location caused by signalization vs. a non-signalization solution. Both alternatives (Alternative 1 and Alternative 2) will be fully analyzed, however.

I will serve as Project Advisor and Bonnie Polin and Bob Tong will be assigned as the Project Manager and Traffic Engineer, respectively. A copy of the firm's qualification and appropriate resumes are attached.

Our estimated fee for this traffic management study is \$3,500. If this is acceptable to the Town, please sign the attached agreement. A signed copy of this proposal will serve as notice to proceed. We are looking forward to hearing from you on this interesting project.

Very truly yours,

Georgy Bezkorovainy
Vice President

P594-92

ACTON CENTER TRAFFIC MANAGEMENT STUDY

INTRODUCTION

The Acton Master Plan identifies the intersection of Route 27 with Concord Road and Newtown Road as a high accident intersection and calls for the installation of a traffic signal. Prior to implementation of this measure, the Master Plan recommends a study of alternative transportation management solutions.

BC&A staff have reviewed the applicable sections of the Acton Master Plan, made a field visit of the Acton Center and offer the following alternatives for consideration.

Alternative 1 - Turn Restrictions and One-way Streets

This plan is illustrated in Figure 1 and contains the following changes:

- Make Concord Road one-way eastbound from Route 27 to Wood Lane.
- Make the other leg of Concord Road to the north one-way northbound from Concord Road to Route 27.
- Modify lane markings on Route 27 at Newtown Road to contain a left-turn lane into Concord Road.
- Modify lane markings on Route 27 at Nagog Hill Road to contain a left-turn lane on northbound Route 27.
- Modify the circulation of Nagog Hill Road, west of Main Street, to contain a one-way pattern around the island.
- Institute the following peak hour restrictions (7:00-9:00 AM and 4:00-6:00 PM):
 - Northbound Concord Road leg at Route 27--No Left Turn
 - Eastbound Woodbury Lane at Route 27--No Left Turn
 - Town Hall driveway exit--No Left Turn
 - Eastbound Newtown Road at Route 27--Right Turn Only

The first alternative imposes left turn prohibitions during the peak hours from Newtown Road, Woodbury Lane and the Concord Road leg to the north. Traffic from Concord Road and Wood Lane wishing to turn left (southerly) on Route 27 will need to turn right onto Route 27, proceed to Nagog Hill Road, make a left turn at that intersection and reverse direction by going around the island. The island becomes a "jug-handle." Alternatively, some westbound motorists may prefer to proceed to Route 27/Nagog Hill Road via the intersection of Concord Road/Nagog Hill Road.

Eastbound traffic from Newtown Road, Woodbury Lane, the Town Hall or the Acton Memorial Library wishing to turn left on Route 27 will be required to turn right from Woodbury Lane, proceed to the left-turn pocket at Concord Road, make a left turn into southbound Concord Road and re-enter eastbound Route 27 via the north leg of Concord Road. Newtown Road drivers will be required to divert to Woodbury Lane in order to access the left-turn pocket on Route 27.

This plan will place additional burden on the Nagog Hill Road/Route 27 intersection, and analysis will need to be performed to make sure that the diversion does not present a serious degradation in operation. Also, fire apparatus may be required to proceed the wrong way on the two newly-created one-way streets.

Alternative 1 is a short-term solution which will only postpone the installation of signals at the intersection of Route 27 with Concord Road and Newtown Road. When the signal is installed, both segments of Concord Road should be made two-way again, and turn restrictions should be removed from other intersections. Under the Build-out scenario, Alternative 1 will fail and Route 27 will have to be widened. Our traffic analysis will determine the estimated duration of this transportation management solution and when signalization will be required.

Alternative 2 - Acton Center Rotary

This plan creates a one-way southbound section of Route 27 and a parallel one-way northbound roadway through the Acton common area, as shown in Figure 2. The park area lost to roadway construction can be reclaimed in equal measure by narrowing Route 27 and constructing large traffic islands at Route 27. Concord Road and the leg to the north would be designated one-way, as in Alternative 1. Because of the close proximity of the fire station, corner radii will have to be designed to generous standards; otherwise, fire apparatus may have to travel the wrong way on the newly-created one-way streets. This plan would consist of the following elements:

- Left turns from the east side of Route 27 would be made where the north leg of Concord Street meets Route 27. This turn would be easier than today because of the one-way flow pattern.
- Left turns from Newtown Road would be prohibited at all times. Acton residents would be asked to detour to Woodbury Lane to accomplish that maneuver.
- Left turns from the Town Hall, Acton Memorial Library and Woodbury Lane would be accomplished by making a right turn and reversing direction via the newly-formed rotary.
- Speeds on eastbound Route 27 would be significantly reduced by rerouting northbound Route 27 around the Monument.

- Pedestrian safety should be enhanced due to the narrowing of Route 27 and minimizing the number of conflicts at any one point. Potential crosswalks are shown in Figure 2.
- No changes in traffic are anticipated at the Route 27/Nagog Hill Road with Alternative 2.

Whereas Alternative 1 is an interim solution that postpones the signalization of Acton Center, Alternative 2 can be viewed as a long-term solution which should not require future signalization. Traffic analysis of Alternative 2 will deal with existing volumes and built-out volumes as well.

Alternative 2 is presented herewith by BC&A not as a recommendation but as an alternative to signalization, which the Town wants to avoid. When signalization is viewed against the Acton Center Rotary concept, signalization might be preferred by most Acton public officials and residents. Once the analysis is complete, the decision might be posed as an Article in the Town Warrant. At that time, Acton residents will be aware that Alternative 2 can accommodate much heavier traffic volumes predicted for Route 27 in the future without a traffic signal. If this alternative is not used, Route 27 may have to be widened substantially.

SCOPE OF WORK

The following work effort will be involved in evaluating the two transportation management solutions:

Task 1 - Field Reconnaissance and Background Information Search

We will meet with Town officials to obtain a full copy of the Acton Master Plan and to secure backup data that may be contained in its appendices or in other Town files. We will request base drawings of the study area; if unavailable, aerial photos may be used instead. We will meet with the Acton Fire Chief and solicit his input regarding this project.

BC&A will conduct a field visit to obtain geometric measurements, traffic control and operating conditions, including sight distances at critical locations.

Task 2 - Perform Traffic Study

For Alternative 1, we will conduct a delay study at Route 27/Nagog Hill Road. Traffic operations are often more accurately described by measuring actual delays than through computer simulation. At the Acton Common, we will observe traffic operations and record queue lengths at the various conflict points.

Task 3 - Prepare Traffic Reassignments

We will prepare traffic flow diagrams for the AM and PM peak hours for all impacted locations in Acton Center for existing conditions (1989) for both Alternative 1 and Alternative 2. For Alternative 2, we will prepare the diagrams for the future year Alternative build-out.

Task 4 - Traffic Analysis

Level of service analysis will be performed for the impacted intersections for the AM and PM peak hours for the existing conditions. We will estimate the useful life of Alternative 1 and identify the year when signalization of the Acton Center or the Route 27/Nagog Hill Road intersection is required.

For Alternative 2 we will perform analysis of the rotary for the full build-out year.

Task 5 - Cost Estimate

We will provide a detailed cost estimate for Alternative 1. For Alternative 2 only an order-of-magnitude cost estimate will be provided.

Task 6 - Report

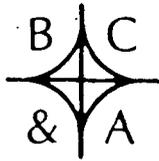
A report summarizing our findings of Tasks 1-5 will be produced. Included will be an assessment and recommendation on the alternatives' feasibility and effectiveness. The Town will be given an opportunity to review the Draft copy.

Task 7 - Meetings

In addition to the Task 1 meeting(s), one additional meeting is proposed under this phase. Any follow-up meetings will be billed at our standard hourly rates.

BRUCE CAMPBELL & ASSOCIATES, INC.
ACTON CENTER TRAFFIC MANAGEMENT STUDY
MANPOWER AND FEE ESTIMATE

A. ESTIMATED STAFFING (person hours)	Project Advisor	Project Manager	Traffic Engineer	Drafter/ Technician
Task 1 - Field Reconnaissance and Information Search	1	7	2	-
Task 2 - Perform Traffic Study	-	2	4	-
Task 3 - Traffic Reassignments	.5	3	3	3
Task 4 - Traffic Analysis	.5	3	4	1
Task 5 - Cost Estimate	.5	3	4	1
Task 6 - Report	1.5	6	3	2
Task 7 - Meetings	-	3	-	-
TOTAL PERSON HOURS	4.00	27.00	20.00	7.00
B. FEE ESTIMATE				
	Project Advisor	Project Manager	Traffic Engineer	Drafter/ Technician
Total Person Hours	4.00	27.00	20.00	7.00
Rate Per Hour	44.00	21.00	18.00	14.00
Subtotal Salaries	176.00	567.00	360.00	98.00
Total All Salaries	1,201.00			
Overhead & Profit	2,161.80			
Subtotal	3,362.80			
Direct Expenses (travel, printing, temporary hire technicians)	150.00			
GRAND TOTAL	3,512.80			
SAY	3,500.00			
Project Advisor (G.Bezkorovainy) Project Manager (B.Polin) Project Engineer (B.Tong)				



AGREEMENT BETWEEN
BRUCE CAMPBELL & ASSOCIATES
and
TOWN OF ACTON

Attached please find our Scope of Work for providing a traffic management study in Acton Center, Massachusetts.

Our estimated fee for the project is \$3,500 and we can complete all work within three weeks of notice to proceed.

The estimated fee is considered a lump sum and invoices will be sent out periodically based on an estimated percentage of completion of work to date. Payments are expected within 30 days of the date of the invoice; an interest charge of 1.5%/month of the outstanding balance and minor administrative charges will be added for all overdue payments. Full payment of the fee is not contingent upon obtaining approvals or permits from any agency.

Georgy Bezkorovainy will serve as Project Advisor, Bonnie Polin will act as Project Manager and Bob Tong will act as Traffic Engineer for this project. Enclosed are the resumes of the key individuals assigned to this project.

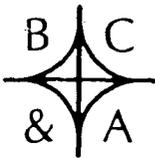
If this is acceptable to the Town of Acton, please sign below and return a signed copy to BC&A. A signed copy of this agreement will serve as notice to proceed.

Georgy Bezkorovainy
Bruce Campbell & Associates, Inc.

10/9/92
Date

Authorized Signature
Town of Acton

Date



AGREEMENT BETWEEN
BRUCE CAMPBELL & ASSOCIATES
and
TOWN OF ACTON

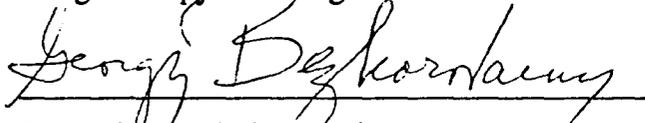
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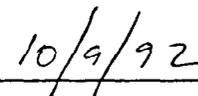
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If this is acceptable to the Town of Acton, please sign below and return a signed copy to BC&A. A signed copy of this agreement will serve as notice to proceed.



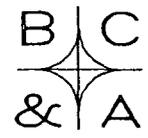
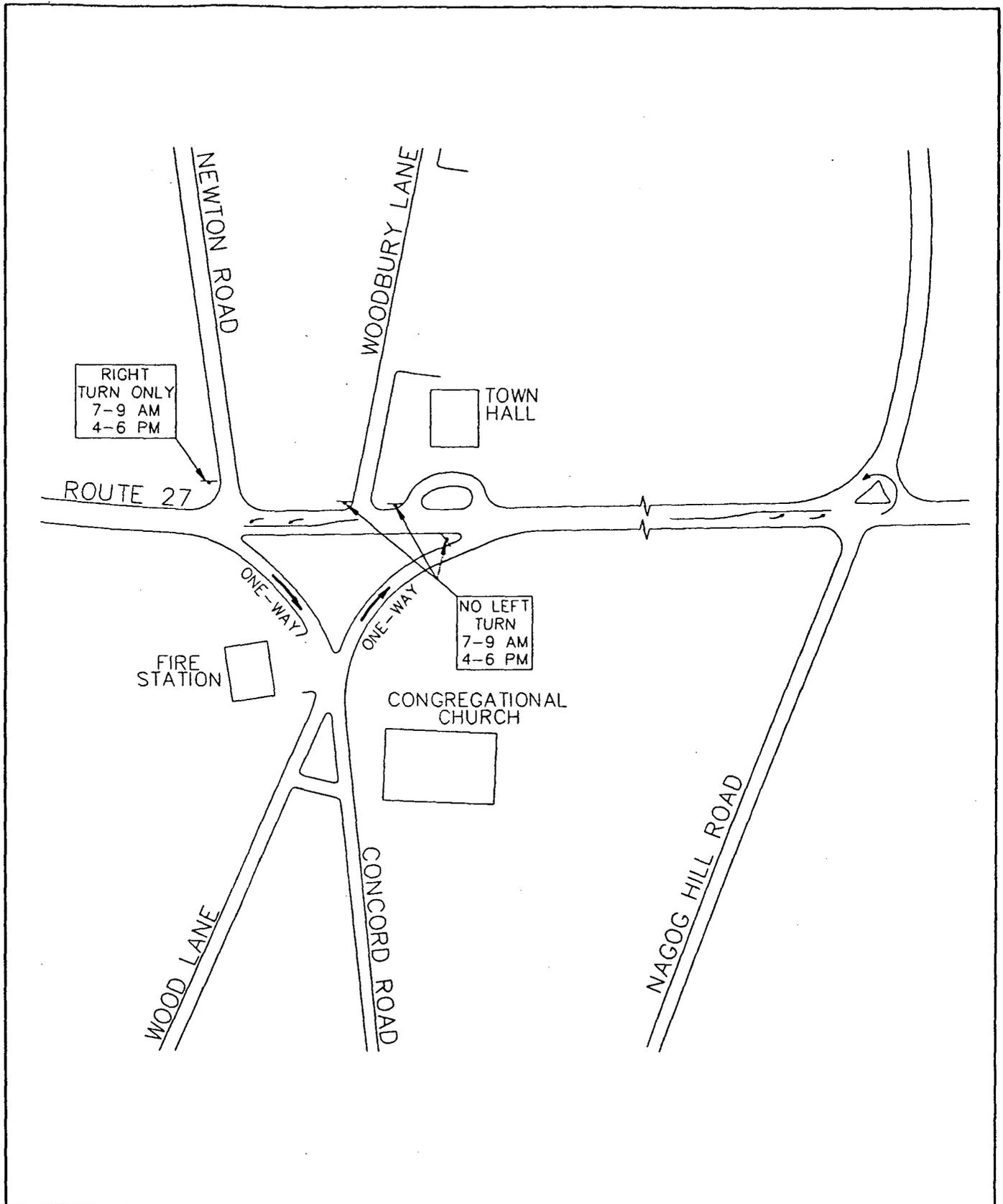
Bruce Campbell & Associates, Inc.



Date

Authorized Signature
Town of Acton

Date

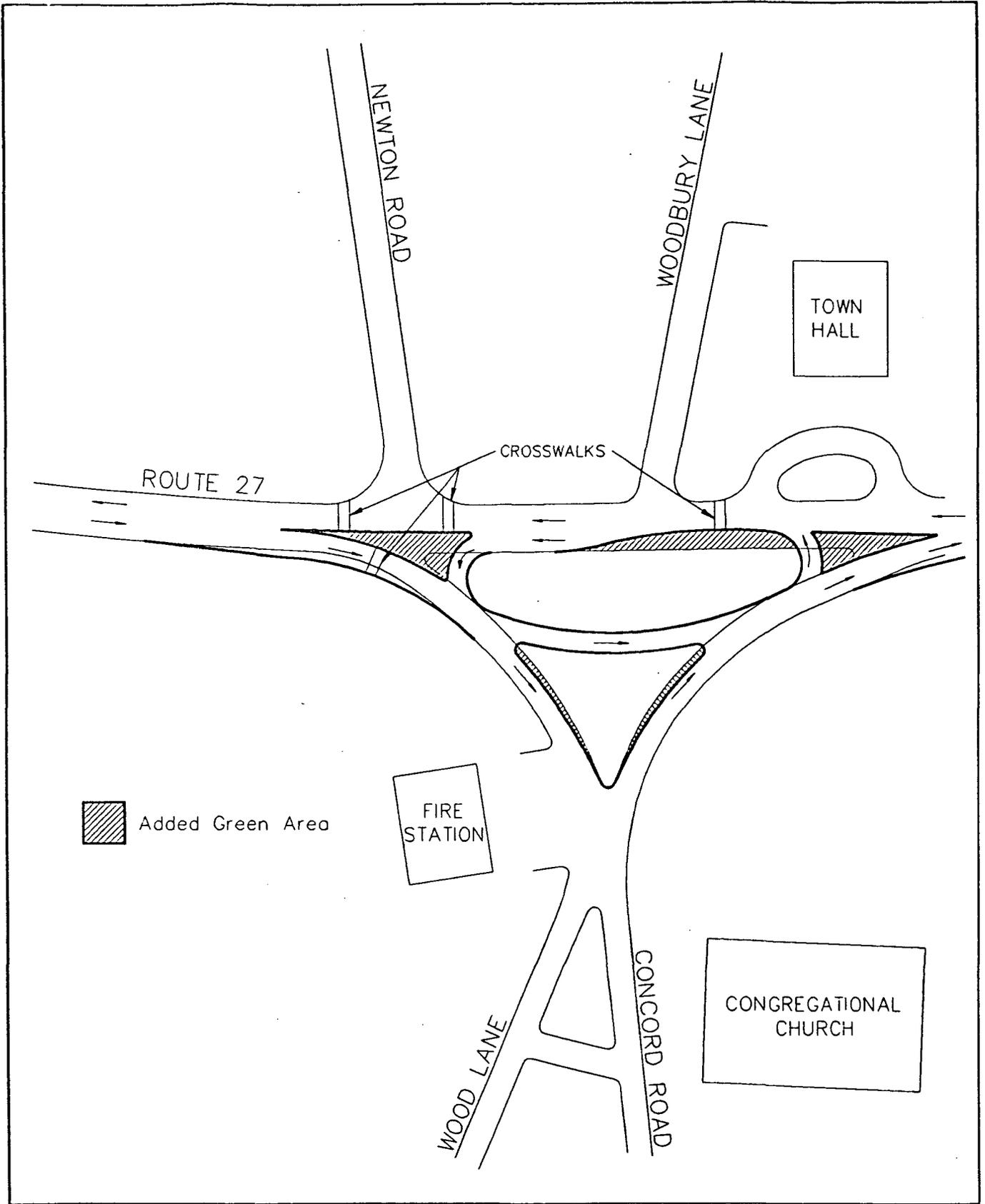


Not to Scale



P594-92
Acton, MA

ACTON CENTER TRAFFIC MANAGEMENT STUDY
 ALTERNATIVE 1
 TURN RESTRICTIONS
 AND ONE-WAY STREETS



B C
 & A
 Not to Scale


 P594-92
 Acton, MA

ACTON CENTER TRAFFIC MANAGEMENT STUDY

ALTERNATIVE 2
 ACTON CENTER ROTARY



101 Walnut Street
Post Office Box 9151
Watertown
Massachusetts 02272
617 924 1770
FAX 617 924 2286

October 30, 1992

Ref: 2956.21

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

Re: Acton Center
Development of Alternative Improvements

Dear Mr. Bartl:

Enclosed is the Scope of Services you requested for the intersection of Route 27 with Newtown Road and Concord Road in Acton Center. The enclosed scope offers two options for the development of alternative improvements. The first option utilizes data from the Acton Master Plan and concentrates on developing additional improvements at the Route 27 and Newtown/Concord roads intersection. The second option involves the collection of new traffic data including the review of travel patterns through Acton Center and an expanded study area to explore circulation options in the Acton Center area. The second option also includes the preparation of conceptual level improvement plans for the enlarged study area.

It is estimated that the first option will take approximately four weeks to complete and cost approximately \$4,500. For the second option, it is estimated that it will take approximately eight weeks to complete and cost approximately \$16,000. The costs are broken out as follows:

	<u>OPTION 1</u>	<u>OPTION 2</u>
VHB Labor	\$4,200	14,000
VHB Expenses	300	800
Traffic Counts	---	<u>1,200</u>
PROJECT TOTAL	4,500	16,000

If the enclosed Scope of Services for either option is acceptable to you and the Board of Selectmen, I will prepare a contract in the standard form we have been following. Please feel free to call John Kennedy or me directly if you have any questions.

Very truly yours,

VANASSE HANGEN BRUSTLIN, INC.

David C. Wilcock, P.E.
Project Manager

Enclosure
DCW/mc



**SCOPE OF SERVICES
OPTION 1**

1.0 PROJECT DESCRIPTION

The ENGINEER will provide transportation consulting services to prepare a study of traffic management solutions for the intersection of Main Street (Route 27) with Newtown Road and Concord Road located in Acton Center. The approximate project limits will extend several hundred feet along each intersection approach. Within this study area, the ENGINEER will review the previously prepared Acton Master Plan to assess the previous recommendations and to develop new recommendations for specific improvements at the intersection only.

2.0 MOBILIZATION AND DATA COLLECTION

The ENGINEER, having participated in the development of the Acton Master Plan, has most of the pertinent report information at hand. Traffic count data is available from the Acton Master Plan. This data will be used to assess intersection operations and in the development of new recommendations. To obtain the latest information on local conditions and development activity, the ENGINEER will meet with representatives of the CLIENT.

Specifically, the following elements will be completed by the ENGINEER as part of this task:

2.1 Traffic Volume Review

Review the traffic volume data presented in the Acton Master Plan for the study intersection and any new data relative to area developments supplied to the ENGINEER by the CLIENT.

2.2 Safety Data

The ENGINEER will review the accident data reported in the Acton Master Plan and any new safety data summaries for the intersection supplied to the ENGINEER by the CLIENT.

2.3 Peak Hour Delay Study

The ENGINEER will perform a peak hour delay study at the intersection of Route 27 with Newtown and Concord roads. This study will be performed in compliance with the traffic signal warrant requirements contained in the Manual on Uniform Traffic Control Devices for Streets and Highways.

3.0 ANALYSIS OF TRAFFIC OPERATIONS

There is no scope of work identified for this phase of work as a part of Option 1.



4.0 ALTERNATIVES ANALYSIS AND RECOMMENDATIONS

As part of this task, the ENGINEER will review the relevant operations and safety data in the development of alternatives to the installation of a traffic signal at the Route 27 and Newtown Road/Concord Road intersection. Specific elements of this task include:

4.1 Traffic Management Assessment

Using the traffic volume, safety and delay study data collected as part of Task 2.0, the ENGINEER will assess various options to address the existing safety and capacity deficiencies at the Route 27 and Newtown Road/Concord Road intersection.

4.2 Conceptual Plan Development

There is no scope of work identified for this phase of work as a part of Option 1.

4.3 Traffic Volume Analysis

The ENGINEER will assess volume-to-capacity (v/c) ratios and level of service (LOS) for the alternative improvement plans. The traffic analysis will be based on the proposed improvements and will be conducted using the existing traffic volume data contained in the Acton Master Plan.

5.0 TRAFFIC MANAGEMENT PLAN MEMORANDUM

The ENGINEER will compile the data reviewed and the technical analyses completed into a bound document for submission to the CLIENT along with the alternative conceptual plans. The memorandum will briefly summarize the alternatives examined and identify a recommended improvement plan for the intersection of Route 27 and Newtown Road/Concord Road.

6.0 PROJECT MEETINGS

There is no scope of work identified for this phase of work as a part of Option 1.

7.0 SUBMISSIONS

The following submissions related to specific tasks shall be made by the ENGINEER:

7.1 Traffic Management Plan Memorandum

8.0 ADDITIONAL SERVICES NOT INCLUDED

The following services are not anticipated and, therefore, not included in this Agreement at this time:

- 8.1 Preparation of a preliminary design plan
- 8.2 Preparation of a Preliminary Design Report
- 8.3 Preparation of any detailed engineering design
- 8.4 Preparation and/or filing of any permits or applications


HB

Should services be required in these areas, or areas not previously described, the ENGINEER will prepare a proposal or amendment, at the CLIENT's written request, that contains the Scope of Services, Compensation and Schedule required to complete the additional items.



SCOPE OF SERVICES OPTION 2

1.0 PROJECT DESCRIPTION

The ENGINEER will provide transportation consulting services to prepare a study of traffic management solutions for the intersection of Main Street (Route 27) with Newtown Road and Concord Road located in Acton Center. The study area will include all the approach roads to Acton Center so that a comprehensive traffic master plan may be developed for the area. Within this study area, the ENGINEER will review the previously prepared Acton Master Plan to assess the previous recommendations for the intersection and to develop new recommendations for intersection and area improvements which may help to alleviate the situation at the intersection.

2.0 MOBILIZATION AND DATA COLLECTION

The ENGINEER, having participated in the development of the Acton Master Plan, has most of the pertinent report information at hand. New traffic volume data will be collected within study area to revise and update the data contained in the Master Plan. This traffic data can be used in the development of a Preliminary Design Report (PDR) for the proposed improvements if the CLIENT chooses to fund the project through Massachusetts Highway Department. To obtain the latest information on local conditions and development activity, the ENGINEER will meet with representatives of the CLIENT.

Specifically, the following elements will be completed by the ENGINEER as part of this task:

2.1 Traffic Volume Review

Collect new traffic counts within the study area. Both daily and peak hour counts will be collected at the following locations:

Conduct automatic traffic recorder counts for a minimum of 48 hours to gather weekday at the following locations:

- Route 27 south of Newtown and Nagog Hill roads
- Concord Road
- Newtown Road
- Nagog Hill Road south of Route 27
- Nagog Hill Road north of Route 27

Conduct manual turning movement/vehicle classification counts at the following locations during a weekday morning between 7:00 and 9:00 AM and a weekday evening between 4:00 and 6:00 PM:

- Route 27 and Newtown/Concord roads
- Route 27 and Nagog Hill Road

2.2 Safety Data

The ENGINEER will review accident data for study area roadways supplied by the CLIENT from the files of the Acton Police Department for the most recent



three-year period available. The data will supplement that reported in Acton Master Plan which covered the period from 1985 to 1987.

2.3 Peak Hour Delay Study

The ENGINEER will perform a peak hour delay study at the intersection of Route 27 with Newtown and Concord roads. This study will be performed in compliance with the traffic signal warrant requirements contained in the Manual on Uniform Traffic Control Devices for Streets and Highways.

2.4 Travel Pattern Study

The ENGINEER will conduct a peak hour license plate survey within the study area. The survey will help to define travel patterns through the area. As part of this effort the ENGINEER will establish a cordon area. License plate data will be collected at all points where a major street crosses the cordon line. This study will be conducted for one hour during the morning peak period and one hour during the evening peak period.

3.0 ANALYSIS OF TRAFFIC OPERATIONS

Traffic volume and safety data reflective of existing conditions will be reviewed to assess traffic operations in the study area. As part of this task, the ENGINEER will provide the following services:

3.1 Operational Analysis

The ENGINEER will assess volume-to-capacity (v/c) ratios and level of service (LOS) for existing conditions. The traffic analysis will be based on the existing street system.

3.2 Safety Analysis

Using the town of Acton's accident data, the ENGINEER will summarize the number and types of accidents. The data will be analyzed to identify high hazard locations.

4.0 ALTERNATIVES ANALYSIS AND RECOMMENDATIONS

As part of this task, the ENGINEER will review the relevant operations and safety data in the development of alternatives to the installation of a traffic signal at the Route 27 and Newtown Road/Concord Road intersection. Specific elements of this task include:

4.1 Traffic Management Assessment

Using the traffic volume, safety and delay study data collected as part of Task 2.0, the ENGINEER will assess various options to address the existing safety and capacity deficiencies at the Route 27 and Newtown Road/Concord Road intersection.



4.2 Conceptual Plan Development

Using base plans supplied by the CLIENT, the ENGINEER will prepare concept plans at an appropriate engineering scale of the previously proposed improvements for the study area.

4.3 Traffic Volume Analysis

The ENGINEER will assess volume-to-capacity (v/c) ratios and level of service (LOS) for the alternative improvement plans. The traffic analysis will be based on the proposed improvements and will be conducted using the existing traffic volume data contained in the Acton Master Plan.

5.0 TRAFFIC MANAGEMENT PLAN MEMORANDUM

The ENGINEER will compile the data reviewed and the technical analyses completed into a bound document for submission to the CLIENT along with the alternative conceptual plans. The memorandum will briefly summarize the alternatives examined and identify a recommended improvement plan for the intersection of Route 27 and Newtown Road/Concord Road.

6.0 PROJECT MEETINGS

The ENGINEER will attend up to two (2) project meetings as directed by the CLIENT. Services include preparation, travel, attendance, supporting graphics, and documentation in the form of meeting notes.

7.0 SUBMISSIONS

The following submissions related to specific tasks shall be made by the ENGINEER:

7.1 Traffic Management Plan Memorandum including concept plans

8.0 ADDITIONAL SERVICES NOT INCLUDED

The following services are not anticipated and, therefore, not included in this Agreement at this time:

- 8.1 Preparation of a preliminary design plan
- 8.2 Preparation of a Preliminary Design Report
- 8.3 Preparation of any detailed engineering design
- 8.4 Preparation and/or filing of any permits or applications

Should services be required in these areas, or areas not previously described, the ENGINEER will prepare a proposal or amendment, at the CLIENT's written request, that contains the Scope of Services, Compensation and Schedule required to complete the additional items.

INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

FILE COPY

DATE: 9/14/92

TO: Roland Bartl
FROM: John Murray
SUBJECT: Main and Concord

As you are aware, your memo was provided to the Selectmen last week. During the meeting Tuesday night, the Selectmen did not provide a different directive. Therefore, please obtain quotes concerning a traffic mitigation study.

Thank you for your time and consideration.

To BOS.

I have forwarded this memo for your consideration. I disagree with Roland's comments concerning the on going capabilities of staff. The technical expertise is there, but both planning and engineering have absorbed 33% staff reductions and in my opinion their current work load is excessive. Planning John 9-4-92

Town of Acton
Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: John Murray DATE: September 2, 1992
FROM: Roland Bartl, Town Planner R.B.
SUBJECT: Concord Road / Newtown Rd. / Main Street Intersection

The implementation program of the Master Plan recommends minor alignments and the installation of a traffic signal at the above referenced intersection. However, the program also recommends that prior to implementation of this recommendation transportation management measures (i.e. turn restrictions, traffic diversion, one-way patterns) be evaluated and tried on an experimental basis (Recommendation 11 on page 74 & Fig.3 from Master Plan attached).

Various degrees of further study have been recommended in the implementation program for a number of other intersections or roadway links, such as Strawberry Hill Road, Kelley's Corner, and the South Acton intersections.

Other information pertaining to the subject intersection:

- Accident Summary 1984-1987 (see attached Table 3 of Master Plan):
 - 13 accidents per year. Intersection ranks 7th out of 18 in number of accidents.
- Intersection Level of Service (see attached Table 5 of Master Plan):
 - Level of Service D (AM).
 - Level of Service F (PM).
 - Level of Service A means the intersection functions well with much excess roadway capacity. Level of Service F means that the intersection fails with demand exceeding capacity, excessive delays, etc. Level of Service D means moderate to long delays which are considered acceptable for short durations (i.e. rush hour), particularly in urban areas.
- Peak Hour Traffic Volumes (see Figure 7):
 - AM Main Street approach north bound 805

	Main Street approach south bound	485
	Concord Road approach west bound	65
	Newtown Road approach east bound	135
PM	Main Street approach north bound	850
	Main Street approach south bound	930
	Concord Road approach west bound	145
	Newtown Road approach east bound	80

The bulk of traffic is on Main Street. The consultant in the Master Plan points out that in this situation (as is the case on many other intersections) traffic on the main artery is little affected. However, lack of gaps or insufficient gaps in the flow of traffic on the main artery makes turns or crossings from and into side streets extremely difficult, time consuming and dangerous, and causes the intersection to have a low Level of Service rating, or even to fail. (See also accident statistic for probable cause of accidents).

- Average Daily Traffic Volumes (Fig. 3 of Master Plan):

Volume on Main Street at 17 - 18 Thousand cars per day;
 Volume on Concord Road at ~ 5000 cars per day;
 Volume on Newtown Road at ~ 2500 cars per day.

Comments:

1. Heavy traffic on Main Street is the principle and possibly only reason for the intersection's problems.
2. Diverting side street traffic (i.e. one way) or limiting turns (i.e. no left turn from Main Street, right turn only from side streets) would reduce the problems at this intersection without correcting their cause, and possibly at the cost of aggravating a similar problem at a nearby intersection and/or of loading through traffic on residential streets that up to now have experienced only local access traffic. Traffic management measures of this type affecting only the immediate network surrounding this intersection can be proposed, evaluated and tried on an experimental basis by Town staff. This is what I thought was intended under Recommendation 11.
3. A more comprehensive proposal and evaluation of traffic management measures which would affect a significant number of roadways through large scale detouring would require the expertise of a traffic planning consultant. Definition of a meaningful scope within an affordable budget may be difficult for such a project. You have suggested that remaining Master Plan funds could pay for such a study. There are \$6464.50 in Warrant Article funds and \$250.26 in gift monies available for Master Plan related expenditures. While I have not researched the possible cost of a more comprehensive study, it is my estimate that these funds will not nearly be enough to pay for it.
3. If the choice should be made to install a signal with or without further studies and experiments on alternative traffic management measures, it should be evaluated if this signal would replace or supplement the signal planned for

Post Office Square.

4. In closing I note that we are currently in the process of developing two village plans. Expenditures related to the South Acton village plan or its implementation could be funded from the \$150,000.00 Great Hill gift account. However, the West Acton village plan is not funded at all. I had hoped that the comparatively little remaining Master Plan funds could be utilized for the West Acton village plan and its implementation.

xc: David Abbt

[rhb.idc.92*1]

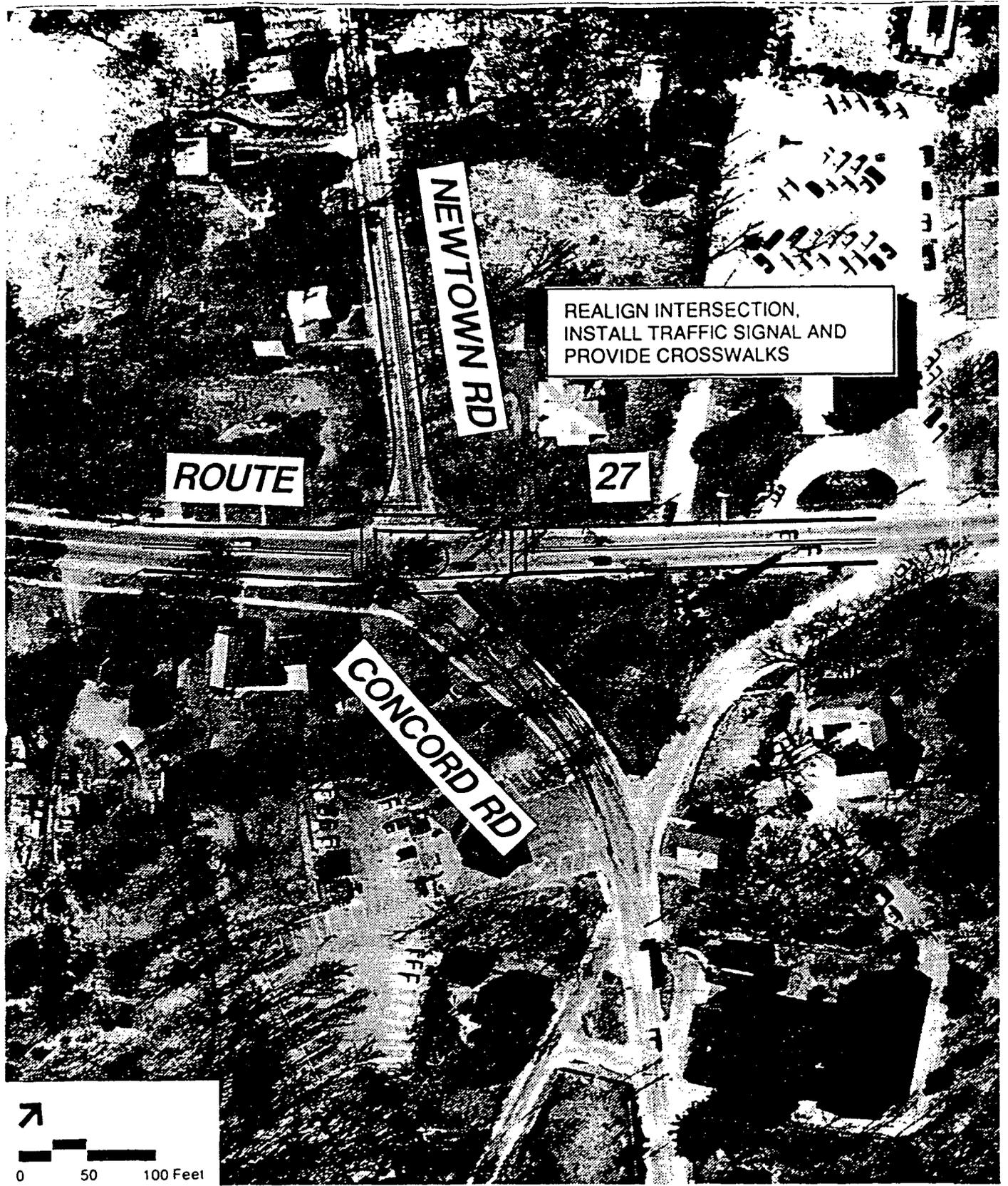
Acton Center

Recommendation 11: Upgrade the intersection of Route 27 with Concord Road and Newtown Road (Figure 3).

The Route 27, Concord Road and Newtown Road intersection in Acton's town center presently experiences a high number of accidents. In addition, the lack of gaps in the Route 27 traffic stream make it difficult for side street traffic to cross or enter Route 27 traffic flows. To address this problem, it is recommended that some minor alignment changes be made to Concord Road and that a traffic signal with pedestrian activation be installed at this intersection. In order to minimize the impact of the signal on the aesthetic character of the town center, it is recommended that a nontraditional signal design be employed that makes use of wood rather than metal support structures. Also, consideration should be given to installing signals on side-mounted posts rather than on overhead wire or mast arms. Installation of the traffic signal should greatly enhance cross street traffic operations at this intersection for vehicles and pedestrians. In addition, by introducing gaps in the Route 27 traffic stream, this signal may benefit side street traffic movements at nearby intersections such as the Nagog Road and Route 27 intersection. Prior to implementation of this recommendation, transportation management measures should be evaluated and tried on an experimental basis. These could include restriction of turning movements, traffic diversion, or other measures.

Cost: Approximately \$150,000 for design and installation.

Priority: Medium. While roadway capacity and safety issues identify this as an important roadway improvement, the situation is unlikely to worsen significantly in the near future as constraints elsewhere on the roadway system will limit the amount of traffic growth experienced on Route 27 in the town center.



Vanasse Hangen Brustlin, Inc.

Acton Center
Conceptual Improvements

Figure 3

Table 3
Accident Summary 1984 to 1987

Location	Accidents Per Year	Possible Cause
Route 111 at Central Street	30	<ul style="list-style-type: none"> • Lack of appropriate traffic control (signalization) • Limited sight distance for exiting Central Street southbound
Route 27 at Route 111 (Kelley's Corner)	23	<ul style="list-style-type: none"> • Multiple curb cuts on intersection approach and departure lanes • Lack of exclusive turn lanes • Advance warning signs on Route 27 in disrepair
Route 27 at Routes 2A/119	17	<ul style="list-style-type: none"> • Outdated post-mounted traffic signal layout provides poor visibility • Undefined right-turn lane on Route 27 southbound at Shell Station
Route 2 at Taylor Road and Piper Road	16	<ul style="list-style-type: none"> • High volume intersection • Free right-turn lane on Route 2 eastbound approach leads to single lane departure • Old signal installation • Inadequate signing and signal head indications
Route 2 Ramps at Route 27	14	<ul style="list-style-type: none"> • Heavy side street volumes merging with high volume main-line traffic flows
Route 2 at School and Wetherbee Street	14	<ul style="list-style-type: none"> • Side street volumes crossing heavy mainline traffic flows
Route 27 at Concord Road and Newtown Road	13	<ul style="list-style-type: none"> • Side street vehicles using unsafe gaps to turn onto Route 27

Table 3 Continued

Location	Accidents Per Year	Possible Cause
Route 2A between Harris Street and Route 27	13	<ul style="list-style-type: none"> • High curb cut density • Combination of high volume of turning movements and through traffic
Route 27 at School Street and Railroad Street	10	<ul style="list-style-type: none"> • Lack of advance warning signs on Route 27 intersection approaches • 35 mph speed zones on Route 27 north and south of intersection • Poor sight distance on all intersection approaches • Stop sign on School Street westbound intersection approach inadequately located
High Street at Conant Street	9	<ul style="list-style-type: none"> • Poor intersection delineation • Lack of advance warning signs on High Street • No STOP sign on Conant Street • Poor exiting sight distance from Conant Street looking to the east partly due to pile of fill in southeast corner of intersection
Summer Street at Willow Street	8	<ul style="list-style-type: none"> • None noted—fairly recent installation of STOP signs and advance warning signs
High Street at Parker Street	8	<ul style="list-style-type: none"> • No advance warning signs on High Street • Sight distance from Parker Street southbound to the west limited by telephone pole and hedges in northwest corner of intersection
Route 2 at Route 111	7	<ul style="list-style-type: none"> • High volume weaving area

Table 3 Continued

Location	Accidents Per Year	Possible Cause
Route 2A/119 at Nagog Park	7	<ul style="list-style-type: none"> • None noted—recent improvements made to traffic signal and roadway geometrics
Piper Road at School Street	6	<ul style="list-style-type: none"> • Lack of advance warning signs on Piper Road • STOP sign on Piper Road poorly located
Route 27 at Harris Street	6	<ul style="list-style-type: none"> • Lack of advance warning signs on Route 27 • Limited sight distance
Route 27 at Brook Street	5	<ul style="list-style-type: none"> • Lack of advance warning signs on Route 27 northbound • STOP sign on Brook Street poorly located • Two-way flow permitted on both sides of channelization island on Brook Street approach • Limited sight distance due to grade on Route 27
Route 27 at Prospect Street	5	<ul style="list-style-type: none"> • Poor geometrics results in high number of potential conflict points

Table 5
Unsignalized Intersection Level-of-Service Summary

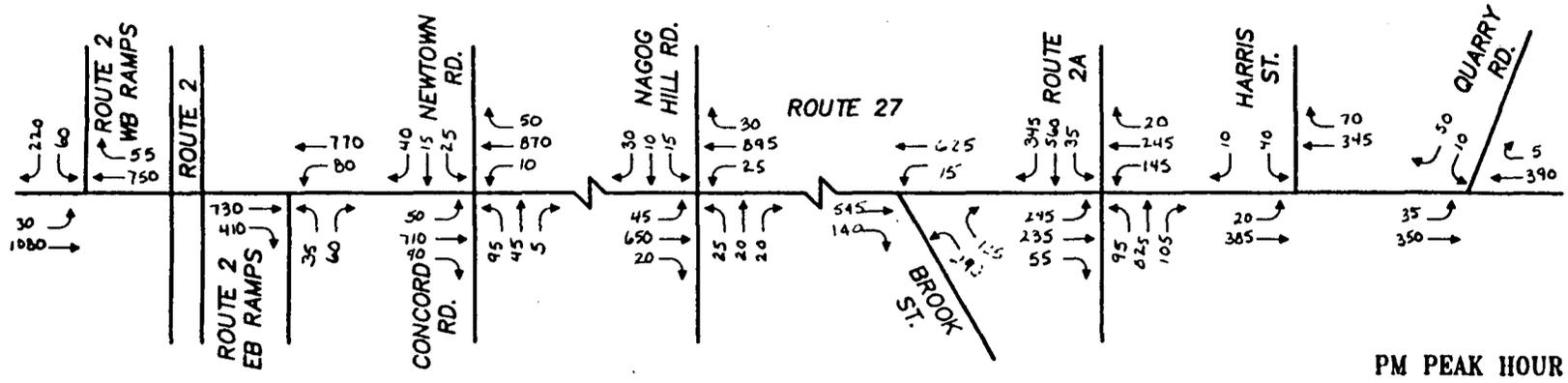
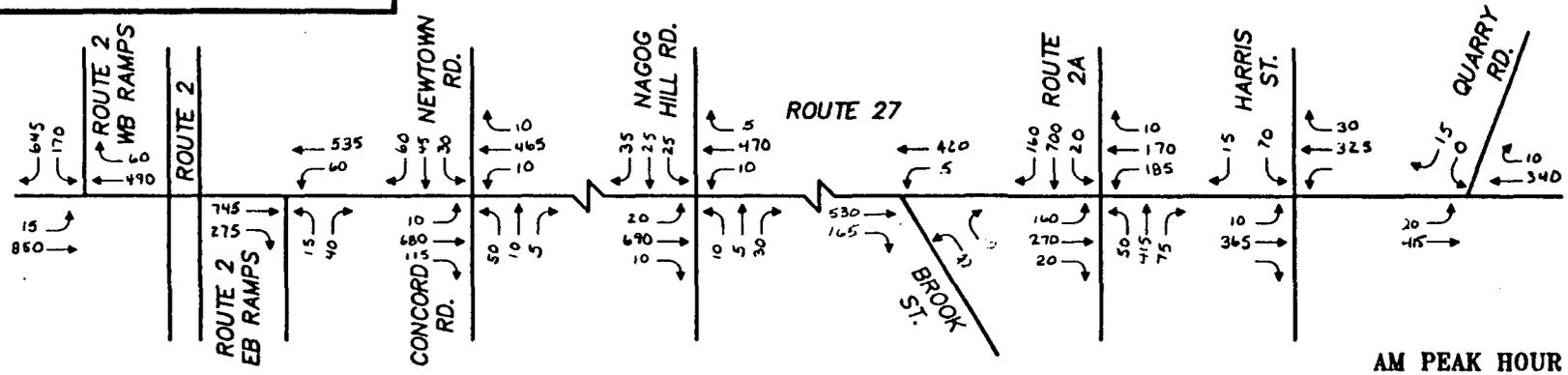
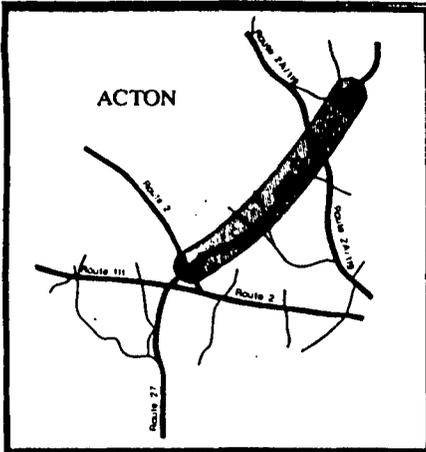
Location	<u>Level-of-Service</u>		Location	<u>Level-of-Service</u>	
	Morning Peak Hour	Evening Peak Hour		Morning Peak Hour	Evening Peak Hour
<u>Route 27</u>			<u>Route 2A/119</u>		
Quarry Road	A	A	Wetherbee Street	E	D
Harris Street	B	B	Pope Road	E	E
Brook Street	D	F	Concord Road	E	D
Nagog Hill Road	C	D	Brook Street	D	D
			Harris Street	B	D
<u>Route 2</u>			<u>Route 111</u>		
Concord Road	D	F	Prospect Street	C	D
Route 2	C	D	Central Street	F	F
Westbound Ramps			Arlington Street	D	E
Route 2	F	F			
Eastbound Ramps					
Prospect Street	E	D			
Central Street	F	D			
Railroad Street	E	D			
School Street	F	F			
Maple Street	NA	NA			
High Street	D	F			

Signalized Intersections

An analysis of the four signalized study area intersections—Route 2 at Piper Road and Taylor Road; Route 27 at Route 2A/119; Route 27 at Nagog Park; and Route 27 at Route 111 (Kelley's Corner) was conducted based on the methodology presented in the Highway Capacity Manual. The existing traffic signal timing and phasing information was obtained from field observations and traffic signal permits.

A summary of volume-to-capacity ratios and level-of-service designations for the signalized study area intersections is presented in Table 6.

**1989
Existing
Peak Hour
Traffic Volumes
Rte. 27 (North
of Rte. 111)**

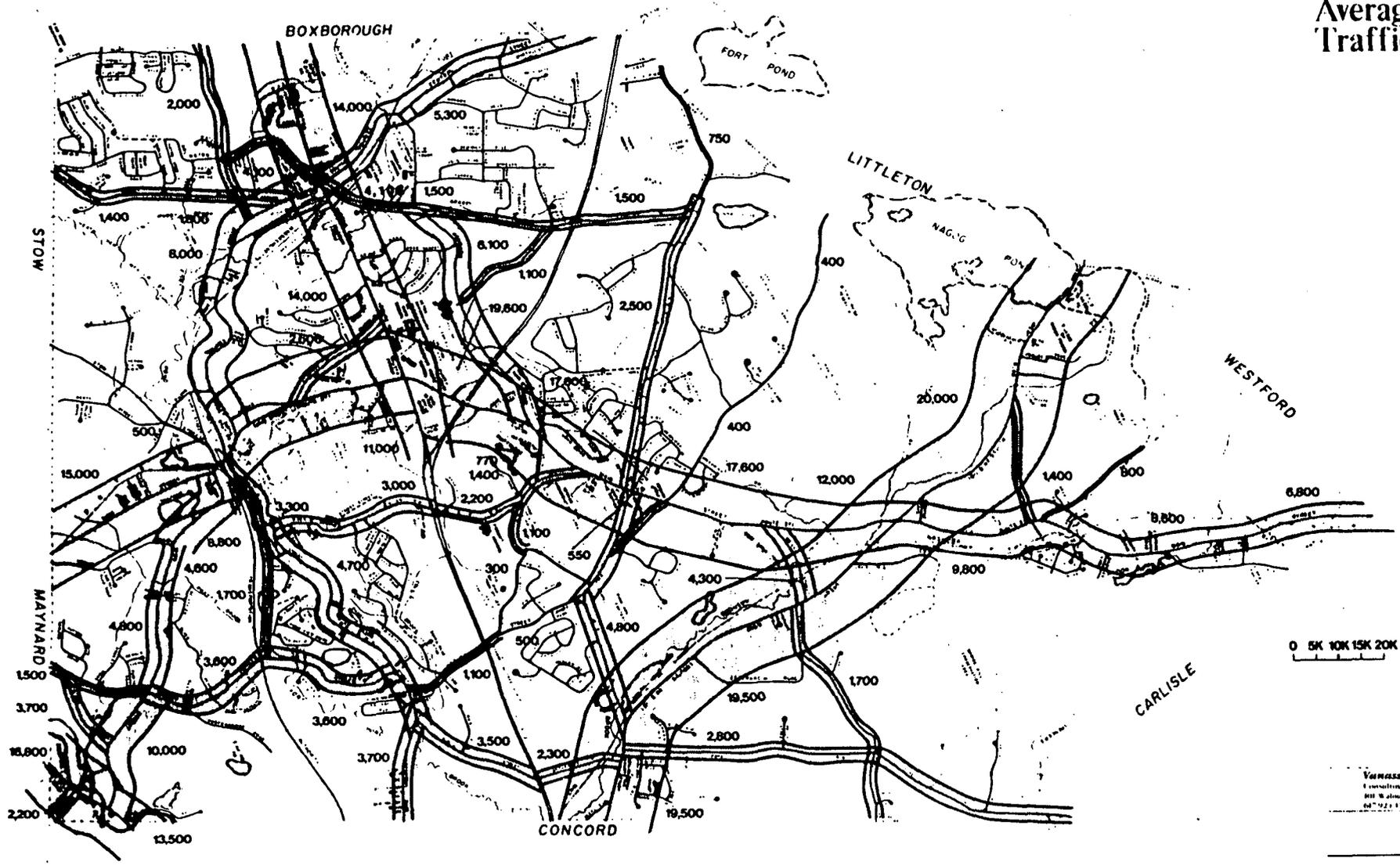


Vannoy Hanger Brundin, Inc.
Consulting Engineers and Planners
100 Walnut St., Worcester, MA 01102
(617) 853-1770

Not to Scale

Fig. 7

1989 Average Daily Traffic Flows



Vanasse Hangen Brustlin, Inc.
 Consulting Engineers and Planners
 100 Water St., Waltham, MA 02154
 Tel: 617-251-1700

Fig. 3

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

cc: BOS
Check attached to
warrant study

TO: Engineering Dept. DATE: March 31, 1993
FROM: Police Department
SUBJ: Accident Stats for Main @ Post Office Square

1990 1 accident no PI
1991 2 accidents 1 with PI
1992 3 accidents 1 with PI
1993 1 accident no PI

RECEIVED
MAR 31 1993
ACTON ENGINEERING DEPT.

June Carney
Acton Police Department

3-31-93

DON,

I HAVE SENT A COPY OF THIS
MEMO TO JOHN KENNEDY / VHB
TO SEE IF THIS ACCIDENT RATE
IS SIGNIFICANT TO THE INSTALLATION
OF TRAFFIC SIGNALS.

D. ALBT

COORDINATING COMMITTEE
OVERRIDE PROCESS - 26

Extra Info
4/6/93

AGENDA
April 5, 1993 (Monday) 7:15 A.M.
ROOM 204 TOWN HALL
MAIN HEARING ROOM

**** PLEASE NOTE MEETING LOCATION @ TOWN HALL ****

- 1) DISCUSSION OF ISSUES AND STRATEGIES FOR TOWN MEETING

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

Don P. Johnson
Town Manager

March 29, 1993

Ms. Laura Lyons
130 Stow Road
Boxborough, MA 01719

Subject: Fire Department Dispatch

Dear Ms. Lyons:

Enclosed you will find a copy of an Inter-Departmental Communication from the Acton Fire Chief to me addressing the questions you raise with respect to the dispatch arrangement between Acton and Boxborough. I have also included a copy of the letter that Judy Jacobs sent me in December, 1992.

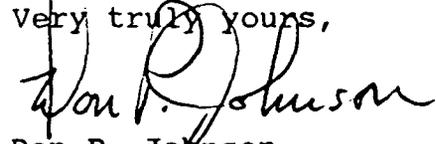
As you will see from the two, the question of Acton continuing to dispatch for Boxborough was never raised. We were asked about the status of our study regarding combining our Police and Fire dispatching functions. This study does not (and never did) imply that such a function would alter our ability to honor our agreement with Boxborough.

Ms. Jacobs called me at or about the time that I received her letter and informed me that she was submitting a grant proposal for the regional dispatch center. At that time she asked me to confirm that Acton was not interested in participating. I did so, advising her that the proposal was not cost effective for Acton and we did not intend to participate. I was informed that Boxborough and several of the other communities would be proceeding.

Between Chief Craig and myself, we have had several conversations with Boxborough personnel. In all instances we have been given the clear understanding that Boxborough would be moving into the regional dispatch agreement and would no longer be needing our services. With this understanding, we have anticipated that we would not be providing the service but, at no time have we indicated we would not provide the service if asked. We have not been asked.

I hope this information will help to clarify to situation.

Very truly yours,



Don P. Johnson
Town Manager

cc: Judy Jacobs
Chief Craig
Acton Board of Selectmen ✓

DPJ:634

TOWN OF ACTON

Inter-Departmental Communication

DATE: March 12, 1993

TO: Don P. Johnson, Town Manager
FROM: Fire Chief
SUBJECT: Boxborough Dispatch

Don:

As requested by John Murray, attached please find a copy of a letter sent to yourself in December 1992 relative to an inquiry on our position relative to Boxborough dispatch. At that time John had requested that I contact Chief Morse to get a better understanding of the exact intent behind the letter.

I did so in a casual conversation and was merely informed that they were still anticipating entering into a regional dispatch situation and that they just wanted to find out if we had any further plans on combined dispatch with the Acton Police. I informed him at that time that we were still considering it but no decisions had been made as of yet. I relayed this information to John at the time.

It is my understanding that at the present time there are indications that the Town of Boxborough is under the impression that we may no longer want to honor our dispatch contract with them. Obviously, for some time I have been aware of their desire to enter into a regional dispatch agreement. However at no time have I indicated to Chief Morse that I wished to cease our present dispatch contract with the Town of Boxborough.



Robert C. Craig
Fire Chief

TOWN OF BOXBOROUGH
MASSACHUSETTS



29 MIDDLE ROAD
BOXBOROUGH, MASSACHUSETTS 01719

508-263-1116

December 10, 1992

Don Johnson, Town Manager
Town Hall
Acton, MA 01720

Re: Fire Dispatch

Dear Don:

As you know the Town of Boxborough currently contracts its Fire Dispatch through the Fire Department of Acton.

We are working with the Towns of Stow & Maynard toward implementation of a Regional Dispatch. That dispatch would not be operational until October of next year at the earliest.

In that we are now in the budget planning process for fiscal year 1994, plans must be made by our Fire Chief for dispatch service until Regionalized Dispatch is up and running.

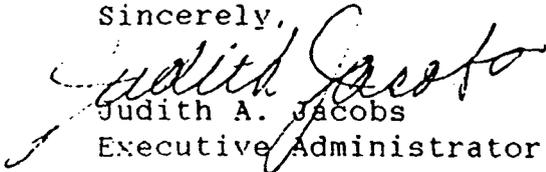
The purpose of my letter is to request information from you relative to the status of Acton's Fire Dispatch being transferred to a joint Police/Fire Dispatch.

As you know, pursuant to MGL 40, 4A termination of a contract agreement must be given by either party at least sixty days prior to the termination date. It is therefore important for us to have a clear understanding of the status of the current agreement when budgeting for the upcoming fiscal year.

At your earliest convenience please contact me with whatever information is currently available.

Thank you for your assistance.

Sincerely,


Judith A. Jacobs
Executive Administrator

JAJ/mr

cc: Fire Chief Morse
Fire Chief Craig

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

Don P. Johnson
Town Manager

March 26, 1993

Mr. John C. Morrision
P.O. Box 396
Nagog Hill Road
Littleton, MA 01460

Dear Mr. Morrison:

I am in receipt of your letter to the Acton Planning Board dated February 22, 1993, indicating that you have received an offer to purchase certain land owned by you which is located in the Town of Acton. Your letter indicates that the land in question comprises approximately 33 acres on Concord Road in Acton, Massachusetts, and that all or a portion of the land is classified under chapter 61A of the Massachusetts General Laws. Your letter further indicates that you are currently in the process of negotiating the purchase price to be paid in connection with the sale of the land.

As you are aware, because the above referenced land is classified under chapter 61A, any sale of the land is subject to the Town's statutory right of first refusal under G.L. c. 61A, Section 14. Under Section 14, this right of first refusal is triggered upon the Town's receiving notification that you have received a bona fide offer to purchase your land. Upon receiving such notification, the Town would have 120 days to meet such a bona fide offer.

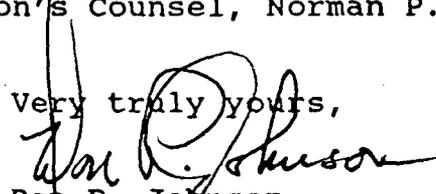
Because you are currently in the process of negotiating the price to be paid in connection with the sale of your land, it is the Town's position that you have not yet received a bona fide offer to purchase the land. Indeed, the Supreme

Judicial Court has determined that in order for an offer to purchase land to be bona fide, such an offer must be in writing, must specify the price to be paid, and must otherwise be enforceable. See Schwanbeck v. Federal Mogul Corp., 412 Mass. 703, 710 (1992); Roy v. Greene, 404 Mass. 67 (1989). See also Shaveb v. Holland, 321 Mass 429, 432 (1947) ("The price of a parcel of land is undoubtedly an essential element of a contract for its sale"). Thus, because you have not received a written offer to purchase your land which specifies that purchase price that is to be paid, for purposes of chapter 61A you have not received a "bona fide" offer to purchase. Accordingly, the Town's first refusal rights have not yet been triggered and the 120 day option period has not yet begun to run.

If you should be successful in negotiating a contract for the sale of your land, at that time it would be appropriate for you to notify me to that effect and to send me a copy of the purchase and sale contract. At that time, the Town will determine what action to take. In the meantime, let me reiterate that the Town does not believe that its first refusal rights have been triggered by your letter of February 22, 1993 and the Town does not believe that the 120 day option period has begun to run.

If you should have any questions, please do not hesitate to call me at (508) 264-9612 or Acton's Counsel, Norman P. Cohen, at (607) 573-0386.

Very truly yours,


Don P. Johnson
Town Manager

cc: Board of Selectmen
Planning Board
Chapter 61A Committee
Town Counsel

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

Don P. Johnson
Town Manager

March 26, 1993

J.T. and Karen M. Hammer
7 Huckleberry Lane
Acton, MA 01720

Dear Sirs:

I am in receipt of your letter concerning land located between Rte. 27 and Huckleberry Lane that is apparently being offered for sale. In your letter you make reference to statements made by "the town inspector". Unfortunately, I am unable to identify and consult this person based on the points you mention.

The topics in your letter point to several departments from which you may be seeking action or comment. For that reason I have referred your letter to the Health Department, the Conservation Department, the Engineering Department and the Planning Department. Each of these agencies has responsibility for one or more of the subjects you reference.

By copy of this letter to the departments noted above I am advising them of your concerns and asking that each contact you to discuss issues relevant to their responsibilities. In order to insure our responsiveness, I am also asking that each department inform me of the results of their contact with you.

The Town of Acton may or may not be able to provide the assurances you seek. In any event, we will work with you to assure that we are as responsive as possible to your concerns.

Thank you for giving us this opportunity to be of service.

Very truly yours,



Don P. Johnson
Town Manager

cc: Health Department
Conservation Department
Engineering Department
Planning Department
Board of Selectmen

J.T. and Karen M. Hammer
7 Huckleberry Lane
Acton, MA 01720-3734
(508) 263-8283

Town of Acton
Town Hall
Acton, MA 01720

MAR 25 1993

Dear Sir:

In regard to the lots directly between Route 27 and Huckleberry Lane that are currently either sold or being offered for sale, we have several comments for your consideration:

1. During construction of a septic system on my property last Spring, the town inspector commented that drainage on these lots would directly affect my lot and adjacent lots on Huckleberry Lane. However, he also stated that these lots would not be developed because of inadequate drainage. These statements were all made in the presence of our engineer and contractor. Having spent over \$20,000.00 to meet the town's requirements for new septic systems, we are not anxious to have other systems drain through our property.

2. In fact, none of the land in this area has acceptable drainage due to the extremely rocky nature of the terrain, the thick bedrock, and high water table.

3. Any additional development in this area will definitely either directly or indirectly drain into Partridge Pond regardless of the initial direction of drainage flow. The water quality of Partridge Pond is already marginal and has been professionally treated in the past three years. Because of the large and various aquatic and marine life in Partridge Pond and the surrounding area, it would be very sensitive to any additional development and the resulting deterioration in the quality of the water. I am sure that none of the residents whose homes are bordering Partridge Pond are anxious to face a situation similar to that of Ice House Pond.

It is our opinion that these points are prohibitive to any development of the land in question. In particular, the unique nature of point three could result in substantial liability from homeowners and environmental groups for both the town and the developer. It is also interesting to note that perc testing was apparently

snowstorm and in two feet of snow. What kind of results could testing prove under these conditions? Sold signs have now quickly appeared. Did the water table change from last Spring when the town inspector spoke to our contractor?

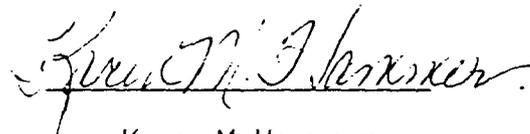
Prior to any development of this land, it is necessary for you to properly insure all of the foregoing points are adequately addressed to the satisfaction of the homeowners affected; including those bordering Partridge Pond on Partridge Pond Road. To date, the town has not yet met these requirements.

Naturally, any development of this land would cause a substantial reduction in property value on Huckleberry Lane and a resulting decrease in appraised values and property taxes. Needless to say, the residents of Huckleberry Lane and Partridge Pond Road are among the highest property tax payers in Acton and should receive a bit more consideration from the town.

Yours Truly,



J. T. Hammer



Karen M. Hammer

JTH/jh

cc: conservation administrator

cc: residents of Huckleberry Lane & Partridge Pond Road

J.T. and Karen M. Hammer
7 Huckleberry Lane
Acton, MA 01720-3734
(508) 263-8283

Town of Acton
Town Hall
Acton, MA 01720

MAR 25 1995

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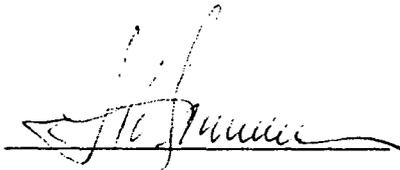
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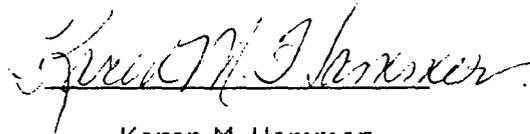
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Yours Truly,



J. T. Hammer



Karen M. Hammer

JTH/jh

cc: conservation administrator

cc: residents of Huckleberry Lane & Partridge Pond Road

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

Don P. Johnson
Town Manager

March 25, 1993

Representative Pamela Resor
State House
Room 33
Boston, MA 02133

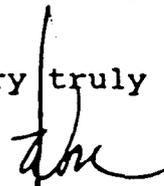
Dear Pam:

The Acton Board of Selectmen recently reviewed two pending legislative actions that have been sponsored by the Massachusetts Municipal Association. The actions are (1) an amendment to the FY94 State Budget to guarantee that cities and towns receive the full \$47 million growth in lottery revenues and (2) legislation filed by MMA that would establish in state law a Local Roads Fund in order to ensure a fair and predictable share of state gas tax collections for distribution to cities and towns for use on local roads.

After due deliberation, the Board voted to support both of these actions and to ask you to lend your support.

I have attached copies of information prepared by MMA that will give you some insight to the issues involved and may help you understand our interest in these efforts. If you have any questions please feel free to call my office.

Very truly yours,



Don P. Johnson
Town Manager

cc: Geoffrey Beckwith, MMA
Board of Selectmen

DPJ:633

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

Don P. Johnson
Town Manager

March 25, 1993

Senator Robert Durand
State House
Room 413B
Boston, MA 02133

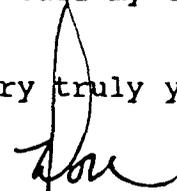
Dear Bob:

The Acton Board of Selectmen recently reviewed two pending legislative actions that have been sponsored by the Massachusetts Municipal Association. The actions are (1) an amendment to the FY94 State Budget to guarantee that cities and towns receive the full \$47 million growth in lottery revenues and (2) legislation filed by MMA that would establish in state law a Local Roads Fund in order to ensure a fair and predictable share of state gas tax collections for distribution to cities and towns for use on local roads.

After due deliberation, the Board voted to support both of these actions and to ask you to lend your support.

I have attached copies of information prepared by MMA that will give you some insight to the issues involved and may help you understand our interest in these efforts. If you have any questions please feel free to call my office.

Very truly yours,



Don P. Johnson
Town Manager

cc: Geoffrey Beckwith, MMA
Board of Selectmen

DPJ:633

Massachusetts Municipal Association

Background on Lottery Aid

The Massachusetts Lottery was established 21 years ago for the exclusive purpose of providing cities and towns with an additional revenue source to support local services and to reduce property taxes.

For the past several years, the state has subverted the statutory intent of the Lottery by diverting portions of lottery revenue away from cities and towns and into the state's general fund (see graph on reverse side). Beginning in FY '90, the state routinely diverted all the growth in lottery proceeds away from cities and towns. By Fiscal Year 1992 the state was taking \$75 million in lottery monies, or nearly 20% of total lottery proceeds, away from communities and using it for state budgetary purposes.

Last summer, the MMA worked with the legislature to halt to the practice of level funding the "local share" of the lottery. Representative Frank Hynes of Marshfield offered and won an amendment to the state budget that allowed cities and towns to receive the estimated \$23 million growth in lottery revenues for FY '93. The amendment was included in the budget that was sent to the Governor's desk. The Governor vetoed the increase, but his veto was unanimously overridden by both the House and Senate.

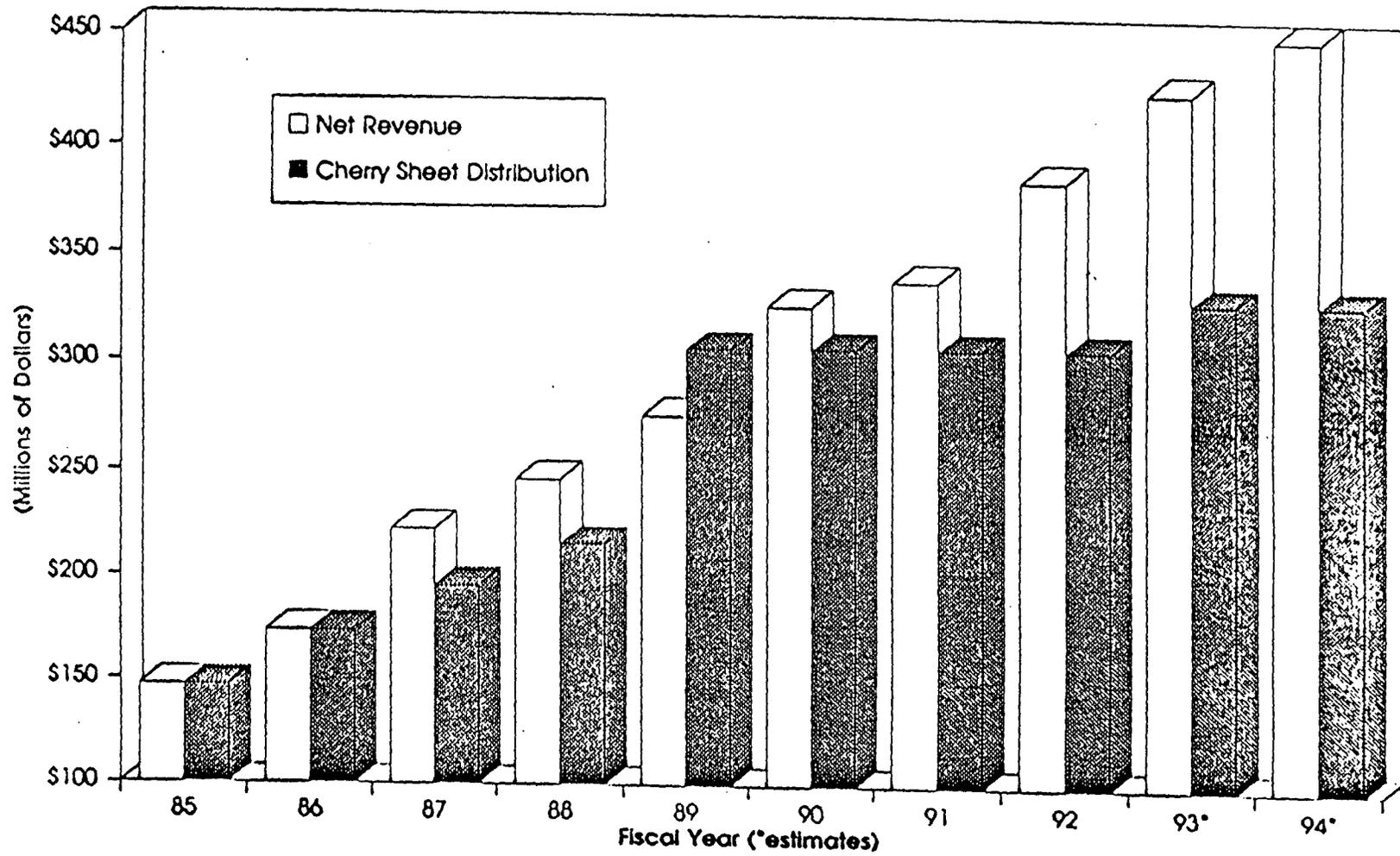
The projected FY '93 lottery increase was very conservative. The actual growth in lottery revenue will be \$41 million. In essence, cities and towns still face a lottery shortfall of \$18 million.

The FY '94 budget submitted by Governor Weld (House One) proposes a return to the practice of capping the lottery and not giving cities and towns their rightful increase of lottery revenue. Once again, working with the legislature, the MMA will offer a budget amendment to guarantee that cities and towns receive the full growth of lottery funds in FY '94. If this amendment is adopted, lottery aid would increase for municipalities by approximately \$47 million in FY '94. This MMA amendment is very reasonable because the state would still be allowed to retain \$75 million in lottery revenues in FY '94. Next year, the MMA plans to eliminate the entire state diversion of lottery funds, so that cities and towns will once again receive one hundred percent of lottery revenues.

Model Warrant Article

To see if the town of _____ will instruct its representatives to the General Court to support an amendment to the FY '94 state budget to guarantee that cities and towns receive the full \$47 million growth in lottery revenues.

Lottery Fund Diversions, FY85-93



Massachusetts Municipal Association

Gas Tax Revenue Sharing Act/Local Roads Fund

House Bill 1567/Senate Bill 1409

Over the past several years, the state has failed to meet its commitments to share with cities and towns state motor fuel excises collections, mainly the gasoline excise. For FY'93, collections are expected to total \$545 million. Even when local roadway spending has been authorized, state reimbursement of local expenses has been regularly delayed which has forced municipalities into costly borrowing. The Gas Tax Revenue Sharing Act legislation filed by the MMA for consideration in the 1993 legislative session would establish a new motor fuel excises revenue sharing statute. This Act would ensure that cities and towns receive a fair share of gas tax collections and that proceeds are not diverted to non-local projects and spending programs. In addition, it would set a timetable for state distributions to provide some certainty for local finance officials.

State law requires that 15 percent of gas tax collections be distributed to cities and towns, with half of this amount earmarked for Chapter 90 roadway construction and repair. In addition, the state has customarily administered a reimbursement-based Chapter 90 program funded with state bond proceeds. Since FY'89, the state has only partially fulfilled its obligations. This has resulted in an inadequate amount of revenue available for local road construction and improvement projects and for the policing of local streets. In addition, the volatility in funding from year to year has also disrupted the local planning process and has led to the delay in completion of some local road projects.

In FY'90, cities and towns received only about 8 percent of tax collections through the Cherry Sheet Highway Aid account. No Chapter 90 funds were distributed in this year. In FY'91, the Cherry Sheet account was zeroed out. Chapter 90 bond-funded spending authorizations were distributed. In both FY'92 and FY'93, the Cherry Sheet account was fully funded and Chapter 90 bond program authorizations were again distributed. In FY'93, the Chapter 90 grant program was also reinstated. In these two years, the local share of motor fuel excises collections totaled about 15 percent plus the state expense of the Chapter 90 bond program. For FY'94, the Governor has recommended that the Cherry Sheet account be fully funded, but that the Chapter 90 grant program be eliminated. In addition, there are no Chapter 90 bond funds available in FY'94. The current outlook for next year is for cities and towns to receive \$43.5 million, or only 7.5 percent of gas tax collections.

The Gas Tax Revenue Sharing Act would create a new state fund called the Local Roads Fund. An amount of tax collections equivalent to 10 cents of the 21 cent gas tax rate -- or 47.6 percent of collections -- would be credited to the fund and could be used only for distributions by the State Treasurer to cities and towns for appropriation for local road construction and maintenance programs, including the reconstruction of gravel roads, and for the policing of local streets. About 80 percent of Massachusetts lane-miles are maintained locally. Municipalities could also use the funds for the construction of salt storage sheds and for the replacement/removal of underground municipal DPW fuel tanks.

Model Warrant Article

To see if the town of _____ will instruct its representatives to the General Court to support legislation filed by the Massachusetts Municipal Association that would establish in state law a Local Roads Fund in order to ensure a fair and predictable share of state gas tax collections for distribution to cities and towns for use on local roads.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: March 26, 1993

TO: Cable Advisory Committee
FROM: Don P. Johnson, Town Manager
SUBJECT: Municipal Bylaws

Attached you will find a "news letter" from the Community Antenna Television Commission. The second article relates to Municipal Bylaws controlling local cable companies. I bring this to your attention in connection with conversations I have had with the Bedford Town Manager and several of their Selectmen.

The Massachusetts Municipal Association included several sessions on cable TV in its annual meeting this year. I attended these sessions, along with the folks from Bedford. In one particular session there was a great deal of interest in local bylaws as they were described by the presenter. Subsequent to that conference I spoke with the people from Bedford and they have expressed interest in pursuing a "model" bylaw with us ... possibly through a joint arrangement with the consultant who spoke at the MMA conference.

I have explained to the Bedford Town Manager that we were in the process of activating your committee and that we would not be able to address their proposal until you were functional. I bring all this to your attention now because it is timely with respect to the news letter and also because you may wish to consider this option early-on.



cc: Board of Selectmen



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor
Daniel S. Greenbaum
Commissioner

CC: D. HALLEY - ATTACHED ARE THE FORMS
DEP WANTS US TO FILE. PLEASE SEE
THAT THEY ARE COMPLETED AND FILED
ON TIME.

March 19, 1993

CC: BOS - FYE (COVER LETTER ONLY)

TO:

Office of the Mayor
Board of Selectmen
District Director

Re: FY94 Information Request
for State Revolving
Loan Fund
Project Priority Lists

Dear Public Official:

Last October, Governor Weld signed into law amendments to the State's Revolving Loan Fund Program for Wastewater Treatment Facilities. Since that time the Massachusetts Water Pollution Abatement Trust has executed loans totaling \$ 310 million; has entered into loan commitments with 30 communities with loan closing dates over the next 3 to 6 months; and scheduled the closing of loans with another 80 communities over the next 6 to 18 months.

In anticipation of additional federal funding being made available, the Bureau of Municipal Facilities (Bureau) in accordance with state and federal regulations is preparing its Fiscal Year 1994 Project Priority Lists for the State's Revolving Loan Fund (SRF) Programs. Even though the exact amount of federal assistance has not been finalized, both the Clinton Administration and the Congress are strongly supportive of the SRF program. It is estimated that approximately \$ 150 million could be available in fiscal year 1994 to finance new projects. It must be emphasized that in order for a community to receive financial assistance, it must be included on the project priority list.

The SRF authorizes loans for all of the Bureau's wastewater treatment facilities programs with a subsidy at the equivalency of a 25% grant. These wastewater programs include: Tier I (formerly EPA/state construction grants program); Planning and Design; Tier II; Infiltration/Inflow; and Collection Systems. It should be noted that the types of projects funded and the eligibility under each of the programs has generally not changed.

In order to assist you in providing the necessary information, project evaluation forms (PEF) and supplements have been attached. The PEF contains requests for general information necessary regardless of the program under which you are seeking assistance. Supplement No. 1 contains requests for information pertaining to Tier I, Tier II, and Planning and Design projects. Supplement No. 2 contains requests for information pertaining to Infiltration/Inflow projects. Supplement No. 3 contains requests for information pertaining to Collection Systems projects. Care should be taken in following the instructions and providing the responses to questions in the attached forms.

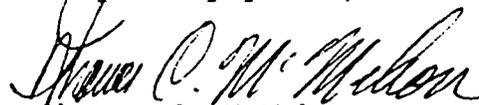
In order to be considered for inclusion on any of the Bureau's priority lists for FY94 you must submit the required information even if you have submitted information for previous fiscal years.

Due to time constraints placed upon this Bureau, please submit two complete sets of the requested information by April 16, 1993, if you wish to be considered for any of the Bureau's FY94 priority lists. Please be advised that projects having the same rating will be ranked in order of earliest receipt of project information.

If there are questions relating to the information requested in this letter, you may contact the following Bureau Program Managers at their respective telephone numbers.

Southeast MA - Robert Cady	(617) 292-5713
Western MA - Stanley Linda	(617) 292-5736
MWRA/Northeast MA - Alan Slater	(617) 292-5749
Infiltration/Inflow - Gus Swanquist	(617) 556-1083

Very truly yours,


Thomas C. McMahon
Deputy Commissioner

TCM/GSH/mls

cc. Massachusetts Water Pollution Abatement Trust

MINUTES OF THE MAGIC/ROUTE 2 CORRIDOR ADVISORY COMMITTEE
FEBRUARY 25, 1993

The meeting of the Route 2 Corridor Citizens Advisory Committee was held Thursday, February 25, 1993 at the Massachusetts Highway Department (MHD) District 4 Office at 519 Appleton Street in Arlington. The following were in attendance:

Daniel Beagan, MHD, Director BTP&D
Hari Vohra, MHD, Traffic Engineering
Kojo Fordjour, MHD, Project Development
Efi Pagitsas, CTPS
Bill Bent, CTPS
Bob MacDonald, MHD, District 4 Projects Engineer
Jack Wood, MHD, District 4 Planning
Harriet Todd, Selectman, Town of Lincoln
Dilla Tingley, Planning Board, Town of Lincoln
- Anne Fanton, Selectman, Town of Acton
F. Dore' Hunter, Selectman, Town of Acton
John Pavan, Planning Board, Town of Acton
Judy Walpole, Selectman, Town of Concord
Gail Jewell, Planning Board, Town of Concord

Efi Pagitsas began by discussing results of the 1992 updated CTPS Hanscom Model for Route 2. It showed that in the AM peak hour, there is a reduction of westbound traffic and a slight increase in eastbound traffic.

Traffic Zone Maps for the area towns were distributed. Efi explained that Socio-Economic Data Updates are used to forecast future traffic growth. She requested that Town Planners provide development figures for 1991, 1992 and 1998 predictions for each zone in their respective towns by the end of March.

Bill Bent handed out diagrams showing peak hour traffic volumes and patterns for 1992 conditions at the Route 2 rotary. He explained that the major conflict points in the rotary occur between traffic from Commonwealth Ave. and Route 2 eastbound and between traffic from Route 2A traveling to Commonwealth Avenue. Weekday peak hour level-of-service (LOS) analyses were performed using the Australian Method which is based on traffic entering the rotary. The analysis showed that the Route 2 eastbound movement for the AM peak hour was LOS B. Members of the communities felt that this does not reflect actual conditions. There was a discussion about how traffic is processed through the rotary versus demand. It may be possible that the problems that occur may be due to the fact that the rotary does not function as two circulating lanes. Dan Beagan suggested that the rotary be analyzed as a series of unsignalized intersection and reanalyze using the Australian Method using one circulating lane. A short film about rotaries was shown followed by a discussion of the characteristics of the Concord rotary versus those in other

states. Efi pointed out that the number of accidents at the rotary are similar to the number at Crosby Corner and the severity of the accidents are relatively low.

Anne Fanton wanted to know if the 10 year time frame for the rotary long term solution was definite. Kojo Fordjour said that projects of this magnitude tend to take this long, however it is possible that the project could be completed sooner. Ann feels that the Route 2 cross-over project (west of the rotary) should be tied to the long term rotary project. She feels that the best location for the cross-over ~~is~~ at School and Wetherbee Streets.

may be (depending on traffic studies) at
Kojo gave an update on the Crosby Corner Signal Update Project (short term). The bids are scheduled to be opened on March 9, 1993 and construction should be completed by the fall. The Preconstruction Conference for the Route 2 Five Locations Project is to be held next week and construction is expected to be completed sometime during the summer. Traffic management plans have been prepared to reduce congestion, however some delays are expected. Also press releases will be made which will alert the public of possible construction related delays. There is now a toll free number which will give "Smart Route" information.

The Crosby Corner Improvement Project (long term) consultant selection committee has recommended their selection to the A & E Board for approval. Upon approval, a contract cost will be negotiated. The contract will include the completion of the EIR/EIS process and 25% design and should take approximately 24 months. When this is completed, with FHWA concurrence, a final design contract will be let out. Public hearings will be held as the final design progresses, which should be in about 3 years.

The date for the next meeting was set for Thursday, May ²10 at 8:00 a.m. The agenda will include updates on: the progress of the CTPS Model, new LOS analyses of the Concord rotary, and the scope of the long term rotary project plan.

Temp. BOS, Planning



Minuteman Advisory Group on Interlocal Coordination

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

Acton
Boxborough
Carlisle
Concord
Hudson

Littleton
Marlborough
Maynard
Stow
Sudbury

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

MEETING NOTES

(For list of participants, see attached.)

February 11, 1993

In the absence of Donna Jacobs, Vice Chair Judy Walpole called the meeting to order.

Updates and Briefings

Fort Devens. Judy Alland reported that the CAC has completed the scope for the Ft. Devens EIR, unanimously adopting its final product. Paul Smith described the February 10 NEPA hearing, designed to get public input into the federal environmental review. Ed Bates announced that the Boston Society of Architects is planning a three-day charrette on Devens April 15-18. Gail Jewell of Concord is planning to participate.

Acton DRI. John Pavan reported on the proposed expansion of an Acton nursing home. The project triggers DRI review because it abuts Concord. The plan calls for a 41-bed expansion, the addition of an administrative/dining area, relocation and addition of parking, and a new sewage treatment plant. Two permits are required: a special permit for the treatment plant has already been approved by the Planning Board; a special permit for site plan approval is required from the Board of Selectmen. Because of the timing, MAGIC can only provide input into the latter process.

The DRI subcommittee (John Pavan and at least one representative of Concord) will review the proposal on March 11 at 6:30 p.m., making its recommendations to MAGIC at the full meeting later that evening. Members questioned whether a representative of an affected community should chair the subcommittee meeting and whether the process should be expedited by allowing the subcommittee to make the final recommendation without consulting the full subregion. John willingly offered to turn to meeting over to any volunteer, but none came forward. Discussion of the subcommittee approval issue was deferred.

Regional Water Supply Protection Plan. MAPC's Martin Pillsbury announced plans to seek a DEP grant to develop a water supply protection plan for the MAGIC subregion. The process would include an inventory and GIS mapping of all water

resources in the subregion and of all land uses and potential sources of contamination; an evaluation of existing protection measures; and recommendations for further protections both at the local and intercommunity level. Members expressed strong approval. On MOTION, it was

VOTED to support boards of selectmen in endorsing participation.

Transportation

Ed Bates explained the Unified Planning Work Program, describing criteria for projects and noting that "ISTEA" legislation requires much more local participation in preparing this plan. The Concord rotary and the Lowell-Concord rail trail were mentioned for possible consideration. Further suggestions can be made via MAGIC or directly to MAPC.

Craig Leiner of CTPS described the regional transportation plan now in progress. It is the first effort of its kind in many years, covering a 20-year period but envisioning a future stretching far beyond. The deadline is October 1, 1993. The plan needs to be fairly specific, and the analysis must consider financial feasibility and air quality compliance. Craig will return to seek input. Anne Fanton urged that the plan look very carefully at and perhaps incorporate the goals and precepts of MetroPlan 2000.

Housing Subcommittee

John Pavan reported on the meeting of the Housing Subcommittee, which convened prior to MAGIC to plan for the April 1 housing meeting. The subcommittee recommends inviting all housing interests (e.g., housing authorities, partnerships, and non-profits) in MAGIC communities plus Bolton and Lincoln. The agenda would highlight specific projects in place or in progress using different methods; provide for questions and answers and an open exchange among communities; and segue into discussion of forming an ongoing housing network. Communities would be asked to bring materials for display tables and encouraged to mingle.

The subcommittee will request ten-minute presentations on the following projects: Lincoln Woods Coop (including discussion of the use of a nonprofit); Marlborough's experience with inclusionary zoning; Stow and/or Bolton's Local Initiative Program developments; Schem Way in Acton; and Westvale Meadow in Concord. In addition, South Middlesex Opportunity Council (SMOC) will be asked to describe its activities and possibilities for affordable housing development in MAGIC. If the participants show interest in an ongoing network, MAGIC will help set a date for a

follow-up meeting and encourage one community's housing leaders to take responsibility for arranging it.

MAGIC strongly supported this proposal. In response to a request from Jeffrey Betterini, Judy Alland agreed to provide basic information on options for RTC, FDIC, and bank-held real estate.

Meeting with Legislators

After brief discussion, MAGIC agreed to proceed with the March 11 meeting, limiting it to state legislators only and seeking a separate meeting with Congressman Meehan at a later date. The agenda will take the form of a roundtable, using a set of topics/questions as the framework for discussion. The Chair will lead the discussion, asking what the legislators can do or are doing in regard to a number of issues, and what MAGIC can do to help. The issues list will incorporate earlier topics and MAGIC's legislative priorities. Judy Alland will send invitations plus the list, and MAGIC members will contact their representatives.

Local Contributions to MAGIC

Anne Fanton described her approach in asking Acton to contribute to MAGIC, stressing the importance to local communities of being able to speak as one with their neighbors on such regional issues as Ft. Devens. Dick Downey announced that Maynard's selectmen have agreed to support including the MAGIC contribution in the budget.

Upcoming Meetings

The next meeting is March 11 at the Fairbank Senior Center in Sudbury. The DRI subcommittee will meet at 6:30 p.m., with full MAGIC DRI discussion at 7:30; the session with legislators will begin at 7:45.

The subsequent meeting will be at 7:30 p.m. on April 1 at Maynard Town Hall and will feature an information exchange among housing interests.

MAGIC ATTENDANCE

DATE: February 11, 1993

NAME	ADDRESS (Please print legibly)	AFFILIATION & PHONE
Judy Walpole	58 Allen Farm Lane Concord, MA 01742	Selectmen 369-7581
Ed Bates	MAPC	451-2770
Gail B. Jewell	27 Seymour Street Concord, MA 01742	Planning Board 369-5048
Carmine Gentile	33 Surrey Lane Sudbury, MA 01776	Planning Board 443-9898
John Pavan	235 Brown Bear Cr. Acton, MA 01718	Planning Board 264-4370 (h) 423-6500 (w)
Phylis W. Hughes	250 Acton St. Carlisle, MA	Planning Board 369-6625
Dick Downey	21 Howard Road Maynard, MA 01754	Selectmen 897-8871 (h) 568-0451 (w)
Walt Sokolowski	115 Acton St. Maynard	DPW 897-2167 (h) or 1017 (w)
Anne Fanton	43 Fort Pond Road Acton, MA 01720	Selectmen 263-4989
Jeffery Betterini	220 Swanson Road #610 Boxborough, MA 01719	Planning 635-0240
Wanda Milik	143 Martin Street Carlisle, MA 01741	Selectmen 371-0102
Alfred Lima	133 Keyes Rd. Concord, MA	Planning Dept. 371-6260
Judith Alland	MAPC	451-2770
Paul E. Smith	189 Whitcomb Avenue Littleton, MA 01460	Rep. of Selectmen 486-4592
Craig Leiner	CTPS	973-7100
Douglas Hyde	271 Great Road Stow, MA	Selectmen 897-7446
Bruce Fletcher	88 South Acton Rd. Stow, MA	Highway Dept. 897-8071

MAGIC

Acton
Boxborough
Carlisle
Concord
Hudson



Littleton
Marlborough
Maynard
Stow
Sudbury

Minuteman Advisory Group on Interlocal Coordination

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

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

MEETING NOTES

(For list of participants, see attached.)

March 11, 1993

*Don - Please
take note
Anne*

DRI Subcommittee

The DRI Subcommittee – John Pavan (Acton), chair, Gail Jewell (Concord); and Jeffrey Betterini (Boxborough) – met to review the proposed expansion of the Suburban Manor Nursing Home in Acton. Staff review of the project is attached hereto and included by reference. The subcommittee agreed to the following recommendations:

- o Request that DEP review potential public or private wells within the impact range, especially those in Concord;
- o Ask Acton's Board of Selectmen to notify Concord when the public hearing is scheduled; to forward the site plan application, upon receipt, to the Concord Planning Director for review and comment on potential traffic and other impacts on Concord; and to await Concord's comments before making final decisions; and
- o Ask Acton to consider potential impacts on Concord of site lighting and of noise and odor from the treatment plant.

MAGIC MEETING

Updates and Briefings

Donna Jacobs called the meeting to order. She reminded members to forward to MAPC information on "ready-to-go" projects that might be eligible for economic stimulus funding and to bring 1990-1992 town reports for MAPC's library. John Pavan presented the DRI Subcommittee's report. On MOTION it was

VOTED to approve the subcommittee's recommendations (see above).

Donna asked for volunteers for the Nominating Committee. Jeffrey, Donna, and Dick Downey agreed to serve and bring recommendations to the April meeting.

Legislative Roundtable

Donna began the roundtable discussion with introductions. Sen. Durand and Rep. Walrath were present for the "early shift," with Reps. Resor and Evans arriving later. Highlights are outlined below:

- o Ft. Devens Reuse Planning: Rep. Walrath and Sen. Durand reported that legislators and Devens planners have been meeting regularly to resolve, among other things, who controls the planning effort. The thrust is toward a shared approach. More regional voice is needed in the general planning and on the proposed Ft. Devens Development Corporation. Sen. Durand urged MAGIC/MAPC to write to the Governor to ensure a role.

*Ft. Devens
T. Force
F.Y.L.*

- o Surplussing of Ft. Devens Annex: This facility need not appear on the BRAC list to be surplussed. Rep. Walrath cautioned that if the Annex is surplussed too soon, the clean up may be abbreviated; on the other hand, if thorough clean-up precedes surplussing, the land values may be bid out of reach.
- o Second airport: Recent MAC findings indicate that a second airport may not be necessary in light of demand forecasts and increased use of telecommunications and rail. There is growing momentum behind rail (traditional, high-speed, maglev, and north-south rail link). Rep. Evans urged MAGIC to support this trend in order to obviate the need for a second airport.
- o Land Bank Bill: Rep. Resor opined that this probably doesn't have a chance now that counties are using this source. There is a need to look for another source of funds, e.g., the open space and housing bond bills.
- o Housing: Opinions differed on chances of passage. Most legislators did not expect passage, but Rep. Resor stated that pressures were mounting, especially in light of recent major cuts in rental assistance and other housing programs. In response to questions about changes in EOCD's priorities, Rep. Evans reported on a positive meeting in which EOCD officials seemed committed to helping towns gain access to federal housing funds. She suggested that state senators and representatives should go together to increase chances of success. MAGIC members noted that Littleton, Stow, and Hudson have all just approved new affordable housing.
- o River Protection Bill: On behalf of MAGIC, Donna will write a letter to Senate Ways and Means in support of Sen. Durand's bill.
- o Markets for Recycling: Concord is planning a mid-May conference on regional solutions to waste disposal and recycling problems and asked if MAGIC would endorse the idea. On MOTION, it was

VOTED to encourage Concord to proceed with the conference.

- o Bay Circuit: Donna will ask Sen. Durand whether Open Space Bond funds could be used for this.
- o Regionalism: Rep. Resor reported on meetings of the committee to discuss "the middle layer," which is formulating recommendations on the future of counties and other regional models.

On MOTION, it was

VOTED to express MAGIC's gratitude to the legislators for participating in the roundtable.

Next Meeting

The next meeting is at the Maynard Municipal Building on April 1, when the agenda will be devoted to a Housing Information Exchange, with participation from housing partnerships, housing authorities, and other housing interests from MAGIC communities.

MAGIC ATTENDANCE

DATE: February 11, 1993

NAME	ADDRESS (Please print legibly)	AFFILIATION & PHONE
Rosemary Marini	42 Church Street Hudson, MA 01749	Planning Board (508) 562-2507
John Pavan	235 Brown Bear Crossing Acton, MA 01718	Planning Board (508) 264-4370 (home) (617) 423-6580 (work)
Dick Downey	21 Howard Road Maynard, MA 01754	Selectman (508) 897-8871 (home) (508) 568-0451 (work)
Carmine Gentile	33 Surrey Lane Sudbury, MA 01776	Planning Board (508) 443-9898 (home) (508) 820-7777 (work)
Bob Durand	Room 413D, Statehouse Boston, MA 02133	Senator (617) 722-1120
Carrie Flood (filling in for J. Walpole)	1289 Main Street Concord, MA 01742	Concord Selectman (508) 369-8378
Gail B. Jewell	27 Seymour Street Concord, MA 01742	Concord Planning Board
David Soule	MAPC	
Jeffrey P. Betterini	220 Swanson Road, #610 Boxborough, MA 01719	Planning Board (508) 635-0240
Pat Walrath	State House, Room 237	State Representative (617) 722-2307
Donna Jacobs	456 Gleasondale Road Stow, MA 01775	(508) 562-6725
Paul E. Smith	189 Whitcomb Avenue Littleton, MA 01460	Rep. of Selectman (508) 486-4592
Pam Resor	State House, Room 33	(617) 722-2060
Hasty Evans	State House, Room 443	(617) 722-2460
Allan McRae	14 Coughlin Littleton, MA 01460	Candidate for Selectmen - Littleton (508) 263-7905

(housing/attend)



Carlisle Mosquito



p. 2

Forum

It's time to work our MAGIC in the region

by Hal Sauer
Forum staff

We can no longer afford to ignore what is taking place outside our town's boundaries. External pressures which impact us significantly, and over which we have no local control, are occurring at an accelerating pace. The future well-being of Carlisle and the preservation of town attributes that generations of residents have struggled to protect require that we start thinking and acting regionally.

Examples of the problem are abundant. When I moved to Westford Road in 1967, traffic on Route 225 was light. During much of the day the occasional car was rare enough to cause one to look up. The heaviest traffic of the week was often that of Sunday drivers taking their weekly tours in the "country." Now Route 225 and town roads such as South and Cross Streets are important commuting arteries with a surprising number of New Hampshire cars. Traffic jams in the center are becoming more serious each year.

Other examples are the growing strip-mall development of Route 27, the possible development of the Estabrook woods in Concord and the potential use of Fort Devens as a new major airport.

We must also acknowledge that we are an integral part of our region and have a vested interest in its protection. The Middlesex area is rich in historic, recreational, and other attributes that make it an exceptional place in which to live. The dissipation of any such asset in a neighboring town detracts from the quality of life of each Carlisle resident. As examples, enlightened development of the Minuteman National Park, the sad decay of the Col. James Barrett farm in Concord, the loss of open space in the Pope Road-Strawberry Hill Road area of Acton and the potential development of the Lowell-Sudbury bike trail along the route of the railroad to the west of Carlisle are all issues in which we should take active interest.

The New England tradition of strong town independence established by our colonial forebears provides some wonderful advantages of local control not found elsewhere. But as regional issues become increasingly important, our system of semi-autonomous town governments makes regional control difficult.

Our best hope for dealing with this issue is the Metropolitan Area Planning Council (MAPC) and its subgroup, the Minuteman Area Group on Interlocal Communication (MAGIC). MAPC is comprised of 101 towns surrounding Boston. MAGIC is made up of ten of these towns which are our immediate neighbors.

The objectives of both MAPC and MAGIC are to aid member towns in jointly controlling regional development and to provide a forum for the resolution of regional issues. With a membership consisting of elected officials (a selectman and planning board member from each town) MAGIC has much more clout than any town, by itself.

Some of the many issues in which MAGIC is now involved are:

- Redevelopment of Fort Devens. MAGIC is exerting its significant influence toward encouraging the most appropriate and least area-damaging use of this facility.
- Reconstruction of Route 2. As the result of a MAGIC initiative, Massachusetts DPW Secretary Kerasiotes has organized a "Route 2 corridor advisory committee" in which the towns through which Route 2 passes have been given a degree of review and approval authority in the reconstruction design.
- Upgrading of Route 3. MAGIC and MAPC have been pressuring the state to widen Route 3 from New Hampshire to Route 128. When accomplished, commuter traffic through Carlisle should be significantly reduced.
- Control of developments of regional impact. MAGIC towns have mutually adopted a process by which any significant land development in a MAGIC town will be reviewed by the surrounding towns, to assess its regional impact. Although the surrounding towns will not be able to mandate changes, they will have major influence in modifying negative regional aspects.

These are but a few of the areas in which MAGIC has been active. As it constitutes our most viable mechanism to deal with regional concerns, it is important that its support be given high priority by our Selectmen and Planning Board and the town in general.

During my recent years as Carlisle's Selectman delegate to MAGIC, I witnessed its evolution from a monthly debating society to an action-oriented board which its member towns now take quite seriously. Significant results can be achieved when committed elected officials meet to deal with mutual problems. It's clearly in Carlisle's best interest to work our MAGIC in the region.

[Ed. note: Sauer left the Carlisle Board of Selectman in 1992. During his six years on the board, he was the board's delegate to MAGIC. During his last year, he served as MAGIC chair.]

Also Inside
Sunday Sampler:
Framingham
Nena Groskind
Mortgage Rates

REAL

THE BOSTON SUNDAY

Don, BOS - FYI *Anne*

Back TO THE center

More than nostalgia
drives effort to recreate
town centers



By Robert
SPECIAL TO T



The Cedarville Steering Committee:
front, John Lee, Ann Skelly, Genevieve
Ash and Laura Briggs; in back, Joe

PLYMOUTH seemed like a suburban sprawl in the mid-1970s. Land Property huge share Pilgrim feared the beaches, f way to Bo the north.

Local government also appeared to curb growth. The town's zoning bylaws were long and were administered by a part-time secretary.

"We would meet every Tuesday over subdivision plans," said Micber for 21 years. "It was brutal."

But Plymouth did not become subdivisions connected by concrete malls. Town boards must

REAL ESTATE

New Hamps
Cape Coc

THE BOSTON SUNDAY GLOBE • MARCH 14, 1993



GLOBE PHOTOS / STEPHEN RO

By Robert Preer
SPECIAL TO THE GLOBE

PLYMOUTH - If ever a community seemed likely to be overcome by suburban sprawl, it was Plymouth in the mid-1970s.

Land was cheap and plentiful. Property taxes were low because of the huge share paid by Boston Edison's Pilgrim nuclear plant, which few people feared then. The town boasted ocean beaches, freshwater ponds and a highway to Boston, which is only 40 miles to the north.

Local government also appeared ill-equipped to deal with growth. The town's zoning bylaws were only about five pages long and were administered by an unpaid planning board with one time secretary.

"They would meet every Tuesday night until 2 a.m. going over subdivision plans," said Michael F. Babini, a board member for 21 years. "It was brutal."

But Plymouth did not become the typical suburb of tract subdivisions connected by congested roads lined with strip malls. Town boards worked together, held regular community

Eventually, the town adopted a village center plan, which has used zoning and other measures to steer growth to targeted areas and to discourage it in others.

The result is one large town with five distinct villages - Plymouth Center, North Plymouth, Manomet, Cedarville and West Plymouth - and only patches of commercial sprawl, most of it on Route 44, near Route 3.

"We have the opportunity to feel small, but also to be part of something larger," said Randy Parker, chairman of the Manomet citizens committee that advises town officials on development of the village.

Plymouth's leaders now appear to have been ahead of their time. In the past five years, a school of city planning has emerged that advocates dense, mixed-use development, much like the cities and towns that arose before the automobile.

"There is a new traditional planning movement around the country trying to promote village centers now," said Robert D. Yaro, executive director of the Regional Plan Association, a New York City-based think tank.

The "neo-traditionalist" approach is a reaction to the policies that spawned the suburban sprawl after World War II. Planners and academics of that era thought different land uses should be separated. Housing was steered to large, open tracts, and commercial development was put along main

Cedarville Village in Plymouth consists of small shops and restaurants, a historic schoolhouse used for community gatherings, and a new supermarket.

Planners attempt to recreate town centers

■ VILLAGE CENTERS

Continued from Page A27

Perhaps the leading advocate of the new traditionalism is the Miami-based husband and wife architect team of Andres Duany and Elizabeth Plater-Zyberk. They designed the Florida Gulf Coast community of Seaside, a pedestrian-oriented village with red-brick streets, tiny yards, and front porches on all of the houses. Another of their projects is Cape Cod's Mashpee Commons, a multi-story brick-village rising on the site of a 1960s strip mall.

In Massachusetts, the notion of village centers appears to be catching on. The three-year-old Cape Cod Commission, which has the power to overrule local zoning in some instances, has tried to direct development to older centers.

The Metropolitan Area Planning Council, a consortium of 101 Boston area cities and towns, recently adopted a plan that urges state and federal agencies to target new infrastructure improvements for established centers.

"The value in our plan is that sprawl is bad, and subsidizing sprawl is worse," said David Soule, executive director of the planning council. For many Massachusetts cities

and towns, the challenge is not to create village centers but to preserve old ones. Officials in Newton, a city with 14 villages, have poured money into beautifying and upgrading the small business districts, while discouraging big discount and warehouse stores that could promote sprawl and threaten retailers in the villages.

When a BJ's warehouse was proposed for Needham Street, the Newton Board of Aldermen took a preliminary vote against the proposal, prompting the developer to drop the project.

In Boston, probably the longest sustained effort to preserve an older village has been in Roslindale, where a community revitalization effort has been operating for nearly a decade.

Storefront, street and park improvements have been key parts of the Roslindale program. A coalition of merchants, officials and residents also organizes an annual summer festival and is trying to establish a food co-op in a vacant bank building.

Roslindale Square has benefited from the fact that no malls or big discount stores are on its doorstep, although merchants say the Dedham Mall, just over the city line in Dedham, has hurt them.

In the suburbs, big retailers are

often the main obstacle to village center development. "It is extremely difficult to accomplish given the rise of Wal-marts and suburban malls," said John R. Mullin, a regional planning specialist at the University of Massachusetts-Amherst.

Also, communities trying to promote village centers by passing new zoning laws face a long process. State law freezes the zoning on individual parcels for eight years. Thus, a city or town could ban strip malls in an area, but property owners still would have plenty of time to build the projects.

Also, many communities facing rapid growth now — mainly smaller towns near Route 495 — lack both the professional staff to devise plans and the political leadership to challenge old ways of doing things.

The experience of Plymouth, home of the country's first village built by European settlers, illustrates the perils and promise of trying to re-invent modern villages.

Several large tracts, Ponds of Plymouth in South Plymouth with its 823 separate lots for single family homes, were already subdivided when the plan was adopted. Strip development also was well under way on Route 44.

Some of the biggest challenges to the plan, ironically, have come from government. Despite the preference on the part of planners to include community buildings, such as schools and libraries, in village centers, the Plymouth school department built a new high school without locating it in one of the five village centers and also has proposed putting a new elementary school in Ponds of Plymouth, which is not an official center.

The main library moved out of downtown in 1991, and the police station is scheduled to leave the business district shortly.

Despite their label, the villages of Plymouth do not resemble quaint, 19th century hamlets. The heart of West Plymouth's village center is a strip mall, and the Manomet and Cedarville centers also are designed for people with cars. Nevertheless, the concentrated commercial areas have promoted a sense of community.

Cedarville residents point with pride to their village center, which did not exist when the plan was adopted in 1979. Now, it consists of several small shops and restaurants, a historic schoolhouse used for community gatherings, and, the most recent addition, a Star Market.

SELECTMEN'S MEETING
MARCH 30, 1993

Draft

The Board of Selectmen held their regular meeting on Tuesday, March 30, 1993, beginning at 8:00 p.m. due to election. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None expressed

PUBLIC HEARINGS AND APPOINTMENTS

TRIPLE A MARKET - BEER AND WINE LICENSE

Mr. Arthur Graztano representing Triple A Markets explained the intent in obtaining this license would be to serve the customers. He has have numerous requests from customers for beer and wine sales in conjunction with grocery shopping. He outlined the plan that has been developed to adequately address any concerns with regard to control of the sale and handling of beer and wine. They plan to convert the present card/florist department into the display and cooler area. They will have locked bins in the storage area for stock, with admittance controlled by the 5 key employees with key privileges, all of which are over 30 years of age. They will designate three registers in the front of the store closest to the main desk which has the overview of these registers. As well as the three registers being manned by employees over 21, the front end supervisor as well as the employee assigned to the desk would oversee the sales. He asked that the Board consider their decision on the merits of Triple A and not to judge them on what another store might do with a license granted to them.

Dore' Hunter outlined for the Board his vote and reason for it when Purity Supreme applied for a Beer and Wine several years ago.

Steve Steinberg spoke about the security issues and the potential of additional supermarkets applying for the remaining licenses.

Representatives from Notar's Market spoke about the economic issues. The security issue was again discussed and they felt that to issue this license would financially hurt the existing license holders.

Peter Master, Last National asked the Board to consider the impact to the other license holders in town. He also spoke to the security issue.

Henry Accounchia, Representing Triple A, reiterated that the application for this license was driven by the customers of Triple A, it would be for the convenience and to better serve the customer and that was the purpose of the application.

Dore' felt that while Triple A had presented a good plan he felt he could not support the issuance. Bill Mullin also said that while he believed in competition of businesses he could not support the issuance. Nancy stated that she supported the issuance. Anne felt it did not meet the criteria as to demonstrated community need and therefore could not support the granting. NORM LAKE - Moved to Grant Triple A a Beer and Wine License. NANCY TAVERNIER- Second. 2-3, Bill Mullin, Anne Fanton and Dore' Hunter No. Motion Failed.

SCOTT MOTOR'S - CLASS II - 866 MAIN STREET

The Board discussed Mr. Scott's request for a Class II License at 866 Main Street. Mr. Scott said that he will have no cars at 866 Main. He has applied for the license so that he can more easily transfer autos that he obtains through his towing business that he operates on Eastern Road. Anne was confused by the Building Commissioner's comments and wanted to have clarification on the zoning. Nancy agreed that this request could be better addressed after discussion with the Building Commissioner. The Board asked Mr. Scott to meet with the Building Commissioner to clarify the zoning issues. DORE' HUNTER - Moved to continue the hearing to April 6 at 8:00. ANNE FANTON - Second. UNANIMOUS VOTE.

MARSHALL LAND CARLISLE ROAD - 61A

Anne outlined the Marshall 61A Right of First Refusal option on Lot #3 which is currently undeveloped and zoned residential which would support two house lots. The 61A Committee has reviewed this parcel and feels that the proper protections are in place with zoning and notes it also abuts the parcel that contains the house which the Town released its option on earlier. ANNE FANTON - Move we waive the Town's right of first refusal on Lot 3. BILL MULLIN - Second. UNANIMOUS VOTE.

BOSTON EDISION
STRAWBERRY HILL ROAD

DORE' HUNTER - Moved to approve. NORM LAKE - Second.
UNANIMOUS VOTE.

CONSENT CALENDAR

DORE' HUNTER Moved to accept the consent calendar as
printed. NORM LAKE - Second. UNANIMOUS VOTE

SELECTMEN'S CONCERNS

Concord Landfill Task Force - Dore' said we should look into
the forum. Nancy thought we should also consider participating
and asked staff to respond affirmatively.

Article 25 - Handicapped Van Spaces - The Planning Board has
voted to recommend against adoption of this article due to the
negative impact on small business. Dore' suggested we ask
planning to amplify their concerns in writing and hold on our
recommendation until we receive their memo.

Soft Second Loan Program - Nancy asked if ACHC could be
forwarded the information for their Friday meeting, the Board
agreed to forward the info.

Assessors Appointment - Dore' Hunter - Moved to appoint Don
Rhude to the Board of Assessors for a term to expire 6/30/96.
NORM LAKE - Second. 4-1 Bill Mullin Abstained.

Alternate Appointments to the Board of Assessors - Nancy
asked the board if they would be interested in interviewing Mr.
Wexleblat and Mr. Bintliff for Alternate appointments. Dore'
said we might interview for the members for the Board members who
have not met them. Staff was asked to schedule them.

FANS - Nancy spoke about the recent newsletter and clarified
the issue was the structure of the service, not the elimination
of the service.

CABLEVISION - Nancy announced that Cablevision has awarded
the Acton Memorial Library a grant of fine arts film collection,
and thanked Cablevision and Mark Tomyl for their gift.

Conservation Land Tours - Anne urged the Board to attend one
of the scheduled tours.

Beacon's Reader Advisory Group - Anne commended the Beacon on the formation of the Reader Advisory Group.

Ft. Devens Reuse - Anne reported that the Intermodal group has received permission to use the Fitchburg line for freight.

Override Loss - Bill Mullin spoke about the failure of override and expressed his personal disappointment at its failure and hoped that the community spirit would not be the ended by creation of split sides.

Nancy asked that the voters contact the state legislators and give ask that they give the town's relief from State Mandates, noting that we have lost 6 million dollars in aid since 1989.

Dore' wanted to reiterate that it is incumbent upon us to do what we said we would do and agree on the split with the School.

Dore' asked about the School Deferral and suggested they vote before Town Meeting.

Anne expressed appreciation to the three Board members that have been working with the Coordinating Committee to "hammer out" the figures that limited the failed override to 1.5 million.

TOWN MANAGER'S CONCERNS

EXECUTIVE SESSION

ANNE FANTON - MOVED to go into executive session for the purpose of discussing Contract Negotiations. DORE' HUNTER - SECOND. Anne Fanton took Roll call, All Ayes.

The Board adjourned at 9:40 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(373)

BOARD OF SELECTMEN
EXECUTIVE SESSION

MARCH 30, 1993

Audubon Hill - Don Johnson and John Murray reported on their meeting with Roy Smith and representatives of the Condo Association. The Board reviewed the letter from Smith asking for funds from the Fund. The Board discussed the request and Dore Felt that we should not disperse any of the funds for the items requested in his letter. Nancy concurred and the Board expressed an inclination to ignore the request at this time.

The Board adjourned at 10:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(373)

MARCH 26, 1993

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

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AGENDA

ROOM 204

8:00 P.M.

MARCH 30, 1993

NOTE: MEETING BEGINS AT 8:00 P.M.

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 8:00 TRIPLE A MARKET - Enclosed please find application and staff comment regarding Triple A's application for a Beer and Wine License within their supermarket at 248 Great Road.
2. 8:25 BOSTON EDISION - Strawberry Hill Road - Enclosed please find hearing notice and staff comment.
3. 8:30 CLASS II LICENSE - J. SCOTT MOTOR's - Enclosed please find application and staff comment regarding a request for a Class II License at 866 Main Street for Board action.
4. 8:45 MARSHALL LAND DISCUSSION, RIGHT OF FIRST REFUSAL, 61A Property on Carlisle Road.

III. CONSENT AGENDA

5. Accept Minutes March 2, 1993 - Enclosed please find Minutes for Board approval.
6. APPOINTMENT - Enclosed please find Victoria Beyer's Citizen Resource Sheet along with a recommendation from VCC for appointment as an Associate Member to the Acton Historical Commission for Board action.
7. Accept Gift- Enclosed please find a request from Dean Charter to accept a gift of money from the A&B Youth Soccer Program to be used to maintain playing fields for board action.

IV. SELECTMEN'S CONCERNS

8. Concord Landfill Task Force - Enclosed please find correspondence from Concord for Board discussion.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

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

IX. FUTURE AGENDAS

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

April 6, 1993

April 27, 1993

MAY 11, 1993 - Mobil Oil Site Plan 204 Main Street

784 acs

OS

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

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

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

March 31, 1993

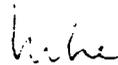
Mr. Don Johnson
Town Manager
P.O. Box 236
Acton, MA 01720

Dear Don:

I enclose our bill for services through February. The largest item is preparation of the brief in the Farm Hill subdivision and zoning case.

If you have any questions, please let me know.

Very truly yours,



Acheson H. Callaghan

AHC/dcb

Enclosure

March 31, 1993

Town of Acton
P.O. Box 236
Acton, MA 01720

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108-3190
Telephone: (617) 573-0100

FEDERAL ID NUMBER 04 2170788

For professional services through February 28, 1993, as follows:

General Town Matters

Research and preparation of opinions on various zoning and subdivision issues and on warrant articles;	\$ 1,000.00
Review and revision of documents and advice concerning option for Mill Corner land;	3,400.00

Litigation and Related Matters

Research and preparation of brief in <u>DiDuca v. Planning Board and Town of Acton</u> (Farm Hill Subdivision);	24,000.00
Services in connection with various tax abatement appeals;	1,700.00
Preparation and hearing on claim in Foster Masonry bankruptcy;	500.00
Miscellaneous services on labor and personnel matters;	325.00
Services on miscellaneous litigation matters, as shown in attached summaries for matters 35, 38, 41 and 45.	<u>275.00</u>

TOTAL SERVICES	\$ 31,200.00
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EXPENSES INCURRED BUT NOT POSTED PRIOR TO THE BILLING DATE WILL APPEAR ON A SUBSEQUENT STATEMENT.

DUE AND PAYABLE WITHIN THIRTY DAYS

DISBURSEMENTS:

Clerical Overtime	\$ 184.00
Computer Research	55.85
Duplication	212.60
Excess Postage	0.29
Hand Delivery	65.00
Telecopier	201.00
Telephone	24.32
Travel & Related Expenses	<u>44.60</u>

TOTAL DISBURSEMENTS 787.66

AMOUNT DUE \$ 31,987.66

BOARD OF HEALTH

March 8, 1993

MAR 30

MEMBERS PRESENT: William McInnis (Chairman)
Jonathan Bosworth
James Barbato
Mark Conoby

STAFF PRESENT: Doug Halley (Health Director)

OTHERS PRESENT: Jane Taylor
Mary Ellen Mayo
Joanne Aeed

The meeting opened at 7:30 P.M.

INTERVIEWS:

The Board of Health in discussion with the Health Director determined a framework to interview candidates for the Administrator position of the Public Health Nursing Service. Three candidates were chosen from all the applicants to be interviewed by the Board; Jane Taylor, Mary Ellen Mayo, Joanne Aeed. After interviewing each candidate and discussing each of their backgrounds (education and experience) and their responses to questions, the Board then considered the merits of each candidate and their relative strength and weaknesses. Based on this discussion the Board determined that all three candidates were viable contenders but the Board recommends that the Town Manager give preference to the candidates in the following order:

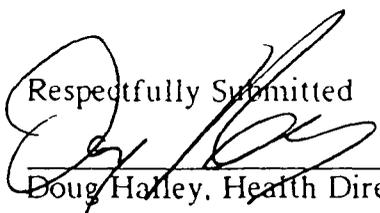
Jane Taylor
Joanne Aeed
Mary Ellen Mayo

SELECTMEN'S MEETING:

Mr. McInnis briefly discussed the Selectmen's meeting held on March 2, 1993 and the decisions that were reached regarding the Nursing Service at that time. The Board discussed ways in which an analysis of the Nursing Service could be done and determined that the first week in May should be the target date to begin the process.

Mr. Bosworth motioned to adjourn the meeting. Mr. Conoby seconded. The Board unanimously voted to adjourn at 10:05 P.M.

Respectfully Submitted



Doug Halley, Health Director

Signed and Approved



William McInnis

Chairman Board of Health

cc: BOS

MAR 30

ACTON BOARD OF HEALTH

MINUTES

FEBRUARY 8, 1993

MEMBERS PRESENT: Bill McInnis (Chairman)
Cordelia Alfaro
Jonathan Bosworth
Mark Conoby
Peter Vaillancourt (Associate)

STAFF PRESENT: Doug Halley (Health Director)
Sheryl Ball

OTHERS PRESENT: Malcolm Burdine
Robert Young
J. Russell Hodgdon
Brian Lawlor
B. McCain
Peter Kavanagh
Gita Bhatt

The meeting opened at 7:30 P.M.

MINUTES:

On a motion made by Ms. Alfaro, seconded by Mr. Bosworth, the Board unanimously voted to accept the minutes of January 25, 1993.

502 GREAT ROAD - VARIANCE:

Bruce Saluk & Associates requests on behalf of the Hudson National Bank variances from 310 CMR 15.03 Leaching Area, 310 CMR 15.08 Reserve Area and 11-15.1 Acton Leaching Area requirements to allow the construction of a septic system at 502 Great Road, Acton. The site previously had an existing building and septic system until approximately November 1990. The Building Department at that time issued an order letter to the property owner to repair the existing structure or to demolish it. The Hudson National Bank obtained the site thru foreclosure proceedings and chose to demolish the building and the existing septic system was capped with the intention of using it again at a later date. After demolition the bank hired Bruce Saluk & Associates to examine the condition of the existing septic system. The system did not have adequate separation to groundwater and the percolation rate was 34 minutes per inch. The bank stated that since the Building Commissioner ordered the demolition, they have experienced manifest injustice by the acts of the Town. The bank also stated that the owners should have been notified of the potential problems associated with re-building this lot and been given a chance to address it prior to demolition.

The proposed reconstruction of the septic system provides for 4.4 square feet (1,500 square feet of leaching sidewall) of sidewall for every gallon discharged and also to be at least four (4) feet above groundwater. The proposed design meets the standards that the D.E.P has set forth previously.

After hearing all the facts regarding this variance request the Board stated that more documentation should be submitted showing that there is indeed manifest injustice.

On a motion made by Mr. Conoby, seconded by Mr. Bosworth, the Board unanimously voted to table this variance request until February 22, 1993.

GITA BHATT - MASSAGE PRACTITIONER LICENSE REQUEST:

Ms. Bhatt seeks a massage practitioner license in the Town of Acton. Ms. Bhatt has submitted all necessary documentation to the Health Department. Ms. Bhatt presently proposes to work out of a facility which has been inspected and licensed. There are also three other licensed massage practitioners who presently work out of the same facility. The Health Department based on review of documentation submitted recommends Ms. Bhatt for a massage practitioner license.

On a motion made by Mr. Conoby, seconded by Mr. Bosworth, the Board unanimously voted to grant a massage practitioner license to Gita Bhatt for work in Acton.

KMART - 252 MAIN ST.- HAZARDOUS MATERIALS CONTROL PERMIT APPLICATION:

Kmart was before the Board previously on January 25, 1993. At that time the Health Department was asked to re-inspect the facility to see what and how hazardous materials are stored in the retail area of the store. The first inspection consisted only of an inspection of the automotive repair garage located on site.

The Health Department has inspected the whole facility located at 252 Main Street and recommends Kmart for a hazardous materials control permit.

On a motion made by Mr. Bosworth, seconded by Ms. Alfaro, the Board unanimously voted to grant a hazardous materials control permit to Kmart, 252 Main Street, with the following conditions:

1. All hazardous material and waste shall be stored in containment areas capable of storing 110% of the largest unit volume, stored in the containment area.
2. All Material Safety Data Sheets (M.S.D.S), for each hazardous material, used or sold on site, shall be submitted to the Health Department. They shall also be stored on site, and shall be made available to all employees upon request and reviewed with all employees on a regular basis.

3. A Contingency Plan, including emergency contact telephone numbers (Telephone Numbers of the owner, operator, etc.) and a sketch showing clearly all Hazardous Material and Waste locations, shall be submitted by KMart, and updated annually, to the Board of Health, Fire Department, Police Department and Civil Defense.
4. Emergency procedures and local Emergency Response Telephone Numbers (Health, Fire, Police, D.E.P., Civil Defense, etc.), should a spill occur, shall be posted in clear view of all employees wherever hazardous materials or wastes are used or stored.
5. All hazardous wastes must be disposed of by a licensed, D.E.P. approved hauler, or be recycled on site.
6. Copies of all invoices or all manifests, for any Hazardous Material or Waste, received or disposed, shall be submitted to the Board of Health annually.
7. All Hazardous Material or Waste containers shall be labelled and dated when filling first began.
8. Speedy Dry, or its equivalent, shall be kept in the storage area, in case of a Hazardous Material or Waste spill.
9. Rubber gloves, aprons and boots, in addition to soap and water, shall be made available to all employees, at all times, in any Hazardous Material or Waste storage or use area.

10. Within thirty (30) days after the issuance of this permit and prior to the next pumping of the septic tank, a sample shall be taken from the septic tank and analyzed for hydrocarbons and volatile organic compounds. This procedure shall be performed annually by a D.E.P. certified testing lab, each time prior to pumping the septic tank. The results of all tests shall be submitted to the Board of Health within thirty (30) days after testing.
11. All floor drains shall be sealed or discharged into a closed system, with the waste disposed of by a D.E.P. approved Hazardous Waste Hauler.
12. No hazardous material or waste shall be discharged into a sink or toilet.
13. A sketch of the retail floor area and storage area, showing locations of all hazardous materials, shall be submitted to the Board, within thirty (30) days after approval of this permit.
14. This facility shall be considered a Small Quantity Generator under the Town's Hazardous Materials Control Bylaw.

1993 PRIORITIES:

The Board reviewed the list of priorities for 1993 that Mr. Halley presented to the Board. The Board discussed the priorities briefly and stated that the list should be brought before the Board as an agenda item again at a future meeting.

OLD BUSINESS:

The Board asked Mr. Halley to write a summary of the tobacco bylaw that will be presented to Town Meeting.

On a motion made by Mr. Conoby, seconded by Ms. Alfaro, the Board unanimously voted to adjourn at 9:37 P.M.

Respectfully Submitted,

Sheryl Ball

Sheryl Ball
Health Secretary

Wm. McInnis

William McInnis
Chairman

ACTON BOARD OF HEALTH

MAR 3 01

MINUTES

DECEMBER 7, 1992

MEMBERS PRESENT: Bill McInnis (Chairman)
Cordelia Alfaro
James Barbato
Jonathan Bosworth
Mark Conoby
Peter Vaillancourt (Associate)

STAFF PRESENT: Doug Halley (Health Director)
Sheryl Ball

OTHERS PRESENT: Kimberly Groff
Scott McMillan
David Palmer
Renee Robins
Brad Botkin
George Kennedy
Wally Casper

Bob Sundberg
Marc Berman
Harriet Kodis

MINUTES:

On a motion made by Mr. Barbato, seconded by Mr. Bosworth, the Board unanimously voted to accept the minutes of November 23, 1992 following corrections.

LIST, INC. - HAZARDOUS MATERIALS CONTROL PERMIT APPLICATION:

List, Inc. is a new company that is planning to move their location from Hyde Park to LedgeRock Way in Acton. Shipping, receiving, storage and testing of hazardous materials may occur at this facility. Small quantities of hazardous materials will be handled at this site. List, Inc. does not know what types of materials they will be asked to test until the sample is actually provided to them. List, Inc. has provided a summary of materials that have been tested over the last six months at their Hyde Park facility. The Health Department feels that List, Inc. should be required to provide an update of materials that they plan to accept. The Board is also concerned with containment of the stored materials. The Health Department recommends that List, Inc. make a containment area utilizing the whole floor space at the facility.

List, Inc. has met with the D.E.P. and has applied for all necessary permits with them.

On a motion made by Mr. Conoby, seconded by Mr. Bosworth, the Board unanimously voted to grant a hazardous materials control permit to List, Inc., 3 Ledgerock Way, with the following conditions:

1. All hazardous materials and wastes shall be stored in a containment area capable of storing 110% of the largest stored material.
2. All materials safety data sheets shall be stored on site, and shall be made available to all employees upon request and reviewed with all employees on a regular basis.
3. A contingency plan, including emergency contact telephone numbers (Telephone numbers of the owner, operator, etc.), and a sketch showing clearly all hazardous materials locations, shall be submitted by List, Inc. and updated annually, to the Board of Health, Fire Department, Police Department and Civil Defense.
4. Emergency procedures and local emergency response telephone numbers (Health, Fire, Police), should a spill occur, shall be posted in clear view of all employees wherever hazardous materials or wastes are used or stored.
5. All hazardous wastes shall be disposed of by a licensed, approved D.E.P. hauler or be recycled on site.
6. Copies of all invoices or manifests, for any hazardous materials or wastes, received or disposed, shall be submitted to the Board of Health annually.
7. All hazardous materials or waste containers shall be labelled and, when appropriate, dated when filling first began.

8. Speedy Dry, or its equivalent, shall be kept in the storage area, in case of a hazardous materials spill.
9. Floor cleaning procedures and bathroom sanitation products shall use only nontoxic and biodegradable cleaning compounds.
10. This permit shall be reviewed 120 days after issuance of permit to the applicant to determine additional compliance with the bylaw.
11. Protective gloves, goggles and boots, in addition to soap and water, shall be made available to all employees, at all times, in any hazardous materials storage or use area.
12. The Board of Health shall receive notification, on a quarterly basis of the types and quantities of hazardous materials stored or used.
13. The applicant shall, on an annual basis, submit to the Board of Health, verification on D.E.P.'s classification of this facility as a generator or non-generator.

90 MAIN STREET - VARIANCE:

The owners are present from 90 Main Street at the request of the Board from a previous meeting of November 23, 1992. The owners have requested a waiver of a condition of a variance that was granted on October 5, 1992. The owners stated to the Board that compliance with the variance would cause financial hardship.

An addition to the home has been discussed and the Board stated that the new addition must meet all necessary setbacks.

Ms. Renee Robins, co-owner of 90 Main Street stated to the Board that she has had discussions with the state regarding setbacks from the septic tank to the edge of the deck and was told that placing footings close to the septic tank was of no concern to them. Ms. Robins also stated that following the previous variance conditions would cause undue financial hardship.

On a motion made by Mr. Barbato, seconded by Mr. Conoby, the Board unanimously voted to revise and approve a variance to 90 Main Street with modified conditions as follows:

1. The proposed footings for the new addition shall not be closer than 5' from the septic tank or field.
2. The proposed addition shall not be a bedroom nor shall it be constructed in a manner that it could be represented as a potential bedroom.
3. Any footings or pier supports within 10' of the septic tank must be extended down to an elevation equal or greater than the bottom elevation of the septic tank.

TOBACCO BYLAW:

Mr. McInnis presented to the Board a draft of the proposed bylaw which included revisions regarding the concerns that were discussed at the public hearing on November 30, 1992.

The Board discussed the proposed changes and decided to incorporate the comments into the bylaw for presentation to the Selectmen on January 5, 1993.

On a motion made by Ms. Alfaro, seconded by Mr. Barbato, the Board unanimously voted to adjourn at 9:33 P.M.

NEXT MEETING:

The next regularly scheduled meeting was scheduled for December 21, 1992 but due to a small agenda was cancelled until January 11, 1993.

The next meeting will be held on January 25, 1993.

Respectfully Submitted,

Sheryl Ball

Sheryl Ball
Health Secretary

Wm. McInnis

William McInnis
Chairman

cc: BOS

MAR 30 1993

March 26, 1993

Subject: Concord Rd. over Nashoba Brook Bridge

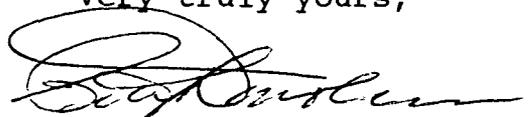
Acton Board of Selectmen
472 Main St.
Acton, MA 01720

Gentlemen:

Based on a recent evaluation of the condition of the masonry slabs, we recommend posting this structure for 6 ton.

Attached for review is the Underwater Inspection Report performed on this structure on February 19, 1993. If you require any additional information, please call Mr. Mohammed Nabulsi, P.E., District #3 Structures Maintenance Engineer, at (508) 754-7204, extension 20.

Very truly yours,



Peter Donohue
District #3 Highway Director

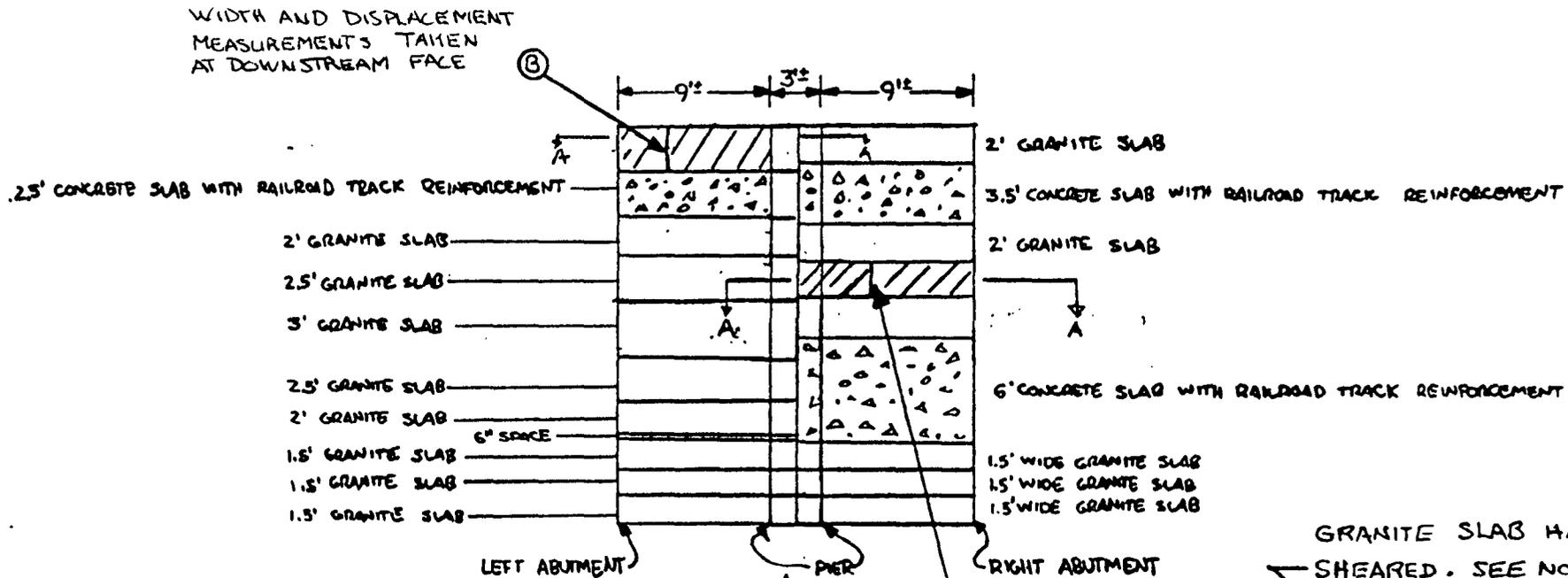
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C-LAG
M.O. File

DIVERS ACTIVITY REPORT

Town Acton		Route <u>Concord Rd</u> over <u>Nashoba Brook</u>		
DIVE TEAM NUMBER		DIVEMASTER		
PERSONNEL		Time in water	Dive depth	Type of rig
E. Ternosky			5'±	Scuba
J. Fitzgerald				
R. Bonica				
TIME CHARGED TO DIVE ACTIVITY				
BRIDGE MAINTENANCE NO. <u>MUN 401 018 100</u>			BRIDGE NO. <u>A-2-18</u>	
DIVE CONDITIONS <u>Ice upstream</u>				
BOTTOM CONDITIONS <u>Sand, gravel, boulders</u>				
CURRENT CONDITIONS <u>Slight</u>				
WATER CONDITIONS (pollution) <u>Pollution unknown</u>				
VISIBILITY <u>3'±</u>				
ACCESS TO BRIDGE (location) <u>Embankment</u>				
<p>REMARKS <u>Two span dry laid fieldstone structure that supports 16 granite slabs and 3 concrete slabs reinforced with railroad track.</u></p> <p><u>LEFT SPAN: 8' from upstream end, 2' below granite slab, 2 vertical cracks (1/4" wide), one tapering to hairline crack at water line, both 1'± long. Water line = 10" below slab at time of inspection: Displaced granite slab at upstream face has displacement = 4", crack width = 1 1/2".</u></p> <p><u>RIGHT SPAN: 10" from downstream end of abutment, supporting stone below slab has 1/4" wide vertical crack, 6"± long. Cracked granite slab located 8'± from downstream end. Abutment piece of slab appears stationary, piece at pier has settled and displaced at downstream face. Displacement = 1 1/4" width = 1/4".</u></p> <p>NOTE: WIDTH and DISPLACEMENT measurements will be taken on a 6 month frequency.</p>				

PLAN OF UNDERSIDE OF DECK SHOWING GRANITE
 SLABS & CONCRETE REPAIRS.
 TWO SLABS HAVE SHEARED SINCE REPAIRS WERE MADE.



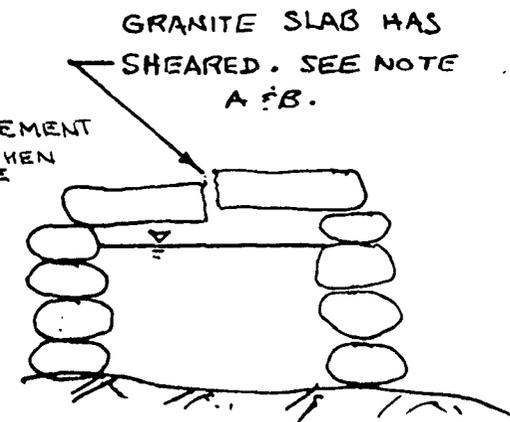
NOTES

- A - LONGITUDINAL CRACK 2.7' FROM ABUTMENT. ABUTMENT PART OF SLAB HAS SETTLED 0.3'.
- B - LONGITUDINAL 1/4" CRACK 3' FROM ABUTMENT. 0.1' SETTLEMENT. FIELDSTONES IN ABUTMENT BELOW FASCIA APPEAR CRUSHED.

PLAN VIEW

NO SCALE

WIDTH AND DISPLACEMENT MEASUREMENTS TAKEN AT UPSTREAM FACE



A-A

(NO SCALE)



ACTON PUBLIC SCHOOLS • ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT

16 Charter Road • Acton, MA 01720-2995 • (508) 264-4700 • FAX (508) 263-8409

OFFICE OF THE SUPERINTENDENT
William L. Ryan
Interim Superintendent of Schools

March 30, 1993

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

Dear Don:

Enclosure A is a copy of the Acton Public School and Acton-Boxborough Regional School Object Budgets that were used to determine the operating budget line item for the Coordinating Committee Financial Plan. As you can see the F.Y.'94 object categories are consistent with the expense category increases (See #5 F.Y.'94 Coordinating Committee Draft Plan) as allowed by the Coordinating Committee Draft Plan. The following are the correct school numbers for the Coordinating Committee Financial Plan:

<u>Schools O.B.</u>	\$19,351	(ABRSD \$ 9,929,241 - See pg 2)
		(APS \$ <u>9,421,431</u> - See pg 4)
		\$19,350,672

<u>School Growth</u>	\$ 300	
<u>ABRSD Debt</u>	\$ 318	(\$317,763)
	\$19,969	

Mr. Don Johnson

-2-

March 30, 1993

Enclosure B is a copy of the Acton Public School and the Acton-Boxborough Regional School Object Budgets that have been approved by the school committees for F.Y.'94. As you can see the proposed budgets are consistent with the Coordinating Committee Financial Plan:

<u>Schools</u>	\$19,651	(Includes \$300 ABRSD School Growth See pg 2&3)
<u>ABRSD Debt</u>	\$ 318	
	\$19,969	

Also I will be recommending a fifteen year amortization schedule for the Region at our April 1, 1993 School Committee meeting.

Sincerely,

Bill

William L. Ryan,
Interim Superintendent

WLR/baw
Encl. 7 pgs

cc: Don Wheeler
Jean Butler
Mac Reid

TABLE 5
ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT
EXPENDITURES BY OBJECT BUDGET COMPARISON

	1990-91 Expenses	1991-92 Budget	1992-93 Budget	1993-94 Proposed Budget	1993-94 % Change
SALARIES & FRINGE BENEFITS					
Teaching Salaries	\$5,064,983	\$5,153,946	\$5,434,466	\$5,543,155	2.0%
Principals' Salaries	\$294,978	\$295,326	\$298,087	\$304,049	2.0%
Central Office Administration	\$272,194	\$244,806	\$254,604	\$259,696	2.0%
Clerical & Technical Salaries	\$729,223	\$739,742	\$795,287	\$811,193	2.0%
Bldgs. & Grounds Maint. Salaries	\$130,947	\$131,625	\$137,222	\$139,966	2.0%
Custodial Salaries	\$405,648	\$399,088	\$433,050	\$441,711	2.0%
Athletic Salaries	\$159,025	\$160,969	\$170,400	\$173,808	2.0%
Home/Hospital Instruct. Salaries	\$11,529	\$8,040	\$8,040	\$8,201	2.0%
Substitute Salaries	\$45,683	\$55,742	\$54,829	\$55,926	2.0%
Course Reimbursement	\$7,945	\$7,000	\$0	\$0	0.0%
Retirement Payments	\$210,510	\$308,250	\$306,000	\$313,650	2.5%
Health Insurance	\$961,730	\$1,235,932	\$1,382,803	\$1,382,803	0.0%
Group Life Insurance	\$12,752	\$14,102	\$13,500	\$13,500	0.0%
Unemployment Compensation	\$16,769	\$15,000	\$15,000	\$15,000	0.0%
Worker's Compensation	\$77,176	\$70,000	\$83,600	\$100,320	20.0%
Sub-Total Salaries & Fringe Benefits	\$8,401,092	\$8,839,568	\$9,386,888	\$9,562,978	1.9%
INSTRUCTIONAL EXPENDITURES					
Instructional Supplies	\$85,138	\$99,229	\$101,674	\$104,216	2.5%
Textbooks	\$66,724	\$79,169	\$78,874	\$80,846	2.5%
Library Books	\$21,762	\$24,213	\$24,020	\$24,621	2.5%
Sub-Total Instructional Expenses	\$173,624	\$202,611	\$204,568	\$209,682	2.5%
SUPPLIES & EXPENSES					
Admin. Supplies & Expenses	\$200,855	\$189,575	\$193,849	\$198,695	2.5%
Legal Services	\$96,723	\$45,000	\$150,000	\$45,000	-70.0%
Custodial Supplies	\$30,007	\$25,000	\$25,000	\$25,625	2.5%
Debt Service	\$514,937	\$436,519	\$442,711	\$334,487	-24.4%
Maint. of Buildings & Grounds	\$195,237	\$126,016	\$126,516	\$129,679	2.5%
Utilities	\$313,915	\$365,026	\$332,071	\$326,934	-1.5%
Athletic Programs & Expenses	\$45,275	\$46,978	\$47,729	\$48,922	2.5%
Regular Student Transportation	\$207,048	\$199,938	\$201,688	\$206,730	2.5%
Sped Transportation	\$169,654	\$176,818	\$206,661	\$237,660	15.0%
Travel	\$10,083	\$13,932	\$13,918	\$14,266	2.5%
Maintenance of Equipment	\$78,832	\$88,278	\$89,620	\$91,861	2.5%
Capital Outlay	\$62,984	\$63,854	\$0	\$0	0.0%
SPED Tui & Contr Svcs	\$500,586	\$590,480	\$659,113	\$757,979	15.0%
Property & Casualty Insurance	\$45,638	\$58,750	\$55,200	\$56,580	2.5%
Contingency Accounts	\$0	\$0	\$0	\$0	0.0%
Building Rental	\$24,180	\$31,000	\$27,320	\$28,003	2.5%
Sub-Total Supplies & Expenses	\$2,495,954	\$2,457,164	\$2,571,396	\$2,502,421	-2.7%
TOTAL EXPENDITURES	\$11,070,670	\$11,499,343	\$12,162,852	\$12,275,081	0.9%
DEFERRAL OF TEACH. SAL. PAYBACK	\$0	(\$357,512)	(\$357,512)	\$0	0.0%
TOTAL BUDGET	\$11,070,670	\$11,141,831	\$11,805,340	\$12,275,081	4.0%

February 3, 1993

TABLE 6 (2.0%)
 ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT
 ANALYSIS OF ASSESSMENTS
 Proposed Budget 1993 - 1994

Revised C.C.
 Guidelines
 Health Ins. 0?
 Pension 2.5%

	GROSS BUDGET 1993-1994	ACTON* 82.92%	BOXBOROUGH 17.08%
OPERATING EXPENDITURES	\$11,456,649	\$9,497,562	\$1,956,796
DEFERRAL OF TEACHER SALARIES	\$0	\$0	\$0
TRANSPORTATION EXPENDITURES	\$483,945	\$431,679	\$52,266
TOTAL	\$11,940,594	\$9,929,241	\$2,009,062
DEBT SERVICE	\$334,487	\$317,763	\$16,724
GROSS BUDGET	\$12,275,081	\$10,247,004	\$2,025,786
<u>REVENUE FROM STATE SOURCES</u>			
REGIONAL SCHOOL AID	\$814,347	\$675,257	\$139,090
CHAPTER 70	\$733,675	\$608,363	\$125,312
TRANSPORTATION (Act89.2 Box10.8)	\$330,262	\$294,594	\$35,668
SPECIAL EDUCATION TRANSPORTATION	\$46,799	\$38,806	\$7,993
CONSTRUCTION OF SCHOOL PROJECTS	\$293,598	\$278,918	\$14,680
SCHOOL CHOICE	\$279,000	\$231,347	\$47,653
<u>REVENUE FROM FEDERAL SOURCES</u>			
P.L. 81-874	\$1,000	\$829	\$171
<u>REVENUE FROM LOCAL SOURCES</u>			
TUITION	\$10,000	\$8,292	\$1,708
MISCELLANEOUS	\$2,000	\$1,658	\$342
TRANSFER FROM E&D	\$68,838	\$57,080	\$11,758
TOTAL REVENUE	\$2,579,519	\$2,195,144	\$384,375
ASSESSMENTS	\$9,695,562	\$8,051,859	\$1,641,411
INCREASE OVER FY 93 ASSESSMENT	6.5%	6.6%	6.0%
	\$591,748	\$496,398	\$93,058
February 3, 1993			

*Based on FY'92 October 1, enrollment data

Fy 92 ASSESSMENT

\$9,103,814

\$7,555,461

\$1,548,353

TABLE 4
ACTON PUBLIC SCHOOLS
EXPENDITURES BY OBJECT BUDGET COMPARISON

	1990-91 Expenses	1991-92 Budget	1992-93 Budget	1993-94 Proposed Budget	1993-94 Proposed % Change
SALARIES & FRINGE					
BENEFITS					
Teaching Salaries	\$4,561,255	\$4,627,127	\$4,996,995	\$5,096,935	2.0%
Principals' Salaries	\$250,436	\$250,436	\$262,555	\$267,806	2.0%
Central Office Administration	\$257,670	\$242,577	\$252,219	\$257,263	2.0%
Clerical & Technical Salaries	\$768,186	\$755,315	\$785,545	\$801,256	2.0%
Bldgs. & Grounds Maint. Salaries	\$127,713	\$130,225	\$133,607	\$136,279	2.0%
Custodial Salaries	\$187,120	\$194,415	\$201,662	\$205,695	2.0%
Home/Hospital Instruct. Salaries	\$2,956	\$972	\$0	\$0	0.0%
Substitute Salaries	\$69,882	\$58,944	\$63,142	\$64,405	2.0%
Course Reimbursement	\$6,790	\$5,500	\$0	\$0	0.0%
Health Insurance	\$563,815	\$697,633	\$816,961	\$816,961	0.0%
Group Life Insurance	\$7,499	\$8,255	\$8,255	\$8,255	0.0%
Unemployment Compensation	\$1,395	\$6,000	\$6,000	\$6,000	0.0%
Sub-Total Salaries & FRINGE BENEFITS	\$6,804,717	\$6,977,399	\$7,526,941	\$7,660,855	1.8%
INSTRUCTIONAL					
EXPENSITURES					
Instructional Supplies	\$103,211	\$109,705	\$108,547	\$111,261	2.5%
Textbooks	\$20,450	\$27,026	\$26,715	\$27,383	2.5%
Library Books	\$14,342	\$14,782	\$14,672	\$15,039	2.5%
Sub-Total Instructional Expenses	\$138,003	\$151,513	\$149,934	\$153,682	2.5%
SUPPLIES & EXPENSES					
Admin. Supplies & Expenses	\$107,031	\$117,920	\$117,369	\$120,303	2.5%
Legal Services	\$23,095	\$25,000	\$25,000	\$25,625	2.5%
Custodial Supplies	\$14,788	\$14,950	\$14,950	\$15,324	2.5%
Maint. of Buildings & Grounds	\$97,473	\$79,509	\$81,759	\$83,803	2.5%
Utilities	\$192,466	\$249,995	\$249,995	\$256,244	2.5%
Regular Student Transportation	\$143,687	\$153,206	\$153,272	\$157,104	2.5%
Sped Transportation	\$114,379	\$146,164	\$197,548	\$227,180	15.0%
Travel	\$12,205	\$12,919	\$13,027	\$13,353	2.5%
Maintenance of Equipment	\$25,661	\$35,325	\$35,706	\$36,599	2.5%
Capital Outlay	\$52,462	\$22,825	\$0	\$0	0.0%
SPED Tuit & Contr Svcs	\$439,651	\$537,426	\$583,792	\$671,360	15.0%
Contingency Accounts	\$0	\$0	\$0	\$0	0.0%
Sub-Total Supplies & Expenses	\$1,222,898	\$1,395,239	\$1,472,418	\$1,606,894	9.1%
TOTAL EXPENDITURES	\$8,165,618	\$8,524,151	\$9,149,293	\$9,421,431	3.0%
Costs for 5 New Classes	\$0	\$0	\$0	\$300,000	
Less School Choice Revenue	\$0	\$0	(\$72,850)	(\$72,850)	0.0%
NET BUDGET	\$8,165,618	\$8,524,151	\$9,076,443	\$9,648,581	6.3%

January 20, 1993

- B -

Emc. B.

**TABLE 5
ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT
EXPENDITURES BY OBJECT BUDGET COMPARISON**

	1991-92 Budget	1991-92 Expenses	1992-93 Budget	1993-94 Proposed Budget	1993-94 % Change
SALARIES & FRINGE BENEFITS					
Teaching Salaries	\$5,193,638	\$5,099,620	\$5,476,143	\$5,571,375	1.7%
Principals' Salaries	\$295,326	\$345,028	\$298,087	\$346,226	16.1%
Central Office Administration	\$244,806	\$242,393	\$254,604	\$264,233	3.8%
Clerical & Technical Salaries	\$721,645	\$740,905	\$769,889	\$801,516	4.1%
Bldgs. & Grounds Maint. Salaries	\$131,625	\$130,394	\$137,222	\$140,909	2.7%
Custodial Salaries	\$399,088	\$417,990	\$433,050	\$440,695	1.8%
Athletic Salaries	\$160,969	\$158,724	\$170,400	\$179,676	5.4%
Home/Hospital Instruct. Salaries	\$8,040	\$14,119	\$8,040	\$8,040	0.0%
Substitute Salaries	\$55,742	\$54,724	\$54,829	\$54,884	0.1%
Course Reimbursement	\$7,000	\$6,562	\$0	\$0	0.0%
Retirement Payments	\$308,250	\$268,960	\$306,000	\$313,095	2.3%
Health Insurance	\$1,235,932	\$1,225,592	\$1,382,803	\$1,347,459	-2.6%
Group Life Insurance	\$14,102	\$12,097	\$13,500	\$13,500	0.0%
Unemployment Compensation	\$15,000	\$25,076	\$15,000	\$12,000	-20.0%
Worker's Compensation	\$70,000	\$72,038	\$83,600	\$92,015	10.1%
Sub-Total Salaries & Fringe Benefits	\$8,861,163	\$8,814,222	\$9,403,167	\$9,585,623	1.9%
INSTRUCTIONAL EXPENDITURES					
Instructional Supplies	\$99,229	\$99,292	\$101,674	\$98,616	-3.0%
Textbooks	\$79,169	\$71,801	\$78,874	\$78,992	0.1%
Library Books	\$24,213	\$24,643	\$24,020	\$24,900	3.7%
Sub-Total Instructional Expenses	\$202,611	\$195,736	\$204,568	\$202,508	-1.0%
SUPPLIES & EXPENSES					
Admin. Supplies & Expenses	\$189,575	\$204,873	\$193,849	\$197,483	1.9%
Legal Services	\$136,312	\$301,073	\$150,000	\$45,000	-70.0%
Custodial Supplies	\$25,000	\$23,846	\$25,000	\$25,000	0.0%
Debt Service	\$436,519	\$436,519	\$442,711	\$334,487	-24.4%
Maint. of Buildings & Grounds	\$126,016	\$128,000	\$126,516	\$129,599	2.4%
Utilities	\$365,026	\$315,862	\$332,071	\$326,934	-1.5%
Athletic Programs & Expenses	\$46,978	\$48,933	\$47,729	\$50,327	5.4%
Regular Student Transportation	\$199,938	\$180,956	\$201,688	\$203,797	1.0%
Sped Transportation	\$194,915	\$175,364	\$232,059	\$293,495	26.5%
Travel	\$13,932	\$10,361	\$13,918	\$14,418	3.6%
Maintenance of Equipment	\$88,278	\$95,564	\$89,620	\$95,642	6.7%
Capital Outlay	\$63,854	\$77,628	\$0	\$0	0.0%
SPED Tui & Contr Svcs	\$550,788	\$485,208	\$617,436	\$740,123	19.9%
Property & Casualty Insurance	\$58,750	\$62,934	\$55,200	\$57,925	4.9%
Contingency Accounts	\$0	\$0	\$0	\$0	0.0%
Building Rental	\$31,000	\$26,887	\$27,320	\$27,500	0.7%
Sub-Total Supplies & Expenses	\$2,526,881	\$2,574,008	\$2,555,117	\$2,541,730	-0.5%
TOTAL EXPENDITURES	\$11,590,655	\$11,583,966	\$12,162,852	\$12,329,861	1.4%
DEFERRAL OF TEACH. SALARY	(\$357,512)	\$0	(\$357,512)	\$0	0.0%
TOTAL BUDGET	\$11,233,143	\$11,583,966	\$11,805,340	\$12,329,861	4.4%

February 4, 1993

*\$91,312 transferred from Excess & Deficiency Account to offset deficit in legal services account

- 1 -

TABLE 6 (2.0%)
 ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT
 ANALYSIS OF ASSESSMENTS
 Proposed Budget 1993 - 1994

#2 2/4/93

	GROSS BUDGET 1993-1994	ACTON* 82.92%	BOXBOROUGH 17.08%
OPERATING EXPENDITURES	\$11,551,098	\$9,578,170	\$1,972,928
DEFERRAL OF TEACHER SALARIES	\$0	\$0	\$0
TRANSPORTATION EXPENDITURES	\$444,276	\$388,249	\$56,027
TOTAL	\$11,995,374	\$9,966,419	\$2,028,955
DEBT SERVICE	\$334,487	\$317,763	\$16,724
GROSS BUDGET	\$12,329,861	\$10,284,182	\$2,045,679
<u>REVENUE FROM STATE SOURCES</u>			
REGIONAL SCHOOL AID	\$814,347	\$675,257	\$139,090
CHAPTER 70	\$733,675	\$608,363	\$125,312
TRANSPORTATION (Act87.4 Box12.6)	\$330,262	\$288,649	\$41,613
SPECIAL EDUCATION TRANSPORTATION	\$46,799	\$38,806	\$7,993
CONSTRUCTION OF SCHOOL PROJECTS	\$293,598	\$278,918	\$14,680
SCHOOL CHOICE	\$279,000	\$231,347	\$47,653
<u>REVENUE FROM FEDERAL SOURCES</u>			
P.L. 81-874	\$1,000	\$829	\$171
<u>REVENUE FROM LOCAL SOURCES</u>			
TUITION	\$10,000	\$8,292	\$1,708
MISCELLANEOUS	\$2,000	\$1,658	\$342
TRANSFER FROM E&D	\$68,839	\$57,081	\$11,758
TOTAL REVENUE	\$2,579,520	\$2,189,200	\$390,320
ASSESSMENTS	\$9,750,341	\$8,094,982	\$1,655,359
INCREASE OVER FY 93 ASSESSMENT	7.1%	7.1%	6.9%
	\$646,527	\$539,521	\$107,006

February 4, 1993

*Based on FY'92 October 1, enrollment data

TABLE 4
ACTON PUBLIC SCHOOLS
EXPENDITURES BY OBJECT BUDGET COMPARISON

	1991-92 Budget	1991-92 Expenses	1992-93 Budget	1993-94 Proposed Budget	1993-94 Proposed % Change
SALARIES & FRINGE BENEFITS					
Teaching Salaries	\$4,662,923	\$4,643,109	\$5,062,285	\$5,392,997	6.5%
Principals' Salaries	\$250,436	\$250,436	\$262,555	\$289,442	10.2%
Central Office Administration	\$242,577	\$229,210	\$252,219	\$248,651	-1.4%
Clerical & Technical Salaries	\$748,509	\$763,813	\$785,545	\$867,258	10.4%
Bldgs. & Grounds Maint. Salaries	\$130,225	\$126,174	\$133,607	\$137,309	2.8%
Custodial Salaries	\$194,415	\$190,600	\$201,662	\$202,538	0.4%
Home/Hospital Instruct. Salaries	\$972	\$848	\$0	\$0	0.0%
Substitute Salaries	\$58,944	\$72,921	\$63,142	\$63,500	0.6%
Course Reimbursement	\$5,500	\$5,266	\$0	\$0	0.0%
Health Insurance	\$697,633	\$726,227	\$816,961	\$825,953	1.1%
Group Life Insurance	\$8,255	\$7,741	\$8,255	\$8,000	-3.1%
Unemployment Compensation	\$6,000	\$2,997	\$6,000	\$5,000	-16.7%
Sub-Total Salaries & FRINGE BENEFITS	\$7,006,389	\$7,019,342	\$7,592,241	\$8,040,648	5.9%
INSTRUCTIONAL EXPENSITURES					
Instructional Supplies	\$109,705	\$114,167	\$108,547	\$107,998	-0.5%
Textbooks	\$27,026	\$38,879	\$26,715	\$27,739	3.8%
Library Books	\$14,782	\$14,838	\$14,672	\$14,682	0.1%
Sub-Total Instructional Expenses	\$151,513	\$167,884	\$149,934	\$150,419	0.3%
SUPPLIES & EXPENSES					
Admin. Supplies & Expenses	\$117,920	\$130,058	\$117,369	\$122,124	4.1%
Legal Services	\$25,000	\$13,552	\$25,000	\$25,000	0.0%
Custodial Supplies	\$14,950	\$14,421	\$14,950	\$15,000	0.3%
Maint. of Buildings & Grounds	\$79,509	\$111,663	\$81,759	\$83,290	1.9%
Utilities	\$249,995	\$253,633	\$249,995	\$249,995	0.0%
Regular Student Transportation	\$153,206	\$132,280	\$153,272	\$153,622	0.2%
Sped Transportation	\$152,970	\$143,839	\$197,548	\$186,075	-5.6%
Travel	\$12,919	\$9,600	\$13,027	\$12,527	-3.8%
Maintenance of Equipment	\$35,325	\$31,011	\$35,706	\$37,138	4.0%
Capital Outlay	\$22,825	\$58,671	\$0	\$32,130	0.0%
SPED Tuit & Contr Svcs	\$501,630	\$430,054	\$518,492	\$576,613	11.2%
Contingency Accounts	\$0	\$0	\$0	\$0	0.0%
Sub-Total Supplies & Expenses	\$1,366,249	\$1,328,932	\$1,407,118	\$1,493,514	6.1%
TOTAL EXPENDITURES	<u>\$8,524,151</u>	<u>\$8,516,218</u>	<u>\$9,149,293</u>	<u>\$9,684,551</u>	5.9%
Less School Choice Revenue	<u>\$0</u>	<u>\$0</u>	<u>(\$72,850)</u>	<u>(\$72,850)</u>	0.0%
ET BUDGET	\$8,524,151	\$8,516,218	\$9,076,443	\$9,611,731	5.9%

February 4, 1993 #2

Selective



MASSACHUSETTS
BOARD OF APPEALS

RECEIVED & FILED

DATE March 29, 1993

Barbara Brown
for TOWN CLERK, ACTON
cc: BOS

MAR 30 1993

**Decision on the Petition of Comins & Newbury, Hearing 93-2
Attorneys for Walden Communications**

A public hearing of the Acton Board of Appeals was held at the Acton Town Hall, room 46, at 7:30 PM on February 22, 1993 on the petition of Comins & Newbury, Attorneys for Walden Communications. The petition seeks a Variance from the requirements of Sections 3, 4.3.7, and 5.1 of the Zoning Bylaw, to allow a modification of an existing variance granted by the Board of Appeals on November 9, 1987 to allow the continued use of a radio antenna on the property at and adjacent to 38 Knox Trail.

Present at the hearing were Board Members Malcolm Burdine, Acting Chair; Duncan Wood, Member; Janet Clark, Acting Member; and Valerie Sippelle, Board of Appeals Secretary. Also present were Garry Rhodes, Building Commissioner; Thomas Wray Falwell, Attorney for Walden Communications; John Hurley and Lloyd Simon, Walden Communications; Edward Crecelini, Assabet Communications; Kevin Hurley, Land Planner for Walden Communications; and Paul Pintas, interested party in an abutting office building.

Mr. Burdine opened the hearing, introduced the Board Members, explained the hearing procedures, and read the Petition and file contents.

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

1) Walden Communications seeks to modify an existing variance granted by the Board prior to construction of the existing radio transmitter facility. The modification is to Condition (4)g of the Board's Decision 87-36 filed with the Town Clerk on November 9, 1987.

2) The Petition seeks to change a condition of the existing variance that makes the variance null and void "at any time the F.C.C. license granted to the petitioner is transferred". The Petitioner no longer has the financial backing to continue operation of the radio station and seeks to sell the license so that others may operate



MASSACHUSETTS
BOARD OF APPEALS

the station. Mr. Falwell indicated the station will continue to operate in the same basic format, but under new ownership. The sale is dependent upon the transfer the FCC license

- 3) All other aspects of the prior variance are not impacted by the requested change.
- 4) If the modification to condition (4)g is not granted, it will result in a substantial hardship to Walden Communications and the station is very likely to shut down.

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

- 1) The basic concerns of the community that were regulated under the Board of Appeals decision of 1987 can still be sufficiently controlled by the modified terms of the decision.
- 2) The community is better served by the continued use of the land as an active radio transmission facility. The land is located in the most restricted aquifer protection zone, with very limited potential for alternate uses. The use for a radio transmitter is not in conflict with the Town Master plan, and the landowner faces a significant financial hardship if the modification is not granted.
- 3) Modification of the existing variance will allow transfer of the FCC license, without substantial detriment to the public good and without nullifying or substantially derogating from the purposes and intent of the Acton Zoning Bylaw.

Based upon the findings and conclusions, the Board of Appeals voted unanimously to GRANT the petition to modify condition (4)g on page 4 of the decision of the Town of Acton Board of Appeals Hearing 87-36 dated November 9, 1987, by substituting the following new condition in place thereof:

- (4) g. The Board of Appeals variance decision shall remain in effect for as long as the existing antenna system, as shown on the plan entitled "Compiled Plan of Land in Acton, Mass.", prepared for Orchard House



MASSACHUSETTS
BOARD OF APPEALS

Realty Corporation, dated December 15, 1992, Scale 1 inch = 80 feet, by Acton Survey and Engineering, Inc., services the radio station outlined by the petitioner but shall be null and void at a date three months from any cessation of broadcasting or at any time the F.C.C. license granted to the station is voided by regulatory action or ceases to be effective for any other reason.

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.

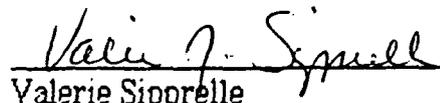
TOWN OF ACTON, BOARD OF APPEALS


Malcolm Burdine
Acting Chairman


Duncan Wood
Member


Janet Clark
Acting Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on March 29 1993.


Valerie Sippelle
Secretary, Board of Appeals

cc: ROS



CHARLES A. GALLAGHER
TRANSPORTATION TERMINAL
145 Thorndike Street
Lowell, Massachusetts 01852
Telephone (508) 459-0164
Fax (508) 458-9673

March 30, 1993

Honorable Martin T. Meehan
Member of Congress
11 Kearney Square
Lowell, MA 01852

RE: Proposed PMSA Redesignation

Dear Congressman Meehan:

I am writing to you at the direction of the members of the Lowell Regional Transit Authority's Advisory Board, who voted unanimously at their March 18, 1993 meeting to oppose the elimination of the Lowell MA-NH Primary Metropolitan Statistical Area (PMSA) as a census designated area and the assimilation of these communities into a new Boston Consolidated Metropolitan Statistical Area.

As you are no doubt aware a similar consolidation was proposed in the late 1970's and was vigorously opposed and defeated by a number of local agencies and officials including the LRTA. The reasons for that opposition remain valid and applicable to the current proposal.

The Lowell area has been a separate and distinct social, economic and political region since its settlement in the early 19th century. The proposed assimilation of Lowell and other urban areas into a Boston PMSA would represent a loss of a regional identity to the City and its environs. Moreover, the removal of such a designation would, we believe, put the Lowell region at a disadvantage when vying competitively for grant funding or other programs with larger, more readily identifiable regions.

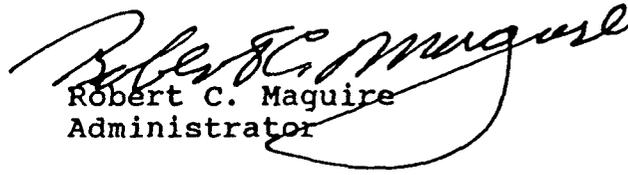
Secondly, many federal programs depend heavily upon the PMSA geography when considering grant formulas, new programs or regulatory changes.

Additionally, the task of assembling data for a region such as the Lowell MA-NH PMSA will be extremely difficult when the definitive, historic and political boundaries of Lowell, Lawrence, Fitchburg-Leominster, Worcester and Fall River are blurred by this assimilation.

As it is our understanding that a final decision will not be made until June 1993, the LRTA urges you to contact the Office of Management and Budget to express our strong opposition to the assimilation of the Lowell MA-NH PMSA into the Boston Consolidated PMSA and our strong support for the retention of Pepperell, MA and the inclusion of Groton, MA in the Lowell PMSA.

Please feel free to contact me should you have any questions regarding this letter.

Sincerely,


Robert C. Maguire
Administrator

TDG:cas
[stcd-lzy.b]

cc: LRTA
Acton
Billerica
Chelmsford
Dracut
Groton
Lowell
Pepperell
Tewksbury
Townsend
Tyngsborough
Westford



William F. Weld
Governor
Daniel S. Greenbaum
Commissioner

Commonwealth of Massachusetts
Executive Office of Environmental Affairs

**Department of
Environmental Protection**
Central Regional Office

cc: BOS

MAR 29 1993

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

March 15, 1993

Concord Auto Auction, Inc.
77 Hosmer Street
Acton, MA 01720

RE: CRWSC Site Number: 2-0005
Concord Auto Auction
77 Hosmer Street
Acton, MA 01720

COMPLETION STATEMENT RECEIPT
WAIVER OF APPROVALS
pursuant to M.G.L.c.21E
and 310 CMR 40.000

Attention: Thomas Caruso

Dear Mr. Caruso:

On July 13, 1990, the Department of Environmental Protection, Bureau of Waste Site Cleanup (the "Department"), granted a waiver of approvals pursuant to M.G.L.c.21E and the Massachusetts Contingency Plan (MCP 310 CMR 40.000) to Thomas Caruso/Concord Auto Auction, Incorporated for the above-referenced site.

On February 26, 1993, the Department received a Completion Statement for the site pursuant to section 40.537 of the MCP. The Completion Statement certifies that, in the opinion of Thomas Caruso/Concord Auto Auction, Incorporated, all necessary requirements of M.G.L.c.21E, MCP, and the Waiver Approval have been met. The completion statement signifies that no further response actions are planned for the site. In addition, Thomas Caruso/Concord Auto Auction, Incorporated and their consultant, Pine & Swallow Associates, Incorporated, submitted a statement indicating the remedial response action conducted at the site constitutes a permanent solution.

Please note that the Department acknowledges receipt of the Completion Statement pursuant to section 40.537 (11); however, this acknowledgement does not constitute an approval of remedial response actions conducted at the site. In addition, the Completion Statement does not constitute a release from Thomas Caruso/Concord Auto Auction, Incorporated's liability under

COMPLETION STATEMENT RECEIPT

Page 2

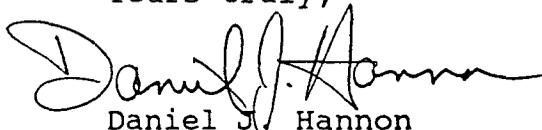
Concord Auto Auction, CRWSC Site Number: 2-0005
March 15, 1993

M.G.L.c.21E or any other law and shall not prevent the Department from taking or arranging for response actions at the site consistent with M.G.L.c.21E and 310 CMR 40.000, should such actions be warranted.

The Department may audit remedial response actions at waiver sites to determine compliance with M.G.L.c.21E, 310 CMR 40.000, and the conditions of the waiver approval. The Department can withdraw or revise its approval if conditions warrant.

The Department suggests that you review all submittals to ensure compliance with M.G.L.c.21E, 310 CMR 40.000, and the conditions of the waiver approval. Should you have any questions concerning this matter please contact me at (508) 792-7653.

Yours truly,



Daniel J. Hannon
Section Chief
Waste Site Cleanup

DJH/JDE

2-0005\WAIVER.COM

cc: Acton Board of Selectmen

Acton Board of Health

Deborah R. Farnsworth, Pine & Swallow Associates, 867 Boston
Road, Groton, MA 01450

Database Entry

ACTON SCHOOL COMMITTEE
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Library
Senior High School

March 9, 1993

Present: Donald Wheeler, Jean Butler, Stephen Aronson, Pam Harting-Barrat (8:25 p.m.), Harry Hersh, Rick Sawyer, Lees Stuntz, Mary Anne Vogel, Micki Williams

Also: Members of the Acton and Boxborough communities, press

The meeting was called to order at 8:00 p.m. by Donald Wheeler, Chairperson of the Regional School Committee.

Don stated that the purpose of the meeting was to appoint a new superintendent. There were two candidates: Dr. Ronald Thorpe and Dr. Isa Zimmerman. He informed the public that discussion would be limited to School Committee members. He gave a brief overview of the selection process.

The two candidates' qualifications, as compared to those the Committee had set forth initially in the search process, were discussed at length.

It was moved, seconded and

VOTED: To appoint Dr. Isa K. Zimmerman to the position of Superintendent for the Acton and Acton-Boxborough Regional Schools. (Vote: 8-1)

The contract will be negotiated over the next several weeks. It is anticipated that Dr. Zimmerman will begin here by July 1, 1993.

Pam Harting-Barrat asked that a letter be sent to Dr. Thorpe indicating the Committee's high regard for his candidacy.

Members of the Committee thanked Jean Butler for her planning and scheduling of site and candidates' visits, Don Wheeler in his role as chairman, and Bill Ryan, Mac Reid and their staff for their performance during this process and inter year.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Sarah T. Lawton
Secretary

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES

Library
Junior High School

March 4, 1993

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

Also Present: Bill Ryan, Mac Reid, Dan Leclerc, Fran Leiboff, Steve Desy, Steve Donovan, student representatives, Colin Brannen, Jason Chautin, Lisa Napoli, faculty members, citizens and press

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

Minutes of the February 18, 1993 meeting were approved as written.

Warrant #93-032 in the amount of \$136,926.84, warrant #93-033 in the amount of \$2,333.24, warrant #93-034 in the amount of \$361,722.94, warrant #93-035 in the amount of \$111,490.99, warrant #92-106 in the amount of 672.20 and payroll warrants totaling \$774,616.11 were signed by the Chairperson and circulated to other members of the Committee.

PUBLIC PARTICIPATION: None

EDUCATION REPORT: Senior Privileges - Steve Donovan and Dan Walmsley
Dan LeClerc prefaced the report by mentioning the senior privilege programs at Belmont and Hingham high schools. Steve Donovan, high school principal, introduced Dan Walmsley, a senior and president of the Student Council, who presented the Acton-Boxborough plan. It will be an experimental/trial program which allows seniors to skip their first and/or last periods of the school day, if those periods are studies, for the remainder of the school year. The plan presented is substantially different from that originally submitted last year. The goal is to collect data and come back to the School Committee with a recommendation for next year. Steve reported that approximately 40% of the faculty are in favor of some form of senior privileges, 19% gave guarded approval and the rest were against the idea. Steve said they are exploring flexible scheduling to make the privilege fairer. Mary Anne Vogel asked that a record be kept (during the trial) of how many seniors were late to their B period class. Harry Hersh expressed his fundamental problem with the concept, saying that seniors should act as role models and senior privileges allowing for late comings and early goings will give younger students the wrong message. He would, however, be in favor if this time were to be used for community service, for example. Lees Stuntz agreed with Harry, and suggested that the formal proposal for next year include such issues. She also expressed concern about the tardy policy and its enforcement. Steve Aronson congratulated Steve and Dan for initiating this process. It should provide an extraordinary opportunity for building student leadership, transition, growth and trust. Steve Donovan said that parents will give permission for students to participate. On behalf of the Committee, Don Wheeler thanked Dan and Steve for their report.

SUPERINTENDENT'S RECOMMENDATIONS FOR MARCH

It was moved, seconded and unanimously

VOTED: To accept the gift of computer equipment for the computer lab at the High School from Brian P. Letrichia, 228 Parker Street, Acton, MA.

VOTED: To accept the gift of \$3,480 from the Lacrosse Boosters' Club to fund the boys' and girls' intramural lacrosse program for the 1993 season.
Pam and Jean thanked this large, committed group of parents for their continued support.

<u>VOTED:</u>	To approve the appointment of the following coaches:
Eileen Flannery	Girls' Spring Track Coach
Scott Cooledge	Boys' Varsity Lacrosse Coach
Nan Thomson	Girls' Varsity Lacrosse Coach
Emma Catalini	Girls' Varsity Tennis Coach
Debbie Bogdan	Girls' JV Tennis Coach
Roger Meyer	Boys' Varsity Tennis Coach
Steve Desy	Girls' Varsity Softball Coach
Dan Dion	Girls' JV Softball Coach
Russ Bosbach	Boys' Spring Track Coach
Mark Martin	Boys' Ass't Spring Track Coach
Steve Donovan	Boys' Varsity Baseball Coach
Larry Spiller	Boys' JV Baseball Coach
Bill Maver	JH Baseball Coach
Rick Hens	JH Softball Coach
Todd Hadley	Boys' JV Lacrosse Coach
Kevin Flannery	Freshman Intramural Lacrosse
Andrew Crick	Girls' Ass't Spring Track Coach
Larry Spiller	Ass't Football Coach

VOTED: To adopt the policy and procedures for Students in Crisis.

FOR YOUR INFORMATION

Bill Ryan referred to:

- the letter from Madelaine Robbins, Acton Chamber of Commerce representative, regarding school/business partnerships;
- High School news highlights.

Steve Donovan, principal, said a packet would be submitted at next month's School Committee meeting regarding the high school Choir and Madrigals' trip to New York City.

Steve Donovan, high school baseball team coach, said there would also be a packet in April for the team trip to Cooperstown, NY.

A letter from NEASC stated that the Acton-Boxborough Regional High School's Two-Year Progress report has been accepted and the school's accreditation continues. The school's accreditation will be reviewed when the Commission considers the Five-Year Progress Report, due March 1, 1995.

CONCERNS OF THE BOARD:

- Don Wheeler invited the community to an Open House on Sunday, March 7 from 2-4 p.m. in the Junior High Auditorium to comment on the two superintendent candidates. On Tuesday, March 9 at 8 p.m. in the High School Library, a meeting will be held to select a new superintendent. All are welcome to attend.
- Bill Ryan:
 - distributed the latest Per Pupil Expenditure figures from the Massachusetts Department of Education. The 1991-92 statistics place Acton and Acton-Boxborough in approximately the same relative positions as in 1990-91.
 - spoke with Senator Durand's office regarding the School Reform legislation. He urged the Committee and community members to call Senator Durand's office in support of the reform.
 - said that the formal school budget presentation to the Acton Finance Committee will be March 31 at 7:30 p.m. at the Town Hall. The reception honoring all 20-year school employees will be held that same day at 5 p.m. at the Boxborough Host Hotel. All School Committee members are invited to attend.
 - reported that a consultant is evaluating our phone system, and recommends that we go out with a RFP.

- Steve Aronson reported on the Acton Selectmans' meeting this week regarding the override at which Bill Mullin, selectman, said it was critical to get out the information to the community that there is unanimous agreement between all three Acton town boards on the need for an override. The only point which is not unanimous is the amount (Fin. Comm. supports a different number than Selectman and School Committee). Steve felt the School Committee is still not being treated fairly regarding the flexibility in our package. It has been thoroughly explained and there are good reasons for it.
- Lees Stuntz and Don Wheeler encouraged everyone to find out the facts regarding the override and realize the devastation to the schools if it does not pass. Bill and Mac's budget presentations to all the school groups have been well received. Micki Williams asked Steve Aronson if, at the Selectman's meeting, they mentioned what they are doing in the community to encourage passage of the override. Steve said it was not discussed.

At 9:00 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 9:18 p.m., the Committee returned to open session.

It was moved, seconded and

VOTED: To approve the administration's recommendation that Janice Sproul, Home Economics teacher at the Junior High, be rified, effective June 30, 1993.
(Vote: 7-1)

NEXT MEETING: April 1, 7:00 p.m., Junior High Library

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Sarah T. Lawton, Secretary

cc: BOS

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Library
Junior High School
7:00 P.M.

April 1, 1993

AGENDA

- 7:00 I. CALL TO ORDER
- 7:01 II. APPROVAL OF MINUTES OF MARCH 4, 1993 AND STATEMENT OF WARRANT
- 7:05 III. PUBLIC PARTICIPATION
- 7:15 IV. EDUCATION REPORT -- Progress Report - Major Curriculum Initiatives - 1992-1993 - Dan Leclerc
- 7:30 V. SUPERINTENDENT'S REPORT FOR THE MONTH OF APRIL - 1993 - William Ryan
- RECOMMENDATIONS
1. Acceptance of Gift from Friends of Acton Disabled
 2. Chorus Trip
 3. Non-Reappointment of Non-Tenured Staff
 4. Recommendation for Lease-Purchase of CASE S.P.E.D. Transportation Vehicles
 5. Recommendation to Reject Bids for Contracted Cleaning
 6. Extra Curricular Appointments
 7. Baseball Team Trip
 8. Deferral Amortization Schedule
- 7:50 VI. FOR YOUR INFORMATION
1. High School News
 2. Personnel
 3. Academic Decathlon
 4. Arts
 5. Conference on Gay and Lesbian Youth
 6. Article on School Superintendents
 7. Student Involvement in Water Quality Testing
 8. Family Visit to ABRHS
 9. "One Day in the Lives of Massachusetts Children and Youth"
 10. Letter from Belmont Public Schools - re Joe Marashio
 11. Science Olympiad Championship
 12. In-Service for Drivers
- 8:00 VII. WARRANT DISCUSSION
- 8:05 VIII. CONCERNS OF THE BOARD
- 8:20 IX. EXECUTIVE SESSION
- 8:45 X. NEXT MEETING - May 6
- 8:45 XI. ADJOURNMENT

ACTON SCHOOL COMMITTEE MINUTES

Library
R.J. Grey Junior High School

March 11, 1993

Members Present: Jean Butler, Stephen Aronson, Rick Sawyer, Lees Stuntz, Micki Williams.

Also Present: Bill Ryan, Mac Reid, Dan Leclerc, Fran Leiboff, Steve Desy, citizens and press.

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

The minutes of March 4, 1993 were approved as written.

Warrant #93-016 in the amount of \$36,570.00 was signed by the chairperson and circulated to other members of the Committee.

PUBLIC PARTICIPATION: None.

EDUCATION REPORT: Co-NECT School Invitation

Dan Leclerc introduced Bob Pearlman, Bruce Goldberg and Ron Fortunato, directors of the BBN Co-NECT new school design project. In July 1992, they were selected by the New American Schools Development Corporation (NASDC) as one of 11 Design Teams to take part in a national effort to design a new generation of American schools, aimed at meeting the nation's educational needs for the 21st century. To implement their design, they issued an invitation to Acton's New Merriam School to submit a proposal (which would be accepted) to become a participating school. Negotiations would then be held to determine areas of responsibility for each party. Karen Walker and Su Henry, members of the New Merriam Committee, have discussed the proposal and are excited about the opportunities it affords our new school. Their goals are similar, and they see the involvement of Co-NECT as enabling New Merriam to reach its goals sooner. Some of these are: project-based curriculum; authentic assessment tools; staff accountability; personal growth; and ubiquitous technology. Co-NECT would design computer software and develop a comprehensive computer network. On-site developers would be present at the school, in addition to bringing in outside support. Steve Aronson asked how long the commitment would be. Bob Pearlman said they would work out a plan for the next couple of years to support the New Merriam School. A proposal will be sent to NASDC by April 16, which would include the New Merriam School's participation. Should NASDC funding become a problem, they would seek alternative sources to continue funding the project. Micki Williams asked how much freedom our school would have in accepting/reaching goals. Bruce Goldberg said they are opposed to "recipe" programs, and they would encourage ownership of the process. Lees commented that opening the New Merriam School is dependent on the passage of the override; if it does not pass, would we be dis-Co-NECT-ed? Bob said they would be willing to consider an alternate proposal that meets their objectives. Micki expressed concern that parents be informed about the Co-NECT liaison and what changes would occur as a result.

Bill Ryan commented that it is a wonderful opportunity for our schools. On behalf of the Committee, Jean thanked Bob, Bruce and Ron for their invitation.

SUPERINTENDENT'S RECOMMENDATIONS FOR MARCH

It was moved, seconded and unanimously

VOTED: To accept Mary Heller's gift of an Apple IIc computer, a monitor and a Brother printer, to be used in the Douglas School.

It was moved, seconded and unanimously

VOTED: To adopt the policy and procedures for Students in Crisis.

It was moved, seconded and unanimously

VOTED: To enter into negotiations with the Co-NECT School New American Design Team for the purpose of creating a Co-NECT School at Merriam School. (This is in response to a letter of invitation advising us to submit an Invitation for Proposal which will be accepted by the New American Design team and will result in a formal negotiating process.)

FOR YOUR INFORMATION

- Bill referred to:
 - Judy Melillo, music teacher at Conant, who received the Distinguished Service Award for Music at the Eastern Division Music Conference/Concert on March 19;
 - Board of Education's comments on House Bill #1000 and School Choice;
 - Our high school's Academic Decathlon Team won first place in the state finals. The team will represent the state in the national competition in Phoenix, Arizona. Lees complimented team advisors, Niki Veley and Carol Walsh, for the incredible amount of time/work they put in. Steve Aronson emphasized the fact that it is too easy to overlook the elementary and junior high efforts, which make the high school teams's level of achievement possible.
- Fran Leiboff referred to Michele Tamaren's (Special Educator at McCarthy-Towne) participation in the International Learning Disabilities Association of America conference. She also mentioned Michele's article entitled, "The Inclusive Classroom: Making a Difference", which appeared in *Their World*, a publication of the National Center for Learning Disabilities.

WARRANT DISCUSSION: There were no questions.

At 8:38 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 as polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The public was informed that the Committee would return to open session only to adjourn.

At 8:56 p.m., the Committee returned to open session and adjourned.

Respectfully submitted,

Sarah T. Lawton,
Secretary, pro tempore

ACTON SCHOOL COMMITTEE

Jr. High School Library
8:45

For April 1, 1993 Meeting

AGENDA

- 8:45 I. CALL TO ORDER
- 8:46 II. APPROVAL OF MINUTES OF March 11, 1993 AND STATEMENT OF WARRANT
- 8:50 III. PERIOD OF PUBLIC PARTICIPATION
- 9:10 IV. EDUCATION REPORT -Progress Report - Major Curriculum Initiatives - 1992-1993 - Dan Leclerc
- 9:25 V. SUPERINTENDENT'S REPORT FOR THE MONTH OF APRIL, 1993
William Ryan
- RECOMMENDATIONS
1. Non-Reappointment of Non-Tenured Staff
 2. Rejection of Bids for Contracted Cleaning
 3. Recommendation for Leave of Absence
- 9:45 VI. FOR YOUR INFORMATION
1. McCarthy-Towne Bulletin
 2. McCarthy-Towne School Community Activities
 3. Driver Workshop - Transmission of Infectious Diseases
 4. Douglas School News
 5. Curriculum Bulletin
- 9:55 VII. WARRANT DISCUSSION
- 10:00 VIII. CONCERNS OF THE BOARD
- 10:15 IX. EXECUTIVE SESSION
- 10:30 X. NEXT MEETING -May 13
- 10:30 XI. ADIJOURNMENT



Selectmen
cc: Bag
Top Page
Remainder
MAR 20 1993
RF

MASSACHUSETTS
BOARD OF APPEALS
(508) 264-9632

#93-5

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday,

May 3, 19 93, at 7:45 P.M. in the TOWN HALL, Room 126

on the following petition:

by Ann E. Jones, 25 Adams Street, for a PETITION FOR A VARIANCE from the requirements of Section 5 of the Acton Zoning Bylaw to allow the construction of a single family residence on 21 Adams Street, South Acton, Map J30, Parcel 28, with less area currently required for an R-4 District.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Malcolm Burdine, Clerk

cc: BAS

The Board of Directors
of
THE UNITED WAY of ACTON BOXBOROUGH
cordially invites you to its
1993 Annual Meeting

Thursday, April 15, 1993

**St. Elizabeth of Hungary Parish Hall Center
89 Arlington Street, Acton**

7:00-7:30 Reception

7:30-9:00 Annual Meeting

Presentation: The United Way at Work

Edie and Brian Fruscione and Valerie Nolen will relate their
experiences with two United Way agencies: Minuteman ARC
and Concord-Assabet Adolescent Services

cc: BOS -
CONFIDENTIAL

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

CONFIDENTIAL

TO: Don P. Johnson, Town Manager DATE: March 31, 1993
FROM: Roland Bartl, Town Planner *R.B.*
SUBJECT: Appeals on Hearthstone Farm Approvals
(Foster v. Acton Planning Board)

I have discussed these appeals with the Planning Board. The Board agrees with my recommendation that the Town should not spend any money to defend the Board's decision. Settlement or cure of any notification problems that may exist should be left up to the permit applicant and the plaintiff in the case.

xc: Acheson H. Callaghan
Planning Board

[RHB.SP.P.93*19]

cc: BOS

Massachusetts REFUSETECH Inc.

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

March 24, 1993

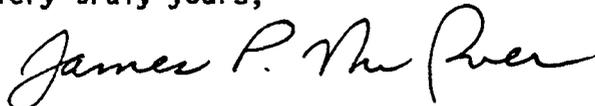
Mr. Don Johnson
Town Manager
Town Hall
472 Main Street
Acton, MA 01720

Dear Mr. Johnson:

Due to the constraints imposed by the Service Agreement, we have been unable to grant your full request for GAT (Guaranteed Annual Tonnage). The requested tonnage from all communities has been factored once again on a pro rata basis. In the case of Acton this will be 202 tons, leaving a 1994 Fiscal GAT of 9,813.

Should any questions arise, please contact me at 508/688-9011.

Very truly yours,



James P. McIver
Plant Manager

cc: C. Gulliford
J. Steggall
File

cc: DOJ
Full Report EF



March 26, 1993

Ms. Nancy Tavernier, Chairperson
Board of Selectmen
472 Main Street
Acton, MA 01720

Dear Chairperson Tavernier,

In compliance with our Final License Agreement, enclosed please find the A/R Cable Services, Inc. Financial Reports on Forms 200, 300 and 400 for the year-ended December 31, 1992, prescribed by the Massachusetts Cable Commission. Forms 300 and 400 are for official use only..

Sincerely,

A handwritten signature in black ink that reads "Jay Somers". The signature is written in a cursive, slightly slanted style.

Jay Somers
Assistant General Manager

JS/sl
0278.js



Town of Dracut

TOWN HALL
62 ARLINGTON STREET
DRACUT, MASSACHUSETTS 01826

cc: BOS

MAR 31 1993

Board of Selectmen
License Commissioners

Douglas G. Willett, Chairman
Sheila M. Richardson, Vice-Chairman
James M. Gookin, Clerk
Warren L. Shaw, Jr.
James M. O'Loughlin

(508) 452-1908
FAX: (508) 452-7924

March 25, 1993

Dear Colleagues:

On February 23, 1993, the Dracut Board of Selectmen voted to request that State Representative John F. Cox (D-Lowell) and State Senator Daniel P. Leahy (D-Lowell) file legislation on our behalf, returning the formula of local aid in regards to the lottery monies to its original formula.

In 1972, the lottery was established using the following formula: 45% monies returned in the form of prizes;
15% used for operating expenses;
40% returned to cities and towns for local aid.

Several years ago, the State Legislature "capped" the amount of monies returned to the cities and towns at \$329 million. This has resulted in a tremendous loss of local aid revenues. As a public official, you are well aware of the budgetary constraints we are all facing. The Dracut Board of Selectmen feel it is only fair to stop the practice of "capping" the revenues generated by lottery sales, and return the monies to the cities and towns.

Your help is needed in this effort! I would appreciate it if you would contact your State Representative and State Senator, and ask if they will agree to either co-sponsor the legislation, or pledge their support.

Could you please notify this board of any votes and/or action taken with regard to this most serious matter.

Thank you.

Sincerely,

James M. O'Loughlin
Selectman



MASSACHUSETTS

BOARD OF APPEALS

(508) 264-9632

#93-6

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday,

May 3, 19 93, at 8:00 P.M. in the TOWN HALL, Room 126

on the following petition:

by D'Agostine, Levine & Gordon, 268 Main Street, Attorneys for Southwestern Bell Mobile Systems, Inc., d/b/a/ Cellular One, 190 Second Avenue, Waltham, MA for a PETITION TO MODIFY A VARIANCE from the requirements of Sections 5.1 and 3 of the Zoning Bylaw to allow a modification of a Variance granted to Nynex Mobile Communications Co. in hearing #89-30, to allow at land of the Water Supply District of Acton on Great Hill: joint use of the existing cellular telephone tower by Southwestern Bell d/b/a Cellular One, the Town of Acton and Nynex Mobile Communications Co.; in connection with the joint use of the tower, the construction and use of an additional twenty-one foot by thirty foot precast concrete building; and the reconstruction and expansion of the tower increasing its height to approximately one hundred fifty feet, together with antennas at the top of the tower extending approximately twenty-one feet above the height of the tower.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Malcolm Burdine

Clerk

Selectmen
Full App.
in Reading
File

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

March 31, 1993

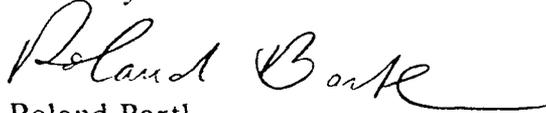
J. T. and Karen M. Hammer
7 Huckleberry Lane
Acton, MA 01720

Dear Concerned Residents:

I am in receipt of your letter to the Town of Acton, dated 3/25/93, and of the Town Manager's response to you, dated 3/26/93. You have expressed concern over the advertised sale and possible construction of single family homes on what appear to be two lots located at 381 and 389 Main Street. These lots were originally created, and approved by the Acton Planning Board, in 1956, and subsequently modified in their size and shape. Then and now, these lots have sufficient frontage and area to qualify under the Acton Zoning Bylaw as legal building lots for single family homes. Since these are existing lots which are proposed for construction, neither the Planning Board nor this department have any further jurisdiction in this matter.

Your concern seems to focus on the potential impact of the new septic systems on Partridge Pond. The simple fact that these are building lots under the Acton Zoning Bylaw does not necessarily mean that these lots can be built upon. A builder must show that the site chosen for a septic disposal system on a lot will support such a system and meets legal requirements under the State's Title V and the local Board of Health regulations. Given these circumstances, I advise that you stay in touch with the office of the Acton Board of Health.

Sincerely,



Roland Bartl
Town Planner

cc: Town Manager ✓
Health Director

[RHB.LET.93*4]

MMA Action

MMA REPORT SHOWS DAMAGING IMPACT OF HOUSE EDUCATION BILL ON MUNICIPAL BUDGETS; SENATE ACTION IMMINENT

Seven weeks after the House of Representatives voted to approve its education reform bill, H. 1000, cities and towns are beginning to learn the true impact that the measure would have on non-school municipal services. The initial results of a special MMA survey (enclosed) on the effects of the education reform bill indicate a severe negative impact on municipal budgets across the state.

Based on the survey, MMA's analysis reveals that 90% of the state's communities would be forced to shift local spending away from municipal programs in order to follow the mandates in the House bill. 50% of the communities responding to our survey report that they would be forced to dramatically reduce FY '94 spending on non-school services to levels below this year's spending.

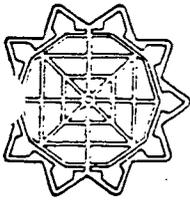
Please review the enclosed report. If you have already filled out your worksheets, thank you. If you have not filled out the two worksheets we sent you (see *MMA Action Alerts* #3 and #4), you may find it very useful to do so as part of your budget preparations (call us if you have questions, and please send us a copy of your completed worksheets).

We need your immediate help:

- ⇒ Share the survey results with your Senator; make sure he/she understands the adverse impact that H. 1000 would have on other municipal services, and ask that he/she pledge to oppose an education bill that would impose unfunded mandates;
- ⇒ Discuss the survey results at your next Board of Selectmen or City Council meeting;
- ⇒ Tell your local media how H. 1000 would impact your non-school municipal services; and
- ⇒ Inform non-school employees of the impact of H. 1000 on the municipal budget and ask them to contact their Senator and oppose an education bill that would hurt municipal services.

We anticipate that the Senate Ways and Means Committee will report out its version of the education reform bill as early as this week. Please get in touch with your Senator as soon as possible to express your concerns.

We will keep you posted on key developments. Thank you!



**Massachusetts
Municipal
Association**

Sixty Temple Place

(800) 882-1498

Boston, Massachusetts 02111 (617) 426-7272 FAX (617) 695-1314

Report on the Fiscal Impact of H. 1000, the Education Reform Bill

The MMA conducted a detailed survey of municipal budget officials that shows 90 percent of the cities and towns responding would be required to shift local spending away from police, fire, public works, and other non-school local responsibilities in order to meet the school funding mandates in the education bill approved by the House earlier this year.

In most cases, property tax overrides or deep cuts in non-school services would be required in order to meet the state-calculated school spending mandate. Statewide, H. 1000 would require that communities increase their local spending on schools by over \$100 million.

Findings

Cities and towns fall into four general categories as shown in the chart below.

- The first category consists of cities and towns that are expecting to begin FY '94 with a revenue shortfall. For these communities the shortfall would be deepened by the mandated school spending increase and focused entirely on the non-school side of the local budget.
- The second category consists of cities and towns where the required school spending increase would exceed the projected increase in local revenues. This would create a revenue shortfall on the non-school side of the budget.
- The third category consists of cities and towns where the school spending mandate would consume a disproportionate share of all new local revenues.
- The fourth category consists of cities and towns where the school spending mandate consumes a proportionate share or less of new revenues.

Impact of H. 1000

Category	%	Description	# Communities
1	23	Non-school budget deficits deepened	17
2	27	Non-school budget deficits created	20
3	43	Required to spend a disproportionate share of new revenues on schools	32
4	7	Required to spend a proportionate share of new revenues on schools	5

One of the primary causes of projected local revenue shortfalls for FY '94, as reported in the survey, is the use of one-time finance options to balance FY '93 budgets that will not be available in FY '94. The teacher salary deferral option enacted in 1990 is the largest single one-time problem. Another revenue problem facing local budget officers is the lack of growth in local non-property tax revenues, such as the motor vehicle excise and local fees and charges.

How the bill [H. 1000] works:

The general rule established in H. 1000 is that all cities and towns must annually increase their spending on schools from local revenues, mainly the property tax. We have termed this the base increase. Some municipalities would be required to make additional payments to schools above the base increase amount while others would be allowed to reduce the mandated increase.

The amount of the base increase in school spending for a municipality would be tied to growth in the local property tax levy limit. Each year, base local spending on schools would be required to increase by the same percentage that the property tax levy limit increases, excluding increases attributable to overrides or exclusions. The normal growth in a municipal levy limit is 2.5 percent plus "new growth," estimated to be an average of just under 1.0 percent in FY '94. Using a statewide figure of 3.4 percent, the MMA estimates the base increase to be \$106 million in FY '94. In addition, a number of municipalities would be required to make additional payments, above the base increase amount, if their spending on schools from local revenues is less than the statewide median school spending amount. This is the so-called "standard of effort" requirement. Cities and towns spending more than the median amount would be allowed to reduce the amount of the base increase.

There are a number of special rules included in H. 1000 that could mitigate to some extent the effect of the general rule. As currently drafted, however, these rules would have a very limited impact.

How the survey was conducted

The MMA H. 1000 impact survey is based on two worksheets distributed to the state's 351 cities and towns in February [see attachments]. The first worksheet allowed municipalities to calculate the mandated school spending increase for FY '94. This worksheet used local school spending data calculated by the state, including so-called "local contribution" and "new local effort" amounts, and property tax estimates provided locally. The second worksheet provided a framework for local officials to determine the budget impact of the school spending mandate. One-time revenues used in FY '93, such as the teacher salary deferral option, were subtracted from new local revenues projected for FY '94, mainly property tax increases, to yield a net new local revenue amount. The mandated school spending increase was then subtracted from this net new local revenue amount to show the impact on the non-school side of the local budget.

Education Reform

Impact of the Finance Provisions of H.1000: selected examples

City/Town	State-Mandated School Spending Increase	New Property Tax Capacity	New Local Receipts	Net One-Time Revenues	Loss of Teacher Salary Deferral	Total New Local Dollars	Available New Local Dollars for Non-School Services
Agawam	\$486,157	\$752,988	-\$100,058	-\$1,131,923	\$0	-\$478,993	-\$965,150
Arlington	\$575,616	\$1,042,010	-\$269,627	-\$623,780	\$0	\$148,603	-\$427,013
Attleboro	\$553,854	\$914,858	\$0	\$0	-\$913,391	\$1,467	-\$552,387
Bourne	\$549,548	\$508,882	\$0	\$0	\$0	\$508,882	-\$40,666
Brockton	\$643,666	\$1,567,108	\$659,209	\$0	-\$2,562,927	-\$336,610	-\$980,276
Fitchburg	\$229,750	\$500,990	\$0	-\$250,000	\$0	\$250,990	\$21,240
Morson	\$110,816	\$174,453	\$0	\$0	\$0	\$174,453	\$63,637
Southbridge	\$162,238	\$255,855	-\$25,000	-\$363,500	\$0	-\$132,645	-\$294,883
Sterling	\$90,732	\$222,000	-\$100,000	-\$50,000	-\$184,000	-\$112,000	-\$202,732
Tewksbury	\$447,349	\$776,718	\$102,284	\$0	-\$512,335	\$366,667	-\$80,682
Winchendon	\$93,317	\$126,865	\$0	-\$138,000	-\$48,000	-\$59,135	-\$152,452

Notes:

1. Morson's problem is actually \$85,000 deeper than indicated here, because of a deficit in the FY93 snow and ice account that will carry over into FY94
2. Tewksbury faces a similar problem, with \$450,000 in new school-related debt service expenses excluded under the bill's formula for calculating local contribution to school spending.



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

cc: BOS - FYE

MAR 31 1993

March 29, 1993

Dear DEP Customer:

Building on earlier initiatives to serve you better, we at the Department of Environmental Protection have taken another step to make it easier for you and everyone else in Central Massachusetts to deal with us. We recently opened a Regional Service Center, which is the best place for you to call or visit first when you need information or assistance from DEP. We are writing to cordially invite you and your colleagues to an Open House at the service center on Thursday, April 15, from 4:00 to 7:00 p.m.

Located in Worcester, the service center was established to provide answers and help to people like you who interact with the agency on a regular basis: citizens, businesspeople, civic leaders, consultants, environmental advocates, lawyers, legislators, municipal officials, reporters, and representatives of other agencies on the state and federal levels. The service center is DEP's focal point for providing initial response to requests for information, initiating outreach programs, helping project proponents as they proceed through the permitting process, and playing the role of ombudsman and trouble-shooter.

The service center — which serves all of Worcester County and western portions of Middlesex and Norfolk counties — has been operating since last October and is directed by Robert Higgins. Bob brings to DEP more than three decades of business and government experience, including eleven years of helping companies locate in Massachusetts. He can be reached at (508) 792-7683.

Directions to the regional service center, located in DEP's Central Regional Office at 75 Grove Street in Worcester, can be found on the reverse of this letter. We would appreciate your R.S.V.P. if you are planning to attend the Open House. Please call Bob or Judy Gibree at the number above or dial DEP InfoLine at 1-800-462-0444 no later than April 9. In the meantime, please give our new services a try and let us know what you think. Thank you.

Sincerely,

Daniel S. Greenbaum
Commissioner

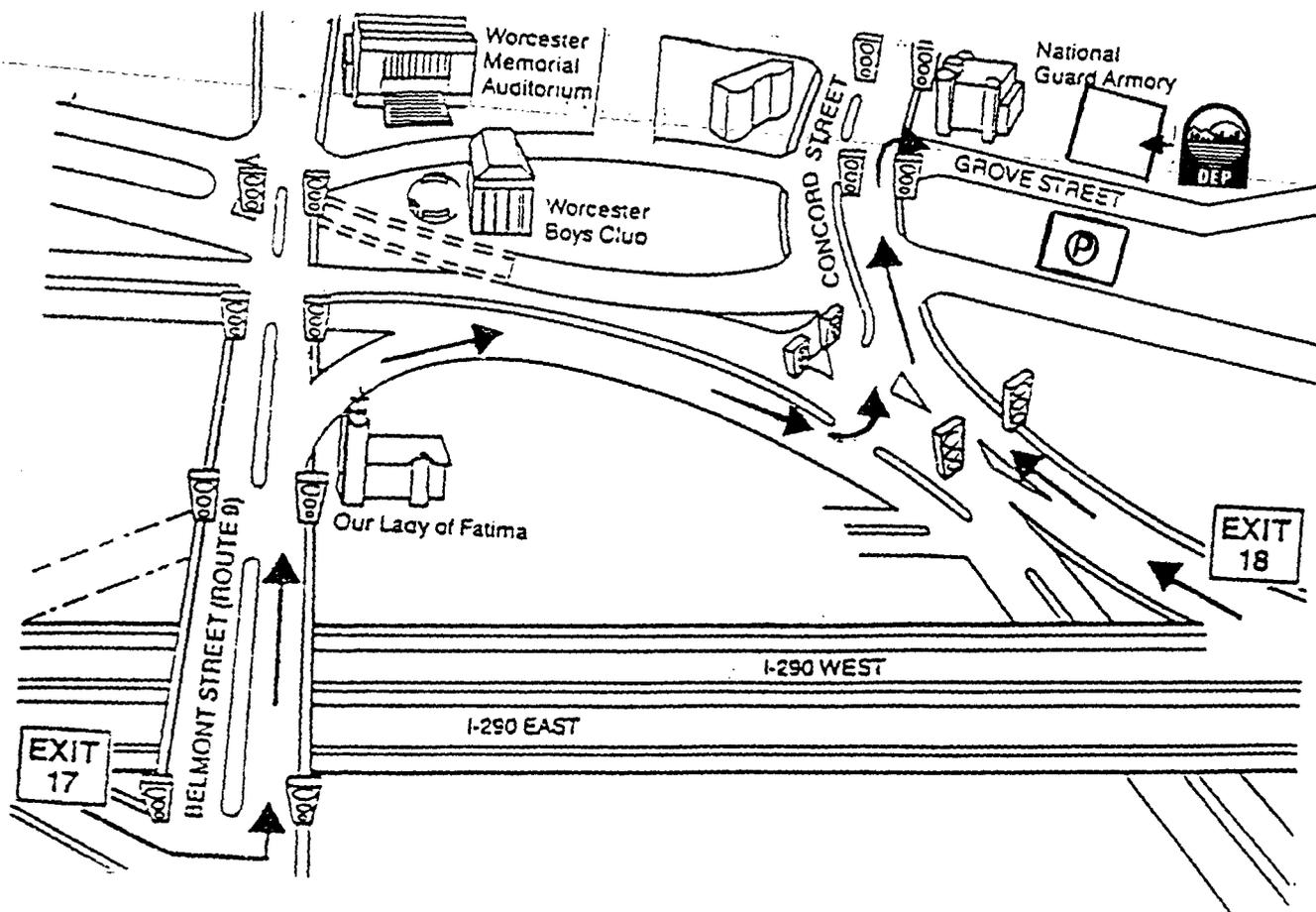
Cornelius J. O'Leary
Regional Director

Directions to DEP's Central Regional Office 75 Grove Street • Worcester

FROM THE WEST: Take the Massachusetts Turnpike to the I-290 exit (Auburn). Follow I-290 to Exit 17 (Route 9). At end of ramp (lights), take a left. At the bottom of the hill (before the next set of lights), take a right onto Route 70. At the next set of lights, turn left onto Concord Street. Then take your second right (at a set of lights) onto Grove Street. DEP's Central Regional Office is about ¼ mile down the road on the left. Parking is available in the lot directly across the street.

FROM THE EAST: Take the Massachusetts Turnpike to I-495 West to I-290 West to Exit 18 (Route 9/Centrum). At the end of the ramp, take a right. Turn right again at the next set of lights onto Grove Street. DEP's Central Regional Office is about ¼ mile down the road on the left. Parking is available in the lot directly across the street.

FROM THE NORTH: Take I-190 South to I-290 West to Exit 18 (Route 9/Centrum). At the end of the ramp, take a right. Turn right again at the next set of lights onto Grove Street. DEP's Central Regional Office is about ¼ mile down the road on the left. Parking is available in the lot directly across the street.





The Commonwealth of Massachusetts

Executive Office of Environmental Affairs MAR 29 1993

Division of Conservation Services

Leverett Saltonstall Building

100 Cambridge Street, Boston 02142

cc: BOS

MAR 29 1993

Dear Project Sponsor:

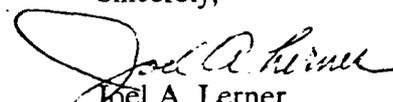
It may have been some time since you received federal grant assistance from the Land and Water Conservation Fund (LWCF), and I would like to remind you of the ongoing responsibilities associated with this grant program.

Enclosed is a list of the sites in your community or agency that were either acquired, developed or renovated with LWCF grant assistance. As a condition of the grant, park or conservation areas are permanently dedicated as open space use. Boundary encroachment, change to a non-recreation or conservation use, prolonged lack of basic maintenance, or "Residents Only" policy can constitute a conversion of use. If a conversion exists or is anticipated, this office must be notified. All proposals for conversions must be approved by the Division of Conservation Services and the National Park Service. You should be advised that conversions are only considered when a replacement site of equal value and recreational utility is identified by the project sponsor and subsequently acquired. *The conversion and replacement property must be approved by the National Park Service.*

Every five years a post completion site inspection is conducted by this office and a copy of the report is sent to your recreation department or conservation commission. If any problems are noted on the report the appropriate department is contacted.

Nearly 4000 acres have been acquired and hundreds of parks renovated using the \$80 million that Massachusetts has received since this program began in 1965. Many federal programs have come and gone since the Land and Water Conservation Fund was established. Its longevity can be attributed to the protected land policy and the dedication to open space uses that the local project sponsors have demonstrated. If you have any questions about the program, or the sites on your list, please contact the statewide program coordinator, Jennifer Soper, at (617) 727-1552 extension 292.

Sincerely,


Joel A. Lerner
Director

enc.

LAND AND WATER CONSERVATION FUND - ALL PROJECTS

LWCF #	PROJECT NAME	PROJECT SPONSOR	Community	Grant Amount	Community \$ Total
25- 00085	Great Hill Acq.	Acton		\$134,355.00	\$134,355.00

POST-COMPLETION RESPONSIBILITIES

1. Operation and Maintenance. Property acquired or developed with L&WCF assistance shall be operated and maintained as follows:
 - A. The property shall be maintained so as to appear attractive and inviting to the public.
 - B. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.
 - C. Properties shall be kept reasonably safe for public use. Fire prevention, lifeguard, and similar activities shall be maintained for proper public safety.
 - D. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.
 - E. The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.

2. Availability to Users.
 - A. Discrimination on the Basis of Race, Color, National Origin, Religion, or Sex. Under Title VI of the 1964 Civil Rights Act property acquired or developed with L&WCF assistance shall be open to entry and use by all persons regardless of race, color, or national origin, who are otherwise eligible. The code of Federal Regulations, Title 43, Part 17, effectuates the provisions of Title VI. The prohibitions imposed by Title VI apply to park or recreation areas benefiting from Federal assistance and to any other recreation areas administered by the State agency or local agency receiving the assistance. (see Chapter 650.9) Discrimination is also prohibited on the basis of religion or sex.

 - B. Discrimination on the Basis of Residence. Section 6(f)(8) of the L&WCF Act and 36 CFR 59.4 provide that with respect to property acquired or developed with L&WCF assistance, discrimination on the basis of residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

Fees charged to nonresidents cannot exceed twice that charged to residents. Where there is no charge for residents but a fee is charged

to nonresidents, nonresident fees cannot exceed fees charged for residents at comparable State or local public facilities. Reservation, membership or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents.

These provisions apply only to the recreation areas described in the project agreement. Nonresident fishing and hunting license fees are excluded from these requirements.

C. Discrimination on the Basis of Handicap. Section 504 of the Rehabilitation Act of 1973 requires that no qualified person shall on the basis of handicap, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance. The Americans with Disabilities Act of 1990 (P.L. 100-336) simply references and reinforces these requirements for Federally-assisted programs.

D. Reasonable Use Limitations. Project sponsors may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Fund assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the numbers of person using an area or facility or the type of users, such as "hunters only" or "hikers only." All limitations shall be in accord with the applicable grant agreement and amendments.

3. Conversion. Property acquired or developed with L&WCF assistance shall be retained and used for public outdoor recreation. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the NPS Regional Director pursuant to Section 6(f)(3) of the L&WCF Act and 36 CFR Part 59. The Director has authority to disapprove conversion requests and/or to reject proposed property substitutions.

The conversion provisions of Section 6(f)(3), 36 CFR Part 59, and this Manual apply to each area or facility for which Land and Water Conservation Fund (L&WCF) assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility and consistent with the contractual agreement between NPS and the State. Responsibility for compliance and enforcement of these provisions rests with the State for both State and locally sponsored projects. The responsibilities cited herein are applicable to the area depicted or otherwise described on the 6(f)(3) boundary map and/or as described in other project documentation approved by the Department of the Interior. In many instances, this mutually agreed to area exceeds that

actually receiving L&WCF assistance so as to assure the protection of a viable recreation entity.

A. Conversion applicability. Conversions generally occur in the following four situations:

- (1) Property interests are conveyed for non-public outdoor recreation uses.
- (2) Non-outdoor recreation uses (public or private) are made of the project area, or a portion thereof.
- (3) Non-eligible indoor recreation facilities are developed within the project area without NPS approval.
- (4) Public outdoor recreation use of property acquired or developed with L&WCF assistance is terminated.
- (5) Exceptions.
 - (a) Underground utility easements that do not have significant impacts upon the recreational utility of the park will not constitute a conversion.
 - (b) Proposals to construct public facilities or to shelter or enclose Fund assisted or non-assisted outdoor recreation facilities without L&WCF assistance, where it can be shown that there is a gain or increased benefit to public recreational opportunity, will not constitute a conversion. Final review and approval of such cases shall be made on a case by case basis by the responsible NPS office and in accordance with Section 640.3.9 and 675.9.3D-E.

B. Prerequisites to Consideration of Conversions. Requests from the project sponsor for permission to convert L&WCF assisted properties in whole or in part to other than public outdoor recreation uses must be submitted by the State Liaison Officer to the appropriate NPS Regional director in writing. NPS will consider conversion requests if the following prerequisites have been met:

- (1) All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
- (2) The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by a State approved appraisal (prepared in accordance with uniform Federal appraisal standards) excluding the value of structures

Manual Release 151

Replaces all preceding manual releases

or facilities that will not directly enhance its outdoor recreation utility.

Generally, this will necessitate a review of appraisals prepared in accord with Chapter 675.2 for both the property proposed to be converted and that recommended for substitution. However, at the discretion of the Regional Director, a State certification that appraisals of both properties are acceptable and reveal that the replacement property is of at least equal fair market value as that of the property to be converted can be accepted. Exercising this authority should be consistent with the State's review responsibilities with respect to donation appraisals. (see 675.2.6E).

- (3) The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Dependent upon the situation and the discretion of the Regional Director, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. Generally, the replacement property should be administered by the same political jurisdiction as the converted property. NPS will consider State requests to change the project sponsor when it is determined that a different political jurisdiction can better carry out the objectives of the original project agreement. Equivalent usefulness and location will be determined based on the following criteria:

- (a) Property to be converted must be evaluated in order to determine what recreation needs are being fulfilled by the facilities which exist and the types of outdoor recreation resources and opportunities available. The property being proposed for substitution must then be evaluated in a similar manner to determine if it will meet recreation needs which are at least like in magnitude and impact to the user community as the converted site. This criterion is applicable in the consideration of all conversion requests with the exception of those where wetlands are proposed as replacement property.

In accordance with Section 6(f)(3) of the L&WCF Act as amended by Section 303 of the Emergency Wetlands Resources Act of 1986, wetland areas and interests therein which have been identified in the wetlands provisions of the Statewide Comprehensive Outdoor Recreation Plan shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion

regardless of the nature of the property proposed for conversion.

- (b) Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public outdoor recreation need. While generally this will involve the selection of a site serving the same community(ies) or area as the converted site, there may be exceptions. For example, if property being converted is in an area undergoing major demographic change and the area has no existing or anticipated future need for outdoor recreation, then the project sponsor should seek to locate the substitute area at another location within the jurisdiction.
 - (c) Should a local project sponsor be unable to replace converted property, the State would be responsible, as the primary recipient of Federal assistance, for assuring compliance with these requirements and for the substitution of replacement property.
 - (d) The acquisition of one parcel of land may be used in satisfaction of several approved conversions.
- (4) The property proposed for substitution meets the eligibility requirements for L&WCF assisted acquisition (see Part 640.2.1). The replacement property must constitute or be part of a viable recreation area. Unless *each* of the following additional conditions (also see 670.3.4K) are met, land currently owned by another public agency may not be used as replacement land for land acquired as part of an L&WCF project:
- (a) The replacement land was not originally acquired by the sponsor or selling agency for recreation.
 - (b) The replacement land has not previously been dedicated or managed for recreational purposes while in public ownership.
 - (c) No Federal assistance was provided in the replacement land's original acquisition unless the assistance was provided under a program expressly authorized to match or supplement L&WCF assistance as described in 670.1.5.

- (d) Where the project sponsor acquires replacement land from another public agency, the selling agency must be required by law to receive payment for the land so acquired.

An exception may be made to condition (4)(d) only in the case of **development projects** for which the State match was not derived from the cost of the purchase or value of a donation of the land to be converted, but from the value of the development itself. In this case, public land that has not been previously dedicated or managed for recreation/conservation use may be used as replacement land even if this land is currently owned by the project sponsor or is transferred from one public agency to another without cost. Because of the L&WCF Act's emphasis on preventing any subtractions to the **net acreage added to the national recreation estate by grants under the program**, this exception can never be applied to L&WCF acquisition projects, nor to combination projects where the costs of development were matched through the value of land donated or otherwise brought under the protection of Sec. 6(f)(3) for the purpose of development.

- (5) In the case of assisted sites which are partially rather than wholly converted, the impact of the converted portion on the remainder shall be considered. If such a conversion is approved, the unconverted area must remain recreationally viable or be replaced as well.
- (6) All necessary coordination with other Federal agencies has been satisfactorily accomplished.
- (7) The guidelines for environmental evaluation have been satisfactorily completed and considered by NPS during its review of the proposed 6(f)(3) action (see Chapter 650.2). In cases where the proposed conversion arises from another Federal action, final review of the State's proposal shall not occur until the Region is assured that all environmental review requirements related to that other action have been met.
- (8) Intergovernmental Review System (E.O. 12372) review procedures have been adhered to if the proposed conversion and substitution constitute significant changes to the original Land and Water Conservation Fund project. (see Chapter 650.8).

- (9) The proposed conversion and substitution are in accord with the SCORP.
- (10) Staff consideration of the above points reveals no reason for disapproval and the project files are so documented.
- (11) It should also be noted that the acquisition of one parcel of land may be used in satisfaction of several approved conversions. However, previously acquired property can not be used to satisfy substitution requirements except in the case of development projects in 675.9.3B(4) noted above.
- (12) The restrictive leasing policy (640.3.4) does not relieve the sponsor of an existing project for the acquisition and/or development of a leasehold interest from fulfilling the conversion requirements of Section 6(f)(3) of the Act, including the provision of replacement land in the event a conversion is proposed or takes place during the term of the lease. In this instance, the conversion of the original lease can be replaced with a leasehold interest for a period of time which is not less than the time remaining on the original lease, and which fulfills the recreation commitment agreed to in the original lease agreement.

Generally, for existing projects which involve leases, the responsibility for retaining the property in recreation terminates at the end of the lease period. However, those lease agreements containing a renewal clause which can be exercised by the lessee must be reviewed to determine if and when the Service's compliance responsibility ceases.

C. Amendments for Conversion. All conversions require amendments to the original project agreement. Therefore, amendment requests should be submitted concurrently with conversion requests or at such time as all details of the conversion have been worked out with NPS. Signed and dated section 6(f)(3) project boundary maps (see section 660.2.6) shall be submitted with the amendment request to identify the changes to the original area caused by the proposed conversion and to establish a new project area pursuant to the substitution. Once the conversion has been approved, replacement property should be immediately acquired. Exceptions to this rule would occur only when it is not possible for replacement property to be identified prior to the State's request for the conversion. It is, however, the Service's policy to avoid such situations if at all possible and to agree only if warranted by exceptional circumstances. In such cases, an express commitment to satisfy Section 6(f)(3) substitution requirements within a specified period, normally not to exceed one year following conversion

approval, must be received from the State. This will be in the form of an amendment to the project agreement.

D. Prerequisites to and criteria for consideration of project amendments for the construction of public facilities on L&WCF assisted sites. The Service will only consider requests to construct sponsor-funded public facilities if the following prerequisites and criteria have been met:

- (1) All design and location alternatives have been adequately considered, documented and rejected on a sound basis.
- (2) The proposal has been adequately reviewed at the State level and has been recommended by the SLO.
- (3) Use of the facility will be compatible with outdoor recreation and will increase outdoor recreation use; and, recreation use remains the overall primary function of the site.
- (4) The proposed structure is compatible and significantly supportive of the outdoor recreation resources of the site, whether existing or planned. The park's outdoor recreation use must continue to be greater than that expected for any indoor uses, unless the site is a single use facility, such as a swimming pool, which virtually occupies the entire site. Examples of uses which would not ordinarily be approved include, but are not limited to, community-recreation-center which takes up all or most of a small park site, police stations, fire stations, professional sports facilities or commercial resort or other facilities which 1) are not accessible to the general public, or 2) require memberships, or 3) which, because of high user fees, have the effect of excluding elements of the public, or 4) which include office, residential or elaborate lodging facilities.
- (5) Potential and future benefits to the total park's outdoor recreation utility must be identified in the proposal. Any costs or detriments should be documented and a net recreation benefit must result.
- (6) The proposed facility must be under the control and tenure of the public agency which sponsors and administers the original park area.
- (7) The proposal has been subjected to specific public review; public comment providing evidence of public support must accompany the proposal.

- (8) All applicable Federal requirements for approval and operations are met in accordance with Section 650.1.

E. Procedures for Approval of Construction of a Public Facility or the Sheltering of an Existing Facility. Considerations of proposals for the construction of State or locally funded public facilities on a Fund-assisted site or the sheltering of recreation activities, without Federal funds, on a Fund-assisted site are subject to the following process:

- (1) The project sponsor, following public review, shall submit the proposal to the SLO for review.
- (2) The SLO, upon affirmative completion of the review, will submit the proposal in the form of a project amendment to the appropriate NPS Regional Office along with all supporting documentation and recommendations.
- (3) The Regional Office will review the proposal and forward the proposal along with its recommendation to NPS WASO for final action.

(See also Section 640.3.9.C for sheltering requirements.)

4. Obsolete Facilities, Changes of Use. Project sponsors are not required to continue operation of a particular recreation area or facility beyond its useful life. However, Section 6(f)(3) of the L&WCF Act requires that project sponsors maintain the entire area defined in the project agreement in some form of public outdoor recreation use. NPS approval must be obtained prior to any change from one eligible use to another when the proposed use would significantly contravene the original plans for the area. NPS approval is not necessarily required however, for each and every facility use change. A project area should be viewed in the context of overall use and should be monitored in this context. A change from a swimming pool with substantial recreational development to a less intense area of limited development such as a passive park, or vice versa, would, for example, require NPS approval. NPS approval must also be obtained for any underground utility installations for which an exception to conversion is requested under Part 675.9.3.A5.)

A. Notification of Obsolescence. To assure that facility changes (including granting of underground utility easements when they have no above ground impacts) do not significantly contravene the original project agreement, the NPS Regional Director shall be notified in writing by the State of all proposed changes in advance

of their occurrence. NPS will then expedite a determination of whether a formal review and approval process will be required. A primary NPS consideration in the review of requests for changes in use will be the consistency of the proposal with the Statewide Comprehensive Outdoor Recreation Plan. Changes to other than public outdoor recreation use require NPS approval and the substitution of replacement land in accordance with Section 6(f)(3) of the L&WCF Act, 36 CFR Part 59, and Chapter 675.9.3 of this manual.

- B. Determination That a Facility is Obsolete. Notwithstanding neglect or inadequate maintenance on the part of the project sponsor, a recreation area or facility may be determined to be obsolete if:
- (1) reasonable maintenance and repairs are not sufficient to keep the recreation area or facility operating;
 - (2) changing recreation needs dictate a change in the type of facilities provided;
 - (3) park operating practices dictate a change in the type of facilities required; or
 - (4) the recreation area or facility is destroyed by fire, natural disaster, or vandalism.
- C. State Responsibilities. Project sponsors may permit the use of a facility to be discontinued or allow a particular type of recreation use of the L&WCF assisted area to be changed provided that the project record maintained by the State is documented by the sponsor with a justification statement that the State concurs in the change, and that the procedures required in 675.9.4A above are adhered to. If in the judgement of the State, the facility is needed and was lost through neglect or inadequate maintenance, then replacement facilities must be provided at the current value of the original investment.
- D. Additional L&WCF Assistance. L&WCF assistance may be provided to renovate outdoor recreation facilities which have previously received L&WCF assistance if the State determines that the renovation is not required as a result of neglect or inadequate maintenance and the State documents the project record to that effect.
5. Post-Completion Inspections. In order to determine whether properties acquired or developed with L&WCF assistance are being retained and used for outdoor recreation purposes in accordance with the project agreement and other applicable program requirements, a State

compliance inspection is to be made within five years after final billing and at least once every five years thereafter.

The following points should be taken into consideration during the inspection of properties that have been developed for public use:

- A. Retention and Use. Is the property being used for the purposes intended?
 - B. Appearance. Is the property attractive and inviting to the public?
 - C. Maintenance. Is upkeep and repair of structures and improvements adequate? Is there evidence of poor workmanship or use of inferior quality materials or construction? Is vandalism a problem?
 - D. Management. Does staffing and servicing of facilities appear adequate?
 - E. Availability. Is there evidence of discrimination? Is the property readily accessible and open to the public during reasonable hours and times of the year?
 - F. Environment. Is the quality of the area being maintained?
 - G. Signing. Is the area properly signed to allow for user information and safety, and proper acknowledgement of the Land and Water
 - H. Interim Use. Where lands have been acquired but not yet developed, the inspection should determine whether the interim use being made of the property, if any, is as agreed to by the Service.
6. **Post-Completion Inspection Reports**. Within 90 days of completion of an on-site inspection, States shall submit to the appropriate Regional Office a post-completion inspection report for all projects which have compliance problems. The report should include the date of inspection, description of discrepancy, and corrective actions taken or to be taken. (see Section 675.1.6)

A performance report shall be provided on an annual basis where no compliance issues have been identified. This report will be due by March 31 of each year and will include identification of the projects inspected by project name and number and the date the on-site inspection occurred. (see Sections 675.5.5 and 675.1.6).

Post-completion inspection reports shall also be completed for those projects in which the facilities have been deemed obsolete. The report should include certification by the State Liaison Officer that the facility is obsolete and that such obsolescence is not a result of neglect or inadequate maintenance on the part of the project sponsor. (see Section 675.9.4).

7. **Applicability.** The rules given in this chapter apply to each area or facility for which L&WCF assistance is obtained, regardless of the extent of L&WCF assistance in that area or facility. That is, in cases where assistance is provided only for an acquisition, the entire park or recreational area involved, including developments on the lands so acquired, are subject to the provisions of this chapter. Where development assistance is given, the lands of the park or recreation area identified on the project boundary map are subject to this chapter.
8. **State Responsibility.** Responsibility for enforcement of the provisions of this chapter rests with the State. The Service will inspect L&WCF assisted areas and facilities from time to time, but it shall conduct such visits in concert or through consultation with the State Agency or State Liaison Officer.
9. **Costs.** The costs of making post-completion inspections by the State are allowable overhead costs for L&WCF assistance.
10. **Penalties.** Failure to comply with the provisions of this chapter shall be considered cause for the Director, at his/her election, to:
 - A. Withhold future payments being made to the State on current projects of the project sponsor who is responsible for the infraction in question; or
 - B. Withhold future payments to the State on any or all current projects until the situation involved is corrected; or
 - C. Withhold action on all pending projects of the State and/or project sponsor who is responsible for the infraction in question; or
 - D. Withhold current or future reimbursements due to the State in the amount of assistance previously paid out for the project or projects involved.
11. **Service Inspection.** Properties acquired or developed with L&WCF assistance shall be available for inspection by the Director or other NPS representative.

ACTON TOWN MEETING MOTIONS

1993 ANNUAL TOWN MEETING

File
4/10/93

CONSENT
CALENDAR:

Mrs. Tavernier moves that the Town take up the 18 Articles as listed in the consent calendar on pages 44 and 45 of the Warrant.

Moderator calls individual articles:

* 2/3 VOTE REQUIRED

- Article 3 Council on Aging Van Enterprise Budget
- Article 4 Nursing Enterprise Budget
- Article 5 Septage Disposal Enterprise Budget
- Article 6 NESWC Enterprise Budget
- Article 7 Merriam School Enterprise Budget
- Article 13 Storm Appropriation
- Article 18 Amend Charter-Commission on Disabilities
- Article 19 Self Funding Programs
- * Article 24 Clarification of Zoning Bylaw
- * Article 26 Release of Interest in Real Estate-Willow Street
- Article 27 Chapter 90 Highway Reimbursement
- Article 28 Street Acceptances
- Article 29 Amendment to Non-Criminal Bylaw
- Article 30 Relocation and Layout of Charter Road
- Article 31 Piper Road Sidewalk Easement
- Article 32 Charter Road Sidewalk Easement
- Article 33 High Street Easement
- Article 34 Acceptance of Gifts of Land

Moderator asks that the consent calendar, absent those articles put on hold, now be passed.

ACTON TOWN MEETING MOTIONS

1993 ANNUAL TOWN MEETING

Article 1

Mrs. Tavernier moves that the Town fix the compensation for elected officers as shown in the Warrant on page 47.

Edward Bennett nominates Malcolm S. MacGregor, Sr. as Trustee of the West Acton Fireman's Relief Fund, term to expire in 1996.

Malcolm S. MacGregor, Sr. nominates William Klauer as Trustee of Acton's Fireman's Relief Fund, term to expire in 1996.

Frances S. Moretti nominates Shirley Towle as Trustee of Charlotte Goodnow Fund, term to expire in 1996.

Cornelia Huber nominates John Powers as Trustee of the Elizabeth White Fund, term to expire in 1996.

Frances Bissell nominates Edward F. Clary as Trustee of the Citizen's Library Association of West Acton, term to expire in 1996.

Article 2

Mrs. Tavernier moves that the Town accept the reports of the various Town officers and boards as set forth in the 1992 Town Report and that the Moderator call for any other reports.

Article 3

Mr. Mullin moves that the Town raise and appropriate \$33,600.00 for the purpose of providing a van service, and to raise such amount \$33,600.00 be transferred from the Council on Aging Van Enterprise Fund.

Article 4

Mr. Mullin moves that the Town raise and appropriate \$467,444.00 for the purpose of providing public health nursing services, and to raise such amount \$467,444.00 be transferred from the Nursing Enterprise Fund.

Article 5

Mrs. Fanton moves that the Town raise and appropriate \$200,000.00 for the purpose of septage disposal, and to raise such amount \$200,000.00 be transferred from the Septage Disposal Enterprise Fund.

ACTON TOWN MEETING MOTIONS

1993 ANNUAL TOWN MEETING

- Article 6 **Mr. Lake** moves that the Town appropriate \$1,389,030.00 for the purpose of solid waste disposal, and to raise such amount \$1,389,030.00 be transferred from the Solid Waste Disposal Fund.
- Article 7 **Mrs. Butler** moves that the Town appropriate \$137,172.00 for the purpose of maintaining the Merriam School, and that the receipts from the rental of the Merriam school be set aside as a separate fund under M.G.L., Chapter 44, Section 53E to meet this appropriation.
- Article 8 **Mr. Hunter** moves that the Town adopt a fifteen year amortization schedule beginning in FY 1997, in lieu of the four year amortization schedule previously voted, to repay local teachers' compensation deferred for FY 1992 and 1993, as permitted by Section 1 of Chapter 336 of the Acts of 1991.
- Article 9 **Mr. Mullin** moves that \$250,000.00 be appropriated for the removal and replacement of the fuel storage tanks located at 14 Forest Street; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$250,000.00 under G.L. c 44, Sec.7(9), and that the Town Manager be authorized to take any other action necessary to carry out this project.

2/3 VOTE REQUIRED

- Article 10 **Mrs. Tavernier** moves that the Town Budget for the period July 1, 1993 to June 30, 1994, in the amount of \$28,319,140.00 be raised and appropriated in its entirety as follows, except that \$71,410.00 be transferred from Cemetery Trust Funds for Cemetery use, and that \$5,000.00 be transferred from the County Dog Fund for library use, and that \$12,000.00 be transferred from Wetland filing fees for the Conservation Department, and that \$72,850.00 be transferred from School Choice Fund for the Acton Public Schools, and authorize the Town Manager to sell, trade, or dispose of replacement vehicles.

Norm to
check

- | | |
|--|-----------------|
| A. Municipal Services | \$10,944,410.00 |
| B. Acton Public Schools as follows: | |
| Operating expense | \$9,122,263.00 |
| Out-of-state travel | \$3,000.00 |
| Blanchard Auditorium | \$34,771.00 |
| C. Acton-Boxborough Regional School District as follows: | |
| Operating expense | \$7,248,912.00 |
| Net Maturing Debt and Interest | \$317,763.00 |
| D. Minuteman Technical School District | \$648,321.00 |

ACTON TOWN MEETING MOTIONS

1993 ANNUAL TOWN MEETING

- Article 11 Mr. Tavernier moves to raise and appropriate \$_____ to be use in conjunction with funds appropriated to the Municipal Services Budget for the current fiscal year, and that to raise such amount \$_____ be transferred from Free Cash.
- Article 12 Mr. Hunter moves that the Town transfer_____ from Free Cash to reduce the Tax Rate for Fiscal Year 1994.
- Article 13 Mr. Lake moves that the Storm Appropriations be appropriated as set forth in the Article.
- Article 14 Mrs. Fanton moves that the Town raise and appropriate \$33,500.00 to be expended by the Town Manager for the design, development, landscaping, roadways, and drainage of new sections of Woodlawn Cemetery and Mount Hope Cemetery, and to raise such amount \$33,500.00 be transferred from the Cemetery Land Fund.
- Article 15 Mrs. Tavernier moves that the Town authorize the Board of Selectmen to petition the General Court to enact a special law relative to discontinuing the sounding of train whistles at railroad crossing in the Town of Acton that are otherwise protected by warning devices.
- Article 16 Mr. Hunter moves that no action be taken.

ACTON TOWN MEETING MOTIONS

1993 ANNUAL TOWN MEETING

Article 17 Mrs. Bissell moves that the Town raise and appropriate the sum of \$24,528.00, for salaries and operating expenses for the maintenance and staffing of the West Acton Citizens Library.

Mrs. Fanton moves that no action be taken.

Article 18 Mr. Lake moves that the Town Amend the Charter - Commission of Disabilities as set forth in the Article.

Article 19 Mrs. Fanton moves that revolving funds for the Historic District Commission and the Building Department and Sealer of Weights and Measures be established for Fiscal Year 1994 in the amounts and for the purposes set forth in the summary of this article on page 57, of the Warrant.

Article 20 Mrs. Tavernier moves that the Town Bylaws be amended as set forth in the Article.

Article 21 Mrs. Tavernier moves that the Town Bylaws be amended as set forth in the Article.

Article 22 Mr. Pavan moves that the Town amend Section 7 of the Acton Zoning Bylaw as set forth in the Article.

2/3 VOTE REQUIRED

Article 23 Mr. Hill moves that the Town amend the Acton Zoning Bylaw as set forth in the Article.

2/3 VOTE REQUIRED

Article 24 Mr. Shupert moves that the Town amend the Zoning Bylaws as set forth in the Article.

2/3 VOTE REQUIRED

Article 25 Mrs. Giorgio moves that no action be taken.

Article 26 Mr. Lake moves in words of the Article.

2/3 VOTE REQUIRED

Article 27 Mr. Hunter moves that the Town authorize the Selectmen to accept Highway funds from all sources.

Article 28 Mr. Mullin moves in words of the Article.

ACTON TOWN MEETING MOTIONS

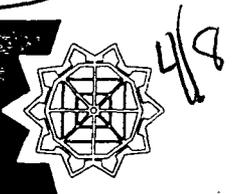
1993 ANNUAL TOWN MEETING

- Article 29 Mrs. Tavernier moves that the Town amend the Town Bylaws as set forth in the Article.
- Article 30 Mr. Mullin moves in words of the Article.
- Article 31 Mrs. Fanton moves in words of the Article.
- Article 32 Mr. Mullin moves in words of the Article.
- Article 33 Mr. Hunter moves in words of the Article.
- Article 34 Mr. Lake moves in words of the Article.

177/acs
04/06/93

file

MMA Action



SENATE PASSES EDUCATION REFORM BILL: IMPROVES ON HOUSE VERSION BUT STILL DEEPLY FLAWED

The Senate's version of education reform, S. 1551, is an improvement over the House version but it would still result in an unwarranted state intrusion in municipal fiscal affairs and deep cuts in other important municipal services for many communities.

S. 1551 was rushed to the Senate floor only 28 hours after it was unveiled by the Senate Ways and Means Committee. There was no time for Senators or MMA to conduct an adequate analysis of the bill's impact on cities and towns. As a result, S. 1551 passed the Senate by voice vote, with the only real debate on the bill centered on the controversial school choice program.

A conference committee has been appointed and must now develop a compromise bill (see the *Legislative Bulletin* and enclosed analysis for details of the Senate bill and the members of the conference committee). At this point no one can predict with certainty when the conference will report out a bill or what the bill will look like. It is very important that you contact your legislators once again and go over with them the severe problems either version will cause in your community. **Ask your legislators to tell the conference committee to deal with the following key issues:**

- ⇒ **Mandated Spending.** The House bill would mandate local spending increases for schools in virtually every community. The Senate version mandates increases in about half of the cities and towns in the first year but that number will rapidly increase in subsequent years. *Tell your legislators that neither version is acceptable to local government, and the conference committee must work with MMA to develop more reasonable requirements;*
- ⇒ **Minimum Aid.** The Senate bill guarantees each community a \$50 per student increase in minimum aid in the first year of the bill. The Senate plan does not provide for any increases in minimum aid beyond the first year. In the House bill, an additional amount of minimum aid is distributed to cities and towns in each year of the seven-year program. Both versions provide some communities with additional aid to reach "foundation" levels. *Tell your legislators that minimum aid must increase each year, or else a huge number of cities and towns will not receive any education aid increases between FY '95 and FY 2000;*
- ⇒ **One-Time Revenues.** Both versions require cities and towns to maintain or increase local spending on schools in FY '94 even if school spending was supported in FY '93 with one-time revenues such as free cash and overlay surplus amounts. The House version even counts teacher salary deferral amounts as part of your mandated school spending base, requiring communities to impose huge cuts in non-school services in FY '94. The Senate version largely takes care of the teacher salary deferral problem. *Tell your legislators that one-time revenues cannot be included in the maintenance of effort requirements;*

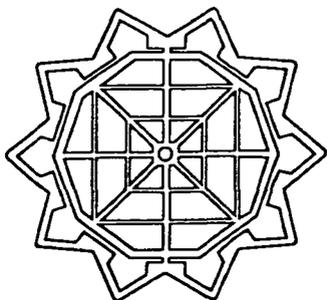
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- ⇒ **School Choice.** The Senate bill mandates a statewide school choice program. The bill does allow for some transportation funding for low-income students, and fully reimburses low-spending school districts for students who leave the system. However, the bill would allow the Secretary of Education to determine whether communities have space available for students, leaving the door open for the state to set classroom sizes. The House bill calls for a study of the current school choice program. *Tell your legislators if you oppose mandatory school choice.*

- ⇒ **State Financial Commitment.** Both bills promise that the state will make a seven year commitment to education. Yet it is likely that the state will not have the resources to pay for its commitments beyond FY '94. *Tell your legislators to support the House language that lifts the local spending mandates on cities and towns if the state fails to fully fund the education reform bill.*

It is unclear how quickly the conference committee will act. The branches are far apart on their complicated aid formulas, and even farther apart on the issue of school choice.

The Senate version is a little more reasonable in terms of unfunded mandates largely because of the information local officials gave to their Senators regarding the House bill. We will continue to analyze the Senate bill and will get you a complete comparison of both bills in the near future. **For now it is extremely important that you contact your legislators and put them on notice about the problems with either bill.**



Massachusetts Municipal Association LEGISLATIVE BULLETIN

April 2, 1993

SENATE PASSES ITS VERSION OF EDUCATION REFORM; KEY MUNICIPAL ISSUES REMAIN UNADDRESSED

By a voice vote after 10 hours of sporadic debate, the Massachusetts Senate passed its version of education reform, on Tuesday, March 30. While the Senate version, S. 1551, took some steps to alleviate a number of the most serious problems created by the House passed version, the bill still contains a number of major flaws and mandates on cities and towns. There has not been sufficient time to do a complete analysis of the bill. Here are the most serious issues we have found so far.

Minimum Aid

Perhaps the biggest problem in S. 1551 is the minimum aid component of its education aid formula. S. 1551 provides each community with a minimum of \$50 per student aid in the first year of the bill's seven-year plan. For a broad range of communities (114 cities and towns) this minimum aid would be the only new money they will get from S. 1551. Unfortunately, the Senate bill would not provide any future increase in the \$50 per student aid. This means that these minimum aid communities would not get any additional school aid in subsequent years despite having to meet onerous local spending mandates.

Mandated School Spending Increases

The Senate version is an improvement over the House bill regarding mandated local spending increases. While the House required virtually every city and town to increase local spending on schools, the Senate version requires about 50% of communities to increase spending in FY '94. However, the number of communities subject to mandatory increases would probably increase dramatically in future years. The 176 communities that are spending below the "standard of effort" figure of \$9.40 per thousand adjusted EQV for school spending and spending below their foundation level (the state-wide average is \$5500 per student) would be required to increase their local spending on schools to keep pace with their percentage increase in revenues available in FY '94. In the Senate plan there are 175 communities which will not be subject to state mandated local spending increases during FY '94.

One-Time Revenues

The problem of one-time revenues used in FY '93 to fund local budgets remains. While it appears that the Teacher Salary Deferral issue has been largely taken care of in the Senate, cities and towns which used other one-time revenues, such as free cash and overlay surplus amounts, may still be required to cover any FY '94 revenue shortfalls by cutting non-school programs or seeking an override. The Senate bill still locks cities and towns into a level of spending next year even if that level was based on FY '93 one time revenues that won't be available in FY '94.

School Choice

Of grave concern to many communities, the Senate bill also contains a mandatory statewide school choice program. According to the Senate version all school districts must accept non-resident students on a space available basis beginning in September. The Secretary of Education would make the final determination of a community's available space and class size. S. 1551 provides that sending districts may apply to the commonwealth for reimbursement of 50% of their losses due to the choice program. In addition, sending districts that are spending under their foundation budget may apply for 100% reimbursement. However, the entire reimbursement program is subject to appropriation. The Senate plan would also pay for transportation of poor students to neighboring communities. The school choice program was the only item to engender serious debate in the Senate. Senator Robert Havern's amendment to remove the mandatory school choice program from S. 1551 was defeated on a 20-19 vote.

What Happens Now?

A conference committee has been appointed in both the House and the Senate. The committee must now develop a compromise bill to present to the full House and Senate. The House members are: Representative Thomas Finneran (D-Boston) Representative Mark Roosevelt (D-Boston) and Representative Michael Sullivan (R-Abington). The Senate members are: Senator Thomas Birmingham (D-Chelsea) Senator David Magnani (D-Framingham) and Senator Jane Swift (R-North Adams). The branches appear to be quite far apart on the issue of school choice. In

addition, the branches have two very different and very complicated funding formulas to reconcile. Therefore it could take several weeks to iron out the differences between the two branches. In the meantime please continue to refer to the MMA *Action Alerts* for actions you should be taking to influence the conference committee deliberations.

LOCAL AID HEARING THURSDAY, APRIL 16

The House Ways and Means Committee is in the process of conducting hearings on the FY '94 budget. The committee has scheduled a special hearing on Local Aid for Thursday, April 16 at 9:30 a.m. in Gardner Auditorium at the State House. This will be a prime opportunity for local officials to make the case for additional local aid for the general side of government and to reiterate our position that the growth in the lottery must be returned in full to cities and towns. It is of critical importance that the committee hear from local officials. If you intend to testify please call Julie Deschenes of the MMA so that we can put together a list for the Ways and Means Committee.

WASTE BANS

On Tuesday April 13 at 10:30 a.m. in Room A-2 at the State House the Joint Committee on Natural Resources and Agriculture will hear testimony on waste bans. H. 1503, filed by MMA, would repeal the waste bans that went into effect on April 1. MMA continues to offer strong support for voluntary recycling programs which over 300 communities have initiated. However, the Association is adamantly opposed to unfunded mandates such as the waste bans. Despite Auditor Joseph DeNucci's ruling that the waste bans are mandates that could potentially cost cities and towns millions of dollars, the Administration still has not come forward with a plan for assisting communities in paying for the waste ban mandate. Therefore, as a last resort the Association is offering H. 1503 as the only legislative solution available to cities and towns. If you are interested in testifying on this matter please call David Baier at MMA.

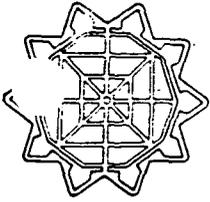
BINDING ARBITRATION COMING BACK?

On Monday, March 22 the Joint Committee on Public Service heard testimony on a bill filed by the police and fire unions to reimpose final and binding arbitration. The firefighters union has made the return of binding arbitration their top priority for 1993.

Union representatives from Boston, Somerville, Revere, Brookline, Watertown, Brockton, Lawrence and Natick appeared before the committee and complained about how long it takes to settle contracts. In the 90 minutes that it took to hear their testimony ever once did they mention that since 1988 cities and towns have been cut \$600 million, that Massachusetts is in the midst of the worst recession to hit the state

since the great depression, that lottery revenues have been capped for three years, or that automobile excise taxes have fallen since 1988. The only reason offered for the difficulty in settling contracts was that management was not being fair to the unions.

If the past is any guide, two things are likely to happen. First, any time the unions have started talking about bringing back binding arbitration, contract negotiations around the state have become more difficult. Second, if the unions have any sense that they could win binding arbitration they will engage in an all-out no-holds-barred effort. This would be a good time to contact your legislators and discuss with them the negative impact final and binding arbitration would have on your community.



**Massachusetts
Municipal
Association**

Sixty Temple Place

(800) 882-1498

Boston, Massachusetts 02111

(617) 426-7272 FAX (617) 695-1314

General Summary of Education Finance Reform in the Senate Bill

Although the Senate and House versions of education finance reform differ in significant particulars, the basic dynamic is the same for both. Both bills define a "foundation budget" for each local and regional school district. This is a target *minimum* budget; education reform is, in part, an attempt to ensure that a minimum amount of money will be spent on each K-12 student in Massachusetts.

Both bills also define a "standard of effort" or *minimum local spending effort* for cities and towns. This is a measure of the commitment of local, own-source revenues to local education spending. Cities and towns that, in the view of the legislature, commit an insufficient amount of their own revenues to school budgets will be required to increase their education funding; those that are overcommitted, again in the view of the legislature, will be allowed to reduce the proportion of local revenues spent on education. The desired effect of instituting this standard of effort will be twofold: the equalization of property tax rates across the state, at least so far as property taxes are used to support public education, and the promotion of "fairness" between cities and towns, since those in similar economic circumstances will be required to commit similar portions of their resources to schools.

The Senate bill departs from the House version on three principle counts. First, the growth factor that partially determines future increases in local school spending is tied to the rate of growth in a range of municipal general revenues; in contrast, in the House version that growth factor was held equal to the maximum allowable growth in the property tax levy. Second, the gross standard of effort defined in the Senate bill as a benchmark school tax burden is \$9.40 in local spending per thousand dollars of adjusted EQV, up from \$8.60. Third, under the Senate version per-pupil "minimum" aid is a one-time aid increase in FY'94, meaning that cities and towns which receive only this minimum increase from the state in the first year of reform will see their state aid level-funded over the remainder of the bill's seven-year lifespan.

The following pages provide a more detailed, but still brief summary description of how the financing provisions of the Senate bill work, with some comparisons to differing features of the House version of the bill.

Foundation Budget and Standard of Effort. The Senate formula for calculating the foundation budget remains essentially unchanged from the House version. For the "base year" of FY '93, the foundation is determined primarily by enrollment and staffing levels. In subsequent years, it will rise or fall according to enrollment trends and a statewide inflation factor.

As in the House bill, a community's "gross" standard of effort is defined in terms of local education spending as compared to adjusted equalized property valuation (AEQV). For FY '94 the gross standard, statewide, will be \$9.40 per \$1,000 AEQV (up from \$8.60/\$1,000 in the House version). In succeeding years, this standard will rise at varying rates for individual communities, based on their rate of growth in general municipal revenues. For example: for a community whose municipal revenues grow by 2% in FY '94, the gross standard of effort for FY '95 will be $\$9.40 \times 1.02 = \$9.59/\$1,000$. (See below for how this growth factor is defined.)

The foundation budget and the gross standard of effort together define a functional standard of effort for each municipality, which is the key determinant of how a city or town will be affected by the financing provisions of the bill. Simply put, in FY '94 a municipality meets its standard of effort if either a) total education spending, counting revenues from all sources (local contribution, state aid, federal aid), equals or exceeds the foundation budget, or b) local contribution to education equals or exceeds \$9.40/\$1,000 AEQV (the statewide gross standard of effort in FY '94). For FY '95, the same municipality will meet its standard of effort either by reaching the foundation budget, as adjusted for inflation and enrollment, or by reaching its gross standard of effort for FY '95 - i.e., \$9.40/\$1,000 times the percentage growth in municipal revenues.

Local Contribution. In general, both bills define education spending in the same fashion, excluding spending on student transportation, school lunches, tuition revenues, and most debt service, but including all other money spent in support of public education, including employment benefits.

One significant difference is that the Senate bill specifically excludes FY '93 teacher salary deferrals from the calculation of local contribution. To the extent that this reduces the school budget base in a community, it will also reduce the mandated annual increase in that budget.

Minimum Annual Increase in Local Contribution. The House version of education finance reform required all communities to annually increase their local contribution to education by a factor equal to the maximum allowable percentage growth in their property tax levy, regardless of what happened to other municipal revenues. The Senate version reduces and modifies this mandate, but does not eliminate it.

The Senate bill defines a "municipal revenue growth factor" based on the estimated increase or decrease in a broader range of municipal general revenues, including property taxes, general revenue sharing aid, and some local receipts. This growth factor will more accurately reflect actual revenue trends.

Cities and towns whose local contribution to education spending falls below their standard of effort will be required, as the first step in preparing the school budget for a new year, to increase that contribution by the percentage at which their general revenues are projected to grow. Figures provided by the Senate Committee on Ways and Means indicate that 175 Mass. cities and towns will fall into this category in FY '94.

The Senate version exempts cities and towns spending at or above their standard of effort from this requirement - as long as they *remain* at or above that spending level. Since both of the factors that determine standard of effort—foundation budget and gross standard of effort—will normally increase every year, the Senate bill will require some minimum annual increase in local education spending for most communities (the exceptions being those few where spending far exceeds standard of effort).

Standard of Effort Gap and "New Local Effort." Like the House, the Senate will require communities that spend below their standard of effort to appropriate additional new money, over and above the minimum annual increase described in the preceding paragraphs, to close this "standard of effort gap."

These "gap payments" will be phased in over a seven-year period, increasing by the same increments at which state aid grows under the bill.

The Senate also follows the House in tying this mandate to a community's ability to pay, with some changes in how that ability is determined, and in the penalty exacted from property-poor communities. Briefly, any city or town whose adjusted property value *per pupil* is more than 120% of the statewide average will be responsible for making this gap payment completely

from local revenues. A community whose per pupil property valuation is less than 95% of the statewide average will receive state aid to cover the whole amount of the gap payment. Cities and towns that fall between these two extremes will receive some state aid to help with this payment. (See the description of "overburden aid" below.)

New State Aid Accounts. The bill creates four new types of education aid:

- **Foundation Aid.** Any city or town whose local contribution is at or above its gross standard of effort, but in which all available revenues—local contribution, state aid, federal aid—are still not sufficient to reach the foundation budget level, will receive additional state aid to close that "foundation gap." The amount of foundation aid a community receives will increase over the seven-year span of the bill in proportion to increases in education aid. If the legislature appropriates the annual education aid increases scheduled in the bill, then by FY 2000 the total amount of foundation aid will equal the projected aggregate gap between cities' and towns' foundation budgets, and what they can raise from local revenues and other types of education aid.
- **Minimum Aid.** \$50 per pupil, available to all communities. This is a one-time education aid increase, for FY '94. In succeeding years, a community's minimum aid will change, if at all, only in response to a rise or fall in the student population.
- **Equity Aid.** If a city or town's local contribution exceeds its gross standard of effort, and if its total education spending exceeds the foundation budget, and if the "excess" local contribution is more than the "excess" above the foundation budget, then that community will receive state aid to partially close that "equity gap." This aid is not earmarked for schools.
- **Overburden Aid.** As noted above, the bill ties standard of effort gap payments to a community's ability to pay. Cities and towns with relatively low property values per pupil will receive assistance from the state to cover their mandated standard of effort gap payments, under the head of "overburden aid." The amount of overburden aid will vary according to how the community's property values compare to the statewide average. Any city or town receiving overburden aid must appropriate 75% of any future increases in lottery distributions or additional assistance to schools, until it has closed the standard of effort gap.

In addition to these accounts, the bill defines an education aid "base" for each community. In FY '94, this "base aid" will be the amount of state school aid that the community received in FY '93 (with some adjustments). In each succeeding year, base aid will increase by the amount of foundation aid the community receives, if any.

Since the promised new education aid is subject to appropriation by the legislature, and since neither bill attempts to identify a source of new revenues or to guarantee appropriation, the Senate bill, like the House version, also sets priorities for funding these new aid accounts. If the legislature fails to appropriate enough money to meet the all of the state's education aid obligations, the bill directs that the state use the appropriation to first fund base aid, then minimum aid, and lastly, foundation, overburden, and equity aid.

Other Provisions. The Senate bill provides one, sharply limited, avenue by which cities and towns may opt out of the bill. If more than 80% of the students in a school district score above the state average on required assessment tests, the community may exempt the district from the provisions of the bill, regardless of how the district and the community compare to the foundation budget and standard of effort the bill defines, for as long as the district remains at that level of performance. However, the district will receive only the amount of state education aid it received in FY '93.



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

APR - 8 1993

LEGAL NOTICE:

Certificate of Appropriateness

TOWN OF ACTON

HISTORIC DISTRICT COMMISSION

PUBLIC HEARING

NOTICE is hereby given that the ACTON HISTORIC DISTRICT COMMISSION will hold a PUBLIC HEARING on Monday, April 26, 1993 at 8:30 p.m. in ROOM 46, ACTON TOWN HALL, 472 MAIN STREET, ACTON, MA on an APPLICATION for a CERTIFICATE OF APPROPRIATENESS for the following item:

JEANNETTE VAN HEERDEN, 62 RIVER STREET, ACTON

RE: Rear addition to house at 62 River Street/South Acton Historic District.



MAPC News

MAPC

Metropolitan Area Planning Council • 60 Temple Place • Boston, Mass. 02111 • (617) 451-2770 **MAR 30** APRIL 1993

In Memory of Charles W. Eliot 2nd 1900 - 1993

"Planning is the guidance of change," Charles Eliot 2nd noted in his Thoughts on Planning essay developed after some fifty years of practice and teaching. Indeed Charles Eliot made notable achievements in the evolution, advocacy and implementation of planning concepts, as did three generations of Charles Eliots before him.

As one of the founding fathers, MAPC has long benefited from Mr. Eliot's pioneering efforts in regional planning. His work with the Council began at the first meeting on January 14, 1964 and continued for three decades. During those years Mr. Eliot was an outspoken defender of regional planning and the preservation of open space. Longtime members of the MAPC organizational family recall his annual submittal of legislation for the regionalization of government. His role on the national front includes setting up state planning agencies throughout the country, as director of the National Resources and Planning Board. On the local front he created plans for Arlington, Bedford, Duxbury and Yarmouth. For the Commonwealth, he masterminded the green belt area around Boston, and the Bay Circuit. His work has gone a long way to forward sound planning practices and the conservation of natural resources.

At MAPC, Mr. Eliot is most remembered for his participation in drafting the original legislation that created MAPC. During his years at the Council Mr. Eliot served as a member of the Open Space and Recreation Technical Advisory Committee, and on the Regional Organization Technical Advisory Committee developed to explore inter-municipal cooperation. He held a gubernatorial seat on the Executive Committee for 12 years. In the 70s MAPC and the Society of Planning Officials awarded Mr. Eliot for his outstanding contribution to the advancement of planning. He was the first and only recipient of MAPC's Atherton Loring Award.

Mr. Eliot has been at the vanguard of regional planning for more than half a century. He leaves a great legacy for the Commonwealth and the nation that will not soon be forgotten. We need only look around to see the benefits of his work.



Charles W. Eliot

Council Members

The Annual Meeting and election has been scheduled for Wednesday, May 26, 1993 at the Henderson House in Weston. If you are interested in serving as an officer or member of the Executive Committee be sure to complete the Candidate Resume Form and return it to the Nominating Committee no later than April 30th. The Executive Committee plays an important role in shaping plans for the future of the entire region. Your participation is welcome.

Annual Report Available

The Council's Fiscal Year 1992 Annual Report is now available. Please contact us at 451-2770 for a copy.

Vacant Sites Update

The Metropolitan Data Center's vacant commercial and industrial sites update project now has complete data on vacant sites in 40 communities in the region. This data will be inputted into the record form that has been programmed. Fifteen other communities have been contacted for information on their vacant sites. The Data Center continues to work with businesses wishing to find locations in the region.

Contact: *Doug Carnahan*

Journey to Work Data

The Metropolitan Data Center has recently obtained (via CTPS) a data file from the U.S. Census (STF-S-5) which provides information on commuting patterns among cities and towns in the MAPC region. The file identifies at the city or town level the places of work of residents in MAPC communities as well as the places of residence of people working in MAPC communities in 1990. A printout of a particular community's destination and origin data can be obtained from the Data Center.

Contact: *Jay Buhr*

MetroWest-Golden Triangle

The MetroWest Growth Management Committee recently had its biggest success since its inception. The Golden Triangle Zoning proposed for Framingham and Natick passed both special town meetings resoundingly. The planning began in 1988 with an EOCOD Grant and took 2 years for the public and private sector members to come forth with a development plan for this 11 mile area. It then took another 2 years for the inter-municipal committee created by the 2 towns' planning boards to reach consensus on the zoning needed to implement this development plan and then negotiate changes with the business representatives along these highways.

Contact: *Kathy Bartolini*

Legislative Caucus

A MetroWest Growth Management Committee Legislative Caucus was held Feb. 10 in Marlborough. Selectmen John Morgan of Natick chaired the discussion which covered topics such as: MBTA Framingham to Worcester extension; MWRA assessments and the consequent suit filed by Ashland and Natick; subregional funding sources; and state/regional/local communications on transportation planning.

Contact: *Kathy Bartolini*

Surplus Office Furniture

In mid-April, MAPC will have available a list of surplus office furniture and equipment to be auctioned off some time in May. If you are interested in obtaining a list of these items.

Contact: *Lois Baxter*

Heliport Study

Massachusetts Aeronautics Commission has initiated the Metropolitan Boston Heliport/Vertiport System Plan study. The goal of the project is to site one or more public heliports (with the potential to expand into a vertiport).
Contact: Suzanne Friedman

MAPC Goes On-Line

MAPC is now a user of the U.S. EPA Office of Air Quality Planning and Standards Technology Transfer Network and the Federal Highway Bulletin Board System. These two computer bulletin boards provide the latest federal guidance on the Clean Air Act Amendments of 1990 and the Intermodal Surface Transportation Efficiency Act of 1991. By participating on these bulletin boards MAPC will be able to access proposed rules as they are submitted to the Federal Register and to ask agency personnel questions on specific issues as they arise.
Contact: Daniel Fortier

Pavement Management

MAPC met with Massachusetts Highway Department to review MAPC's progress in the pavement management program. Presently, Middleton, Swampscott, Holliston and Newton are collecting road condition data for the pavement program. MAPC is hopeful of completing these by mid spring.
Contact: Barbara Clark

Ft. Devens Charrette

MAPC is among the many co-sponsors of an exciting design charrette to brainstorm alternative futures for the reuse of Ft. Devens, a 9,400-acre military enclave scheduled for closure. Organized by the Boston Society of Architects, the ambitious four-day event will bring together a group of professionals in the fields of sustainable communities, development, planning, archaeology, economics, engineering, landscape and architecture. Participants hope to produce three schemes to create sustainable economic development and opportunity while protecting natural and human-made resources. The charrette is scheduled for April 15-18, 1993, at Ft. Devens.

Contact: Judith Alland

Copies of Publication Available

Copies of the January 1993 edition of APA's Planning Service Report entitled "Capital Improvements Programs: Linking Budgeting and Planning" are available at MAPC. The report was authored by Robert A. Bowyer, Lexington's Planning Director.

Contact: Paul DeCoste

TDM Activities

Guidelines for allocating federal Congestion Management/Air Quality (CMAQ) money in the TIP for Transportation Demand Management (TDM) projects are being drafted for review by the FHWA. It is expected that these will be released in the near future to provide guidance to project proponents interested in submitting applications for the funds.

Contact: Rachel Kuropatwa

SWAP Legislative Breakfast

The breakfast meeting hosted by SWAP for the SWAP communities and their legislators was a positive experience for all. Local elected officials, community and MAPC representatives had the opportunity to discuss issues of concern with legislators and hear responses from them. Legislators encouraged more future involvement by local elected officials and citizens in affecting the state's legislative agenda. Subsequent discussions by the SWAP Committee suggest the breakfast meeting may become an annual event. Thanks to the Millis Selectmen and Rossi's Restaurant for their hospitality.

Contact: Rachel Kuropatwa

GIS Plans

MAPC's GIS staff will be contacting communities to survey what GIS activities are currently underway. This data will enable MAPC to begin to develop an understanding of regional GIS activity and, perhaps, initiate a regional 'local level' database. MAPC will also be sponsoring a GIS Seminar in the first week of June 1993. This 1/2 day seminar is a chance for town and city staff to learn more about GIS issues at the local level. Topics will include the process of beginning and maintaining a GIS and how to bring regional and local data together.

Contact: Karen Carbone

Federal Planning Regulations

The U.S. Department of Transportation released Notices of Proposed Rule Making for Metropolitan Planning, Statewide Planning and for the six Management Systems identified in the ISTEA on March 2, 1993. These rules will govern the development of the regional and state transportation plans and transportation improvement programs. Staff will review these rules with the MPO Liaison Committee to develop MAPC's response to the rules. Key points in the rules include placing priority on measures to control traffic growth and maintenance of the transportation network.

Contact: Dan Fortier

Forum on Economic Development Legislation April 7

Congressman Barney Frank and state Senator Lois Pines (co-chair of the Joint Committee on Commerce and Labor) will be the featured speakers in a forum on the federal economic stimulus package now being developed in Washington and the state package that has recently become law. April 7, 5-6:30 pm, Newton City Hall (tentative).

Contact: Steve Landau

Environmental Reviews

MAPC recently reviewed and distributed the following environmental reviews:

Boston/Terminal A Replacement, Logan Airport
Boston/Terminal E Modification, Logan Airport
Boston/Airport Rescue & Fire Fighting Satellite Facility, Logan Airport
Boston/193/94 Logan Airfield Improvements Program
Winchester/Mystic Valley Parkway Rehabilitation
Natick/MBTA's West Natick Station Access Improvements
Chelsea/Mass Information Technology Center
Scituate/Water Pollution Control Plant
Braintree/Quincy/Home Quarters
Boston/Revere/Blue Line Station Modernization Project

Contact: Kent Stasiowski

April Calendar

1	10:00 a.m. 7:30 p.m.	External Affairs MAGIC
2	10:00 a.m. 12:00 p.m.	MPO Liaison Officers
6	9:00 a.m. 12-2 p.m.	MetroPlan Committee Legislative Committee
7	10-12 3:30 p.m.	Inner Core JRTC
8	9:15 a.m. 4:00 p.m.	CDC Committee NSTF, Hamilton
13	12:00 p.m.	Finance Committee
14	8:00 a.m.	NSPC, Reading
15	10:30 a.m. 3:00 p.m. 7:30 p.m.	External Affairs SWAP SSC, Norwell
19	Holiday	
21	9:00 a.m. 4:00 p.m.	Executive Committee TRIC

Please call ahead to confirm time and date.

"Economic growth without new jobs is not economic recovery."

Mayor Flynn
New England Competitive
Cities Conference Feb. 6, 1993



MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES
200 Portland Street
Boston 02114-1715

MITCHELL ADAMS
Commissioner

(617) 727-2300

LESLIE A. KIRWAN
Deputy Commissioner

February 6, 1992

Michael Daley
Director of Finance
Town of Plymouth
11 Lincoln Street
Plymouth MA 02360

Re: Contingent Appropriations
Our File No. 92-39

Dear Mr. Daley:

You asked whether an appropriation from borrowing may be made contingent upon approval of both a debt service exclusion for that expenditure and an override for future related expenditures. In our view, towns are not permitted to make an appropriation contingent upon the subsequent occurrence of any event other than passage of a Proposition 2 1/2 referendum question for that particular expenditure.

As we understand the situation, the Town of Plymouth is considering the construction of a new elementary school to be financed by borrowing. If the project proceeds as scheduled, you anticipate the School Department budget will need to be increased in fiscal year 1994 to accommodate the opening and operation of the new school. You are concerned about undertaking the project without knowing that those additional revenues will be available. You ask whether the town can authorize the borrowing for the construction of the school contingent not only on a debt service exclusion to finance that expenditure, but on an override for the additional operating funds as well.

General Laws Chapter 59 §21C(m) permits an appropriation, whether from the tax levy, available funds or borrowing, to be made contingent upon the passage of a Proposition 2 1/2 override, debt service exclusion or capital expenditure exclusion question. Certain restrictions are placed on such appropriations, however. Specifically, the statute provides that "the statement of the purpose in the appropriation shall be the same as the statement of purpose in the referendum

Michael Daley
Director of Finance
Town of Plymouth
Page Two

question." Based on this language, we think that an appropriation may only be made contingent upon the subsequent approval of a Proposition 2 1/2 referendum question to fund that particular appropriation. Thus, in your case the debt authorization for the school building could not be made subject to the approval of an override for the school operating budget. However, you can place an override question for that purpose on the same ballot as the debt service exclusion for the new building and then make or revisit your decision on the debt authorization based on the results.

You also asked whether a town meeting vote to appropriate contingent upon a Proposition 2 1/2 referendum question places that question on the ballot. In a town, the power to place a question on the ballot rests exclusively with the board of selectmen. G.L. Ch. 59 §21C(a). The contingent appropriation vote simply conditions the effectiveness of the appropriation on the approval of a ballot question within a certain time period. It does not place the question on the ballot. As to the particular vote required, a majority vote of the board is needed to place an override question on the ballot and a two-thirds vote required for a debt or capital expenditure exclusion question.

If you have any further questions, please do not hesitate to contact me again.

Very truly yours,

Harry M. Grossman
Chief, Property Tax Bureau

HMG/KC

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

APR 2 - 1993

TO: Board of Appeals

DATE: April 2, 1993

FROM: Roland Bartl, Town Planner *R.B.*

SUBJECT: Variance Petition 93-6, Cellular One Tower

The proposed expansion of the existing Nynex tower facility, to accommodate Cellular One at the same site is a sensible and reasonable solution. It would stem the proliferation of transmission towers by competing utilities. Sharing of existing facilities makes good economic and aesthetic sense.

xc: Town Manager
Planning Board

[RHB.IDC.93*14]

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

ATTORNEYS AT LAW

268 MAIN STREET

ACTON, MASSACHUSETTS 01720-2223

508-263-7777

FAX 508-264-4868

BOSTON OFFICE:
ONE BOSTON PLACE

CABLE "DALYN"

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

March 31, 1993

HAND DELIVERED

Board of Appeals
c/o Town Clerk
Town of Acton
Town Hall
Acton, Massachusetts 01451

Re: Petition for Variance - Modification of Variance Issued in
Hearing 89-30

Gentlepersons:

In connection with the above-entitled matter, enclosed please find four (4) copies of plan entitled "Cellular One, 211 Main Street, Acton, MA, Site Overview, Tax Map G-2, Lot 139, Scale: 1"=300'+/-, March 29, 1993", Prepared for Cellular One by Fredette Associates, Inc., Professional Engineers and Land Surveyors, 389 Main Street, Salem, New Hampshire.

It is our understanding this matter will be scheduled for hearing on May 3, 1993.

If any further information is needed or if you have any questions regarding the above plan, kindly immediately advise.

Very truly yours,
SOUTHWESTERN BELL MOBILE SYSTEMS, INC.
d/b/a CELLULAR ONE
By its Attorneys,
D'AGOSTINE, LEVINE & GORDON, P.C.

By: Louis N. Levine
Louis N. Levine

LNL/ams

Enclosures (4)

cc: Board of Appeals - Hand Delivered
Water Supply District of Acton - John E. MacLeod
Charles E. Orcutt, Jr., Esquire
Nynex Mobile Communications Co. - Brian Powers
✓Board of Selectmen - Hand Delivered
Cellular One

s:\letter\bdofapph.wp.ii

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 4/7/93

TO: THE BOARD OF SELECTMEN
FROM: John Murray 
SUBJECT: Quarterly Budget Report

Attached is the first quarterly budget report, which is due by April 15th.

Table 3
Municipal Object Budget

	First 9 Months FY 1992	First 9 Months FY 1993	% Expended First 9 Months FY 1992	% Expended First 9 Months FY 1993
Labor Cost With Benefits	\$4,965,188	\$5,605,810	68.29%	71.90%
Utilities	\$171,750	\$171,168	47.63%	67.38%
Equipment Repair/Replace	\$86,720	\$92,664	43.44%	23.48%
Insurance Non-Employee	\$150,411	\$207,043	64.82%	86.62%
Legal Services	\$101,020	\$130,850	42.99%	57.64%
Snow Removal	\$58,021	\$177,310	54.23%	144.10%
Infrastructure Repair/Replace	\$54,055	\$76,992	47.53%	29.39%
Supplies, General	\$57,764	\$64,973	35.15%	60.58%
Gas and Diesel Fuel	\$24,940	\$70,288	28.42%	75.86%
Expenses, Other	\$48,019	\$69,326	45.07%	92.35%
Building & Grounds Maintenance	\$36,314	\$55,620	79.23%	87.54%
Library Books	\$42,250	\$53,925	71.74%	88.43%
Printing & Distribution	\$19,348	\$17,755	35.48%	29.10%
Social Services	\$1,100	\$867	49.44%	38.97%
M.I.S./Repairs Contracts	\$43,607	\$45,106	42.22%	47.11%
External Expert Advice	\$17,636	\$24,533	168.29%	84.73%
Audit	\$0	\$20,000	0.00%	77.67%
Advertising	\$4,184	\$5,941	36.38%	77.66%
Travel, Local	\$590	\$1,293	16.21%	42.22%
Public Relations	\$302	\$595	28.79%	38.37%
Travel, Out of State	\$83	\$261	4.16%	13.06%
Debt Registration	\$0	\$1,119	0.00%	55.95%
Veteran's Benefits	\$9,767	\$509	93.91%	2.72%
Reserve Fund	\$0	\$0	0.00%	0.00%
Total	<u>\$5,893,069</u>	<u>\$6,893,948</u>	<u>63.65%</u>	<u>69.08%</u>

SANDULLI, GRACE, SHAPIRO & HORWITZ

40 BROAD STREET
SUITE 810
BOSTON, MASSACHUSETTS 02109

(617) 338-0400

File
4/16

JOSEPH O. SANDULLI
KENNETH A. GRACE
ALAN H. SHAPIRO
SUSAN F. HORWITZ
AMY LAURA DAVIDSON

FAX (617) 338-0405

April 14, 1993

BY FAX: 508-264-9630

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

RE: Acton Fire Fighters, Service Credit of T. Wallerstein

Dear Mr. Johnson:

This firm represents the Acton Fire Fighters, Local 1904, I.A.F.F. I am submitting this grievance to arbitration in accordance with Article 17, Section 2, Step 3 of the Fire Fighters' contract. Enclosed is the Demand for Arbitration, a copy of which is filed with the American Arbitration Association.

Very truly yours,

Joseph G. Sandulli
Joseph G. Sandulli

Enclosure

cc:

John White, President
Acton Fire Fighters
15 Spencer Road #14E
Boxboro, MA 01719

act3414

CC: BOS - FYI
FIRE CHIEF
4/16

SANDULLI, GRACE, SHAPIRO & HORWITZ

40 BROAD STREET
SUITE 810
BOSTON, MASSACHUSETTS 02109

JOSEPH G. SANDULLI
KENNETH A. GRACE
ALAN H. SHAPIRO
SUSAN F. HORWITZ
AMY LAURA DAVIDSON

(617) 338-0400

FAX (617) 338-0405

April 14, 1993

American Arbitration Association
133 Federal Street
Boston, MA 02110

RE: Acton Fire Fighters, Service Credit of T. Wallerstein

Dear People:

Please process the enclosed copy of the Demand for Arbitration, the original of which is served upon the Town. Please send the bill for the Union's portion of the filing fee to William Klauer, Treasurer, Acton Fire Fighters, P.O. Box 727 Acton, MA 01720.

Very truly yours,

Joseph G. Sandulli
Joseph G. Sandulli

Enclosure

cc:

John White, President
Acton Fire Fighters
15 Spencer Road #14E
Boxboro, MA 01719

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

American Arbitration Association

MEDIATION Please consult the AAA regarding mediation procedures. If you want the AAA to contact the other party and attempt to arrange a mediation, please check this box.

VOLUNTARY LABOR ARBITRATION RULES DEMAND FOR ARBITRATION

DATE: 4/14/93

TO: Name Town of Acton
(of the party upon whom the demand is made)

Address 472 Main Street
City and State Acton, MA ZIP Code 01720
Telephone (508) 264-9612 Fax 508-264-9630

Name of Representative Don P. Johnson, Town Manager
(if known)
Representative's Address Town of Acton, 472 Main Street
City and State Acton, MA ZIP Code 01720
Telephone (508) 264-9612 Fax 508-264-9630

The named claimant, a party to an arbitration agreement contained in a written contract, dated 1991, providing for arbitration under the Voluntary Labor Arbitration Rules, hereby demands arbitration thereunder.

(Attach the arbitration clause or quote it hereunder.)

Arbitration proceedings shall be conducted pursuant to the Rules and Regulations of the American Arbitration Association.

NATURE OF DISPUTE:

Years of service of T. Wallerstein for purposes of accrual of vacatio .

CLAIM OR RELIEF SOUGHT: (amount, if any)

Grant Wallerstein vacation in accordance with his years of service, make Wallerstein whole for all losses.

HEARING LOCALE REQUESTED: Acton
(City and State)

You are hereby notified that copies of our arbitration agreement and of this demand are being filed with the American Arbitration Association at its Boston office, with the request that it commence the administration of the arbitration. Under the rules, you may file an answering statement after notice from the administrator.

Signed Joseph G. Sandulli Title Attorney 4/14/93
(may be signed by a representative)

Name of Claimant Acton Fire Fighters, Local 1904 IAFF

Address (to be used in connection with this case) _____
City and State _____ ZIP Code _____
Telephone () _____ Fax _____

Name of Representative Joseph G. Sandulli
Representative's Address 40 Broad Street, #830
City and State Boston, MA ZIP Code 02109
Telephone (617) 338-0400 Fax 617-338-0405

To institute proceedings, please send three copies of this demand with the administrative fee, as provided for in the rules, to the AAA. Send the original demand to the respondent.

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

Don P. Johnson
Town Manager

FILE COPY

April 1, 1993

Acton Permanent Fire Fighters Local 1904
Post Office Box 727
Acton, MA 01720

Attention: Grievance Committee

Subject: Grievance No. 93-2
FF T. Wallerstein
Vacation

Gentlemen:

A Second Step Grievance Hearing was held on Thursday, March 25, 1993, regarding Fire Fighter Thomas Wallerstein's grievance concerning vacation eligibility. Local 1904 Grievance Committee members in attendance were FF James Ray, FF Geoffrey Neagle, FF Krist Nelson and FF John White. Chief Craig and Assistant Town Manager, John Murray, represented the Town.

All parties in attendance agreed that the timing of the hearing was satisfactory under the terms of the contract.

FF White presented the union's position. In essence, the Union feels that any time in service to the Town, occurring prior to the appointment of an individual as a Fire Fighter, entitles a unit member to count the beginning date of benefit status under the Collective Bargaining Agreement as the original date of employment by the Town ... even when that date is prior to appointment to a position covered by the Collective Bargaining Agreement.

In the most simple form, the Union's argument appears to posture that the various terms, benefits and conditions of their Collective Bargaining Agreement with the Town applies to every employee of the Town, even though they are not (and may never be) a member of the bargaining Unit. This argument must be rejected in that the Bargaining Unit does not have the authority or right to bargain for or represent individuals who are not members of the Unit. For this reason, I have determined that the Grievance of Fire Fighter Wallerstein,

seeking to apply the terms of the Local 1904 Bargaining Agreement to his tenure as a non-union employee, prior to becoming a member of the Bargaining Unit, is not appropriately within the jurisdiction of the Bargaining Agreement. On this basis, the Grievance and the requested relief is denied.

The above denial notwithstanding, there were examples raised by the Grievance Committee in support of their additional argument that "past practice" supported FF Wallerstein's position. After reviewing the cases cited, without commenting on the merits or appropriateness of the manner in which any of these cases were handled, I have determined that the Union has overlooked the most important element that distinguishes the Wallerstein Case ... Mr. Wallerstein resigned his benefited position(s) with the Town for a period of time prior to his being hired as a permanent, full-time Fire Fighter.

FF Wallerstein was originally hired as a Reserve Civilian Dispatcher on October 6, 1986. This was a non-union, reserve position within the Fire Department and represents the beginning benefit date that the Grievance Committee wishes to superimpose on the Unit Member's Departmental records ... but only for benefit purposes. (The Committee described an interesting rationale as to why this date would not apply to Seniority ... but that is not relevant to the issue at hand.) Mr. Wallerstein was then hired as a Dispatcher on December 10, 1986. Again, this was a non-union, civilian position. On February 21, 1987 Mr. Wallerstein was appointed to the Call Department. His appointment ran concurrently with his employment as a Dispatcher and, again, was not covered by the Local 1904 Collective Bargaining Agreement.

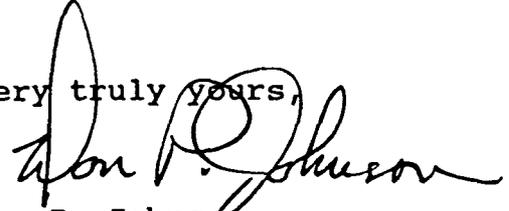
On or about March 6, 1988, Mr. Wallerstein proposed to resign from the Town's full-time employ, voluntarily give up his benefit status and seek appointment as a Temporary Fire Fighter. This was done in the hope of placing himself at a favorable advantage if an official, full-time position became available. Such a position did, subsequently, become available and Mr. Wallerstein was re-employed, in a permanent, full-time position as a Fire Fighter/EMT on August 6, 1988. The date of this appointment is noteworthy in that he was appointed one (1) day before several new positions were filled on August 7, 1988. The express purpose was to provide him with seniority over those being hired on August 7. Clearly, neither Mr. Wallerstein nor the then Chief, Malcolm MacGregor, interpreted that any portion of the Collective Bargaining Agreement applied to his previous tenure with the Town.

Mr. Wallerstein voluntarily resigned from the benefited position that he held with the Town. This action broke his continuous service status under the Town's Personnel Bylaw and, as such, he was not eligible to claim the earlier "hire" date as his benefit date ... even under the non-union

Personnel Bylaw. Any extrapolation that concluded this "non-status" to be "status", for purposes of a Collective Bargaining Agreement under which he was not even a unit member, would tax the interpretive skills of the most "prudent" man.

Accordingly, I conclude that this case is significantly different from those cited as examples of "past practice" by the Grievance Committee. Even if the Collective Bargaining Agreement had some jurisdiction, FF Wallerstein was not a benefited employee at the time of his hiring on August 6, 1988 and, as such, he could not reach back to an earlier date for computation of his vacation benefit.

Very truly yours,



Don P. Johnson
Town Manager

cc: Henry Stewart, Palmer & Dodge
Chief Craig
John Murray, Assistant Town Manager

DPJ:639

cc: BOS

APR 10 1993



DON P. JOHNSON
TOWN MANAGER

TOWN OF ACTON
TOWN HALL
472 MAIN STREET
ACTON, MASSACHUSETTS 01720
TELEPHONE (508) 264-9612

April 7, 1993

Department of the Army
New England Division Corp of Engineers
Ms. Crystal Gardner
Regulatory Branch
424 Trapelo Road
Waltham, Ma. 02154

Re: CENED-OD-R-21-199101928
North Acton Recreation Area

Dear Ms. Gardner:

Approximately 3 weeks ago you communicated via the telephone that you were sending us a letter regarding the above application. We want to respond to your concerns as soon as possible in order to end this permit "process".

I have talked to Phil Morrison of the U.S. Fish and Wildlife Service. I believe I answered his questions concerning the berm in the shallow ponding area and this is no longer an issue with him. He would like to see shrubs and trees as well as grass planted on the slope immediately north of the pond. We felt this might be a condition of the permit rather than require a refiling of the plans. This would save another delay in the process. He said he would call you directly on this matter.

We have also received correspondence from Rex Lumber Company, an abutter to the project. You have been sent copies of our reply to them. We regret that Rex Lumber's consultant has not kept informed of the project's progress through your office or by calling us. We would have sent the information to them upon request if we were asked.

We believe most of Rex Lumber's concerns to be outside of the regulatory concerns for the permit we are seeking. Issues such as access and safety will be addressed in a site plan hearing with the Selectmen. Rex has been informed of this process at previous meetings such as Zoning Board of Appeals hearings and onsite MEPA meetings. They will be notified when such hearings will take place. As of this date we have not scheduled these hearings as we are awaiting the Corp permit prior to doing this.

Rex Lumber's concern for their lumber drying operation in our opinion is another issue not under the regulatory jurisdiction of the Corp permit we are seeking. In any event

we have offered to work with Rex to minimize their concerns. To that end we removed a screening berm along their property line as they suggested in their 4/1/92 letter to the Corp. Rex Lumber had an expert evaluate the impact of the pond on their operations. A copy of his report was sent to the Corp in our Alternatives Analysis. The consultant was unable to quantify an impact. As such we consider the impact to be insignificant. In any event this is not an issue that is regulated by the Corp of Engineers and as such should not be a factor in your issuing a permit.

The issues Rex Lumber has raised concerning groundwater and flooding which are pertinent to the permit being sought have been answered. During our onsite meeting with MEPA on 4/28/92 and previous meetings with the Acton Zoning Board of Appeals we discussed the groundwater issues and explained the work of our Consultant, Pine and Swallow. Rex Lumber appeared satisfied with this work. This report is also on file with our application.

At the 4/28/92 site meeting with MEPA it was agreed with Rex that the Town of Acton would not allow stormwater flows to exceed the capacity of the 18 inch pipe that presently drains to their site. Calculations were conducted and the plan was modified to accomplish this. The calculations and plans were presented in the Alternatives Analysis previously submitted to the Corp.

Please be advised that all of the information referred to above is in your files. We will continue to work with Rex Lumber on site plan issues within the permitting procedure with the Selectmen. We believe we have submitted the information necessary for the Corp to issue the requested permit. We do not believe your action on this permit should be delayed by an abutter over issues that are not related to the permit.

We request you provide us the letter with the Corps other concerns. We want to respond rapidly so we do not miss another construction season.

Sincerely,
For the Acton Recreation Commission



Bruce M. Stamski, Chair

c.c.
Rex Lumber Co.
Phil Morrison
Karen Kirk Adams
Don Johnson, Town Manager

**Northeastern
Consulting Forestry Services**

**P.O. Box 294
Lowell, Massachusetts 01853**

Telephone (508) 453-7471

APR 11 1993

April 8, 1993

Mr. Don P. Johnson
Acton Town Manager
Town Hall
Acton, Ma. 01720

Dear Mr. Johnson:

For your information, enclosed is correspondence regarding the proposed Acton Recreation Area project.

Sincerely,



Leo Garneau
President

LG/ar

Enclosure

Certified Mail # P 007 458 261

CC: BOS

4/16

REX LUMBER DOES
NOT WANT THE NARA
TO GO FORWARD.



NORTHEASTERN
CONSULTING FORESTRY SERVICES

P.O. Box 294
LOWELL, MASSACHUSETTS 01853

(508) 453-7471

DATE APRIL 9, 1993

SUBJECT CENED-OD-R-21-

KAREN KIRK ADAMS, CHIEF
ARMY CORPS
424 TRAPELO RD.
WALTHAM, MA, 02154-9149

199101928

DEAR MS ADAMS,

I HAVE PREPARED THE ENCLOSED
COMMENT RE: THE NORTH ACTON RECREATION
AREA AND DESIRE THE CORPS AND TOWN OF
ACTON TO RESPOND.

TODAY I RECEIVED A COPY OF THE
FAX TO CRYSTAL GARDNER FROM BRUCE STAHSKI
~~HE~~ I FEEL BASED ON THE PRELIMINARY THAT
UR CONCERNS ARE MORE THAN HE REALIZES
THEN-AGAIN-REX LUMBER OR I
HAVE NOT BEEN CONTACTED

SIGNED

[Signature]

PLEASE REPLY NO REPLY NECESSARY

**Northeastern
Consulting Forestry Services**

**P.O. Box 294
Lowell, Massachusetts 01853**

Telephone (508) 453-7471

April 8, 1993

Karen Kirk Adams, Chief
Permits Branch, Regulatory Div.
Dept. of the Army
New England Div. Corps of Engineers
424 Trapelo Rd.
Waltham, MA. 02154-9149

RE: CENED-OD-R-21-199101928

Dear Ms. Adams:

The following are preliminary concerns and comments in evaluating the NORTH ACTION RECREATION AREA proposed project.

RE: Undated document titled - NORTH ACTION RECREATION AREA - which was submitted to Army Corps of Engineering.

Under 1. OBJECTIVE

"To create a naturalized nine acre pond, having sufficient volume to facilitate a public swimming area, while creating a diversity of habitat to support a wide range of wetlands flora and fauna."

CONCERN - What is a sufficient volume to facilitate a public swimming area, on this site?

Has the Soil Conservation Service evaluated the site?

What is the maximum estimated day use of the swimming area and other areas?

There does not appear to be any report or documentation suggesting that the design will create a diversity of habitat sufficient to support a wide range of wetlands flora and fauna.

COMMENT - This project should require a significant volume of water to facilitate a public swimming area. The swimming area being constructed is in essence a WARM water pond. The heaviest use, as indicated, will be at the time of lowest elevation and warmest season. These conditions create a fertile atmosphere for many various types of bacteria. None of the data submitted in this or any report indicates the maximum number of people that could use the facility without adverse impact. None of the data shows how or what kind of testing will be done to insure the quality of the water for swimming. None of the data describes fully what depth of soil, if any, will be left above the bedrock in the pond.

Under 4. DESIGN CONSIDERATIONS

Second paragraph "Unfortunately the gravel removal and stockpiling activities are ongoing."

CONCERN - Is any of this work which is evidently not part of this proposed project in wetland or buffer areas? Is there a work plan? Can this work change any of the proposed projects estimates of funding, hydrology, or capabilities?

COMMENT - Rex Lumber Company can be directly affected by any uncontrolled work done on this property.

Second to last paragraph "The pond size consideration is directly proportional to the quality and quantity of the gravel to be extracted. We will not be seeking any outside funding for the project."

CONCERN - This statement would indicate that income amounts from the sale of gravel will affect the project or pond size.

There do not appear to be any cost estimates for this project or any estimated income from the anticipated sale of gravel.

Rex Lumber Co. property could be adversely affected by any changes or if the project is not completed in a timely fashion.

There does not appear to be any economic commitment on the part of the community.

COMMENT - The project, in order to be viable, should at least provide the following information:

- a. The estimated cost of the entire project as shown.
- b. The amount of material the project will produce.
- c. Amount of material needed for on site work for the whole project.
- d. The estimated value of surplus material.

This is a significant project which requires an absolute assurance that funding is in place and a positive knowledge of the cost of the proposed project. Also, it would be more acceptable to have the funding committed and pay the funding commitment off through the sales of gravel.

See Drainage Report in APPENDIX 4 of the document -

Pond Drain outlet pipe is referred to as a 18 inch pipe.

The Pine Swallow Report states the pipe is 16 inches.

This brings into question as to what the exact and proper figures are in relation to the drainage, ponding, and potential flooding. Absolute accuracy should be required as adverse impacts to Rex Lumber Co. property could occur.

The drainage calculations are being sent to an engineer for review and comment.

One immediate concern was that under sheet flow, a flow length well in excess of 50 feet was used in the calculations.

Apparently the Soil Conservation Service does not recommend sheet flow to exceed 50 feet. See EXHIBIT A.

We are also concerned with the removal of so much of the gravel material and the impact on runoff not being realistically calculated. Meaning gravel soils are good due to their permeability but in some cases there will be less than a foot to bedrock. Existing conditions already indicate groundwater breakout at elevations much above the proposed pond site.

Based on a comparison of the Pine & Swallow report with accompanying plans and revised plans submitted to Army Corps by the Town of Acton, we have the following observations, comments, and concerns regarding this project:

1. Pine & Swallow report Page 15 under Changes due to reclamation -

"Primary changes in the budget will be to increase water loss by evaporation and transpiration."

CONCERN - This statement indicates that there will probably be an increase in humidity levels. That is contrary to the purposes in the location of the air drying areas where they are. The result will be increases in drying time, costs of operations, and potential loss of quality in the finished product to Rex Lumber Co.

COMMENT - The drying areas were located on a gravel site and in the path of prevailing winds in order to efficiently air dry the lumber. Also taken into consideration was the fact that should the property be developed, any normal development would not affect the drying, primarily due to the Town of Acton Rules and Regulations.

2. None of the plans submitted are stamped by licensed professionals, as to accuracy.

CONCERN - This project has been put together using aerial survey data done over 27 years ago. During some of this time the project area was an active gravel pit. Also, the reports indicate that there is constant activity including changes in grades.

There does appear to be conflicting or unsubstantiated data in the submitted documentation and accompanying plans.

COMMENT - A project of this size should require accurate data necessary to insure that the proposal is feasible.

3. The pond appears to have been altered, as shown on revised plan. This was noticed in comparing the Pine & Swallow plan with the revised plan.

CONCERN - Possible additional increase in humidity levels, which is not conducive to our air drying operations. Also, any loss of flood storage capacity for the pond.

COMMENT - The actual final pond size is necessary in order to assess any impacts to the Rex Lumber Co. property by the creation of this project.

4. The revised plan shows a pond bottom elevation of 164 to 165 feet while the Pine & Swallow report and plan (FIGURE 4) indicate bedrock elevations in the proposed pond bottom are:

165 feet at PS - 24 Log shows 166 feet

169 feet at PS - 25

165 feet at S - 1 - 5

164 feet at PS - 22 Log inconclusive

162.9 feet at PS - 15 Not in information

160 feet at PS - 16 Not in information

CONCERN - What is or are the real elevations to be used? What will the finished bottom elevation be? Can the design depths be obtained? How does the pond carrying capacity become affected? Can this increase the possible flooding of Rex Lumber Co. property?

COMMENT - The information submitted by Pine & Swallow Assoc. and the revised plan and report are not all based on solid data. Accurate field data should be gathered, reviewed and plans submitted by properly licensed personnel. You will notice the revised plan is stamped in a special box and only relates to a review of data supplied by others. None of the Pine & Swallow plans were stamped and signed.

5. In comparing the Revised Plan with Pine & Swallow plan, we find the following locations to be different:

S-2-6 S-2-7

PS-2 PS-7

CONCERN - Bedrock data for these locations appear to be in conflict with proposed grading for pond and other areas. What will the actual finished grades be in this project?

All subsurface data was not made available.

COMMENT - This could affect calculated pond storage capacity and actual finished grades for the whole project.

6. Bedrock data could not be found in information for the PS-16 location.

CONCERN - This location is adjacent to the Rex Lumber Co. property.

COMMENT - There appears to have been minimal testing along the Rex Lumber Co. property boundary line. More testing to establish depth to bedrock should be required.

7. The proposed bordering vegetated wetlands along the edge of the pond are set at about elevation 174 which is about 2 feet above the average seasonal low.

CONCERN - Survival of bordering vegetated wetland and no formal wetland replication plan or schedule for any of the wetland areas on the project site.

COMMENT - Most bordering wetland plants require water to be near or at the surface in order to survive. The majority of these plants do not have root systems that penetrate 2 feet, particularly through gravel. Usually a well-balanced and properly designed replication plan with an accurate soil study is required in order that replication be successful.

8. Ground water levels as indicated in the Pine & Swallow report on page 9 the last sentence of the second paragraph "During much of the year, the pond surface probably reflects local ground water levels."

CONCERN - Should the data be inaccurate and higher ground water levels result, the following adverse impacts could occur on the Rex Lumber Co. property:

1. Impact on septic system or render the reserve area as useless.
2. Increase humidity levels which will increase the cost of operations significantly.
3. Make the property more vulnerable to flooding.

COMMENT - None of these issues have been addressed sufficiently in the Pine & Swallow report or in the revised report. The Town of Acton representatives have never contacted Rex Lumber Co. since the meeting of April 28, 1992. Representatives of Rex Lumber Co. at the meeting heard verbal explanations and these were taken under advisement in anticipation of supporting documentation and additional meetings. Documentation or any additional meeting was never forwarded or scheduled.

LETTER
TOWN OF ACTON
TO
KAREN KIRK ADAMS - CORPS. OF ENGINEERS
DATED MAY 19, 1992

COMMENTS - Using item numbers in above-mentioned letter -

2. The existence of the pond could affect the Wallie property in relation to a proposed septic system or its reserve. This could occur due to an increase in ground water level and the fact that Title V (State Sanitary Code) will require a minimum setback of 100 feet from a resource area, such as a pond or bordering vegetated wetlands.

3. Rex Lumber Co. did not agree to anything.
 - A) The pipe size is even in question based on conflict between Pine & Swallow report the revised submission, and the letter being commented on.
 - B) Pine & Swallow report indicates an increase in ground water levels.

COMMENT AND OBSERVATION

This letter indicates that none of the individuals, Rex Lumber Co., or EPA, received a copy which did not allow for further comment on their part.

ADDITIONAL COMMENTS

Rex Lumber Co. may be opposed to the raising of the pond outlet pipe for environmental reasons mentioned throughout this letter. The pipe was required to be installed at its existing level by the Town of Acton.

Pine & Swallow state that their study was limited due to budget constraints. This proposed project needs a thorough study in order to insure there will not be any adverse environmental impacts.

The design plan calls for a shallow marsh area in the northern portion of the pond. What will the water budget for this area be and how will it be maintained.

There does not appear to be enough evidence, at this time, to insure that proposed pond water levels can be maintained. There is evidence to suggest that as the water level rises it permeates quickly through the gravel soils adjacent to and through the Rex Lumber Co. property.

Should any material or liner be utilized in order to maintain the water level in the pond, it would have an effect on potential flooding.

Most of the existing wetlands are unique from others, as indicated by the submitted plant species list for each of the areas. This provides different wildlife species with small separate areas. Also, some of these areas may fit the criteria of vernal pools.

The Acton - Boxborough Regional High School pool facility, an alternative, is least used during the time frame for which the proposed pond project is designed for.

The Town of Acton, in describing alternatives, does not list the various state swimming areas, various hotels with swimming pool clubs, or other agency facilities within a reasonable travel distance. All of these facilities charge minimal fees and these fees could be less than the cost of maintaining the recreation area.

Have the Town of Acton residents ever voted for the construction of a conventional municipal swimming pool?

There does not appear to be sufficient sanitary facilities for the whole project as designed. Changing grades may not allow for creation of additional sanitary facilities, which should be required.

The amphitheater appears to be able to accommodate in excess of 500 people, with what appears to be an insufficient parking area. Also, water is being diverted to a detention area adjacent to the amphitheater seating location. This may also create a mosquito breeding ground.

Further comments and questions will be made after an engineering review and review of EPA questions regarding the proposed project have been accomplished.

Rex Lumber Company, while recognizing the project may be beneficial to the community, is genuinely concerned that safety hazards, increased cost of operation, or potential damages from flooding or higher water tables could be incurred as a result of this project.

Sincerely,



Leo Garneau
President

LG/ar

cc: Mr. Don P. Johnson, Acton Town Manager
Ms. Judy Perry, Dept. of Environmental Protection
Ms. Susan F. Tiernay, EOE-9014
Mr. Al Baird, Rex Lumber Company

Certified Mail # P 007 458 260

**BASIC HYDROLOGIC
CALCULATIONS
for
CONSERVATION COMMISSIONERS:
RUNOFF, LAND SUBJECT TO FLOODING, AND
FLOW IN PIPES AND CHANNELS**

PREPARED BY:

Massachusetts Audubon Society
South Great Road
Lincoln, Massachusetts 01773

Elizabeth A. Colburn, Ph.D.

PRESENTED THROUGH:

The Massachusetts Association of Conservation Commissions
(Under DEQE Contract #7-028-173)

This publication has been prepared for use in DEQE's ongoing technical assistance and training program for Conservation Commissions.

Commonwealth of Massachusetts, Michael S. Dukakis, Governor

Executive Office of Environmental Affairs, James S. Hoyte, Secretary

Department of Environmental Quality Engineering, S. Russell Sylva,
Commissioner

EXHIBIT A

Runoff Depth

Storm frequencies are selected using the maps in Figure 18, and runoff is calculated from Table 8 or Figure 19 and recorded on Worksheet 2. This runoff value, while called Q , is not the peak flow value ordinarily referred to as Q . Rather, it represents a runoff depth across the basin. Thus a 5-inch, twenty-four hour storm might have a runoff value of 3 inches. This value is used when calculating runoff volumes and is also used in conjunction with other information when calculating peak flow.

Time of Concentration

As with the Rational Method, calculation of peak discharge with TR-55 involves computation of the time of concentration, T_c . The procedure used in TR-55, however, removes much of the subjectivity associated with calculating T_c when the Rational Method is used. There are still problems with determining T_c , however, and you should examine the values presented in Notices of Intent carefully, because T_c strongly influences peak flow calculations.

When water flows overland, it may travel for a relatively short distance as true sheet flow, which is defined as flow with a depth of less than 0.1 feet and no flow path over a plane (smooth) surface. Water tends, however, to concentrate quickly in shallow rivulets that flow in a definite path at depths of several inches; such rivulets eventually form distinct channels further down the drainage basin. You can observe this phenomenon of flow concentration in most parking lots during heavy storms when bands of deeper, faster-flowing water coalesce from the shallow sheet flow on the rest of the paved surface. This shallow concentrated flow, though it travels less rapidly than channelized flow, nevertheless flows faster than sheet flow.

In calculating T_c , TR-55 distinguishes between the sheet and shallow concentrated flow components of overland flow. Calculations are performed using Worksheet 3 (see Appendix) with Table 9 and Figure 20.

Errors are often made when calculating T_c by overestimating flow distance for sheet flow; for New England watersheds, SCS recommends that a flow path no longer than 50 feet be used. Water flowing for greater distances tends to coalesce as shallow concentrated flow. Overestimating flow path length for sheet flow can lead to serious errors in T_c and underestimation of peak flow increase (see example, pages 64 to 66).

A second possible source of error when calculating T_c for sheet flow involves use of the Manning's roughness coefficient. Surface roughness slows down water flow; the nature of soils, vegetation, and topography influence roughness. For sheet flow, the roughness coefficient is obtained from Table 9 and is not the same as the Manning's coefficient commonly used in calculating flow in pipes and channels (Table 10).

With the exception of up to the first 50 feet of overland flow, overland T_c should be determined by estimating travel time for the shallow concentrated flow component of runoff on Worksheet 3. This value is obtained by determining the length of the flow path and the slope, obtaining a velocity

cc: BOS
CABLE ADVIS. COMM.

 **CABLEVISION**SM

4/16
April 7, 1993

APR 10 1993

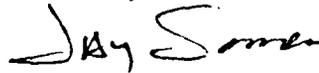
Ms. Nancy Tavernier, Chairperson
Board of Selectmen
472 Main Street
Acton, MA 01720

Dear Ms. Tavernier,

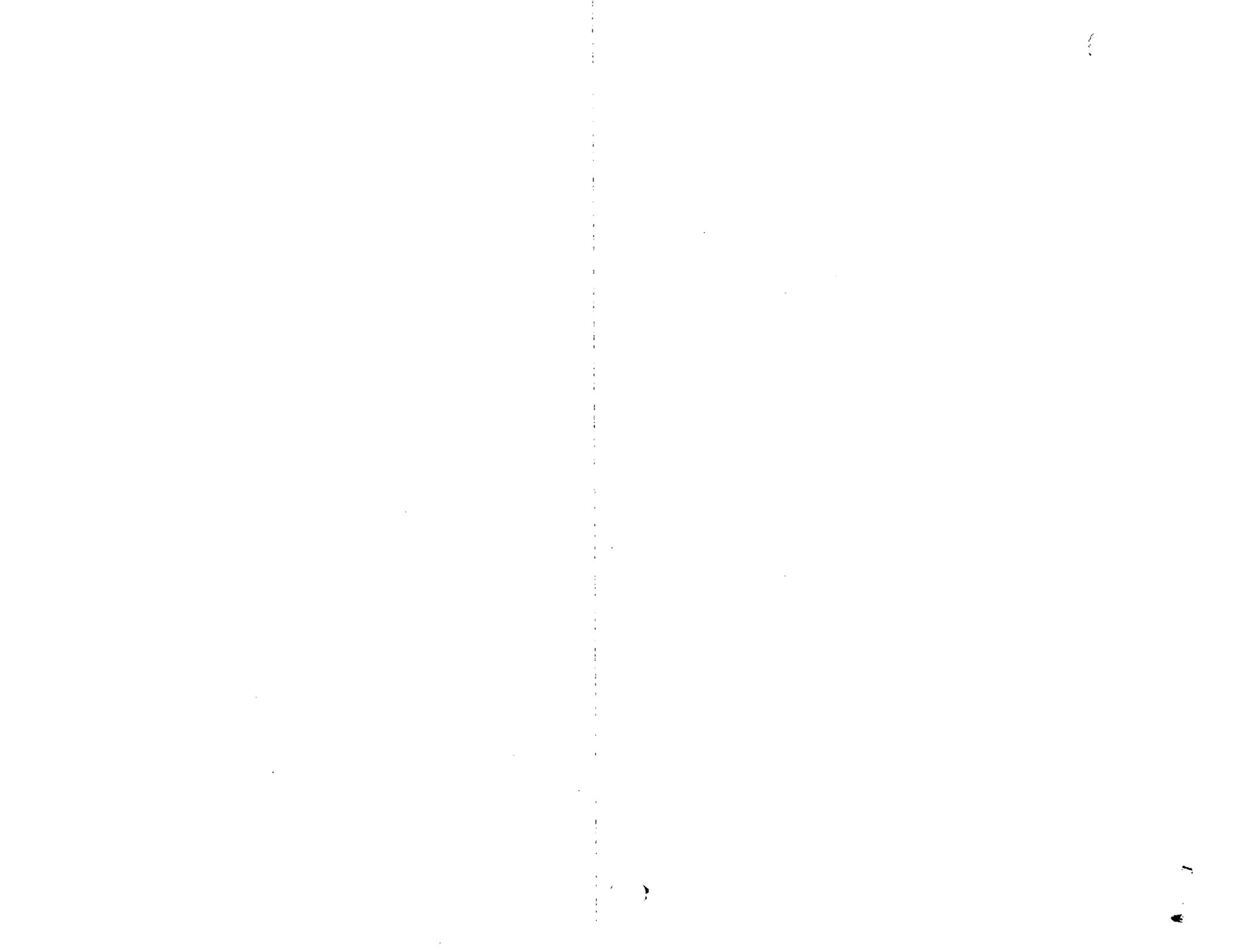
Cablevision is pleased to announce a new concept in Local Origination programming for the the Town of Acton. In addition to naming your Local Origination Channel, Channel #29, the "Hometown Network", we have dedicated ourselves to enhancing quality local programming for Acton. To accomplish this we have pooled the talents and resources of our studios throughout Massachusetts for major local productions and programs of regional interest. The enclosed press release details this exciting new venture.

We hope you enjoy our new look and the quality of the programming our efforts bring to Acton.

Sincerely,



Jay Somers
Assistant General Manager



PRESS RELEASE

For Immediate Release

Contact: Joe Magno, 508-562-3885 ext. 423

THE HOMETOWN NETWORK

Beginning April 7th, all of Cablevision's local origination channels will be known as *The Hometown Network*. In addition to expanded coverage of local events within each community, *The Hometown Network* features programs of regional interest to everyone such as Cablevision's recent production, in conjunction with the Massachusetts State Department of Employment and Training of "Job Searching in the '90s", "Massachusetts Tax Form: AIDS Fund Check-off" and "Safe, Strong and Free", a new local origination discussing child assault prevention, a topic of interest and concern for parents everywhere. "Safe, Strong and Free" will be seen on *The Hometown Network* throughout April, which is National Child Assault Prevention Month.

An important part of *The Hometown Network* is the monthly feature, "On Cablevision", each show features a General Manager Report, highlights of the programming that is offered, interviews with key personnel from program services and interviews with key system personnel on service related issues.

Pennie Contos, General Manager, states that one of the most important aspects of *The Hometown Network* is continued coverage of local events in the communities that we service. Viewers can watch everything from Municipal meetings, to Lexington's Annual Patriot's Day Parade, and the city of Peabody's International festival. In addition, *The Hometown Network* provides excellent sports coverage of local High School games, state ice-skating competition from Fitchburg's Wallach Memorial Arena, along with sports talk shows geared to the region and the community.

Viewers can also see a wide variety of Cablevision's original productions such as "Shake, Rattle and Roll", a local production on auto repair and maintenance, "Barbara and You", a variety and interview show with area celebrities, and "Green Thumb", a gardening show. Viewers also enjoy shows on *The Hometown Network* such as, the art of cooking, book reviews, and painting.

Ms. Contos states that, Cablevision has made a strong commitment throughout the years to bring quality programs of local and regional interest into the homes of subscribers. We have pooled the resources and talents of all our local studios in launching *The Hometown Network*.

cc: BOS

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

CONFIDENTIAL

DATE: 4/13/93

TO: Board of Selectmen
FROM: Planning Board
SUBJECT: DiDuca Litigation

At the Planning Board meeting held in Classroom 3 of the Acton Boxborough Regional High School at 6:45 PM on April 12, 1993, Planning Board members voted 4-2 to recommend to the Board of Selectmen that the Town appeal both decisions of the Land Court.

Attached is a copy of Town Planner Roland Bartl's memo to the Planning Board regarding these cases.

Roland Bartl
for
The Planning Board

an isolationist approach and compartmentalization of cause and effect has no place in today's complex reality and denies any City or Town the ability to conduct meaningful comprehensive planning and zoning.

2. She says that the burden of proof to justify a zoning change is greater than that needed to justify adoption of zoning in the first place. Such ruling denies any City or Town a fair chance to correct past zoning mistakes and to adjust to changing times. In fact it traps Cities and Towns into decisions made as long as 30 or 40 years ago. If this heavier burden of proof must be followed on a parcel by parcel basis without allowing consideration of the whole, as implied by the judge (see previous paragraph), the result of this decision is absolutely devastating.
3. Consistent with the above approach, she even refuses to consider the entirety of the DiDuca property. She limits her view only to the 500 foot strip previously zoned General Business, pretending this is all that a possible future residential development would have room to deal with.
4. She appears to regard only single family dwellings as residential uses, which places those owning or living in multifamily dwellings a class below or apart from owners or residents of single family dwellings. This is not only unfair to those owning and living in multifamily dwellings, but, in my mind, this also raises questions of discrimination and civil rights.
5. While she calls "mixed use zoning enclaves" a valid zoning objective, she does not find it permissible to mix single family homes with business development, along Rt.2A, at least not in the given location. That is a clear contradiction, unless of course, multifamily uses are held apart from single family uses. Or is it, that the mixing of uses is fine except on or around the plaintiff's property?
6. Her concern with the uniformity of zoning is biased in that it only views the "strip" along 2A without paying attention to the back half of the property and other land behind that, which has always been zoned R-8. Uniformity can take many forms and the mix of commercial and residential uses along Great Road is uniform in its own right. In addition, the concern with uniformity as set forth in the state law has to do with uniformity, or the uniform application of requirements, to all parcels alike located within the same zoning district. It says nothing about the uniformity of zoning requirements to land in general, adjacent or not. At last, it should be noted that the concern with uniformity, which is equivalent with the separation of uses, has led us to the myriad of transportation problems which this country seems unable to resolve. Narrow minded judges rendering decisions such as this, obstruct and stifle creative land use solutions to difficult transportation problems.

Subdivision:

1. She squarely denies a Planning Board the authority to look for improvements anywhere beyond the boundary of a subdivision property, no matter how close or near that may be. Concluding from that, impact fees are dead for good, and developers are free to burden and impact public property without being held accountable. Voluntary contributions would be fine. We might as well close shop and start pancake breakfasts or turkey raffles.

Concerning the Board's and the Town's strategy from here, we must of course first decide whether to appeal or not. I believe we can't afford not to appeal.

If the decision is to appeal, the question is to which court. The Appeals Court is badly backed up making a wait of at least 18 to 24 months almost certain. This would extend the subdivision protection by that much, but give us (as well as the plaintiff) time to prepare. In addition, an appeal to the Appeals Court leaves us with one more step thereafter if needed: an appeal to the Superior Court. We could directly appeal the decision to the Superior Court with the drawbacks and advantages just reversed. The Superior Court is not so backed up and a hearing might be in the cards after the summer break. However, the Superior Court must be convinced to hear the case without prior Appeals Court review. In any case, one of the immediate requests with the appeal must be to suspend the Land Court's decision until further judgement is passed. This is necessary to preserve the integrity of the Town's zoning, and to protect us from having to endorse the subdivision plan while the appeal is pending.

If the Town's and the Board's choice is to let Sullivan's decision stand without a challenge, the Town will have to brace itself for additional zoning challenges. It may take action on zoning changes in the hope to close some of the gashes that this decision has made in the integrity of the Zoning Map and Bylaws. However, any zoning change will be more vulnerable to challenge than ever before if it done with Sullivan's decision standing as case law.

xc: Don P. Johnson
Acheson H. Callaghan

[RHB.SUBD.92.4]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

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

CC: BOS - COVER LTR
ENTIRE PKG. IN RF/RETAIN

April 6, 1993

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

Re: Comments on the 60% Design Submittal dated February 12, 1993

Dear Mr. Kronenberg:

Attached to this letter are the U.S. Environmental Protection Agency's (EPA) comments on the 60% Design Submittal dated February 12, 1993. Please be advised that EPA believes that there are several significant technical issues that need to be addressed in the 100% Design. These issues and others were discussed at the technical meeting held on March 16, 1993 and include the design capacity of the landfill; the design of the landfill gas collection system; the results of the VFL Pilot Scale Test; sitewide drainage; Battery Chip Pile settlement; Aquifer Restoration System (ARS) capacity; and, air emissions controls.

General and specific comments have been provided on each of the components of the 60% Remedial Design package as follows:

- I. Design Report
- II. Design Drawings
- III. Technical Specifications
- IV. Soil Evaluation Sampling and Analysis Plan
- V. Post Excavation Sampling and Analysis Plan
- VI. Construction Quality Assurance Plan (CQAP)

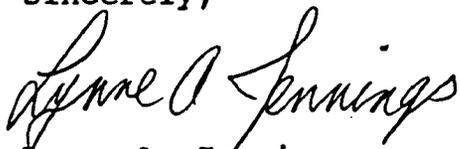
Comments that appear in "bold", are comments that have been previously raised by EPA. Portions of these comments not addressed by W.R. Grace and CDM in the 60% design are "underlined". In addition, EPA has also provided additional comments on any new information provided in this submittal.

Please be advised that these comments must be incorporated into the next deliverable and submitted no later than April 30, 1993 to receive approval from the Government Parties of the final design. If you have any questions, please contact me at



(617) 573-9634 or Michael Leblanc at (508) 792-7653.

Sincerely,



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

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



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

William F. Weld
Governor
Daniel S. Greenbaum
Commissioner

APR 11 1993

cc: BOS

April 5, 1993

Acton-Boxborough Regional School District
16 Charter Road
Acton, MA 01720

ATTN: Steven Desy, Director
Facilities & Transportation

RE: ACTON - DWPC
314 CMR 5.00
Administrative Consent Order
and Notice of Noncompliance
ACO-CE-93-1002

Dear Mr. Desy:

This serves to summarize recent events since a draft Administrative Consent Order (ACO-CE-93-1002) and Notice of Noncompliance (NON) was forwarded by this office to the Acton-Boxborough Regional School District (the District) on February 11, 1993.

The District operates a regional junior/senior high school complex in Acton served by an on-site subsurface sewage disposal system with design flows greater than 15,000 gpd. The system does not have a currently valid groundwater discharge permit and is therefore in violation of 314 CMR 5.03 of the Division of Water Pollution Control Regulations. A draft Administrative Consent Order and NON was issued to the District for its consideration. The District subsequently requested a meeting with this office to discuss the draft ACO.

On March 11, 1993 Department representatives met at this office with the District to discuss possible actions the District might take to come into compliance, including a request that the deadline for signature be extended so that the District could submit a formal request to amend the Consent Order. The District's consultant (Defeo, Waite & Pare, Inc.) proposed to conduct a feasibility study to determine if the District could apply some interim degree of treatment less than secondary treatment and still meet groundwater quality standards established in 314 CMR 6.00 at the District's property line. A follow up meeting was tentatively scheduled for April 16, 1993.

ACTON - 314 CMR 5.00
Consent Order and NON
ACO-CE-93-1002
Page 2

In a letter dated March 16, 1993 the Department granted the District an extension. On Tuesday March 30, this office had a telephone discussion with Mark Pare of Defeo, Waite & Pare regarding the proposed feasibility study. It is the Department's position that the groundwater quality standards established in 314 CMR 6.00 must be met at the on-site monitoring wells, and not the property boundary. Any proposal by the District must insure that these conditions are met for all future design flows. It is our understanding that the student population is projected to reach 2,552 by the year 2002 (source: Lamplighter report vol 9, No.4 issued March 1993, page 4).

The Department subsequently received a technical proposal from Defeo, Waite & Pare prepared previous to our telephone conversation. The Department will review this document with the provision that any treatment system approved must acheive compliance with groundwater quality standards at the monitoring well network or the property line, whichever is closer. Please contact Margo Webber or Robert Kimball at (508) 792-7650 if you have any questions, or if you wish to amend your proposal in light of these updated requirements.

Very truly yours,



James R. Fuller
Regional Engineer
Bureau of Resource Protection

mw/abschl.002

cc: Defeo, Waite & Pare, Inc, 31 Bellows Road, Raynham, MA 02767
ATTN: Mark Pare, VP
Acton Board of Health, 14 Forest Road, Acton, MA 01720
ATTN: Doug Haley
Town Manager's Office, 14 Forest Road, Acton, MA 01720
ATTN: Don P. Johnson
Acton School Committee, 16 Charter Road, Acton, MA 01720
Ronald White, DWPC GW Permit Program, Boston, MA 02108
Ropes & Gray, One International Place, Boston, MA 02110
ATTN: John McElhinney



Massachusetts
MIIA
Interlocal Insurance Association

60 Temple Place, Boston, MA 02111
(617) 426-7272 or 800 882-1498
Facsimile (617) 426-9546

April 7, 1993

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

cc: BOS
BILL RYAN
COORD. COMM.

APR 10 1993

V 4/16

Dear Don,

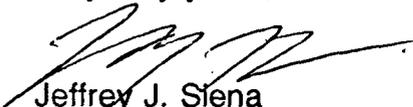
This will confirm my visit to Acton on March 30th for the purpose of attending a meeting of the Safety Committee.

Unfortunately, the School Department was not present at the Safety Committee Meeting. The only individuals present were Dick Howe from Highway, Dean Charter of Municipal Properties, and Alice Shepherd from Finance. Unfortunately, cooperation from the School Department in the Town's loss control efforts has been spotty over the past few years. In addition to the attendance situation at Safety Committee Meetings, response to loss control recommendations has not been good. For example, we have still not received a reply to the recommendations contained in my letter of August 20, 1991. This is in direct contrast to our experience with the Townside where response to recommendations has almost always been prompt.

As the School Department represents the largest number of employees covered by your Worker's Compensation policy and school buildings represent a significant portion of your Property coverage, their cooperation with the loss control effort is essential. I would appreciate your assistance in addressing the problem and obtaining the full cooperation of the School Department. It might be advantageous to have the School Business Manager become the School's member of the Safety Committee rather than the current representative. I will be contacting you within the next several days to discuss the situation in more detail.

My next visit to Acton is currently scheduled for Tuesday, June 15th during which I hope to survey several school buildings. A meeting of the Safety Committee has been scheduled for 1:30 p.m. on the same day.

Very truly yours,


Jeffrey J. Siena
Loss Control Manager

cc: Dean Charter, Director of Municipal Properties, Town of Acton
Stan Corcoran, MIIA
Richard Coughlin, Hastings-Tapley Services
Anthony Camelio, Rollins Hudig Hall

MEMORANDUM

J.M.
✓ BOS
Engineering

FROM: Paul E. Smith, Jr.
TO: Board of Selectmen. Copy to Board of Selectmen, Acton, attn. A. Fanton, Town Hall, Acton, Ma. 01720. Copy to Donna Jacobs, Planning Board, Town Hall, Acton, Ma. 01720
DATE: March 29, 1993
→ SUBJECT: Meeting, Fort Devens Inland Port Truck/Rail Intermodal Facility
March 25, 1993

The meeting was addressed by Eric Knapp, Land Bank, Brett Doney, for the Joint Boards of Selectmen, and E. Colin Pease, Vice-president of the Springfield Terminal Railway Company (and Guilford Industries, parent company of Boston and Maine).

The single most important statement was one by Colin Pease to the effect that the trains from Moran Port in Charlestown to the ITTF at the Fort will probably use the Fitchburg branch which is the line over which the MBTA commuter trains run. Heretofore we had understood that the trains would go from Boston to Lowell and thence to Ayer over the Stony Brook branch via Chelmsford and Westford. Inasmuch as this involves at most two trains per day this will not add significantly to the number of trains crossing King Street although the freight-trains will be considerably longer than the commuter trains and travel at a slower rate of speed. The effect on traffic at the King Street grade crossing, per train, will be greater. This will, undoubtedly, lead to congestion since that crossing is heavily used by the trucks to and from Veryfine.

→ Other information gained was that the clearance under bridges needed for trains carrying containers double stacked is 22 feet. The term container is used for both domestic containers and those which are shipped overseas. The domestic containers are longer than the ocean going containers. It is current practice to use containers which get converted into trailers (with wheels) by placing them on suitable flat beds. In short, the wheels don't get carried around the country on the railroad cars.

The signing of the lease between Army, Land Bank, and Railroad is imminent. The Ayer Free Press and Public Spirit announced that Governor Weld will attend the grand opening ceremony of the facility on April 1. He will arrive at site via rail. Hopefully I will hear about it in time in order to attend the festivities.

The request that the selectmen made to have records kept by the railroad of the destination and origin of containers passing through the facility apparently is not as easily carried out as had been hoped. Mr. Pease indicated that the paperwork accompanying the containers does not usually specify where the shipment came from or is to go. It was suggested by Eric Knapp that some information might be obtained by a sampling procedure (asking the trucker as he exits from Barnum Gate for his destination? At any rate, the idea was considered to be worth while; perhaps one of the agencies (NEPA or MEPA) will establish some method of accumulating data.

George Neagle of our Task Force attended the CAC meeting and confirms this info. except that Guilford will start with 2 trains/week. Guilford rep said it would be a long time ^{if ever} before it reached 2 trains/day (their upper limit under MEPA's approval.)
Arne

ACTON RECYCLING TASK FORCE

Meeting Minutes

Date: Monday March 1, 1993

Location: Acton Town Hall, Room 126

Members Present: Nancy Tavernier, Peggy Mikkola, Rosemary Lundberg

The meeting convened at 9:20AM.

Minutes of 2/1/93 meeting were accepted as written.

Beacon Update

Article did not appear as scheduled, hopefully will the following week. We will assume that Kent will do the March article, if not, Rosemary will do it.

Operations

When BFI delivered the new recycling bins, they were too tall and the whole program almost had to be scrapped. However, the Town Manager authorized the Highway Dept. to build a deck to allow people to access the hoppers easily. Everyone seems to be happy with the new arrangement although some people are bothered by co-mingling items that had to be carefully sorted before.

The bins are pulled by BFI on Fridays and replaced with empty ones so that the heavy usage on Saturdays is not disturbed.

The Task Force needs to review signage when the weather is better.

Brochure

Hopefully the brochure will be printed by the second week in March and will reach each household in Acton by April 1, 1993. We encountered a lot of problems with Minuteman High School Printing Dept. and would not recommend their use again.

Master Plan

Nancy will do a first draft for the next meeting.

NEXT MEETING: Tuesday, April 6 at 9AM

cc: BOS

ACTON FINCOM MEMO

To: Finance Committee 93FIN039
 From: Art Harrigan *AH*
 Date: April 7, 1993.
 Subject: Result of Finance Committee Special Meeting Monday, April 5, 1993.

At the Coordinating Committee meeting held on 4/5/93, the Selectmen proposed a compromise plan to work toward unanimity at the upcoming Town Meeting starting on 4/12/93. The proposal is attached with markups shown as they were taken at the meeting.

At the Finance Committee meeting on 4/5/93, we discussed this Selectmen's proposal and formulated the following positions on each of the first four paragraphs. The fifth paragraph was deleted.

Paragraph 1: - The Finance Committee supports the "B" Budgets and reaffirms its vote taken at the Finance Committee meeting on Saturday, 4/3/93.

Paragraph 2: - The Finance Committee agrees that all three Boards should oppose any attempts from the floor, at this upcoming Town Meeting, to change the format of any budget or to change the "B" Budgets appropriation requests.

Paragraph 3: - The Finance Committee supports the Town / School split allocation formula as presented to the Coordinating Committee with the memo 93FIN024, dated January 25, 1993. We believe this "Town / School split" issue should be resolved, and a good solution in place, as soon as possible, but no later than the end of this fiscal year by June 30, 1993. We believe the Finance Committee's proposal is "fiscally responsible" and we oppose funding any unresolved deficit by using "reserves", which in any case may be depleted. We prefer that the allocation formula, as described in memo 93FIN024, be adopted.

Paragraph 4: - The Finance Committee will exercise its responsibilities to make recommendations to the Town Meeting as required by the Acton By Laws.

One issue requiring further investigation is the \$27,000. Health Care expenditure in the Schools Budget requests. The Town Administration is taking direction from the Selectmen to uphold the Selectmen's position of "no problem" on this issue. We have received a letter from the Town Administration advising us that any such issue is between the Finance Committee and the Schools. While the amount is small, it equates to the amount requested by the "West Acton Library" which is being denied under the "B" Budget. Tom Mackey will investigate and provide us an assessment of the facts by Town Meeting.

To: *Art Johnson* From: *Art Harrigan*
 Cc: *Town Acton* No. Pages: *1*
 Subject: *93FIN039* Date: *4/7/93*
 To Fax: *(508) 264-9680* From Phone: *(617) 275-5572*
 Phone: *(508) 264-9612* From Fax: *(617)*

cc: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

South Acton Village Planning Committee (SAVPC)

APR 11 1993

Minutes for Meeting of:

March 9, 1993

Members in attendance: Bob Pion, Betsy Eldridge, William Shupert (Trey), Sushama Gokhale, Sam Manka, Sandra Whaley.
Also present: Roland Bartl (Town Planner).

Minutes of February 23, 1993 were approved.

Announcements:

1. The Health Director will prepare an RFP for services in connection with the feasibility study of a small South Acton Village sewer system.
2. SARC meeting on Thursday, 3/11: May 1 South Acton Clean-up Day.

Survey Press Release: Trey reviewed his revised draft, which was approved with minor changes. Trey will transmit final version to Planing Department this week.

Goals and Objectives: The committee reviewed proposed changes/additions to Goals and Objectives (including related action recommendations) #3, #4, #9, #10. It was decided that all changes for these and all other Goals be submitted in writing to the Planning Department. Once all revisions and additions have been made, a revised draft will be distributed.

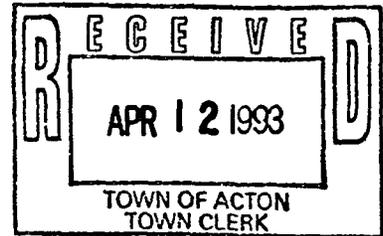
Next regularly scheduled meeting: TUESDAY - MARCH 22, 1993:

- Minutes
- Time Line
- South Acton Walk - set time
- Zoning Changes

Minutes approved March 23, 1993.

cc: Town Clerk, Planning Board, Board of Selectmen ✓

[RHB.SAVPC*1]





MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES

P.O. Box 9655

APR 11 1993

Boston 02114-9655

MITCHELL ADAMS
Commissioner

(617) 727-2300
FAX (617) 727-6432

LESLIE A. KIRWAN
Deputy Commissioner

April 8, 1993

cc: BOS

TO THE MAYOR OR SELECTMEN
BOARD OF ASSESSORS
AUDITOR/ACCOUNTANT
FINANCE COMMITTEE
TREASURER
SUPERINTENDENT OF PUBLIC SCHOOLS

In accordance with the provisions of the Massachusetts General Laws, Chapter 59, Section 23, as amended, I hereby certify that the amount of available funds or "free cash" as of July 1, 1992 for the Town of Acton is \$1,126,132.

Sincerely,

F. Ellis FitzPatrick
Assistant Director of Accounts

FEF:csg

STAMSKI AND MCNARY, INC.

80 Harris Street

Acton, Massachusetts 01720

(508) 263-8585

FAX (508) 263-9883

BRUCE M. STAMSKI, P.E.

WILLIAM F. MCNARY, P.L.S.

APR 14 1993

April 13, 1993

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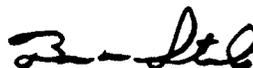
Town of Acton
Board of Selectmen
Town Hall
Acton, MA. 01720

RE: Disclosure Statement

Dear Board Members:

Attached please find a disclosure statement sent to the Town Clerk. Stamski and McNary, Inc. is seeking formal approval from the Board of Selectmen for a contract to design sidewalks along Pope Road from Stonymeade Way to Great Road.

Sincerely,



For Stamski and McNary, Inc.
Bruce M. Stamski, President

dms

Commonwealth of Massachusetts
District Courts of Massachusetts

APR 10 1993

Middlesex

ss

RE: Samuel G. Sawyer

Civil Action No. _____

Due to the Judge's decision to hold Judge's hearings on
Thursdays, the above appeal of the decision of the Clerk-
Magistrate affirming the decision of the Board of Selectmen
is continued to THURSDAY, MAY 6, 1993 AT 9:30 A.M.



Edward F. Sulesky
Temporary Clerk-Magistrate
4/8/93

cc Samuel G. Sawyer
Acton P.D.
Board of Selectmen, Town of Acton

cc: BOS -

THIS CONCERNS THE SAWYER DOGS. WE PREVAILED
WITH THE CLERK-MAGISTRATE ... NOW MR. SAWYER HAS
APPEALED TO THE JUDGE. PLEASE ADVISE IF YOU WISH
TO PARTICIPATE, OTHERWISE, WE WILL HANDLE.

cc: CHIEF ROBINSON - PLEASE
CONTACT ME.



4/11/93

Water Supply District of Acton

693 MASSACHUSETTS AVENUE
P.O. BOX 953
ACTON, MASSACHUSETTS 01720

TELEPHONE (508) 263-9107

APR 10 1993

FAX (508) 264-0148

WATER SUPPLY DISTRICT OF ACTON
HARLAN TUTTLE BUILDING
693 MASSACHUSETTS AVENUE
ACTON, MA 01720

cc: BOS

APRIL 12, 1993

AGENDA:

- 7:30 P.M. CALL TO ORDER
- 7:30 P.M. COMMENTS FROM CITIZENS AND OPEN DISCUSSION
- ACCEPT MINUTES OF MEETING MARCH 22, 1993
- NEW BUSINESS
- WARRANTS & COMMUNICATIONS
- CELLULAR ONE - LEASE AGREEMENT & NYNEX
- DISTRICT EMPLOYEE
- ENDANGERED SPECIES
- APPOINTMENTS - CHAIRMAN OF COMMISSIONER
- CONSERVATION COMMISSION
- OLD BUSINESS
- EASEMENT TO CONANT SITE #2
- LEASES - ASSABET COMMUNICATIONS & EXPLOSIVE
SUPPLY COMPANY
- EARLY RETIREMENT
- GARDNER, PRESTON & MOSS
- CLOSES - EASEMENT



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

APR 10 1993

cc: BOS

LEGAL NOTICE:

Certificate of Appropriateness

TOWN OF ACTON

HISTORIC DISTRICT COMMISSION

PUBLIC HEARING

NOTICE is hereby given that the ACTON HISTORIC DISTRICT COMMISSION will hold a PUBLIC HEARING on Monday, April 26, 1993 at 8:30 p.m. in ROOM 46, ACTON TOWN HALL, 472 MAIN STREET, ACTON, MA on an APPLICATION for a CERTIFICATE OF APPROPRIATENESS for the following item:

JEANNETTE VAN HEERDEN, 62 RIVER STREET, ACTON
RE: Rear addition to house at 62 River Street/South Acton Historic District.

cc: BOS

DLM R E P O R T DLM

Office of the State Auditor
Division of Local Mandates

A. Joseph DeNucci
Auditor of the Commonwealth

Special Recycling Issue

APR 10 1993



The purpose of this special edition of the DLM Report is to respond to the many inquiries received by the Division of Local Mandates (DLM) regarding the so-called waste ban regulations. (See 310 CMR 19.00.) In early October 1992, at the request of several municipalities, I issued an opinion that the Local Mandate Law applies to the Department of Environmental Protection (DEP) rules banning disposal of certain solid waste materials at landfills and incinerators. This report describes DLM's role in reviewing these regulations, the remedies available to cities and towns, and various compliance cost factors. The response of DEP to our work is also highlighted, as well as on-going concerns and opportunities for legislative relief.

At the outset, I wish to put my involvement in this matter into proper perspective. I personally - and as the Auditor of the Commonwealth - do not question the goal of the waste diversion mandates. However, as required by law, I do question the authority of the state to impose its objectives upon local units of gov-

Continued on page 2.

Waste Ban Funding Not Resolved

On April 1, 1993 Massachusetts will become the only state in the nation with an unfunded disposal ban on consumer recyclables such as steel and aluminum cans, and glass jars and bottles. Department of Environmental Protection (DEP) regulations have effectively established a statewide recycling mandate that remains unfunded, despite Auditor DeNucci's ruling that state funding is required to support municipal implementation efforts.

The waste bans prohibit any Massachusetts solid waste facility from accepting solid waste shipments unless almost all yard waste, leaves, and metal and glass containers are removed prior to landfilling or incineration. A disposal ban on recyclable paper and plastic is scheduled for the end of 1994. Since no facility (except SEMASS-metals only) has the capability to segregate these materials from mixed solid waste deliveries, Massachusetts cities and towns must shoulder the ultimate burden and expense.

Auditor DeNucci has determined that the regulations mandate cities and towns to establish or expand recycling programs and that many communities cannot comply with the mandate (in good faith) without incurring additional costs in waste management. Under Proposition 2 1/2 and the Local Mandate Law, the

state cannot force communities to undertake costly, new initiatives unless full state funding is provided. In the fall of 1992, the Auditor informed DEP officials and members of the General Court of these facts.

Nevertheless, to date, except for DEP's limited equipment grant program, there is no state appropriation to assume local implementation

Continued on page 2.

In This Issue

Waste Ban Issues and Status	3
Practical Recycling Rates	5
Trash Inspection Procedures	5
Other States Waste Bans Funded	6
The Tonnage Guarantee Issue	7
Waste Ban & Recycling Legislation	8

Auditor's Message

Continued from page 1.

ernment when those objectives threaten local budgets. Last year I reported that legislation mandating recycling would cost the state's municipalities up to \$30 million.

Faced with the realities of Proposition 2 1/2 and state and federal aid reductions, most cities and towns in Massachusetts have performed remarkably well. Nonetheless, based upon the number of complaints raised before DLM by municipal officials, I can only conclude that the far-reaching waste ban regulations have not been welcomed by the more financially burdened communities in Massachusetts.

Solid waste has been and will continue to be a critical economic and environmental issue confronting our communities. The solution is for a cohesive effort by business leaders, environmentalists and government officials to develop and implement a comprehensive, workable recycling program, along with the state providing funding incentives that will get municipalities moving forward on a statewide recycling program.

I suggest that the long-range goals sought through these regulations would be better and sooner achieved through a series of reasonable state incentives to encourage voluntary local action. I urge your close attention to legislative initiatives concerning recycling during this year and pledge my continued efforts on your behalf.

Sincerely,



A. Joseph DeNucci
Auditor of the Commonwealth

Waste Ban Funding Not Resolved

Continued from page 1.

costs as required by the mandate law. DEP's position is that state funding for cities and towns is not required under the mandate law. The position is based on DEP's belief that solid waste management is a voluntary activity for municipalities and that cities and towns can charge fees for solid waste services they choose to provide.

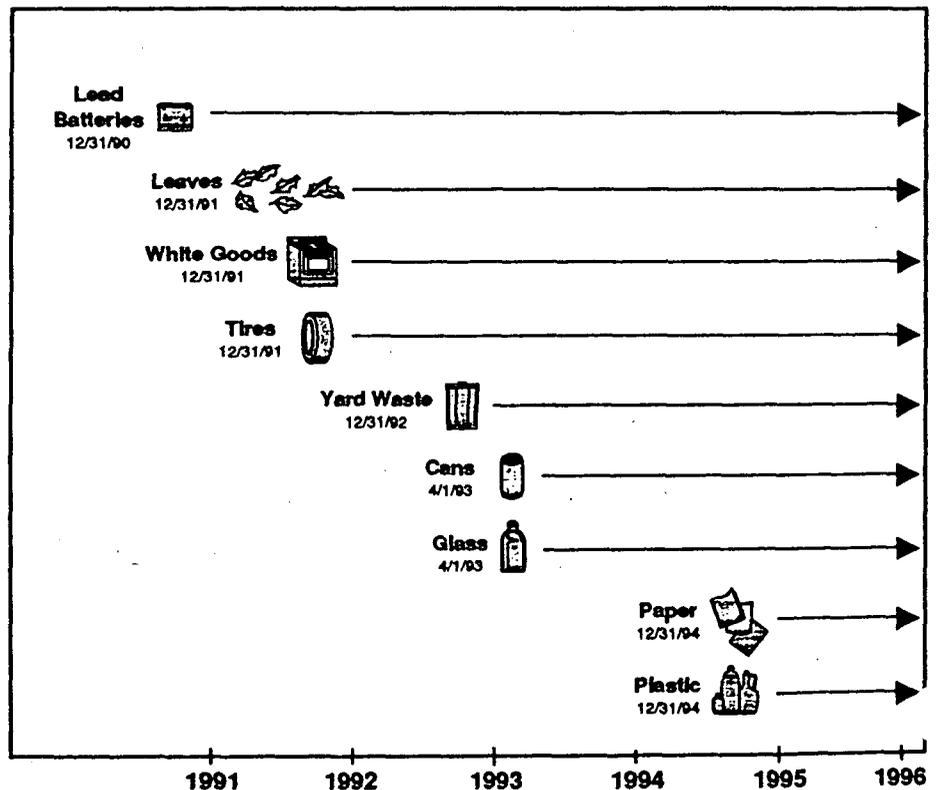
A Superior Court decision could break this impasse, although no city or town has yet filed a court challenge of the waste bans. The State Legislature and/or the Weld Administration could also intercede by delaying or repealing the mandate, or

providing funds for cities and towns. *Unless judicial, legislative, or administrative action is taken to change waste ban requirements, DEP's regulations and policies remain in effect.*

Until these issues are resolved, the Division of Local Mandates will continue to certify costs that are subject to state funding. In a court challenge, DLM's certification of municipal cost imposition is prima facie evidence of the amount of state funding required under the mandate law.

We hope that this special edition of the DLM Report will provide useful information for local decision makers and state law makers.

Effective Dates of Ban on Disposal or Incineration



Waste Ban Issues and Status

Introduction

On October 2, 1992 the Division of Local Mandates (DLM) informed officials of the ten cities and towns that had requested an opinion, the Massachusetts Municipal Association, and the General Court that the Local Mandate Law, G.L. c. 29, s. 27C, applies to regulations that restrict disposal of certain materials at Massachusetts solid waste facilities. The regulations, at 310 CMR 19.017, commonly called "waste bans," currently prohibit disposal or incineration of: automobile batteries, white goods, leaves, and whole tires (at landfills only). The regulatory schedule calls for a December 31, 1992 ban on disposal of metal and glass containers and all yard waste (except in "de minimus" quantities). However, by way of an October 19, 1992 memorandum, the Department of Environmental Protection (DEP) has delayed the published regulatory ban on metal and glass containers until April 1, 1993. Plastic and recyclable paper will be restricted as of December 31, 1994.

The regulations require disposal facility operators to inspect waste loads for the banned materials as part of a facility's approved compliance plan and as a condition of its permit to operate from DEP. Waste shipments are subject to rejection by the facility operator if they contain banned material. Significant changes in solid waste management practices will be required to ensure that restricted materials are not delivered to solid waste facilities. Many cities and towns must initiate and/or expand recycling and composting services in order to comply.

On September 3, 1992 DLM informed DEP that the Local Mandate Law requires the state to fully fund the cost of implementing these new municipal solid waste management responsibilities. Despite widespread public acceptance of recycling as a desirable activity, many cities and towns have had to delay establishment or expansion of recycling programs for budgetary reasons. Therefore, we advised DEP that instead of mandatory statewide disposal restrictions, it should continue to encourage recycling by providing grants and technical assistance to cities and towns until a recycling mandate can be paid for with state funds.

DLM's Role and Remedies Available to Cities and Towns

The statutory role of the Division of Local Mandates is to determine the additional cost imposed on cities and towns by laws and rules and regulations that are subject to the Local Mandate Law. It is DLM's opinion that the waste bans are subject to this law. This opinion is based on the premise that solid waste management is a public health and safety responsibility of Massachusetts municipalities and on the provisions of G.L. c. 29, s. 27C(c), which states:

Any administrative rule or regulation taking effect on or after January first, nineteen hundred and eighty-one which shall result in the imposition of additional costs upon any city or town shall not be effective until the general court has provided by general law and by appropriation for the assumption by the commonwealth of such cost, exclusive of incidental local administra-

tion expenses, and unless the general court provides by appropriation in each successive year for such assumption.

It is important to emphasize that the Auditor's ruling, by itself, *does not* relieve cities and towns of the duty to comply with the regulation. The Local Mandate Law allows any city or town to file a complaint in Superior Court to seek an exemption from complying with an unfunded state mandate. The State Auditor's determination of the estimated cost to be imposed may be offered as prima facie evidence of the amount of state funding required to compensate cities and towns in such a proceeding. DLM has begun the process of determining the additional net cost of implementing the waste bans for cities and towns that have requested a determination.

Relief could also come from the General Court through legislation to either repeal or delay the mandate, to make compliance optional, or to fully fund the cost of implementing the waste bans. DEP could also repeal, delay, or otherwise change the regulations, and/or provide funding to cities and towns through its Recycling Grants Program.

Cost Factors

It is also important to note that recycling required by DEP's waste bans will not impose costs equally on all cities and towns. In our cost analysis, we will consider good faith, reasonable costs that local officials feel they must expand to meet the minimum requirements of the bans. Several interrelated factors will determine whether recycling h

Continued on page 4.

Waste Ban Issues and Status

Continued from page 3.

a positive, neutral, or negative financial effect on the solid waste budget of an individual city or town.

The most important of these factors is disposal cost avoidance. For municipalities bound by minimum solid waste delivery guarantees, there is no reduction in the disposal budget to offset the cost of recycling. For example, last year 28 municipalities under contract with the North East Solid Waste Committee (NESWC) and Springfield Resource Recovery, Inc. (SRRI) trash-to-energy plants were obliged to pay \$2.3 million in disposal fees for 32,893 tons of solid waste they no longer deliver for incineration. Most of this tonnage is being diverted to recycling programs (see related story, "The Tonnage Guarantee Issue"). Cities and towns that have solid waste disposed free-of-charge as part of an agreement to "host" a facility also do not avoid solid waste disposal costs through recycling. For other municipalities, avoided disposal cost offers a financial incentive to increase the amount of solid waste recycled. This financial incentive is greatest for cities and towns with high-cost solid waste services. However, disposal cost avoidance is often not sufficient to fully offset the cost of providing recycling services. This is particularly true for municipalities that have relatively low disposal costs.

Current Status

In a letter to municipal chief executive officials, DEP has delayed implementation of the facility inspection and rejection requirements for glass and metal until April 1, 1993. DEP also describes "basic

adequacy criteria for local recycling programs." Cities and towns that can "demonstrate municipal commitment to recycling" to DEP will be eligible to be placed on a list of DEP Approved Municipal Recycling Programs. Until the end of calendar year 1993, disposal facility operators will not be required to inspect for metal and glass containers where the waste load originates from a municipality on this list. With this approach, "approved" communities avoid having deliveries rejected even though the local recycling program may not achieve full diversion of metal and glass containers.

One of the eligibility criteria for inclusion on the approved list is described as "Commitment to Recycling." Municipalities that have established either a curbside recycling program (municipality-wide) or have maintained a drop-off program for three years that includes metal and glass containers are eligible. Otherwise, a mandatory recycling bylaw, ordinance, or executive order must be enacted. A "public education" program and reasonable access standards are also requirements of eligibility for the approved list.

Ongoing Concerns

For pre-qualifying communities, these recent policy changes may make the bans less costly to implement during 1993 than they would have been without the changes. Nonetheless, municipal officials should be aware of at least two ongoing concerns.

First, unless further policy changes surface, in 1994 local recycling programs must achieve full diversion (with the "de minimus" exception). Several urban solid waste

managers have expressed serious doubts that drop-off programs can achieve these levels of diversion. If, for example, an urban community qualified for the 1993 approved list on the basis that it had previously maintained a drop-off program, further changes in waste management practices, such as curbside collection, may be necessary to comply in 1994.

The second concern arises for communities that adopt a mandatory recycling bylaw, ordinance, or executive order so they may take advantage of the benefits of being on the approved list in 1993. Any city or town that is planning to seek a Superior Court exemption under the Local Mandate Law should be aware that adoption of such an ordinance, bylaw, or executive order might complicate its chances of success with the court. The Local Mandate Law does not apply to costs incurred pursuant to local acceptance or voluntary local actions. DLM's opinion is that enacting a local mandatory recycling law in this instance would represent a good faith effort to comply with a state regulation until the issue of financial responsibility for costs imposed can be resolved. The Local Mandate Law allows the Superior Court to exempt cities and towns from a mandate until the Commonwealth reimburses the city or town for costs imposed. The provision that the state "shall reimburse" indicates that municipal compliance with an unfunded mandate prior to the resolution of funding issues by either the Legislature or the Superior Court does not constitute local acceptance, unless expressly stated. However, we cannot

Continued on page 6.

Practical Recycling Rates

The former EPA Assistant Administrator for Solid Waste and Emergency Response, who established a national goal of recycling 25% of the municipal solid waste generated in the United States, released a report in January that advises state and federal officials to exercise caution when setting recycling goals. In his report, "Recycling At The Crossroads," Dr. J. Winston Porter estimates a practical ceiling for recycling based on economic and infrastructure considerations. The report calculates maximum practical recycling rates (MPR) for 50 different components of the solid waste stream, adding that "certainly, higher recycling rates can conceivably be achieved, but usually at severe economic costs to the municipalities in question."

The Massachusetts DEP expects 100% diversion of banned materials less a 5% allowance for leaves, yard waste, glass and metal. According to the Porter Associates report, the maximum practical recycling rate for materials banned by DEP is approximately 52%. (See table below.) Based on this finding, it can be ar-

gued that facility inspections of waste shipments from Massachusetts cities and towns will almost always reveal significant quantities of banned materials in spite of the best efforts by municipalities to remove them. Although the MPR is based on national totals, and there may be regional and local anomalies, these results suggest that a total ban is not a feasible goal.

Municipal officials and facility operators have also commented that the expectations set by DEP's regulations are too high. They contend that universal compliance with even the most strictly enforced recycling law is not practicable. In fact, local programs in which only 60% - 70% of residents participate are considered successful.

In Massachusetts, as a result of facility inspections required by DEP's waste bans, at least two municipalities have had waste shipments rejected because they contained an unacceptable proportion (5%+) of leaves, which were banned as of December 31, 1991. One of these shipments originated from a municipality with a leaf diversion program.

Trash Inspection Procedures

"RETURN TO SENDER"

Being a municipality included on DEP's list of approved Recycling Programs (see p. 4 - *Current Status*) does not exempt it from inspection of waste deliveries. The following general procedures apply to *all* municipal waste shipments, with the exception that the check for metal and glass containers is waived for municipalities with a DEP-approved program. This waiver is effective only between April and December of 1993.

DEP waste ban policy documents require landfill and incinerator operators to randomly select waste loads for inspection. If more than a small amount of banned material is detected, the load must generally be rejected and returned to the sender. The only lawful alternatives in this instance are to arrange to send the load to an out-of-state facility or to separate the banned material by hand—bag by bag.

A DEP guidance document sets forth the following general inspection procedures. Randomly selected loads are to be dumped and levelled out. Inspectors then visually inspect the load to make sure it contains no automobile batteries, unshredded tires (at landfills only), or white goods. The visual inspection must also ascertain that not more than 5% of the load is composed of leaves or other yard waste. If the load passes this visual test, the inspector must somehow ensure that not more than ten bags in a typical 13-ton load contain leaves or yard waste. Finally, the inspector must check five bags for the presence of unacceptable levels of bottles, jars, or cans, (unless the load originates entirely from a DEP-approved municipality).

Massachusetts		National Recycling Information	
Banned Materials	Tons Generated (millions)	Max. Practical/Recycling Tons (millions)	Max. Practical Recycling Rate
Batteries	1.7	1.68	98.82%
Tires	1.8	0.36	20.00%
White Goods	2.9	1.74	60.00%
Yard Wastes	35.8	17.9	50.00%
Newspapers	13.2	7.9	59.85%
Glass Bottles & Jars	12.1	4.8	39.67%
Steel Cans	2.6	1.7	65.38%
Aluminum Cans	1.6	1.2	75.00%
Plastic Bottles	0.8	0.3	37.50%
Waste Ban Totals	72.5	37.58	51.83%

Source: J. Winston Porter, Ph.D., "RECYCLING AT THE CROSSROADS", January 1993.
DLM GRAPHIC

Other States Waste Bans Funded

According to *State Recycling Laws Update*, published by Raymond Communications, no other state environmental agency has attempted to implement a disposal ban on household recyclables such as metal and glass containers without providing major funding for municipal recycling alternatives. Other than Massachusetts there are four states that have either tried disposal bans already or are planning to implement them in the future. Connecticut, Rhode Island, Wisconsin, and South Dakota all offer substantial financial assistance and other support for municipal recycling programs.

In 1987 Connecticut approved a mandatory recycling law that established disposal bans on nine materials. Despite the fact that Connecticut does not have a local mandate law, the State Legislature made \$40 million available to establish and expand local and regional recycling programs needed to effectuate the bans. This investment in recycling grants was the "carrot" that helped develop a sound statewide recycling system, making disposal bans, "the stick," unnecessary. The disposal bans were repealed by 1990 amendments to the mandatory recycling law. In place of bans, the amendments set specific recycling responsibilities and more reasonable compliance expectations for all parties. The repeal of strict disposal bans had been sought due to the realization that, from a practical standpoint, an absolute ban is an un-achievable standard that unfairly exposed municipalities, haulers, and facilities to enforcement actions against inevitable violations.

Rhode Island requires municipalities to provide for separation of solid waste into recyclable and non-recyclable components before disposal in state-owned facilities. Therefore, Rhode Island has effectively banned disposal of materials on its mandatory recycling list: aluminum, glass and metal containers, newspapers, major appliances (white goods), and certain plastic bottles. However, Rhode Island has provided \$30 million in funding to offset reasonable additional costs to municipalities during the first three years of mandatory recycling. It also subsidizes municipal tipping fees for separated municipal solid waste. Cities and towns pay only \$15 per ton to dispose of separated solid waste at Rhode Island's central landfill. In addition, the state provides free processing of recyclable material at the state materials recovery facility.

Wisconsin plans to implement a multi-material disposal ban in 1995, but it also plans to offer \$30 million in grants to municipalities.

A South Dakota law will phase in a disposal ban on glass, plastic, metal containers and paper by July 1997. The law provides a funding source for municipal grants, allows for acceptance by voters at local elections, and permits cities and towns to opt out of the program.

Unlike these other states, Massachusetts has waste ban regulations that impose a mandate but that do not provide the means to implement this mandate - even though state funds for municipal recycling were authorized by the Legislature more than five years ago. The Massachusetts Solid Waste Act of 1987 (St. 1987, c. 584) authorized bonding of up to \$42 million for recycling and composting purposes.

The Legislature also established the Clean Environment Fund to help support recycling activities. Unclaimed bottle deposits generate the fund's revenue. However, only minor resources have been made available to cities and towns outside of the Springfield region since legislative authorization of these funds.

Waste Ban Issues and Status

Continued from page 4.

predict whether the court may reject a municipal request for an exemption on the basis that such an ordinance, bylaw, or executive order was adopted. *Accordingly, local officials should consider seeking the advice of municipal legal counsel before acting on any such ordinance, bylaw, or executive order.*

DLM will continue to work with cities and towns to see that these issues are resolved. Please contact DLM Director, Thomas Collins, at 1-800-462-2678 if you desire a determination of the costs imposed on your municipality by the waste ban regulations or if you have comments or questions. You may also wish to contact your legislative delegation to discuss this issue.

The Tonnage Guarantee Issue

Because the short-term cost-effectiveness of recycling depends primarily on savings from avoided disposal costs, mandatory recycling poses special problems for cities and towns bound by minimum tonnage delivery agreements with waste-to-energy facilities. The so-called "put or pay" clause is a standard provision of long-term waste-to-energy contracts. Under "put or pay," municipalities agree to pay a fee for a number of tons designated in the contract, even if deliveries fall short of this amount. Most contracts also allow the facility operator to assess a charge for energy revenue lost due to under-delivery of solid waste

"fuel." Approximately 140 cities and towns are subject to "put or pay" contract provisions. Only SEMASS municipalities and a few others have contracts that provide an exclusion for waste diverted to recycling.

Bond rating services have considered "put or pay" provisions to be necessary to establish a reliable source of tipping fee revenue. Such provisions are an integral element of debt service agreements intended to mitigate risk to facility bondholders. The prohibition on incineration of leaves, yard waste, metal and glass containers, and, ultimately, recyclable paper and plastic greatly reduces a municipality's ability to ful-

fill its tonnage commitment. A 1987 Massachusetts law exempted reductions in solid waste deliveries due to recycling from "put or pay" provisions. However, this law does not apply to contracts in effect prior to 1987, when most existing contracts were signed.

Of the state's eight waste to energy plants only North Andover (NESWC) and Springfield (SRRI) facility municipalities are currently impacted by "put or pay." For the time being, the other facilities have been able to avoid activating "put or pay" clauses, even though municipal deliveries are generally falling short of guaranteed amounts. Last year 28 of the municipalities listed in the table were billed \$2.3 million for 32,893 tons they failed to deliver to the NESWC and SRRI plants. Without "put or pay" the \$2.3 million would represent a disposal cost avoidance to help offset the cost of providing recycling services. With "put or pay" there is no disposal cost avoidance.

Municipal officials have suggested that waste-to-energy should be recognized as a type of recycling, because it preserves oil and coal resources by generating power from a renewable resource—trash. Many also resent being penalized in the 1990s after having been urged by state environmental officials to enter into these agreements during the 1980s.

Unless the "put or pay" issue is resolved through negotiations between the parties or legislation, this provision will continue to penalize these municipalities relative to others. The shortage of tons created by mandatory recycling may force other facilities to activate "put or pay" provisions, further exacerbating the problem.

Municipality	Tons Subject to Charge	Underage Charge	Lost Energy Charge	Total Charge
NESWC				
ACTON	0	\$0	\$0	\$0
ANDOVER	1,907	122,988	732	123,720
ARLINGTON	630	40,629	0	40,629
BEDFORD	1,111	71,664	626	72,290
BELMONT	3,100	199,949	1,817	201,766
BOXBOROUGH	365	23,566	284	23,850
BURLINGTON	258	16,638	0	16,638
CARLISLE	170	10,939	0	10,939
DRACUT	157	10,101	0	10,101
HAMILTON	0	0	0	0
LEXINGTON	2,209	142,499	1,236	143,735
LINCOLN	328	21,130	90	21,220
MANCHESTER	420	27,084	173	27,257
NORTH ANDOVER	1,238	79,877	430	80,307
NORTH READING	1,537	99,155	1,224	100,379
PEABODY	2,155	138,978	75	139,053
TEWKSBURY	1,493	96,278	309	96,587
WATERTOWN	0	0	0	0
WENHAM	274	17,641	148	17,789
WEST NEWBURY	0	0	0	0
WESTFORD	0	0	0	0
WILMINGTON	181	11,655	0	11,655
WINCHESTER	1,822	117,524	616	118,140
SUM	19,355	\$1,248,295	\$7,760	\$1,256,055
SRRI				
AGAWAM	1,129	\$51,773	\$36,958	\$88,731
EAST LONGMEADOW	798	36,609	18,069	54,678
GREENFIELD	(24)	0	24,636	24,636
HEATH	95	4,378	1,068	5,446
LONGMEADOW	(24)	0	19,301	19,301
LUDLOW	329	15,066	29,566	44,632
SOUTHWICK	118	5,417	16,424	21,841
SPRINGFIELD	11,122	510,060	238,328	748,388
WEST SPRINGFIELD	(613)	0	35,725	35,725
WILBRAHAM	608	27,903	13,959	41,862
SUM	13,538	\$651,206	\$434,034	\$1,085,240
GRAND TOTAL ACTUAL BILLINGS	32,893	\$1,899,501	\$441,794	\$2,341,295

Billing period 7/91 to 6/92

Waste Ban & Recycling Legislation

The following bills related to the waste ban regulations have been filed for the 1993 legislative session.

Waste Bans House No. 1503

The Massachusetts Municipal Association (MMA) has sponsored House No. 1503. This bill would effectively repeal the waste ban regulations. Section one would exempt "political subdivisions of the Commonwealth" from the waste ban regulations. Section two allows landfills and incinerators to accept banned materials from "political subdivisions of the Commonwealth."

Guaranteed Tonnage House No. 1504

Another bill filed by MMA would require the state to reimburse cities and towns for additional costs for failing to meet their guaranteed annual tonnage attributed solely to recycling programs.

Mandatory Recycling House No. 3404

A bill filed by the Joint Committee on Natural Resources and Agriculture proposes to create Chapter 21K of the General Laws: the Massachusetts Solid Waste Recycling Act. The bill is essentially a refile of a proposal approved by the House during the last session, which became Senate No. 1642. The section of Senate 1642 that would have created MGL Chapter 21L, the Massachusetts Packaging Reduction Act, has been deleted. The bill:

- Requires source separation of recyclable and compostable material;
- Provides \$100 million for solid waste activities, \$30 million of this amount in grants and loans for municipal recycling purposes;
- Increases the oversight function of the Legislature over DEP regulatory activities;
- Requires that DEP financial assistance guidelines conform with the Local Mandate Law and the Administrative Procedure Act;

- Makes "null and void" solid waste facility regulations that condition permits on attaining a specific recycling or diversion rate;
- Establishes a "Municipal Recycling Advisory Committee."

DLM Report

*A publication of the
Office of the State Auditor*

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Auditor of the Commonwealth

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Printed on recycled paper.



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ARGEO PAUL CELLUCCI
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TRUDY COXE
SECRETARY

APR 5 1993

Tel: (617) 727-9800
Fax: (617) 727-2754

**Re: Fiscal Year 1994 Grant Round
 Federal Land and Water Conservation Fund
 Preliminary Applications Due June 1, 1993**

Dear Prospective Applicant:

The Executive Office of Environmental Affairs is pleased to announce that the federal Land and Water Conservation Fund grant round for fiscal year will be conducted in anticipation of the congressional appropriation. The filing deadline for preliminary applications, and accompanying documents explained in the enclosures, is **June 1, 1993**.

The federal Land and Water Conservation Fund reimburses projects up to 50% of the total project cost for the acquisition, development or renovation of park, recreation and conservation land. Eligible municipalities and state agencies are invited to apply. Since the total statewide allotment from the anticipated Congressional Land and Water Conservation Fund appropriation is expected to be approximately \$600,000, I have established a maximum limit of \$150,000 per grant per applicant. Priority status will be given to projects which are of regional or statewide importance, land acquisitions which link other recreation and conservation areas together, protect water resources or wetlands, and projects which incorporate innovative funding techniques (i.e. with private nonprofit cooperation) or innovative park design such as accessibility for the disabled.

The Selection and Rating System, available upon request, is utilized to rank projects in a priority order for funding decisions. However, other subjective criteria are considered in the final funding decisions. These criteria may include the amount of funding received previously, the maintenance capabilities based on past performance, completion of construction phases previously funded, timely completion of past projects and the complexity of permits required to undertake the project.

Funding decisions are also based on a community's status with respect to affirmative action goals and local housing policies. A review is conducted with the Massachusetts Commission Against Discrimination and the Executive Office of Communities and Development to ensure compliance. All communities applying for federal assistance must also be in compliance with the Americans with Disabilities Act. The regulations ensure equal access to all park and recreation areas and programs to people with disabilities.

4/16

CC: D. CHARTER
T. TIDMAN
D. ABBT

PLEASE REVIEW TO SEE IF WE
ARE ELIGIBLE / HAVE ANY PROJECTS
(NARA, ETC.)

CC: BOS - PLS. SEE DRAFT LTR, REFERENCED ON P. 2 OF
THIS LETTER. ADVISE IF THE BOARD WISHES TO SEND.

Additionally, municipal applicants must also have an open space and recreation plan and a Section 504 Handicap Self Evaluation on file and approved by my Division of Conservation Services, or document the fact that a planning effort is well underway. Both documents must be approved by DCS by October 1, 1993 to maintain eligibility.

Finally, I would like to bring your attention back to the Land and Water Conservation Fund itself. Nearly 4000 acres have been acquired and hundreds of parks renovated using the \$80 million that Massachusetts has received since the beginning of the program. Continued support from people who appreciate this benefit is crucial to the success of the program since the budget must be debated each year. Given the current fiscal status of the state, the federal Land and Water Conservation Fund is the only source of public assistance for park, recreation, and conservation projects in Massachusetts. The Congressional budget debates for the FY94 apportionment have already begun so this is an opportune time to thank your Congressman and Senators for their past support of the program and bring the need for continuing financial support, and hopefully \$600,000 for Massachusetts, to their attention. A sample letter is enclosed for your use.

The enclosed Program Description and Step Procedures for the Land and Water Conservation Fund should be routed to your conservation commission, park and recreation department, or planning and development departments for their information and use. Workshops on how to apply for this grant program may be held at different locations throughout the Commonwealth based on demand. If your staff is interested in attending a workshop, or needs additional program information, please contact Jennifer Jillson Soper of the Division of Conservation Services at (617) 727-1552 extension 292.

Sincerely,



Trudy Coxé
Secretary

enc.



DRAFT SAMPLE LETTER

TO BE SENT BY LOCAL GOVERNMENTS TO THEIR U.S. CONGRESSIONAL DELEGATION IN SUPPORT OF AN INCREASE TO THE STATE SIDE OF THE LAND AND WATER CONSERVATION FUND

Dear Congressman/Senator:

As I'm sure you know, the federal Land and Water Conservation Fund Program (P.L. 88-578) has been providing state and local governments with the opportunity to acquire, develop and improve local outdoor recreation opportunities for the past twenty-seven years. At this time I am writing to urge you to support additional funding for the state-side of this extremely important funding source.

You may also be aware of the dramatic decrease in the state-side of the Fund over the years: from a nationwide "high" of \$369 million in 1979 to only \$24.8 million in 1993. This has meant a decrease for Massachusetts alone from \$9.6 million to \$583,146. In 1992 the entire country received only twice the amount that Massachusetts alone received in 1979! The demand continues to rise because this federal program is the only source of public assistance for outdoor recreation projects in Massachusetts. With such pressing state and local needs, this current funding level is simply not adequate.

Since the money for the Land and Water Conservation Fund is already available: derived from the leasing of oil and gas sites in coastal waters, from the sale of surplus federal properties, and from a portion of federal motorboat fuel taxes, adequate funding would require only a fair share of these revenues distributed to the States. The program was created to invest some of the profit gained from the sale of natural resources back into protection of our environment. Your support can help make that happen!

I strongly urge you, therefore, to do all that you can to assure that the federal fiscal year 1993 budget includes an increase in the Land and Water Conservation Fund's apportionment to the States. With more of our citizens recreating closer to home in these difficult fiscal times, the need for outdoor recreation areas is critical and the benefits are obvious.

With thanks for your past support, and especially for your interest in the this current need.

Sincerely,

LOCAL GOVERNMENTS ARE ENCOURAGED TO INCLUDE IN SUCH LETTERS REFERENCES TO PREVIOUS LWCF ASSISTED FACILITIES, OR TO ANTICIPATED OR DESIRED FUTURE PROJECTS. INFORMATIONAL COPIES OF YOUR LETTERS TO CONGRESS MAY BE FORWARDED TO:

DIVISION OF CONSERVATION SERVICES
100 CAMBRIDGE STREET, 20TH FLOOR
BOSTON, MA 02202

FEDERAL LAND AND WATER CONSERVATION FUND (P.L. 88-578)
GENERAL PROGRAM PROCEDURES
FY93 APPLICATION DEADLINE JUNE 1, 1993

1. CALL DCS:

Is your project is eligible?

Is your community's Open Space and Recreation Plan and disability access inventory up to date?

Then - you need a preliminary application and detailed instructions.

2. SUBMIT TWO COPIES OF A COMPLETED PRELIMINARY APPLICATION TO DCS BY JUNE 1, 1993.

Work closely with DCS prior to June 1 to confirm that your application is complete. Late or incomplete applications cannot be accepted! *This is a reimbursement program therefore, you must raise, appropriate or borrow the total project cost before May 31, 1994.*

3. SCHEDULE SITE INSPECTION WITH DCS

Proposals cannot be funded on a "sight unseen" basis and inspections will be conducted during the summer and early fall, when your site is at its best.

4. OTHER AGENCY REVIEW: Regional Planning Agency (E.O. 12372) and Massachusetts Historical Commission

Send a proposal description and budget to both the Executive Office of Communities and Development (forms available from DCS) and your local regional planning agency for their review. Send a brief project description and U.S.G.S. topo sheet locus map to the Massachusetts Historical Commission for their review. Forward all responses to DCS.

5. PROJECT RATINGS

Proposals are rated by DCS using the open project selection system. This is a 100 point system, 60 points awarded based on the type of proposal submitted and 40 points based on the demographic characteristics of your community.

6. RECOMMENDATION FROM ENVIRONMENTAL AFFAIRS

All proposals are reviewed by DCS and presented to our advisory committee. Its selections are reported to the Secretary of Environmental Affairs. If your application is selected by the Secretary, you will be contacted by DCS to submit a final application to the National Park Service (LWCF is a federal program managed by the National Park Service through the Executive Office of Environmental Affairs).

7. FINAL APPROVAL - NATIONAL PARK SERVICE

Approval from the National Park Service turns your proposal into a project, congratulations! You will receive a contract from DCS for signatures. Acquisition projects may proceed if appraisals have been accepted by DCS, development and renovation projects may proceed after final plans and specifications have been reviewed and approved by DCS. *Caution: do not incur project costs prior to NPS approval! Then we will not be able to reimburse you!*

8. REIMBURSEMENT PROCEDURE

The LWCF program is REIMBURSEMENT program and requires evidence of payment to the landowner, or contractor, design firm, etc., prior to receiving a payment from the program. Reimbursement form and instructions are sent to by you DCS after final approval is received from the National Park Service.

9. POST COMPLETION RESPONSIBILITIES - THIS LAND IS NOW PROTECTED PARK LAND

Your project site will be visited at least every 5 years by DCS to ensure compliance with the LWCF program requirements. *Receipt of federal assistance permanently protects your parkland.* Any boundary encroachment, change of use, or lack of basic maintenance could constitute a conversion. Any proposed conversion must be approved by DCS and the National Park Service and the community must replace the parkland. There is no "buy out" option.



JOHN M. URBAN
Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION
COMMUNITY ANTENNA TELEVISION COMMISSION
LEVERETT SALTONSTALL BUILDING
100 CAMBRIDGE STREET, BOSTON 02202

APR 10 1993

(617) 727-6925

cc: BOS
CABLE ADVISORY COMMITTEE

April 5, 1993

Dear Issuing Authority:

Last week the FCC released a summary of its cable television rate regulation report and order. We have enclosed this document for your review. You will see that the FCC addressed the jurisdictional issue of who should regulate rates for basic cable television service in paragraph 12 of the summary. We assume that the full report and order will address this matter in greater detail.

While the FCC's summary begins to bring the rate regulation picture into focus, there are still some unclear images. We will continue to keep you updated as the picture becomes even sharper with the release of the FCC's complete report and order.

As always, if you have questions regarding this material, please do not hesitate to contact us.

Sincerely,

Sally E. Williamson

Sally E. Williamson
General Counsel

Enclosure

cc: Cable Advisory Committees
(w/out enclosure)

SUMMARY OF CABLE RATE REGULATION REPORT AND ORDER

(MM DOCKET NO. 92-266)

Temporary Freeze of Regulated Cable Rates

1. Cable service and equipment rates not subject to effective competition will be frozen for 120 days effective April 5, 1993. This action will prevent cable operators from raising rates before the Commission's rules become effective and will enable local governments and cable subscribers a reasonable period of time to start the rate regulation process before new rate increases are implemented. During the freeze, the average monthly subscriber bill for regulated services and equipment may not increase above the average monthly subscriber bill for such services and equipment as calculated under rates in effect on April 5, 1993. The freeze does not preclude operators from adding subscribers, retiering services, unbundling services and equipment, or providing additional services and equipment, as long as cable operator does not intend to evade the freeze and the average monthly subscriber bill does not increase over the April 5, 1993 level.

Standards and Procedures for Identifying Cable Systems Not Subject to Effective Competition

Definitional Issues:

2. Cable service and equipment rates may only be regulated under the Cable Consumer Protection and Competition Act of 1992 ("1992 Act") if the cable system is not subject to effective competition. Under the statute, "effective competition" exists if: (a) fewer than 30 percent of households in the franchise area subscribe to the cable system; (b) (i) the franchise area is served by at least two unaffiliated multichannel video programming distributors ("multichannel distributors"), each of which offers comparable programming to at least 50 percent of households in the franchise area, and (ii) the number of households subscribing to programming services offered by multichannel distributors other than the largest multichannel distributor exceeds 15 percent of households in the franchise area; or (c) the franchise authority itself is a multichannel distributor and offers video programming to at least 50 percent of the households in the franchise area.

3. When applying this definition, multichannel distributors will include cable systems, MMDS operators, SMATV systems, DBS operators, TVRO distributors and video dialtone service providers. Programmers using leased access channels on cable systems will not be considered multichannel distributors.

4. A multichannel distributor's service is "offered" in a franchise area if the service is both technically and actually available, with no regulatory, technical or other impediments to households taking service. Service will be deemed to be "technically available" when the multichannel distributor is physically able to deliver the service to a household wishing to subscribe, with

only minimal additional investment by the distributor. A service will be considered "actually available" if subscribers in the franchise area are reasonably aware through marketing efforts that the service is available.

5. The term "household" is defined as each separately billed or billable customer, except that individual residents of multiple dwelling units will be treated as separate households.

6. For purposes of applying the 15 percent threshold in the second effective competition test, subscribership of alternative multichannel distributors will be calculated on a cumulative basis; however, only those multichannel distributors that offer programming to at least 50 percent of households in the franchise area will be included in the 15 percent cumulative measurement.

7. A multichannel distributor will be deemed to offer "comparable programming" to that provided by a cable system if it offers at least twelve channels of video programming, including at least one nonbroadcast channel.

Finding of Effective Competition:

8. For purposes of implementing rate regulation by local franchising authorities, cable operators will be presumed not to be subject to effective competition. Franchising authorities may rely on this presumption when filing a certification to regulate basic rates with the Commission. The cable operator will then have the burden of rebutting this presumption with evidence demonstrating that effective competition does in fact exist.

9. To ensure that cable operators have access to the data they need to mount a successful challenge to the presumption against effective competition, alternative multichannel distributors will be required to respond, within 15 days, to requests from cable operators for relevant information. Responses by the alternative distributors may be limited to the numerical totals needed to calculate the distributor's reach and penetration in the franchise area.

Assertion of Jurisdiction over Basic Service and Equipment Rates

Division of Jurisdiction Between FCC and Local Governments:

10. The 1992 Cable Act requires local authorities wishing to regulate basic service and equipment rates to certify in writing to the Commission that (1) its rate regulations will be consistent with the rate regulations we prescribe; (2) it has the legal authority to adopt, and the personnel to administer, rate regulations; and (3) its procedural rules provide an opportunity for consideration of the views of interested parties.

11. Under the statute, local franchising authorities and the Commission have shared jurisdiction over the regulation of basic service and equipment rates. However, the Commission will not exercise its jurisdiction unless either (a) a local franchising authority's certification is denied or revoked, or (b) the franchising authority requests us to regulate basic rates because it has insufficient resources to regulate or it lacks the legal authority to do so.

Franchising authorities requesting Commission intervention on the basis of insufficient funds must submit a showing explaining why the franchise fees it obtains cannot be used to cover the cost of rate regulation at the local level. The Commission will not regulate basic rates where a local government voluntarily chooses not to seek certification because it is satisfied with the rates charged by the local cable operator.

Preemption Issues:

12. Franchising agreements that prohibit rate regulation are preempted by the 1992 Cable Act. By contrast, state laws that preclude rate regulation are not preempted, although in such cases the Commission will assume jurisdiction over basic service and equipment rates. Similarly, state laws that prohibit local governments from engaging in rate regulation are not preempted; in these cases, basic rate regulation will be conducted at the state level.

The Certification Process:

13. Franchising authorities intending to regulate basic rates must first submit a form certification with the Commission. This form, which will be available from the FCC, will certify that the franchising authority has met the statutory requirements (set forth above) for seeking certification and will further certify that, to the best of the franchising authority's knowledge, effective competition does not exist in the franchise area.

14. Franchising authorities may begin filing certifications with the Commission 30 days after publication of the Report and Order in the Federal Register, although there is no deadline by which a franchising authority must seek certification. Under the statute, a certification will go into effect in 30 days unless Commission finds that it is defective. However, franchising authorities will not be able to begin regulating rates until they have adopted regulations consistent with those adopted by the Commission in the Report and Order and have implemented rules which give interested parties a reasonable opportunity to comment during the rate regulation process.

Certification Challenges:

15. The Commission recognizes that cable operators are likely to challenge franchising authority certifications on a number of grounds. The most serious challenge is the assertion that effective competition exists and thus rate regulation is not permitted under the Act. Cable operators who believe they currently face effective competition (as defined by the Act) should file a petition for reconsideration of the franchising authority's certification request. Such petitions may be filed any time within the 30 day period after a certification has become effective. An operator filing a petition for reconsideration on the ground that it is subject to effective competition will be granted an automatic stay of rate regulation until resolution of the petition, subject to refund liability back to the date the petition was filed if the Commission subsequently determines that there is no effective competition. Cable operators that file frivolous effective competition petitions to take advantage of the automatic stay provision will be subject to forfeitures.

16. If a cable operator that is not now subject to effective competition later faces such competition, it may petition the franchising authority for a change in its regulatory status. The burden will be on the cable operator to prove that effective competition now exists.

17. If an operator believes that a franchise authority cannot be certified due to other defects (e.g., it does not have the legal authority, it lacks adequate resources or its rate regulations are not consistent with ours), the operator may file either a petition for reconsideration (which would be filed within 30 days after the certification becomes effective) or a petition for revocation (which could be filed at any time). Operators filing such petitions will not be entitled to an automatic stay of regulation.

18. Where the Commission denies a certification on other than effective competition grounds, the franchising authority will be notified and informed of any modifications that must be made in order to obtain Commission approval. If, after this opportunity to cure, the authority still fails to meet the certification requirements, its certification will be revoked.

Rate Regulation Procedures Used by Local Franchising Authorities:

19. Once a franchising authority has been certified and has adopted the appropriate rules, it must notify the cable operator that these requirements have been met and that it intends to regulate basic service rates. The cable operator will then have 30 days to file its basic rate schedule (and any supporting material concerning the reasonableness of its rates) with the franchising authority.

20. Upon receipt of the operator's basic rate schedule, the franchising authority will have 30 days either to find that the rates are within the FCC's benchmarks, that the rates are outside the benchmark, or that it cannot make that determination on the basis of the material before it. In either of the latter two cases, the franchising authority will issue a brief order to that effect and will have additional time in which to reach a final decision.

21. If the franchising authority finds the rates to be unreasonable, it may order a reduction of those rates to the maximum level permitted by the Commission's benchmarks and caps. Reductions below the benchmarks may be ordered based upon a cost-of-service showing. The franchising authority also may prescribe a reasonable rate above the benchmark where appropriate. If the franchising authority orders a rate reduction, it may also order refunds (including interest) dating back to the effective date of the Commission's rules or one year, whichever is shorter.

22. The same two-step review process will be used on a going-forward basis when a regulated cable operator seeks a rate increase.

Appeals of Local Franchising Authority Rate Decisions:

23. Appeals of a local franchising authority's rate decision that involve questions of whether or not the decision is consistent with the Commission's rate regulations will be resolved by the Commission; other challenges will be appealed

to local courts. Subscribers and other interested parties who participated in the local rate proceeding will have standing to appeal rate decisions.

Assumption of Jurisdiction by the Commission:

24. If the Commission denies or revokes a franchising authority's certification, it will exercise the franchising authority's jurisdiction over basic rate regulation until the authority requalifies.

Regulation of Basic Service and Equipment Rates

Components of the Basic Service Tier Subject to Rate Regulation:

25. The 1992 Cable Act requires cable operators to offer subscribers a separately available basic service tier to which subscription is required for access to any other tier of service. The basic tier must include, at a minimum, all must-carry signals, all PEG channels, and all television signals other than superstations. The cable operator may add other channels of programming to its basic tier at its discretion. The statutory definition preempts provisions in franchise agreements that require additional services to be carried on the basic tier.

26. Subscribers must purchase the basic service tier in order to gain access to video programming offered on a per-program or per-channel basis. Purchase of the basic tier is not required in order to buy non-video programming services such as cable radio.

27. Cable operators subject to rate regulation may have only one "basic" tier which must be unbundled from all other tiers; multiple basic tiers will not be permitted for rate regulation purposes.

Regulation of Basic Service Tier Rates:

The Benchmark System:

28. A benchmark system will be used to regulate basic service tier rates, with cost-of-service showings available only to allow cable operators to justify rates above the benchmark. Local franchising authorities may not elect cost-of-service as their primary form of rate regulation but must apply the FCC benchmark system.

29. The same benchmark structure and rate levels will be adopted for the basic and cable programming service tiers. This approach will decrease incentives to create "stripped down" basic tiers and cost-shift between tiers in an effort to justify rates above the benchmark levels.

30. The Commission's survey of September 30, 1992 cable rates reveals that, on average, the rates charged by cable systems facing no effective competition are approximately 10 percent higher than rates charged by similarly-situated systems that do face competition. The data further reveal that this "competitive differential" occurs across the industry.

31. The Commission survey results have been used to develop a benchmark formula that will enable regulators to approximate what the competitive rates should be for a given cable system with particular characteristics. This formula will be used to calculate what the competitive rate should be for an individual system.

32. When assessing the reasonableness of a cable system's rates, local franchising authorities may not require systems whose September 30, 1992 rates were below the competitive benchmark to reduce rates below that level. However, the current reasonable rate for the system will be calculated by taking the system's September 30, 1992 rates and adjusting those rates forward for inflation. Regulated systems whose September 30, 1992 rates are above the competitive benchmark will be required to reduce their September 30, 1992 rates to the benchmark or by 10 percent, whichever is less. Their current reasonable rate will then be determined by adjusting the reduced rate forward for inflation. Cable systems not making the 10 percent rate reduction will be required to justify the higher rate to a regulating franchise authority by using a cost-of-service showing.

Special Scrutiny for "Outliers":

33. After August 1, 1993, the Commission will begin investigating the rates of "outlier" systems. Systems subject to investigation will be selected from among those systems, identified by local franchising authorities or subscriber complaints, whose September 30, 1992 rates were substantially above the competitive benchmark. An outlier system subject to such an investigation will have to demonstrate that its high rates are justified by high costs. This enforcement scheme will put systems whose September 30, 1992 rates were well above the benchmark on notice that they face investigation by the FCC. If the Commission finds that their rates are not cost-justified, the systems could be ordered to reduce their rates to whatever level is found to be appropriate, even if that level is below the benchmark.

Rate Increases:

34. Increases in basic service rates regulated by local franchising authorities will be capped by a Commission-established price cap formula. In particular, requested increases may not exceed the GNP fixed weight price index (GNP-PI), which reflects general increases in the cost of doing business and measures changes in overall inflation. Limited exceptions will be made for increases in external costs that are beyond the cable operator's control, such as taxes, franchise fees, the costs of other franchise requirements, and increases in programming costs which exceed the GNP-PI. A proposed rate increase that exceeds the permitted cap must be justified by a cost-of-service showing or will be disallowed.

Cost-of-Service Showings:

35. The Commission, not local franchising authorities, will set standards to govern cost-of-service showings. However, the record does not contain sufficient information for the Commission to adopt final standards at this time. Accordingly, a further Notice of Proposed Rulemaking is being issued to seek

additional comment on the development of appropriate standards. (See paragraphs 63-64, below.)

36. Until final cost-of-service standards are adopted, local franchising authorities will have the discretion to apply general cost-of-service regulatory principles to cost-of-service showings submitted by regulated cable operators. If the local authority's decision is appealed, the operator's cost-of-service showing will be reviewed by the Commission on a case-by-case basis.

Regulation of Equipment Used to Receive the Basic Service Tier:

37. The 1992 Act requires the Commission to establish standards for setting, on the basis of actual cost, the rate for installation and lease of equipment used by subscribers to receive the basic service tier, and installation and lease of monthly connections for additional television receivers.

38. The Commission concludes that equipment "used" to receive the basic service tier includes converter boxes, remote controls, connections for additional television sets and cable home wiring. Such equipment is subject to basic service rate regulation even if it is also used to receive cable programming services. However, equipment used only to receive cable programming services will be regulated by the Commission.

39. Operators must completely unbundle charges for all equipment, additional outlets and installations. Local franchising authorities regulating basic service equipment shall use the actual cost standards developed by the Commission.

Subscriber Bill Itemization:

40. Cable operators may identify as a separate line item on each subscriber bill the amount of any fee, tax, assessment or charge imposed by a government entity on the transaction between the operator and the subscriber.

Regulation of Cable Programming Service Rates and Equipment by FCC

Procedural Issues:

41. Under the 1992 Act, regulation of "cable programming service" rates and equipment is to be conducted by the Commission, not local franchising authorities. "Cable programming service" is defined broadly in the statute as all video programming provided over a cable system except that provided on the basic service tier or on a per-channel or per-program basis. The Commission will also exclude per-program and per-channel premium services offered on a multiplexed or time-shifted basis.

42. The 1992 Act provides that rate regulation of cable programming services and equipment will be a complaint-driven process -- i.e., the Commission will not regulate cable programming service rates until it receives a complaint that a particular operator's rates are unreasonable. Thus, the procedures adopted by the Commission for handling cable programming rate regulation are significantly different from those used to regulate basic service rates.

43. The 1992 Act permits subscribers, franchising authorities and other relevant government entities to file complaints about the rates for cable programming services and equipment. As required by law, complainants alleging that a cable operator's current cable programming rates are unreasonable will have 180 days from the effective date of the Commission's rules to challenge existing rates. On a going-forward basis, complainants must file complaints about cable programming service and equipment rates within 45 days from the time subscribers receive a bill that reflects the rate increase (that is, roughly 75 days from the announcement of the proposed rate increase).

44. In order to avoid dismissal of a complaint, the complainant must supply certain readily available factual information and must allege that the rate is unreasonable because it violates the Commission's rate regulations. Complainants must use the complaint form adopted by the Commission and serve a copy on the cable operator.

45. Subscribers need not obtain the franchising authority's concurrence before filing a complaint with the Commission. However, franchising authorities are encouraged to assist subscribers in completing complaint forms and subscribers are free to attach the views of the franchising authority when submitting a complaint to the FCC. Franchising authorities will not be permitted to formally review and adjudicate cable programming service complaints in the first instance.

46. Upon receipt of a cable programming service complaint submitted on the FCC form, the Commission will review the complaint to determine whether it meets the minimum showing needed to permit the complaint to go forward. The operator must respond to a complaint within 30 days of its receipt, unless the Commission notifies the operator that the complaint fails to satisfy the minimum showing requirement.

47. If cable programming service rates are found to be unreasonable, the Commission will order the operator to reduce the rates to a specific reasonable level and to reflect that reduction in prospective bills to customers. Generally, the rate specified as reasonable will be the applicable benchmark, although the Commission may specify a higher rate depending on an operator's cost-of-service showing. The operator will then be required to refund overages (plus interest) to subscribers, with refunds being calculated from the date the complaint was filed until the date the operator implements the reduced rate prospectively in bills to subscribers.

Substantive Issues:

48. The Commission does not believe that the 1992 Act mandates use of a "bad actor" test for cable programming service rates, and the Commission's standards for reviewing complaints about such rates will not be designed simply to reach those cable operators whose rates for cable programming services are "egregious." Rather, when assessing a complaint that a system's cable programming service rates are unreasonable, the Commission will use the same test of reasonableness adopted for basic service rate regulation.

49. As with basic service rates, the Commission will use a benchmark approach as the principal form of rate regulation for cable programming services, with cost-of-service showings used only by cable systems whose rates exceed the benchmarks. The same benchmark system developed for basic service rate regulation discussed above in paragraphs 28-34 will be applied when evaluating complaints about the alleged unreasonableness of cable programming service rates.

50. Complaints concerning the rates for equipment used to receive cable programming services also will be evaluated using the same "actual cost" approach developed for equipment used to receive the basic service tier. Operators whose cable programming service equipment rates are the subject of a complaint filed at the Commission will have to unbundle its equipment charges and establish that those charges comply with the Commission's "actual cost" standard.

Provisions Applicable to Cable Service Generally

Geographically Uniform Rate Structure:

51. A cable system must have a uniform rate structure throughout the franchise area. This requirement, however, does not preclude operators from establishing reasonable categories of customers and services. The reasonableness of such categories will be determined on a case-by-case basis by the governmental entity regulating rates.

Discrimination:

52. A cable operator may offer reasonable discounts to senior citizens and other economically disadvantaged individuals. For this purpose, an "economically disadvantaged individual" will be defined as a person who receives federal, state or local welfare assistance.

Negative Option Billing:

53. The 1992 Act provides that an operator may not charge a subscriber for "any service or equipment that the subscriber has not affirmatively requested by name." This limitation on so-called "negative option billing" applies whenever a new tier or single channel service is added. However, restructuring undertaken to respond to the Commission's new rate regulations will not bring the negative option billing provision into play as long as subscribers continue to receive the same number of channels and the same equipment, and the total price for the services does not change. On a going-forward basis, the provision does not apply to changes in the mix of channels in a tier, even when those changes are accompanied by a rate increase, unless the changes alter the fundamental nature of the service tier.

Further Notice and Survey of Cable Service and Equipment Rates:

54. The Commission will conduct detailed cost studies of selected cable operations to test the accuracy of its benchmark. In addition, next fall, the Commission will conduct another survey of a random sample of cable systems to collect information about equipment and program service rates. The results of this survey and the cost studies will be used to assess whether the benchmark

formula developed by the Commission should be further refined. Although the Commission will not at this time require all cable operators to file annual financial information, it will explore this issue further in the Further Notice on cost accounting and cost allocation rules.

55. The Commission observes that including all types of "competitive" systems, as defined under the 1992 Act, in its analysis of September 30, 1992 cable rates resulted in an average difference in prices between competitive and noncompetitive systems that was lower than if some competitive systems -- i.e., those with lower than 30 percent penetration -- were not included in the analysis. The Commission thus will issue a Further Notice to request further comment on whether there is a legal basis for excluding these low penetration systems from its analysis and, if so, whether they should be excluded and rates reduced even further.

Prevention of Evasions:

56. Prohibited "evasions" will be defined as any practice or action which avoids the rate regulation provisions of the 1992 Act or the Commission's rules contrary to the intent of the Act or its underlying policies.

Treatment of Small Systems:

57. Franchise authorities regulating small cable systems will be permitted to exempt those systems from having to file an initial rate schedule with the franchising authority. In such cases, the small system need simply certify to the authority that its rates for basic service and equipment are reasonable and are within the applicable benchmark formula. However, a small system whose rates exceed the benchmark, a small system proposing to increase its basic service rates or a small system answering a cable programming service complaint will not be exempted from the procedures the Commission has established. For these purposes, a "small system" is a system with fewer than 1,000 subscribers.

Grandfathering Existing Rate Agreements:

58. Franchising authorities already regulating rates pursuant to a franchise agreement executed before July 1, 1990 may continue to regulate basic service and equipment rates for the remainder of the franchise term without filing a certification with the Commission. Authorities with agreements signed after that date must be certified by the Commission. Moreover, franchising authorities regulating rates pursuant to grandfathered franchise agreements must nonetheless comply with the Commission's rate regulation procedures and standards.

Reports on Average Prices:

59. The 1992 Act requires the Commission to annually publish statistical reports regarding average cable rates and associated fees, including a comparison of such charges between those cable systems that are subject to effective competition and those systems that are not. The Commission will use the results of the survey described above in paragraph 54 to collect the information

necessary to compile this report.

Leased Commercial Access

60. The Communications Act requires that cable systems with 36 or more channels make available a portion of their channel capacity for lease by outside unaffiliated parties. The Commission is provided with expanded authority under the 1992 Act to determine the maximum reasonable rates that may be charged for use of these leased access channels. The rules adopted set a maximum channel rate based on the highest implicit fee charged to any nonaffiliated programmer within the same program category. The implicit rate is calculated by determining the amount paid per month by subscribers for the service and deducting from that the amount that is paid per month to the programming service vendor. The difference between the amount received and the amount paid is the implicit leased channel rate. Such rates are to be calculated separately for pay-per-program or pay channels, channels containing more than fifty percent direct sales (home shopping networks), and all other channels.

61. In accordance with the statutory provisions, up to 33 percent of a system's designated leased channel capacity may be used for qualified minority or educational programming purchased by the system operator rather than by leased channel programming. The operator may also be required to provide billing and collection services, unless the operator can demonstrate that third parties provide services which, in terms of cost and accessibility, offer leased access programmers an alternative substantially equivalent to that offered to comparable non-leased programming.

62. Given the lack of focus on leased channel issues in this proceeding and the absence of Commission experience in administering rules of this type, the Commission will collect additional information regarding the functioning of the leased access rate rules and will revise the rules as necessary. An expedited complaint process will be used to address complaints regarding leased channel rate and access issues.

Further Notice of Proposed Rulemaking on Cost-of-Service Standards

63. The Commission has determined that it does not have sufficient information to adopt cost-of-service standards to govern cost showings by cable operators seeking to raise rates above capped levels. Cost-of-service standards will govern the level of cost averaging permitted and define the costs and level of earnings that will permit rate increases above capped levels.

64. The Commission thus seeks further comment on what level of cost averaging should be permitted in cost-of-service showings: franchise, system or company level. It also seeks comment on what determinations should be made with respect to allowable rate base, earning and depreciation of plant and equipment. Pending resolution of the further rulemaking, cable operators will be required in any cost-of-service showing to present costs averaged in accordance with current practices. Local authorities and the Commission will review cost-of-service showings in the interim on a case-by-case basis.

April 23

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: April 23, 1993

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Meeting Location

***** PLEASE NOTE *****

Your meetings for Monday and Tuesday nights, 4/26 and 4/27,
have been scheduled for the Faculty Dining Room at the High
School.



ACTON PUBLIC SCHOOLS
ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT
16 Charter Road
Acton, Massachusetts 01720

- Prin.
- Cust.
- Foods Dir.
- Bldg. & Grds.
- Aud. Vis.
- Ev. Assis.
- Auth. Rep.
- File

APR 20 1993

APPLICATION FOR USE OF SCHOOL FACILITIES

1. Complete and file with the Acton-Boxborough Community Education office: 16 Charter Road, Acton, MA, 01720 (Tel. 264-4700 X5013) at least FOUR WEEKS PRIOR TO DATE DESIRED.

DATE OF APPLICATION 4/16 PERMIT NO. HS 951
(office use only)

1. Town of Acton (Name of Organization) Christine Joyce (Authorized Representative)

472 Main St. (Address) _____ (Address)

Telephone 264-9612 Telephone _____ (Home) _____ (Work)

2. DATE(S) REQUESTED April 26 and 27 Day of Week Mon - Tuesday

3. BUILDING REQUESTED: SENIOR HIGH JUNIOR HIGH, BLANCHARD AUD/JR HIGH GYM, DOUGLAS, CONANT, MC CARTHY-TOWNE, GATES, MERRIAM
(Please circle)

FACILITY REQUESTED (please check)

- Auditorium
- Cafeteria
- Classroom(s)
- Gymnasium
- Kitchen
- Library
- Guidance Lab
- Music Room
- Other Pre-Town mtg.

5. TYPE OF ACTIVITY Faculty Dining Room at High School (Be Specific)

6. APPROXIMATE NUMBER OF PEOPLE ATTENDING 9 NO. OF ADULT SUPV. _____

7. ENTRANCE TIME TO FACILITY: 6:30 TIME OF ACTIVITY 6:45 CLOSE AT 7:30

8. EQUIPMENT DESIRED:

- Chairs _____ No Needed
- Tables _____ No Needed
- Other _____
- Slide Projector _____
- Screen _____
- Movie Projector _____
- Still Projector _____
- Public Address System _____
- Overhead Proj. _____
- Record Player _____

*For Use of Audio Visual equipment call 264-4700 X5661.

9. SERVICES NEEDED:

- Custodian
- Police
- Audio/Visual Operator
- Other _____

*Final decision as to need for custodian, police, etc. will be determined by School Authority.

10. ESTIMATED RENTAL FEES: Custodian _____
Kitchen _____
Bldg. Rental _____
Other _____

11. Class # 1

Invoice will be prepared and sent to requesting organization from the Community Education office following the event.
PLEASE READ "RULES AND REGULATIONS GOVERNING USE OF SCHOOL FACILITIES" - I HAVE READ THE RULES AND REGULATIONS GOVERNING USE OF SCHOOL FACILITIES AS ADOPTED BY THE SCHOOL COMMITTEE AND AGREE TO ABIDE BY THEM IN THEIR ENTIRETY. THE LESSEE OR USER OF THE FACILITY WILL HOLD THE SCHOOL COMMITTEE (ACTON PUBLIC AND ACTON-BOXBOROUGH REGIONAL) AND ALL ITS AGENTS AND REPRESENTATIVES HARMLESS FROM ANY PROBLEM RESULTING FROM THE LEASING OR UTILIZATION OF THE PREMISES. THE ACTON PUBLIC AND/OR ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE(S) RESERVES THE RIGHT TO CANCEL ANY PERMISSION WHENEVER, IN ITS DISCRETION, SUCH CANCELLATION SEEMS ADVISABLE. ORGANIZATIONS USING SCHOOL FACILITIES MUST CONCLUDE THEIR ACTIVITIES BY 11:00 P.M.

Christine Joyce
(Authorized Representative's Signature) _____ (Date)

CONFIDENTIAL

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager DATE: April 22, 1993
FROM: Roland Bartl, Town Planner *R.B.*
SUBJECT: Land Court Decision in DiDuca

Today I have spoken with Don Schmidt at EOCD concerning the DiDuca case. As you know, Don Schmidt is the editor of "The Land Use Manager", an EOCD publication. He has been editor of this publication for a great number of years covering legal developments in the areas of zoning and subdivision, including many court decisions. The purpose of my call was to find out what financial and/or legal assistance might be available to the Town of Acton to pursue this case further. Well, the answer to this was "none".

Interestingly though was his question during our conversation whether it was judge Sullivan who decided the cases. When I told him it was, he wasn't too surprised. He also stated that Sullivan "gets overturned quite a bit on appeal".

xc: Planning Board

[RHB.ZONE.93*16]

cc: BOS

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: April 23, 1993

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: "Mandate" Request from Schools

The attached correspondence from Bill Ryan is self explanatory. I am forwarding it in your weekend packet to give you an opportunity to consider the request. Subject to receipt of information noted below, I would suggest that the Board might want to make a determination as early as Tuesday, April 27.

By copy of this memo and the attachments to Town Counsel and Doug Halley, I am asking that they both review the request and provide any comments or recommendations that they may wish you to consider. If possible, I would ask that they make this information available prior to your meeting Tuesday evening, April 27.

cc: Norm Cohen
Doug Halley





ACTON PUBLIC SCHOOLS • ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT

16 Charter Road • Acton, MA 01720-2995 • (508) 264-4700 • FAX (508) 263-8409

OFFICE OF THE SUPERINTENDENT
William L. Ryan
Interim Superintendent of Schools

April 15, 1993

Mr. Donald Johnson
Acton Town Manager
Acton Town Hall
Main Street
Acton, MA 01720

Dear Don:

Enclosed is a copy of a draft of a proposed letter to the State Auditor to determine whether or not DEP's requirement to install a waste treatment facility at the High School results in the imposition of a "mandate" on the towns of Acton and Boxborough. I would appreciate it if you would ask the selectmen to support this request.

Sincerely,

William L. Ryan
Interim Superintendent of Schools

WLR/k

Enc.

cc Mr. Donald Wheeler
Mrs. Jean Butler
Mr. Malcolm Reid
Mr. Stephen Desy

ROPES & GRAY
ONE INTERNATIONAL PLACE
BOSTON, MASSACHUSETTS 02110-2624

30 KENNEDY PLAZA
PROVIDENCE, R. I. 02903
(401) 455-4400
TELECOPIER: (401) 455-4401

(617) 951-7000
TELECOPIER: (617) 951-7050

1001 PENNSYLVANIA AVENUE, N. W.
SUITE 1200 SOUTH
WASHINGTON, D. C. 20004
(202) 626-3900
TELECOPIER: (202) 626-3961

Writer's Direct Dial Number: (617) 951-7219

April 7, 1993

EXPRESS MAIL

Mr. Steve Desy
Acton-Boxborough Regional High School
Director, Facilities & Transportation
16 Charter Road
Acton, MA 01720

Dear Steve:

I am passing along to you a draft of a proposed letter to the State Auditor. As you will see, this letter requests the State Auditor to determine whether or not DEP's requirement to install a waste water treatment facility at the High School results in the imposition of a so-called "mandate" on the towns of Acton and Boxborough. The legislation which promulgated Proposition 2½ also prohibited the state from imposing new requirements on cities and towns after the date of Proposition 2½ unless the state first agreed to fund these "mandates". We are hopeful that the State Auditor will rule in our favor on this matter. The only hitch is that the legislative prohibition on mandates in the state law does not on its face contemplate requirements imposed on regional school districts as opposed to directly on municipalities. Nevertheless, we think we still have a decent shot for success.

I propose that we circulate the letters to the selectmen in the towns of Acton and Boxborough for their review. Hopefully, we can have the letter retyped on their letterhead and forwarded to the State Auditor's office.

Give me a call, and we can discuss this further.

Very truly yours,


John E. McElhinney

JEM/slw: JEMLTRSD.AB
Enclosure

cc: Mr. Bill Ryan
Mr. Mark Pare
Henry L. Hall, Esq.

[Letterhead of Town of Acton]

April __, 1993

The Honorable A. Joseph DeNucci
Auditor of the Commonwealth
State House
Boston, Massachusetts 02133

Attn: Kenneth A. Marchus
Division of Local Mandates

Re: Determination of Local Mandate

Dear Mr. DeNucci

Pursuant to Chapter 29, Section 27C(d), of the General Laws, the Towns of Acton and Boxborough request a determination whether the costs imposed by The Commonwealth of Massachusetts on them pursuant to regulations set forth at 314 CMR c.5 have been paid in full by the Commonwealth for FY 1993, and if not, the amount of any deficiency.

In support of that request, the Towns hereby state as follows:

1. On October 15, 1983 the Division of Water Pollution Control promulgated new regulations codified at 314 CMR c. 5 pursuant to its authority under Chapter 21, §§26-53 of the General Laws. In relevant part, the regulations provide that any person discharging more than 15,000 gpd of sanitary wastewater to the ground, and who is not exempt from 314 CMR 5.05, must obtain a groundwater discharge permit from the Division. A copy of this regulation is submitted with this letter as Exhibit A.

2. The Acton-Boxborough Regional School District operates a septic system on its land to handle wastewater from the Regional High School. In 1992, problems developed with the system and the local Board of Health and Department of Environmental Protection (DEP) were notified of the need for repairs. Repairs were made to the system and were completed in early 1993. The Acton Board of Health has confirmed that the septic system is now operating properly (see Exhibit B).
3. In February, 1993, DEP notified the Acton-Boxborough Regional School District that it must obtain a groundwater discharge permit in connection with the continued use of the septic system at the Regional High School. A copy of the notice is submitted as Exhibit C.
4. DEP has indicated in a proposed Consent Order dated 2/11/93 that it will not issue the required permit unless the effluent is treated in a tertiary treatment sewage package plant. A copy of this proposed Consent Order is submitted as Exhibit D.
5. Compliance with said regulations will result in the imposition of additional construction costs of approximately \$600,000 on the Towns of Acton and Boxborough according to estimates provided by DeFeo, Waite & Paré, an environmental consultant. A copy of this estimate is submitted as Exhibit E.
6. Under the Agreement establishing the Acton-Boxborough Regional School District, costs of capital outlay, such as the tertiary treatment sewage package plant required by DEP, are apportioned to the Towns of Acton and Boxborough as follows: Acton 95% and Boxborough 5%.

We note that Section 27C does not speak directly to mandates imposed upon regional school districts; however, since costs imposed upon the Acton-Boxborough Regional School District are apportioned to and paid by its member towns, the DEP regulations described above and its proposed rule and Consent Order "shall result in the imposition of additional costs upon" the Towns of Acton and Boxborough within the meaning of subsection (c) of

April __, 1993

Section 27C. Therefore, the regulations and administrative rules at issue fall squarely within the prohibition on mandates imposed by the Commonwealth.

We would appreciate your prompt response to this request.

Very truly yours,

TOWN OF BOXBOROUGH

TOWN OF ACTON

By _____

By _____

Board of Selectmen

ACTON-BOXBOROUGH REGIONAL
SCHOOL DISTRICT

Board of Selectmen

By _____
Chairman, Regional District
School Committee

JEMLETJD.AB

BOS CONCERNS 4/27

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Selectmen ✓
Conservation Commission

DATE: April 22, 1993

FROM: Roland Bartl, Town Planner R.B.

SUBJECT: Maple Hurst Farm Subdivision and PCRC

The Planning Board has before it a proposed Subdivision and Planned Conservation Residential Community (PCRC) plan for Maple Hurst Farm (formerly Reed Farm) located in West Acton on the south side of Summer Street between Winter Street and Ethan Allen Drive. Proposed are 15 house lots and common land totaling ~33 acres, which would consist of parcel A - ~31.5 acres, and parcel B - ~1.5 acres. The common land would include major portions of the existing open field on Summer Street and stretch all the way back to Squirrel Hill Road. Attached are a locus plan and a general layout plan of the proposed development.

Please provide the Planning Board before its public hearing on May 10th, 1993 with your comments, particularly your recommendations concerning the future ownership of the proposed common land. There is no Town owned land in the area. The proposed development does not directly abut public land anywhere. The Water District owns land behind the houses on the opposite side of Summer Street and between Highland Road and Ethan Allen Drive.

cc: Planning Board

[RHB.SP.P.93*21]

BOXBOROUGH
ACTON

ROUTE 111

BIRCH RIDGE

LOCUS

SUMMER

DR

BETSY
ROSS

PAUL
REVERE

ALLEN

ETHAN

BLACK HORSE DR

HIGHLAND
SQUIRREL

WINTER
ST

HILL

DUGGAN RD

ACTON

RD

NOTION
STREET

ARLINGTON

STREET

WILLOW

STOW
ACTON

BOSTON & MAINE R.R.

LOCUS

SCALE: 1" = 1200'

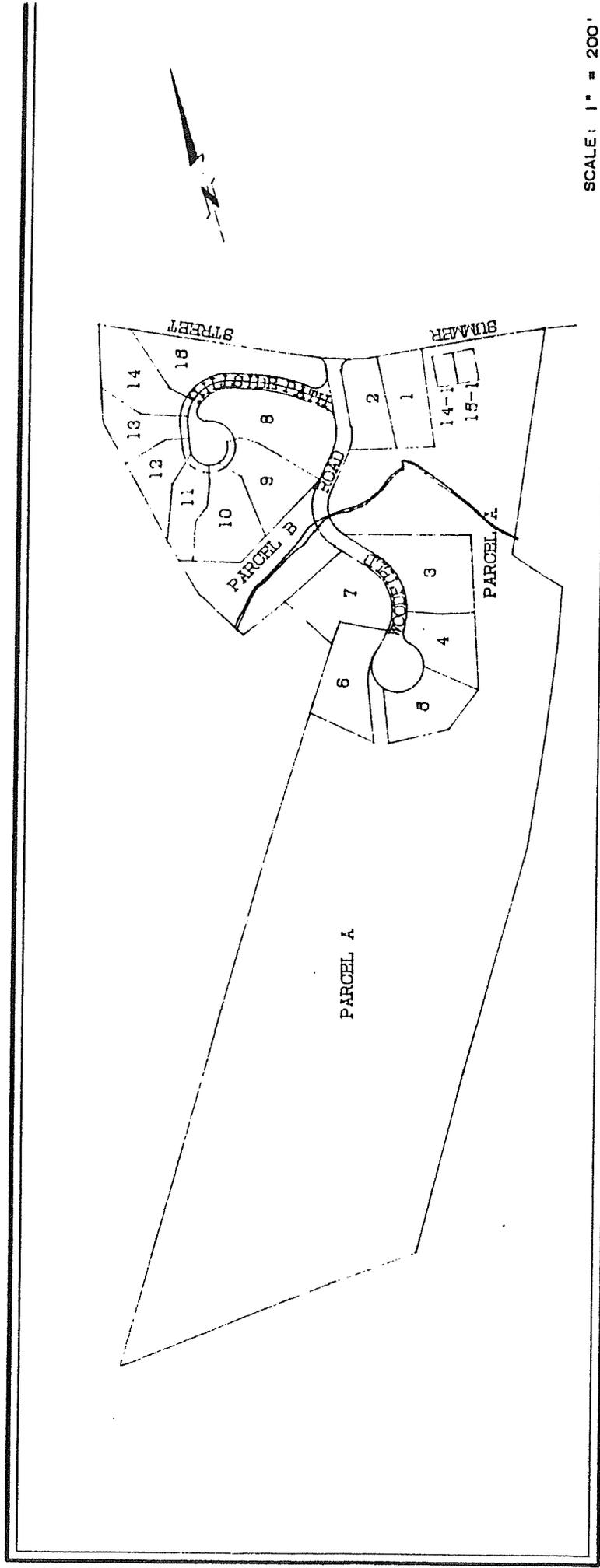
MAPLE HURST FARM

SUMMER STREET

ACTON

DEFINITIVE SUBDIVISION PLAN

MARCH 1993



SCALE: 1" = 200'

BOS CONCERNS 4/27

APR 20 1993

11 Whittier Drive
Acton, MA 01720
April 16, 1993

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

Dear Selectmen:

Subject: Acton Garden Club Annual Plant Sale
Saturday, May 15, 1993

I am requesting permission to place a sandwich board sign on town property between Town Hall and library approximately ten (10) days before and up to the May 15 Plant Sale.

Please send me a letter of acknowledgement. Thank you.

Sincerely,

Lyn Fischer

Lyn Fischer
Co-Chairman, Plant Sale

cc: Mr. Garry Rhodes
Building Commissioner

CC: BOS - FYI RE TOWN MTG.

TOWN OF ACTON
BUILDING DEPARTMENT

472 Main Street Acton, Massachusetts 01720

GARRY A. RHODES
BUILDING COMMISSIONER
(508)264-9632

April 20, 1993

Mr. William L. Ryan
Interim Superintendent
16 Charter Road
Acton, MA 01720

Dear Mr. Ryan:

I am writing as a follow-up of our April 16 telephone conversation. As you are aware, I have been asked by the Town Manager and Town Clerk to provide the audio and visual links between the school field house and auditorium as part of the Town Meeting.

It has been agreed that we will be able to set up seats in the field house on April 30. Sometime prior to that date, all gym equipment will have to be removed from that area. With the help of the schools electrician, some of the lighting in the field house will be need to be disconnected so as to ensure proper lighting for both the television cameras and the video projectors. I will clear this with Mr. Desy.

I have provided for 500 seats to be brought into the old gym after 2:30 the afternoon of April 26. These seats will remain on racks and not set up unless needed for overflow. It is hoped that the bleachers will provide enough seating for non-registered voters.

Additional handicap parking will be provided at the entrance to the new gym. This entrance will be for disabled persons only. All others will be asked to enter and register at Common "C". We will be posting fire lanes on April 26. This will ensure access for emergency vehicles.

The electronic equipment will need to be set up on either April 24 or 25. I will contact Mr. Desy with the date so that access will be available. I will personally be on site while the contractors are installing this equipment.

After 4 PM on April 26, Common "C" will be set up with the assistance of your custodians. Both Common "C" and the old gym will be returned to their original condition at the end of each night's meeting.

It has been suggested by the Town Manager that because of the volume of expected traffic, the school buses and any other school vehicles be moved from the school parking lots to other areas so that all available parking can be utilized.

If you have any questions or concerns, please feel free to contact me. Thank you for your cooperation.

Sincerely,


Garry A. Rhodes
Building Commissioner

cc: Don Johnson

6 Bromfield Road
Acton, MA 01720

DUPLICATE LTR. SENT

TO EA. SELECTMAN. ONE
COPIED FOR EASE IN PREPARING

April 13, 1993

Dear Ms. Tavernier, YOUR PACKET.

Since the comments which I had prepared for Town Meeting are actually directed to the Board of Selectmen, I hope to save everyone's time by corresponding directly to each of the Board members and the moderator.

I have been a Resident and taxpayer in Acton for 11 years. This is the first year that we are privileged to use the school system that we have helped to support for the past 11 years. I have never during these years objected to the need to maintain support for programs and services that benefit the community as a whole. I find it extremely unfortunate that many of the arguments against the Proposition 2 1/2 override from those who perceive no direct need for specific services - be it the schools or the West Acton Library or any other part of the budget. I hope the message comes across at Town Meeting that the services that may be preserved through the proposal for a smaller override will benefit all members of the Acton community, whether directly or indirectly.

From what I have heard and read in the newspaper, however, it appears that even if the participants at Town Meeting do support and vote in favor the motion for a second override election for a more modest sum of money than the initial override, the Board of Selectmen is not required to honor that vote and may choose to do so only if they perceive overwhelming support for a second election. But I am extremely concerned that many members of the community in support of this motion may not have equal voice in this "Democratic process" of town meeting.

I would like the Board to consider, when the vote is taken, that there are many members of this community, both men and women, who are unable to be heard at Town Meeting because they could not find a babysitter who could stay out as late on a school night as Town Meeting might last. The cancellation and rescheduling of Town Meeting presents further hardship, not to mention additional cost, for parents in this situation. Although this process does not permit absentee voting, I think it is important to recognize that there are significant numbers of parents in this situation. I hope that this might be taken into consideration by the Selectmen in the final decision to call a special election.

I would like to add that many parents may not have the luxury of babysitters for multiple nights that Town Meeting might last or may feel that they cannot leave their children for two consecutive nights. This does not mean that we care any less about the issues affecting this town but that it is difficult to

balance our involvement in this process with the needs of our families.

Those opposed to a new override vote may attempt to reverse support of a new election through a motion for reconsideration if they perceive that many of the initial motion's supporters do not attend the second night of Town Meeting. I am not sure that prevention of reconsideration is a legitimate parliamentary procedure, but I would hope again that a reconsideration motion would not be used to discriminate against parents of young children who would most severely impacted by a vote against a new override election.

Sincerely,

Marilyn P. Leeds

Marilyn P. Leeds



cc: BOS

ACTON PUBLIC SCHOOLS • ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT

16 Charter Road • Acton, MA 01720-2995 • (508) 264-4700 • FAX (508) 263-8409

OFFICE OF THE SUPERINTENDENT
William L. Ryan
Interim Superintendent of Schools

April 12, 1993

ACTON-BOXBOROUGH ASSESSMENT FOR 1993-1994

TOWN OF ACTON

- To: 1. Chairman, Board of Selectmen
c/o Executive Officer
2. Chairman, Finance Committee
 3. Liaison Person, Finance Committee
 4. Town Manager
 5. Town Treasurer

By vote of the Acton-Boxborough Regional School Committee on April 7, 1993 your town's assessment for 1993-94 is: \$7,566,675. Member town's assessments will be further reduced if Per Pupil Education Aid (\$100 per student in F.Y.'93) is included as general education aid for F.Y.'94.

Sincerely,

B. L.

William L. Ryan,
Interim Superintendent
of Schools

WLR/baw

cc: Donald Wheeler
Malcolm Reid
Peter Beanland
Roberta O'Connell



OLD NORTH BRIDGE

TOWN OF CONCORD
TOWN HOUSE - P.O. BOX 535
CONCORD, MASSACHUSETTS 01742
508-371-6200 508-371-6202
FAX 508-369-5240

cc: BOS
DORE' PLS. NOTE.

SOLID WASTE MANAGEMENT CONFERENCE:
Policy, Practice, and Planning

Concord Town House
Saturday, May 15th
AM: Presentations
PM: Discussion

Sponsored by the Concord Landfill Task Force

Come for just the morning, or stay all day. Professional staff and members of volunteer committees are invited and we hope both will attend. The effectiveness of this meeting will increase with the number of people and towns participating!

SPEAKERS INCLUDE:

- State DEP** Sorry, no name here yet, but a representative is expected.
- Steven Katz** Vice President and General Counsel of CRInc., largest recycling firm in the U.S. Mr. Katz will address potential problems encountered by inter-municipal efforts.
- Virginia Valiela** Falmouth Selectwoman, who in her professional life is associated with SEAMASS, multi-town provider of waste disposal services utilizing a range of facilities and methods
- Jack Macey** Expert on Co-composting technology and start-up
- Pam Resor** State Representative who has taken a special interest in legislative action regarding the Solid Waste Master Plan and environmental reform.

- 9:00** Arrival and Registration
- 9:30** Guest Speakers
- 12:30** Brown Bag Lunch (for those who wish to stay)
- 1:30** Small Group Workshops
- 2:30** Discussion: Where do we go from here?

CONFERENCE IS FREE. Please pre-register as soon as possible by calling the Concord Selectmen's office at (508) 371-6202. Beverages will be provided during breaks, but please bring your own lunch. If you responded to our March letter, a questionnaire about waste management in your town has been mailed to the person you indicated. Otherwise, the form is enclosed with this announcement. Results of all questionnaires received by May 12th will be summarized for distribution at the conference.

SOLID WASTE MANAGEMENT QUESTIONNAIRE

PLEASE RETURN TO:
LANDFILL TASK FORCE
TOWN OF CONCORD
P.O. BOX 535, CONCORD, MA 01742
 Fax (508) 369-5240

Please refer this form to a staff or committee member who will be best able to answer these questions without undue effort or special research. Our objective is to obtain an overview of solid waste management policy and practice in towns in our general area. Precise answers are not required. Please return completed forms to the address shown above. Responses received by May 13th will be summarized for distribution at a conference to be held in Concord on May 15th. (See details enclosed.) Summaries will also be provided to guests scheduled to speak at this conference.

TOWN: _____ POPULATION: _____
 ESTIMATED ANNUAL SOLID WASTE TONNAGE (refuse) _____
 ESTIMATED ANNUAL RECYCLABLE TONNAGE _____

How many solid waste disposal services (including municipal) operate in your Town? _____

If the answers to these questions will refer to a municipal program only:

Percentage of total households participating? _____

Percentage of total businesses participating? _____

HOW ARE SERVICES FUNDED? (if combination, show approx %)

	-----USER FEE-----		
	TAX RATE	FLAT RATE	PER UNIT
Solid Waste Collection	-----	-----	-----
Recycle Collection	-----	-----	-----
Solid Waste Disposal	-----	-----	-----
Recycle Disposal	-----	-----	-----

TOTAL estimated COST per household for collection and disposal of recycles? _____

TOTAL estimated COST per household for collection and disposal of solid waste? _____

Is solid waste management financed through an enterprise or revolving fund? _____

If yes, what were the results? (please check) SURPLUS DEFICIT BREAK-EVEN

Two years ago _____

Last fiscal year _____

Expected this fiscal year _____

METHOD OF COLLECTION? (if combination, show approx %)

	CURBSIDE	DROP-OFF
Solid Waste	-----	-----
Recycles	-----	-----

METHOD OF SOLID WASTE DISPOSAL? ESTIMATED % TIPPING FEE \$

Municipal (own) landfill	-----	-----
Transfer station to commercial landfill	-----	-----
Transfer station to incinerator	-----	-----
Curbside direct commercial landfill	-----	-----
Curbside direct to incinerator	-----	-----
Other, please specify	-----	-----

Do you accept trash from outside your home community? _____

If you are using a landfill, what is its expected remaining useful life? _____

METHOD OF RECYCLE DISPOSAL? ESTIMATED %

Curbside to transfer station	-----
Curbside direct to outside contractor (MRF)	-----
Drop-off (town-managed)	-----
Drop-off (contracted services)	-----
Other, please specify	-----

WHAT SPECIAL CATEGORIES OF WASTE ARE ACCEPTED? (check)

	-----YES-----		Please briefly describe any special handling or procedure.
	NO	SAME FEE	
Garbage (food wastes)	-----	-----	-----
Construc./demolition debris	-----	-----	-----
Commercial solid waste	-----	-----	-----
Stumps	-----	-----	-----
Yard waste (grass/branches)	-----	-----	-----
Leaves	-----	-----	-----
Tires	-----	-----	-----
Light iron	-----	-----	-----
CFC/freon appliances	-----	-----	-----
Non-CFC/freon Appliances	-----	-----	-----
Waste Oil	-----	-----	-----

HOW DO YOU DISPOSE OF THE FOLLOWING?

Street sweepings -----
 Catch basin cleanings -----
 Sewage sludge -----

DO YOU HAVE A HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM?

NO -----
 YES ----- HOW OFTEN? ----- DATE OF LAST HHW DAY? -----
 Approximate number of households served per year? -----
 How is your program financed? -----

PLEASE CHECK ANY THAT APPLY:

- Currently have a multi-town agreement for.....
 - solid waste collection -----
 - solid waste disposal -----
 - recycle collection -----
 - recycle disposal -----
 - other (please specify) -----
- Could you foresee your town undertaking.....
 - expansion of existing landfill -----
 - development of new landfill -----
 - cooperative venture with landfill in nearby community -----
 - development of your own incinerator -----
 - joining a multi-town incinerator project -----
 - development of your own co-composting facility -----
 - joining a multi-town co-composting project -----
 - joining a multi-town recycle marketing program -----
 - joining a multi-town hazardous waste program -----
 - We license commercial trash haulers -----
 - We have a Flow Control Bylaw -----
 - We have a Recycling Bylaw -----

NAME AND PHONE OF PERSON COMPLETING THIS FORM:

Is there a specific question you would like a speaker to answer?

MEMO: 4/12/93

FROM: SARC

TO: Doug Halley, Health Director

SUBJECT: RFP for Great Hill/"Mill Corner" wastewater treatment plant feasibility study

APR 20 1993

The South Acton Revitalization Committee has looked over this Request for Proposals, and would like to offer the following comments.

1. We understand that it is anticipated that the proposed study should cost approximately \$10,000, and that it would be funded by the present Great Hill donation account, which was given to the town by the former developer of the site. Although this type of study was not one of the purposes for which this fund was originally intended, we believe that, since doing the study is clearly in the interest of South Acton's revitalization, this would be an appropriate use for money from this source.

2. The RFP reads as a somewhat open-ended request for cost estimates. We believe it should be emphasized to the applicants that the town's goal is to seek a solution that will alleviate the septic-disposal problems for some of South Acton for the proposed \$300,000.

3. The RFP calls for a consultant to examine "all cost-effective alternatives" as well as any existing plans and reports in regard to sewerage South Acton and the Great Hill development. We hope that this question will be interpreted very broadly, so that the proposed study can be used to look at all possibilities, including some which may not have been discussed, such as the feasibility of sites other than the Great Hill leach field for disposal of the effluent from the plant, or even other sites for the plant itself that might make it possible to serve more properties.

4. Similarly, we hope that the study will include an analysis of relevant existing state and federal laws and their impact on the proposed project and its alternatives or variations. For instance, what current requirements govern the dilution of the effluent from such a plant by means of water from a well or other source? If, as is our understanding, Fort Pond Brook is currently in violation of state water quality standards, is there a possibility that diversion of high-quality discharge from the plant to the brook could improve the quality of the brook water? Would this type of disposal make it possible to include more properties?

5. We consider the question of how to designate the South Acton properties to be serviced by the proposed plant, as well as the anticipation of any costs to the property owners who tie into the system, to be an important aspect of this evaluation, and would like to see some advice on it included as part of the study.

6. At the public hearing on the "Mill Corner" project, the point was made that there is a significant cost difference between a privately-built treatment plant and one built by a municipality. It should be made clear to the applicants which type of cost estimating is to be done, or whether both are to be investigated.

Finally, although we wholeheartedly support this study as a step that may bring the town closer to a badly needed solution to South Acton's septic problems, we want to emphasize that we see the proposed Great Hill facility as only a partial approach to a much larger problem. Five future South Acton sewer districts were identified in the 1980's, of which it appears this plant may serve only one at best. If it succeeds in sewerage a part of South Acton center we will be grateful, but we hope the town will not lose sight of all the remaining properties still badly in need of a solution.

cc: Board of Selectmen

ACTON-BOXBOROUGH CULTURAL COUNCIL



April 16, 1993

Office of Selectmen
Town of Acton
Acton, MA 01720

Office of Selectmen
Town of Boxborough
Boxborough, MA 01719

Dear Selectmen:

New guidelines recently issued by the Massachusetts Cultural Council (MCC) urged local councils to change their names to *Cultural Council* to reflect the revised MCC mission statement. The Acton Boxborough Council decided to follow this suggestion and we are now known as **Acton Boxborough Cultural Council**.

My telephone number is 897-2826. Please feel free to contact me if you have any questions or concerns.

Sincerely,

Gail E. Erwin
Chairperson

cc: Town of Acton Volunteer Committee

NOTE TO BOS:

IT'S NOT THAT EASY, FOLKS!
THIS IS A CHARTER COMMITTEE
AND TAKES A CHARTER AMENDMENT
TO MAKE IT OFFICIAL. STAFF WILL
DRAFT A LETTER TO THIS EFFECT IF YOU WANT
CC: VCC

April 8, 1993

235 Old Harvard Rd.
Boxborough, MA
01719

Acton Commission on Disability
Acton Town Hall
472 Main Street
Acton, MA 01720

Attn.: Mr. Walter Kiver

Dear Mr. Kiver,

On Monday, March 30, 1993, I had the wonderful experience of meeting The Kids on the Block, who had come to the Blanchard Memorial School in Boxborough. I only met Renaldo, Mandy and Valery. They were introduced and represented by Nancy Anselmo, Debra Elliott, Linda Gullede, Julie Liuzzo, Rosemare Lundberg, Linda McHugh, Kathy Parker and Sandy Vesty. These women all volunteered their time to bring to young children an understanding and awareness of people with disabilities.

I was very impressed with their performance and how well they were able to keep the attention of the Blanchard first graders. The students were very involved at question and answer time. The program was educational and entertaining and is therefore an excellent vehicle for engaging and encouraging youngsters to ask questions and to comment.

I applaud the Acton Commission on Disability for making these puppets available to the community free of charge. Especially I would like to thank all of the volunteers for their time and effort spent to come out to Boxborough in between snowstorms to present this show.

As a parent of a young daughter with Down syndrome, who is a student and fully included in Blanchard's first grade, I can speak with some authority when I say: "We have come a long way...!" However, much work is still to be done in creating more awareness and better understanding for all people with physical, emotional and intellectual disabilities.

Thank you very much for providing this excellent program.

Sincerely,

Annelies C. Reilly
Annelies C. Reilly

cc: ✓ N. Anselmo, Kids on the Block
✓ R. Bergeron, Superintendent/Principal
✓ L. Gregson, President PTF
✓ D. Gray, Arts Enrichment Coordinator
✓ L. Wheeler, Teacher, first grade
✓ J. Geran, Teacher, first grade
✓ J. Golub, Sp. Ed. Administrator

CAROL LAKE - PLEASE
SEE ME ABOUT THIS.
IS OUR COMMISSION
EXPENDING MONIES
& PRODUCING PROGRAMS
FOR OTHER COMMUNITIES?

cc: BOS

Thought you would like to read this.
Joan



TOWN ACCOUNTANT
472 MAIN STREET
ACTON, MASSACHUSETTS 01720
TELEPHONE: (508) 264-9621

April 9, 1993

Board of Selectmen
472 Main St.
Acton, Ma. 01720

Dear Board Members,

After 26½ years of service to the Town of Acton, I will be retiring August 28, 1993. I should have the Town financial records for FY93 recorded and the audit by Brown and Barrett should be completed by this point in time.

Working in the Accounting Department has been a rewarding experience especially my years as Town Accountant. I will miss the daily contact with the Employees, Various Boards, Departments and Committees. I appreciate the support and cooperation they have given me.

During the next 4½ months you will be able to prepare for a new Town Accountant. If I can be of assistance to you during and after the transition, please call on me.

Very Truly Yours,

Mary E. Larson

Mary E. Larson

CC:D. Johnson/J. Murray
W. R. Wetherby

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

MAR 10 1993

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

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

March 3, 1993

Mr. Don Johnson
Town Manager
P.O. Box 236
Acton, MA 01720

Dear Don:

I enclose our bill for services through January 31, 1993.

If you have any questions, please let me know.

Very truly yours,

Acheson

Acheson H. Callaghan

CHRIS - PLS. PREPARE FOR PYMT.

Don

AHC/dcb

Enclosure

CC: BOS-
PLANNING DEPT.
ASSESSING DEPT.
BUILDING DEPT.

COVER LTR. &
2 PAGE SUMMARY

V 4/21

March 3, 1993

Town of Acton
P.O. Box 236
Acton, MA 01720

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108-3190
Telephone: (617) 573-0100

FEDERAL I.D. NUMBER 04-217078B

PLEASE RETURN THIS COPY WITH YOUR
PAYMENT TO ENSURE PROPER CREDIT

For professional services through January 31, 1993, as follows:

General Town Matters

Research and preparation of opinions on various zoning and subdivision issues;	\$ 2,600.00
Advice, review and revision of option agreement and other documents regarding Mill Corner development	3,400.00

Litigation and Related Matters

Attendance at view in <u>DiDuca v. Planning Board and Town of Acton</u> (Farm Hill Subdivision) on January 8;	475.00
Services in connection with various tax abatement appeals;	3,800.00
Preparation and marking of notice of hearing on claim in Foster Masonry bankruptcy;	1,400.00
Investigation and review of facts and law in <u>Wagner v. Board of Appeals</u> ;	850.00
Miscellaneous services in connection with mediation in <u>Co-Operative Bank v. Conservation Commission</u> ;	450.00
Miscellaneous services on labor and personnel matters.	<u>100.00</u>

TOTAL SERVICES **\$ 13,075.00**

EXPENSES INCURRED BUT NOT POSTED PRIOR
TO THE BILLING DATE WILL APPEAR ON A
SUBSEQUENT STATEMENT.

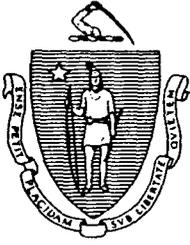
DUE AND PAYABLE WITHIN THIRTY DAYS

DISBURSEMENTS:

Clerical Overtime	\$ 8.00
Duplication	353.20
Duplication (Foster Masonry bankruptcy claim notices)	1,035.95
Excess Postage	223.26
Hand Delivery	25.00
Stenographic Services (Farm Hill trial)	1,756.50
Telecopier	27.00
Telephone	64.00
Travel & Related Expenses	<u>35.70</u>

TOTAL DISBURSEMENTS 3,528.61

AMOUNT DUE \$ 16,603.61



COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

APR 20 1993

SENATOR ROBERT A. DURAND
MIDDLESEX AND WORCESTER
DISTRICT
ROOM 413D
TEL. (617) 722-1120

COMMITTEES:
NATURAL RESOURCES AND
AGRICULTURE (CHAIRMAN)
WAYS AND MEANS
TRANSPORTATION
STATE ADMINISTRATION

April 15, 1993

Acton Board of Selectmen
472 Main Street
Acton, MA 01720

Dear Chairwoman Tavernier and Board Members:

I am in receipt of your letter regarding your concerns relative to two resolutions sponsored by the Massachusetts Municipal Association.

As one who supported an uncapping of the growth in local lottery revenues, restoring Chapter 90 highway reimbursements and increasing aid to schools in last year's budget, you can count on my support for cities and towns in fiscal year 1994.

Additionally, please know that I am a sponsor of S1409, an act that would establish a local roads fund.

Thank you for taking the time to contact me on these issues.

Very truly yours,

ROBERT A. DURAND
STATE SENATOR

RAD/bd

Water Supply District of Acton

693 MASSACHUSETTS AVENUE
P.O. BOX 953
ACTON, MASSACHUSETTS 01720

TELEPHONE (508) 263-9107

FAX (508) 264-0148

cc: BOS

BOARD OF WATER COMMISSIONERS
HARLAN TUTTLE BUILDING
693 MASSACHUSETTS AVENUE
ACTON, MA 01720

APRIL 20, 1993

THE COMMISSIONERS MEETING SCHEDULED FOR APRIL 26, 1993 AT
7:30P.M. HAS BEEN CANCELED.

THE NEXT COMMISSIONERS MEETING WILL BE HELD ON MONDAY, MAY 10.

Tennessee Gas Pipeline

A Tenneco Company

8 Anngina Drive
Enfield, Connecticut 06082
Telephone: (203) 763-4081
FAX: (203) 763-6041



April 21, 1993

cc: BOS
CONS. DEPT.

Town of Acton
472 Main Street
Acton, Massachusetts 01720

Attn: Board of Selectmen

RE: 1993 System Integrity Program
Tennessee Gas Pipeline Company

Dear Town Officials:

As part of its System Integrity Program (SIP) to be conducted in compliance with U.S. Department of Transportation Regulations, 49 CFR, Part 192, Tennessee Gas Pipeline will repair and test sections of its 200 mainline system and certain laterals in Connecticut, Massachusetts and New York between the months of May and August of 1993. This work is considered normal maintenance and repair of an existing facility used in the service of the public to provide natural gas. All work will be conducted along our existing easement.

We have recently notified your Conservation Commission of the details of our project as some work may fall within the Wetlands Protection Act.

Our temporary construction office has been opened. The address and telephone number are as follows:

Tennessee Gas Pipeline Company
c/o The Appleworks
325 Ayer Road
Harvard, Massachusetts 01451
(508) 772-7895

Thank you for your time and cooperation on this matter, and should you have any questions, kindly give me a call.

Very truly yours,

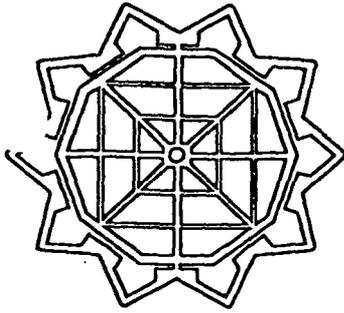
A handwritten signature in cursive script that reads "W. Kaplan".

W. Kaplan
Right of Way Agent

WK/mto

cc: Police Department
Fire Department
Board of Health
Highway Department





Massachusetts Municipal Association LEGISLATIVE BULLETIN

April 16, 1993

cc: BOS

APR 20 1993

ENVIRONMENTAL NEWS UPDATE

Environmental costs continue to be major budget busters for cities and towns. Only health care ranks as a more significant increasing cost for local government. In recent years the MMA has worked successfully with the Legislature to pass two important environmental bills aimed at assisting cities and towns deal with the huge capital costs associated with solid waste and water and sewer infrastructure.

However, in each case, the Weld administration has failed to include the capital spending authorized by the Bills in the overall bonding cap prepared by the Executive Office of Administration and Finance. Consequently local government has had to bear the costs of landfill closures; implementation of the DEP's waste bans; and development and maintenance of water and sewer infrastructure.

Again this year, the Legislature, under the leadership of Representative Steven Angelo and Senator Robert Durand, House and Senate Chairs of the Joint Committee on Natural Resources and Agriculture, has taken the lead in trying to find assistance for cities and towns to cover the costs of protecting the environment.

Water and Sewer Costs

The Natural Resources Committee has reported out favorably S. 905, An Act Relative to Assisting Water and Sewer Ratepayers. Originally filed by Senator Robert Havern (D Arlington), the Act would require the state to pay for up to 50 percent of capital costs for water and sewer projects mandated by either the state or federal government. S. 905 is a \$200 million bond program over four years, and is designed specifically to provide assistance to cities and towns on a statewide basis. S. 905 has been sent to the Senate Committee on Ways and Means. (For further details see the May issue of *The Beacon*.)

Solid Waste

Local officials have been very concerned about two solid waste issues that have arisen in recent months: waste bans and mandatory landfill closures. On Tuesday, April 13, city and town officials from across the state packed a State House hearing room to testify on bills designed to deal with both problems.

H. 1503, filed by Representative Frank Hynes (D-Marshfield) on behalf of the Association, provides for the repeal of the waste bans. The MMA had hoped that the Weld administration would enter into a compact with local

government on how best to increase recycling rates without imposing a new state mandate.

Up until the hearing date the DEP had not formally offered to work on alternatives with the MMA. However, during his testimony Commissioner Daniel Greenbaum indicated a willingness to meet with local officials and industry representatives to craft a realistic plan for recycling.

Representative Hynes also filed H. 3053, H. 3054, and H. 3055, three bills related to the mandatory closing of unlined municipal landfills. The Hynes bills are designed to give municipalities more time to plan to close their unlined landfills. They also require the DEP to help pay for the cost of capping and closing landfills. The MMA offered strong testimony in support of the Hynes bills, stressing State Auditor Joseph DeNucci's determination that the cost of capping these landfills would be in excess of \$260 million. (For more details of the hearings and the bills please see the May 1993 issue of *The Beacon*.)

NEW LOTTERY DIVERSION LOOMS

State plans to bring video gambling machines to Massachusetts cities and towns could cut deeply into Cherry Sheet lottery aid next year. Legislation currently before the Committee on Government Regulations would establish a video gaming commission that would manage a state-wide network of gaming machines in bars, restaurants, and other places where alcoholic beverages are served.

Gaming proceeds would be deposited in the state's general fund to pay for state programs. State Treasurer Joe Malone has criticized the plan, saying that a wide-spread video gaming operation in Massachusetts could cut instant ticket sales by as much as 30 percent. Sales of the state lottery commission's instant game tickets are the main source of revenues for the Cherry Sheet local aid account. A 30 percent cut would reduce estimated fiscal 1994 instant game revenues by more than \$350 million.

Attorney General Scott Harshbarger has also criticized that plan, citing a possible increase on crime. He also questioned whether video lottery would simply shift gambling dollars away from lottery games and to gambling machines with no net increase gambling revenues.

FISCAL 1993 SUPPLEMENTAL BUDGET ADDRESSES LOCAL ISSUES

The House recently passed a supplemental budget containing items favorable to the commonwealth's cities and towns. A summary of line items of particular interest to local officials follows:

- **Line item 8100-0400** allocates \$4.5 million to fully fund this year's state share of the Quinn bill, the local option statute that provides additional salary to police officers based on the level of education. Under the law the additional costs are to be shared between the state and the community on a 50-50 basis. For the past several years the state has underfunded its share of this program.

- **Line item 7005-1000** appropriates \$2.5 million in reimbursement monies for cities and towns and regional school districts for losses incurred under school choice. Municipalities may be reimbursed up to 50 percent, or if they incur a loss of 2 percent or greater of the total school budget, they may qualify for 75 percent.

- **Section 3** of the bill gives mayors an additional 50 days to submit the city's operating budget to the city council. The additional time is needed because of the delay in receiving cherry sheets from the Department of Revenue and because communities still have no guidance regarding local aid levels for next year. Similar language has been passed in each of the past three fiscal years.

- **Language in section 12** will allow the school committees of a city town, or regional school district, to seek federal funds for reimbursements of medically necessary services from third party payers reimbursable under Medicaid. Currently, under Chapter 71B, school committees are prohibited from seeking reimbursements for medical services to special needs students provided by school department employees and may even be in conflict with federal law. Under Public Law 94-142, federal and state agencies (e.g., Medicaid) must pay for medical services rendered as part of students' Individual Education Plans (IEP) and Individualized Family Service Plans (IFSP) even if other public agencies—such as state education departments or local school districts—initially cover the costs of the services. If this section is adopted, Massachusetts would be in full compliance with federal law, and would be free to pursue up to \$50 million in federal reimbursements.

- **Section 24** gives communities an additional two and a half years to plan for the closure of unlined landfills. It does not permit unlined landfills to remain open indefinitely. Rather, it gives communities the necessary time to plan to close the landfill and to find alternative disposal methods. It directs the Department of Environmental Protection to conduct a needs assessment and environmental impact review of any community required to close its landfill because of pollution or the threat of pollution. The language does not allow landfills that pollute or threaten to pollute groundwater to remain open, but simply gives communities additional time to assess their landfill plans for the future.

Information on the fiscal 1993 supplemental appropriation is available within the next two weeks.

PREPARE FOR JOBS BILL

At an all-day conference held in Boston April 14, HUD Secretary Henry Cisneros urged state and local officials to prepare now for President Clinton's economic stimulus program, which will inject job creation funds into the economy. The \$16 billion plan includes job stimulation, a five-year investment strategy with a reordering of national budget priorities, and deficit reduction. CDBG Economic Stimulus, Supportive Housing and Homeless Assistance Opportunities, Summer Jobs Programs and Department of Transportation programs are five programs included in the plan.

If enacted, the economic stimulus program would provide \$72 million to Massachusetts for the Community Development Block Grant economic stimulus program. The aim of this program is to stimulate the economy by funding needed improvements to economic development, infrastructure, housing, public services, and business creation and retention. The funds would be injected very quickly into local economies and would primarily benefit low and moderate income persons. Regular CDBG activities would be eligible.

In addition, the program would be expanded to include the "rehabilitation of buildings for the general conduct of government". However, the national objectives of the CDBG program—to benefit low and moderate income persons, to eliminate slums and blight, and to address urgent community development needs—still apply.

Every entitled jurisdiction will receive notice of the program, and will have to submit a final statement and expenditure plan within 45 days. Twenty percent of the entitlement funds must be expended by September 30, 1993. Any part of the 20 percent that is unexpended will be recaptured by HUD and reallocated. By February 15, 1994 interim reports have to be filed. The stimulus funds terminate on December 31, 1994.

HUD suggests that local jurisdictions move very quickly and take the following action: elicit citizen participation; determine priorities; identify ready-to-go projects; conduct environmental reviews; and submit final statements to HUD as early as possible. Officials attending the April 14 conference were reminded that these monies are not meant to replace other CDBG funds, but to augment them. The principal field contact for CDBG in Region I is Frank Del Vecchio, 617-565-5342.

Summer Jobs

President Clinton's economic stimulus package also includes an additional \$1 billion in funds for the youth employment program, "Summer Challenge." These funds are in addition to the \$603 million already budgeted for the annual program as part of the Job Training Partnership Act, administered by the Department of Labor.

These funds are used to provide summer employment in local nonprofit or public agencies for low-income youths

aged 14-21. The program is designed to aid at-risk youth with employment experience, mentoring, and educational enrichment. Employees are paid through the program funds and local agencies are responsible for structuring the job ties and providing supervision.

"Summer Challenge" funds will be distributed through Service Delivery Area (SDA) agencies that will shape the program locally. For more information on participating, communities may contact Raymond Poet at the U.S. Department of Labor, (617) 565-2243.

ECONOMIC DEVELOPMENT POLICY COMMITTEE APPOINTED

The members of the MMA policy committee on Economic Development were appointed at the April Board meeting. The Committee will recommend a comprehensive policy on economic development that addresses cities and towns' vital interest in fostering a strong economic climate in the state. Fall River Mayor John Mitchell will chair the committee. Any MMA officials with topics for the committee to review should contact Marie Johnson or David Baier at the MMA. (617) 426-7272 or (800) 882-1498.

HEARING SET ON NEW CHAPTER 90 REVENUE SHARING BILL TUESDAY APRIL 17 AT 11:00 A.M.

The hearing season is winding down on Beacon Hill. However, there is one more hearing of particular interest to local officials. On Tuesday, April 17 at 11:00 a.m. the Joint Committee on Transportation will hear testimony on H. 1567, and S. 1409. (At press time no room had been chosen for the hearing—that information should be available by April 19.) Both bills were filed by MMA and would establish a new motor fuel excise tax revenue sharing statute. The bills would require the state to distribute to cities and towns an amount of gas tax collections equivalent to 10 cents of the 21-cent gas tax collected by the commonwealth. In February the MMA wrote to all cities and towns, providing them with the amounts of new road money they would receive if the bills were adopted. Anyone who wants to review their figures or wants to testify on the bills, please call John Robertson no later than **Friday, April 23.**

CC: BOS

DATE April 16, 1993

Rashna Brown
TOWN CLERK, ACTON

WEST ACTON VILLAGE PLANNING COMMITTEE

Minutes of Meeting

March 16, 1993

Committee members in attendance were: Chairman William Shupert; Rosalie DeQuattro; Denise Glaser; Susan Boston; and Marvin Norman. Assistant Planner Donna Jacobs also attended. Committee members Dennis Ahern, Anne Jackson and Ron Issacs were absent.

I. Minutes of 3/2/93 Meeting

The minutes of the March 2, 1993 meeting were approved by the committee with one correction in attendance record.

II. Review Build-Out Analysis of Existing & Proposed Zoning

Donna Jacobs reviewed the Build-out analysis for parcels proposed for the re-defined WAV District and the new Village Residential District. Trey Shupert proposed that the Committee agree to recommend increasing the FAR from .20 to .40 or .60, provided that .20 of the FAR is in residential use. Members agreed to ask staff to run the build-out numbers for Village Residential at both 15,000 sq. ft. with 50' of frontage and 20,000 sq. ft. with 150' of frontage.

III. Review Proposed Zoning Articles & Build-out Analysis

Trey Shupert suggested the format for the Public Forum be presentation by the Committee followed by a question and answer period. It was agreed to try to complete the presentation portion of the meeting by 8:30 to allow ample time for questions and public input. Committee members agreed to include the following: results of all three surveys; goals and objectives; proposed zoning changes; next steps; and open discussion.

The meeting adjourned at 9:00 PM.

cc: BOS

RECEIVED & FILED

DATE April 16, 1993

J. Barbara Brown
TOWN CLERK, ACTON

WEST ACTON VILLAGE PLANNING COMMITTEE

Public Forum Minutes

March 29, 1993

Committee Members in attendance were: William Shupert, Chair; Denise Glaser; Susan Boston, and Dennis Ahern. Assistant Planner Donna Jacobs also attended.

I. Welcome & Introduction

Chairman Shupert welcomed the 40+ people attending the Public Forum at 7:35 and introduced the members of the West Acton Village Planning Committee and Assistant Planner Donna Jacobs.

II. Progress to Date

Mr. Shupert stated that the WAVPC has been meeting for the past 15 months and the committee hopes to bring the Village Plan for acceptance at a Special Town Meeting this coming Fall.

The results of the business, intercept and residential surveys that were conducted by the committee in April and May of 1992 were reviewed for the Public Forum. Mr. Shupert announced that a response rate of 34% was received from the residential surveys which were mailed to almost 1500 households in the western portion of Acton.

III. Review of Goals & Objectives

The 1991 Master Plan Goals that are specific to West Acton were reviewed for the attendees. Mr. Shupert explained that the Master Plan Coordinating Committee has been formed to oversee the implementation of the 1991 Master Plan and that a similar committee is likely to be recommended to oversee the implementation of the West Acton Village Plan upon its acceptance by the Town.

The nine Goals identified by the West Acton Village Planning Committee were explained by Mr. Shupert who explained that the Goals were developed from the information received from the surveys and the public meeting held last May.

Proposed Zoning

Mr. Shupert informed the public that input to the WAVPC has shown that residents want to preserve the village character and maintain the mix of residential and non-residential uses. To accomplish this, the committee has proposed a redelineation of the West Acton Village District, an increase in the allowable floor area ratio for the WAV District, re-zoning of some commercially zoned parcels on the village outskirts, and delineation of a new Village Residential District.

Mr. Shupert presented the key features of the proposed bylaw provision for village parking. He explained that the provision will encourage shared parking, connection of parking areas, landscaping, design, and proposes a reduction of 30% from the minimum requirements presently within the Zoning Bylaw.

IV. Questions & Answers

Residents expressed concern over the possible increase of 168 residential dwelling units that is possible under the Village Residential District. Mr. Shupert explained that this potential increase will provide a support system for the village businesses as well as offset the anticipated loss of 68 residential units in the WAV District. Mr. Shupert explained that the build-out numbers show the maximum build-out allowed under zoning; the numbers do not reflect soil suitability for septic, market demand, owner's desires, or any of the other factors that routinely influence development of land.

Residents also expressed concern over the lack of design review in the WAV District. Frustration was expressed over the recently built Mobil station. Residents stated that they want buildings that are compatible with the village atmosphere. Mr. Shupert explained the approval process for the Mobil gas station. He advised residents that the West Acton Historic District will provide controls over future development within the district, but that the historic district was not in place at the time Mobil Oil filed its application with the Town. Mr. Shupert advised that the WAVPC will look into design controls in their planning effort.

Other concerns expressed by attendees were as follows: the proposed re-zoning of Citizen's Library and the Minuteman Building from R-2 to WAV by residents of Windsor Ave.; infrastructure improvements to accommodate growth; sidewalks leading to village; speeding vehicles; lack of enforcement of pedestrian right-of-way; village amenities such as park benches; adequate parking for village; maintenance of sidewalks during winter months; land uses that aren't high traffic generators; and lack of stop signs and other roadway signage.

Time Line

Mr. Shupert outlined the Time Line under which the committee is working as follows:

April	Submit Draft Zoning Proposals to Planning Board & Board of Selectmen Complete Village Plan
May	Distribute Draft Village Plan for Public Comment
June	Review Public Comment Adjust Village Plan & Zoning Proposals as needed Meet with Planning Board
August	Announcement of Public Hearing

September Public Hearing on Proposed Zoning Changes
Final Language of Zoning Changes
Informational Meetings with Boards, Committees & Civic
Groups

October Neighborhood Meetings

November Presentation at Special Town Meeting

The meeting adjourned at 10:05 PM.

THE COMMONWEALTH OF MASSACHUSETTS



JOHN J. McGLYNN
COMMISSIONER

DIVISION OF PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION

JOHN W. MCCORMACK BUILDING

ROOM 1101

ONE ASHBURTON PLACE • BOSTON, MA 02108

(617) 727-9380

APR 20 1993

JOSEPH I. MARTIN
FIRST DEPUTY COMMISSIONER
BARBARA J. PHILLIPS
COUNSEL

April 14, 1993

F. Dore Hunter, Chairman
Board of Selectmen
Town of Acton
472 Main St.
Acton, MA 01720

Dear Chairman Hunter:

Enclosed please find a copy of the Commissioner's Report on the Examination of the Middlesex County Retirement System as of January 1, 1989 - December 31, 1991.

This examination of the system's financial condition was conducted by the Division of Public Employee Retirement in accordance with the requirements of section 21 of Chapter 32.

If you have any questions or comments on the report, please feel free to contact the Division.

Sincerely,

A handwritten signature in cursive script, appearing to read "John J. McGlynn".

JOHN J. McGLYNN
COMMISSIONER

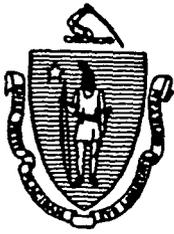
JJM/JW/ch

Enclosure

02031

CC: BOS - COVER LTR. w/ FINDINGS & RECOMMENDATIONS
(REPORT IN RF)

DEPT HEADS - COVER LTR. w/ FINDINGS & RECOMMENDATIONS



THE COMMONWEALTH OF MASSACHUSETTS

DIVISION OF PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION

JOHN W. MCCORMACK BUILDING

ROOM 1101

ONE ASHBURTON PLACE • BOSTON, MA 02108

(617) 727-9380

JOHN J. McGLYNN
COMMISSIONER

JOSEPH I. MARTIN
FIRST DEPUTY COMMISSIONER
BARBARA J. PHILLIPS
COUNSEL

April 14, 1993

The Division of Public Employee Retirement Administration has completed an examination of the Middlesex County Retirement System pursuant to section 21 of Chapter 32 of the Massachusetts General Laws. The examination covered the period from January 1, 1989 to December 31, 1991. This audit was conducted in accordance with the accounting and management standards established by the Division of Public Employee Retirement Administration in regulation 840 CMR 25.00.

In our opinion, the financial records and management functions are being performed in conformity with the standards established by the Division of Public Employee Retirement Administration with the exception of those noted in the findings presented in this report.

In closing, I acknowledge the work of examiners James Gallagher and Peter Sena who conducted this examination and express appreciation to the Board of Retirement and staff for their courtesy and cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "John J. McGlynn".

JOHN J. McGLYNN
Commissioner

JJM/JW/ch

EXPLANATION OF FINDINGS AND RECOMMENDATIONS

FOR THE YEAR ENDED DECEMBER 31, 1991

1. FUNDING OF PENSION LIABILITY

The most recent study of the Retirement Law Commission determined Middlesex County Retirement System's unfunded pension benefit obligation as of January 1, 1987 to be \$209,036,000.

The Middlesex County Retirement System accepted the funding provisions of G.L. Chapter 32 Sec. 22(6A) on July 20, 1992.

2. UNDOCUMENTED AND INAPPROPRIATE TRAVEL EXPENSES

The audit for the period January 1, 1986 through December 31, 1988 noted \$1,114.77 in undocumented travel expenses. That audit stated that the board must require documentation of expenses prior to payment or reimbursement.

During the current audit period from January 1, 1989 through December 31, 1991, one board member received travel expense reimbursement totalling \$59,505.65. Included in that amount was \$6,359.09 for meals, \$2,592.00 for tips and \$1,881.00 for taxis. The audit found no supporting documentation in the expense records for these items. Additionally, the board member charged \$624.93 for telephone use. Reimbursements were also made to the board member for movies (\$26.86), a rollaway bed (\$81.75), and suntan lotion (\$6.36). These items represent an inappropriate use of retirement system funds and must be repaid.

RECOMMENDATION

The board has failed to provide supporting documentation for the \$1,114.77 in expenses cited in the January 1, 1986 through December 31, 1988 audit. Consequently, that amount must be reimbursed to the retirement system by the individual who incurred these expenses.

Additionally, a total of \$990.64 must be repaid to the retirement system for the inappropriate expenditures outlined above.

Furthermore, unless supporting documentation is provided by the board member for the meals (\$6,359.09), tips (\$2,592.00) and taxis (\$1,881.00), these amounts must be repaid to the retirement system.

As was stressed in the previous audit the retirement board must insure that all expenses incurred by board members or others on retirement system business are fully documented prior to payment or reimbursement and the retirement board must insure that only appropriate expenses are paid or reimbursed.

EXPLANATION OF FINDINGS AND RECOMMENDATIONS

FOR THE YEAR ENDED DECEMBER 31, 1991

2. UNDOCUMENTED AND INAPPROPRIATE TRAVEL EXPENSES - (Cont'd.)

RECOMMENDATION

Per diem amounts approved by the board are maximum amounts of daily expenses incurred by those who traveled which must be fully documented with receipts and invoices. Additionally, when conference fees include meals per diem amounts may not be used to reimburse for meals already included in the hotel or conference fee. Telephone charges for travel periods must indicate to whom the call was made and the type of business. It is recommended that the board require that those who travel complete a summary page documenting all expenses, with invoices and receipts attached for each trip prior to the board issuing reimbursement. The summary should also list all payments made by the board including deposits and per diem amounts. Any payment that lacks complete documentation is a misuse of system funds and must be reimbursed.

3. ANNUITY RESERVE FUND

It was found that investment income credited to the Annuity Reserve Fund for 1991 was overstated by \$42,922.98. This was caused by the use of incorrect methods in the calculation of interest required.

RECOMMENDATION

The staff of the Middlesex County Retirement System must use PERA's accounting methods in determining the correct method for calculating the required interest for the Annuity Reserve Fund.

4. INVESTMENTS

The Middlesex County Retirement System had obtained the services of Aetna Capital Management to manage a portion of the systems assets without obtaining a waiver approved by the Commissioner of PERA as required by G.L. c. 32 s. 23(2)(g).

The failure to obtain a waiver prior to the purchase of an investment that is not permitted within the investment restrictions of G.L. c. 3 c. 23(2) is a breach of fiduciary responsibility and as a result board members could be held individually responsible for any damage to the system resulting from any loss caused by this investment.

RECOMMENDATION

The board has notified this office that it has terminated its relationship with Aetna on June 23, 1992 and is awaiting the return of the invested fund. The board as fiduciaries must review and comply with all applicable statutory and regulatory language prior to investing the board's assets.

EXPLANATION OF FINDINGS AND RECOMMENDATIONS

FOR THE YEAR ENDED DECEMBER 31, 1991

5. CONSULTING FEES

In 1991 the Middlesex County Retirement System charged \$15,000 in consulting fees to Investment Income. Expenses such as consulting fees are to be charged to the Expense Fund, unless a supplementary regulation has been approved by this office.

RESOLVE

The Middlesex County Retirement System applied for a supplementary regulation in October, 1992 in order to charge consulting fees to Investment Income. PERA has approved this regulation.

cc: BOS

- AGENDA -

Thursday - 3:30 P.M.
April 29, 1993

Wayland Town Building
School Committee Room
(2nd Floor)

- 1. Approval of Minutes of March 25, 1993.....*Jack Wilson*
(Secretary Pro Tem)
- 2. Executive Director/Treasurer.....*Jack Wilson*
(Dues and Membership Response)
- 3. New Steering Committee Members.....*Frank LeBart*
- 4. Proposed Newsletter.....*Jessica Barnett*
- 5. Status of Brochure Revision.....*Louise Haldeman*
- 6. Status of Education Reform Bill.....*Bill Zimmerman*
(Including Funding)
- 7. Position Paper Update.....*Frank LeBart/All*
- 8. Status of Legislative Caucus.....*Rep. F. Hynes*
(Rep. Frank Hynes plans to arrive 3:30-4:00 pm) *Co-Chair*
- 9. Old/New Business.....*All*
- 10. Next Meetings (Proposed: 5/27 & 6/24).....*All*

* * * * *

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 PM
March 25, 1993

Wayland Town Building
School Committee Room

Members Present: Jessica Barnett, Phil Sinrich, Chairman Frank LeBart, Jane Stabile, Jack Wilson, Bob Hilliard, Ted Tarr, Linda Greyser, Herb Kupchik.

1. Approval of Minutes. Upon a motion, minutes of Jan. 14, 1993 were approved with ammendments: Item 5 to read "Ted Tarr suggested a longer range view that would require the state to pay for 75% of special education costs above the costs funded by the state. Frank LeBart suggested an alternative would be to exempt special education costs not funded by the state from Proposition 2½ mandates." (Neither was proposed for formal action)

2. Executive Director/Treasurer's Report.
Bank Balance \$3810. \$600.00 new dues received since last meeting. Federal ID number 04-3184235 has been assigned.

3. Legislative Caucus. Bob Hilliard reported that three meetings of the Legislative Caucus Steering Committee have been held since the Feb. 3 organizational meeting. Topics to be pursued include Lottery distribution, \$50.00 minimum per pupil reimbursement to all cities and towns under education reform, highway fund distribution, based on gasoline tax. Approximately 14 reps and one senator (Hicks) attended these Steering Committee meetings.

4. Grass Roots Support. Chairman LeBart listed several proposals to encourage broadening the base of support for the Suburban Coalition and the Legislative Caucus.

* We should maintain contact with co-chairs of Legislative Caucus and assist it to grow. (J. B. Wilson to seek Sen. Hicks advice in this regard) We should be in regular contact with our legislators. We should appear and testify more at hearings on bills that affect suburban interests.

* Each steering committee member should enlist one new town into membership in the Suburban Coalition.

* We should consider conducting regional meetings of the Suburban Coalition.

* It was moved by Kupchik that Jessica Barnett should revive and edit the Newsletter and that she be voted a full member of the steering committee. Voted unanimously.

* It was moved by Linda Greyser that Louise Haldeman be asked to update the brochure. Voted unanimously.

* Steering Committee attendance should be broadened and the position paper should be updated.

The suggestion was made that each steering committee member contact his/her rep/senator to urge retention of the \$50.00 per pupil minimum distribution in the Ed reform bill now in Senate Ways & Means.

It was the sense of the meeting that the new newsletter be mailed this spring and that a logo be designed for it and future written material. Dues bills should be sent with the newsletter.

Herb Kupchik moved that legislators be asked to attend our meetings and that Frank Hynes be the first to be invited. Voted unanimously.

Jack Wilson reported that there was a possibility that the \$50.00 minimum per pupil distribution in the Education reform bill is in jeopardy in Senate Ways & Means. It was the sense of the meeting that all possible contact by steering committee members to their senators should be made and that Bulger and Birmingham should be Faxed in opposition. (done 3/26)

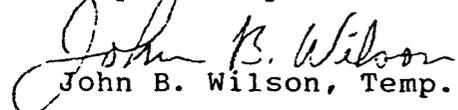
Frank LeBart reported on the latest status of the ed reform bill. and on the recent MMA Fiscal Policy committee meeting. The FP committee is quite divided on the question inside vs. outside approach to legislative action. Should the MMA become more public and confrontational in its efforts? Also dicussed without conclusion were the following topics: Legal action re Prop. 5, Constitutional amendment providing for definite local aid distribution per capita, unicameral legislature, smaller legislature, a six month limit to annual sessions, and a drive to make Massachusetts more of a home rule state with local option taxes available to cities and towns.

Ted Tarr suggested that the word "suburban" has a negative connotation in some circles and we should think about renaming the Suburban Coalition.

Next Meeting - - April 29, 1993 3:30PM at the School Committee room in the Wayland Town Building.

Meeting adjourned at 5:28P

Respectfully Submitted,


John B. Wilson, Temp. Secty.



environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

February 12, 1993

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

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

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

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. & Company, Camp Dresser & McKee Inc. (CDM) hereby submits, for your review, the 60% Design Documents.

Very truly yours,

CAMP DRESSER & McKEE INC.

Bruce R. Conklin

Bruce R. Conklin, P.E.
Associate

BRC/j
enclosures

Distribution:

Lynne Jennings (6)
Edmond Benoit (2)

cc D. Halley, Acton (3)	C. Tuttle, DEP Boston (2)
P. Reiter, GZA (2)	J. Ayres, GZA (1)
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B. Leach, Concord Board of Health	C. Myette, Wehran-MDEP (1)
W. Cheeseman, FHE (1)	R. Eisengrein, ACES Tag Mgr (1)
D. Johnson, Acton (1)	

CC: BOS - TRANS. LTR. ONLY.
FULL DOCUMENTS IN RF.
NOTE: THIS IS A HUGE SET
OF DOCUMENTS, INCLUDING
2- 4" THICK 3 RING BINDERS
AND A ROLL OF DRAWINGS.
ALL ARE IN RF/RETAIN

GRACE

Polyfibron Division

W.R. Grace & Co., Conn.
55 Hayden Avenue
Lexington, MA 02173
(617) 861-8600

February 12, 1993

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I
JFK Federal Bldg.
Boston, MA 02214

Mr. Michael LeBlanc
Bureau of Waste Cleanup
MA Dept. of Environmental Protection
75 Grove Street
Worcester, M A 01605

Dear Lynne and Mike,

Enclosed is the 60%-stage Design Submittal.

At a little over half-way from "0%" to final design, I believe the design is beginning to resemble the comprehensive document that we want it to be.

CDM has received a couple of examples of the completed and approved design submittals for other sites for guidance, both from EPA and from Grace, and in addition is guided by the requirements of the Remedial Plan of Action which is legally binding. We hope to adopt the best elements of the design submittals approved at other sites, while fulfilling absolutely all of the RPA requirements.

EPA also provided to CDM an example of a Remedial Action Workplan including a Construction Management Plan. According to the RPA, this document is to be prepared after the 100% Design is approved and the project construction team is assembled, in cooperation with the site General Contractor. If EPA wants to revise this process/procedure, please let us know.

The elements of the document that will see the most change between this stage and the 100% stage are the plans and specs for the VFL solidification operation itself and the active gas control system. Both of these would benefit from another meeting to discuss some issues that are still undecided. The VFL plans and specs depend to some extent on the VFL Pilot Testing, the results of which are not yet available. The

gas control system was volunteered by Grace relatively recently in the design process, as a way to guarantee even further the safety of the landfill to the community, and design details are still being worked out.

Since so much time was cut out of the design and design review schedule, there are only two months left between this and the 100% Design submittal date. In the interests of efficiency and quality in the final submittal, I would like to ask that you feel free to call with preliminary or informal comments and requests as soon as these occur to you. That way we will have as much time as possible to incorporate your suggestions and comments into the final document, with a minimum of last-minute rush.

By the way, we decided to print the document double-sided to save paper. Let me know if this is alright or if you prefer single-side printing.

Sincerely,



David Kronenberg
Manager of Environmental Affairs

DEK/cr
doc136

cc: Edmond Benoit/DEP
D. Johnson/Acton
Doug Halley/Acton
Paul Reiter/GZA
Stephen Anderson/Anderson and Kreiger
G. Muench/EPA
J. Ayres/GZA
H. Fox/Sierra Club
J. Swallow/Pine and Swallow
C. Myette/Wehran-MA DEP
M. Moore/Concord B.O.H.
R. Eisengrein/ACES
W. Cheeseman/Foley, Hoag & Eliot
M. Stoler/Grace



environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

April 15, 1993

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

CC: BOS -
REPORTS IN RF/RETAIN

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

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. (CDM) hereby submits the final **Technical Specifications for the Other Source Area (OSA) Monitoring Wells**. The two addenda to the specifications, issued on February 24, 1993 and March 3, 1993, have been bound with the specifications.

Responses to the Government Parties' comments on the technical specifications, dated February 26, 1993, have also been included in this submittal.

Please call me at (617) 252-8824 if you have any questions or comments on these specifications or associated documents.

Very truly yours,

CAMP DRESSER & McKEE INC.

Richard A. Molongoski
Richard A. Molongoski, P.E.

APPROVED BY:

Bruce R. Conklin
Bruce R. Conklin, P.E.
Vice President

RAM:paa

Encs.

DISTRIBUTION:

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Edmond Benoit (2)

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